



Oregon Judicial Department

House Bill 4120

Increasing Access and Fairness in Oregon's State Courts

Key Points

- ✓ Reduces barriers to court participation by allowing for video and telephone appearances and furthers fines and fees justice, consistent with OJD's [Strategic Campaign](#).
- ✓ Increases judicial discretion over fine amounts in violation cases.
- ✓ Simplifies processes for adults in custody requesting fee waivers or fee deferrals in civil and habeas corpus cases.
- ✓ Clarifies filing fees in probate cases and protective proceedings.
- ✓ Allows the Chief Justice to direct or permit remote appearances in any court proceeding.

Questions about OJD's Fines, Fees and Remote Proceedings Bill? Please contact Erin M. Pettigrew, OJD, Office of Legislative Affairs:
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Fines, Fees, and Remote Proceedings

The purpose of House Bill 4120 is to reduce barriers for those seeking services from our courts and to facilitate access to justice. The bill has five parts, each designed to increase participation in our state system of justice.

OJD made a [commitment to Oregonians](#) to increase access to justice and to reduce disparities and unintended consequences in the imposition of fines and fees. This bill helps the judicial branch further these goals in five ways:

Judicial Discretion to Reduce Minimum Fines for

Violations: Sections 1 and 2 give judges the authority to waive a minimum fine for a violation offense when the court determines that justice requires it, matching their current authority in misdemeanors and felonies.

Reducing Barriers for Fee Waivers: Section 3 removes barriers for fee waiver or deferral requests from adults in custody. Section 7 permits a court to accept a petition for habeas corpus without a filing fee if the petition is supported by a declaration signed under penalty of perjury stating that the person is unable to pay the fee. Current law requires an affidavit, a burden to many petitioners.

Clarifying Applicable Fees: Sections 4, 5, and 6 clarify the filing fees that apply in protective proceedings and small estate matters.

Ensuring Access to Courts: Section 8 gives the Chief Justice ongoing authority to direct or permit remote appearances in any court proceeding. Remote proceedings have proven to increase access to justice and participation in cases, and to reduce stress and physical barriers for individuals and families seeking resolution of legal matters. Our courts will continue to serve people where they are, and that includes keeping our courts open for in-person service. The bill also permits a presiding judge to instead require in-person appearances in certain circumstances, notwithstanding Chief Justice action.