

**TESTIMONY ON HB 2176
FAIRNESS IN FINES AND FEES
BEFORE THE SENATE COMMITTEE ON JUDICIARY
APRIL 21, 2021**

**PRESENTED BY: ERIN M. PETTIGREW, ACCESS TO JUSTICE COUNSEL FOR
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OREGON JUDICIAL DEPARTMENT**

Chair Prozanski, Vice Chair Thatcher, and Members of the Committee:

My name is Erin M. Pettigrew, Access to Justice Counsel at the Oregon Judicial Department (OJD). I am here to testify in support of HB 2176, a bill brought before you at the request of Chief Justice Walters and OJD. Thank you for the opportunity. Additional testimony can be found on OLIS, as well as a one-pager on the bill. Accordingly, I will provide a brief overview and happy to answer any questions you may have.

This bill is driven by our goal to increase access to our courts by examining how we impose fines and fees, focusing our inquiry on equity and fairness. The system of fines and fees cannot be a one-size-fits-all approach, and courts must have the flexibility to take in account the financial struggle many are experiencing right now.

The branch is currently in the middle of a two-year Strategic Campaign designed to make critical improvements in our justice system. This includes our pledge to examine the impacts of fines and fees, develop best practices for their imposition, and to take affirmative steps to ensure that fines and fees do not create unnecessary barriers or disproportionate outcomes. We also hope that our work in this area will increase public trust and confidence in government, and faith in our justice system.

HB 2176 furthers that initiative by eliminating a mandatory \$50 fee for establishing a payment plan and by granting courts the ability the compromise fines and fees in a judgment that also includes restitution or a compensatory fine amount, leaving those sums intact and potentially increasing recovery for victims.

Currently ORS 1.202 requires the Judicial Department to add a fee – ranging from \$50 to \$200 – when a person cannot pay a judgment in full. If a person cannot afford to pay a \$75 fine in one payment, adding a \$50 fee to set up a payment plan is unfairly burdensome. Removing the minimum fee amount from statute would give courts more flexibility to address individual financial circumstances and recover collection costs.

HB 2176 may also increase money recovered for victims. Crime victims have a constitutional right to receive restitution and SB 55 (2015) prohibited settling judgments containing restitution orders. HB 2176 would clarify that that prohibition applies only to the restitution portion of the judgment. If passed, courts could settle fines, fees, and other financial obligations in a judgment that also contains a restitution order.

This bill is just one part of OJD's broader efforts to reduce the burden of fines and fees on those struggling to make ends meet. Since the start of the COVID-19 pandemic, Oregon's state courts have reduced the burden of outstanding court fines and fees during the state of emergency by suspending and modifying collections fees and practices. Chief Justice Walters

has issued orders encouraging the waiver and suspension of fines, fees, and costs, while encouraging courts to carefully consider the impact of fines and fees prior to imposition. OJD has increased statewide education on fines and fees and continues to explore means to encourage consistency and improve equity across our circuit courts.

Thank you for your consideration of this bill. I am happy to answer questions.