

Proposed Standard/Improvements for Petition-based Fine/Fee Waiver Process

Amendment pending to HB 2605

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Key Benefit: provide consistency and a better and more streamlined standard by which petitions for waivers are considered, when waivers are requested based on “manifest hardship” prior to the expiration of a fine/fee judgment connected to a conviction for violation, misdemeanor, or felony.

Key Elements:

- Provide that when a person seeks waiver of unpaid fines/fees (associated with a conviction for a crime or violations) that are not restitution or cvc but are the type of financial obligation that is eligible for waiver or reduction pursuant to ORS 161.665 or .685, or pursuant to ORS 151.505, the court:
 - May hold a hearing
 - Must waive, in full or in part, if the court determines that requiring payment would be a “manifest hardship” for defendant/petitioner or immediate family
- In determining whether the standard is met, the court must consider the following factors to the extent that the parties offer relevant evidence of them:
 - financial resources (income/assets)
 - financial obligations
 - nature of the burden the debt imposes
 - whether defendant/petitioner is receiving public benefits
 - age of debt
 - other equitable factors
- Court must develop standardized forms for use, make them available on the website
- If a fine/fee is waived, it may not be a barrier to an expungement request
- Specify that decisions are appealable
- Clarify that this process applies to *all* fines regardless of date the fines were assigned (could be after conviction/sentence – for example PVs)
- Specify that if a person's fines are waived, they will be deemed to have "fully complied with and performed" that portion of their sentencing for purposes of evaluation under ORS 137.225(1)(a).