

HB 4120 STAFF MEASURE SUMMARY

Senate Committee On Judiciary and Ballot Measure 110 Implementation

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Meeting Dates: 2/21, 2/22

WHAT THE MEASURE DOES:

Reduces or waives certain costs for low-income persons, including court fines, fees, and forms of attestation in certain proceedings. Permits waiver or alternative conditions of payment for fines on violations if the court determines requiring payment would be inconsistent with justice after considering the defendant's financial burdens and resources. Allows an adult in custody to seek a filing fee waiver with a true copy of a trust account statement instead of a certified copy. Allows a habeas corpus petitioner to use a sworn declaration instead of notarized affidavit to demonstrate inability to pay. Establishes limit of a single filing fee for petitions requesting multiple fiduciaries or protective orders in protective proceedings. Prohibits additional fees for an amended affidavit in small estate probate matters. Authorizes Chief Justice to direct or permit electronic appearances. Allows court to order a hearing be in person upon a party's request based on a particular need or constitutional right. Removes provisions regarding remote appearances during statewide emergency. Effective January 1, 2023 for changes relating to court fines and fees. Declares emergency, effective upon passage.

REVENUE: Has minimal revenue impact

FISCAL: Has minimal fiscal impact

ISSUES DISCUSSED:

- Judges have discretion to waive fines for felonies and misdemeanors
- Conformity among statutes permitting sworn Declarations instead of notarized Affidavits
- Barriers to in-person court appearances
- Statewide authority for remote court proceedings is currently applicable only during state of emergency

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Court fines and fees can impose significant hurdles for low-income persons, and inability to pay fines or appear in court can generate compounding penalties and collateral consequences. A 2018 courts survey found that low-income Oregonians with civil court hearings reported problems accessing the courts due to denial of a filing fee waiver, inability to obtain transportation to court, and conflicting family or work obligations. The Oregon Judicial Department commenced a Strategic Campaign in 2020 to improve services and outcomes for people who are underserved, vulnerable, or marginalized, and to increase access to the courts for all Oregonians. Its initiatives include reductions of fines and fees for people who are unable to pay them and using technology to provide expanded court access.

House Bill 4120 permits waivers or alternative payment conditions of fines for violations, provides incarcerated persons with lower cost alternatives to show inability to pay court filing fees, limits additional filing fees when requesting multiple fiduciaries or protective orders, prohibits additional fees for filing an amended small estate affidavit, and allows courts to continue using remote proceedings after statewide emergency ends.