

Criminal Justice Fine/Fee Waiver Petition Process Improvements

HB 2491A

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Key Benefits of HB 2491A:

- **Standardizes the process by which petitions for waivers based on “manifest hardship” are considered prior to the expiration of a court fine or fee judgment connected to a conviction for a violation, misdemeanor, or felony.**
- **Greater consistency across the state regarding the standard by which waiver requests will be evaluated.**
- **Clarity and consistency will facilitate court processes and reduce economic barriers to justice.**

Background: Under current law, ORS 161.665, ORS.685, and ORS 151.505 each allow the Court to waive fines or fees associated with convictions or violations if the continued imposition of the fine or fee would impose “manifest hardship” on the obligor. That term is not defined in statute, and there is no standardized procedure by which petitioners may seek this relief. The lack of clarity in the statute has created inconsistency and barriers to justice. HB 2491A will provide needed clarity and consistency, streamlining the process and increasing access to justice.

Key Elements of the bill:

- Provides that when a person seeks waiver of unpaid fines/fees associated with a conviction for a crime or violation 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 “manifest hardship” standard is met, the court will 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
- If a fine/fee is waived, it may not be a barrier to an expungement request.
- Applies to all fines or fees associated with a case, but does not apply to or change any law related to restitution.