

D R A F T

SUMMARY

Authorizes board of commissioners of county that has legislative authorization to receive certain funds for construction or capital improvements to courthouse to impose surcharge on certain civil court fees.

Authorizes presiding judge of judicial district for county that has legislative authorization to receive certain funds for construction or capital improvements to courthouse to impose surcharge on certain fines for deposit in county account dedicated to construction or capital improvements to courthouse.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to courthouses; creating new provisions; amending ORS 221.315 and
3 221.357 and section 64, chapter 723, Oregon Laws 2013; and declaring an
4 emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1. (1) A county may impose a surcharge on circuit court**
7 **fees under ORS 21.010 (3), 21.135, 21.145, 21.155, 21.160, 21.165, 21.170,**
8 **21.180, 21.225, 21.235, 46.570, 105.130 and 106.120 if the county has legis-**
9 **lative authorization to receive funds for a county courthouse from the**
10 **Oregon Courthouse Capital Construction and Improvement Fund es-**
11 **tablished in section 64, chapter 723, Oregon Laws 2013, and for which**
12 **debt service is owed.**

13 **(2) The surcharge shall be set by the board of county commission-**
14 **ers, in consultation with the presiding judge for the judicial district**
15 **in which the county is located, but the surcharge may not exceed 15**
16 **percent of the applicable fee.**

1 **(3) The surcharge shall be collected by the circuit court for the**
2 **county and must be:**

3 **(a) Transferred to the Oregon Courthouse Capital Construction and**
4 **Improvement Fund and used solely to finance costs related to the**
5 **courthouse in the county imposing the surcharge; or**

6 **(b) Used solely for construction of, or capital improvements to, the**
7 **courthouse in the county imposing the surcharge.**

8 **SECTION 2.** Section 64, chapter 723, Oregon Laws 2013, is amended to
9 read:

10 **Sec. 64.** (1) The Oregon Courthouse Capital Construction and Improve-
11 ment Fund is established in the State Treasury, separate and distinct from
12 the General Fund. Interest earned on moneys in the Oregon Courthouse
13 Capital Construction and Improvement Fund shall be credited to the fund.

14 (2) The fund consists of moneys deposited in the fund pursuant to section
15 8, chapter 705, Oregon Laws 2013, **and section 1 of this 2016 Act** and mon-
16 eys transferred to the fund by a county pursuant to section 9 (1)(b), chapter
17 705, Oregon Laws 2013[, *and*]. **Moneys deposited or transferred under this**
18 **subsection** may include fees, **surcharges**, revenues and other moneys ap-
19 propriated by the Legislative Assembly for deposit in the fund.

20 (3) Moneys in the fund are continuously appropriated to the Judicial De-
21 partment for:

22 (a) The purposes described in section 8 (3), chapter 705, Oregon Laws 2013;

23 (b) Payment of the costs incurred by the department to administer the
24 fund; and

25 (c) Payment of bond-related costs, as defined in ORS 286A.816.

26 **SECTION 3.** (1) **As used in this section, “offense” means:**

27 **(a) A violation of a parking ordinance;**

28 **(b) A traffic offense as defined in ORS 801.555; or**

29 **(c) A boating violation listed in ORS 830.990 (1).**

30 **(2) Notwithstanding ORS 137.143, the circuit court for a county may**
31 **impose a surcharge on each fine assessed for an offense if:**

1 (a) The county has legislative authorization to receive funds for a
2 county courthouse from the Oregon Courthouse Capital Construction
3 and Improvement Fund established in section 64, chapter 723, Oregon
4 Laws 2013, and for which debt service is owed;

5 (b) Debt service is owed on any revenue bonds issued under ORS
6 chapter 287A to finance construction of, or capital improvements to,
7 the courthouse; and

8 (c) The circuit court adjudicates offenses for a special district or
9 regional government, or for a city under ORS 3.136, 221.315 or 221.357.

10 (3) The surcharge shall be set by order of the presiding judge of the
11 judicial district in which the county is located, in consultation with
12 the Chief Justice of the Supreme Court, but the surcharge may not
13 exceed \$5.

14 (4) The surcharge shall be levied fully if any fine is imposed, and
15 shall be collected from the first amounts paid on the fine.

16 (5) The surcharge shall be deposited in a county account dedicated
17 solely for construction of or capital improvements to the courthouse
18 in the county imposing the surcharge or for payment of debt service
19 and related expenses for revenue bonds issued under ORS chapter 287A
20 to finance construction of or capital improvements to the courthouse.

21 **SECTION 4.** ORS 221.315 is amended to read:

22 221.315. (1) Prosecution of violations of the charter or ordinances of a city
23 in circuit or justice court shall be by the city attorney and in the name of
24 such city. An agreement may be made between any city and, on behalf of the
25 state, the presiding judge for the judicial district in which all or part of such
26 city is located, that such violations be prosecuted for such city in the circuit
27 court by the district attorney in the name of the State of Oregon. An
28 agreement may be made, pursuant to ORS 190.010, between any city and the
29 county in which all or part of such city is located, that such violations be
30 prosecuted for such city in the justice court by the district attorney in the
31 name of the State of Oregon.

1 (2) Except as otherwise provided by **section 3 of this 2016 Act** or an
2 agreement made under subsection (1) of this section in respect to the court,
3 all fines collected by the circuit or justice court having jurisdiction of a vi-
4 olation of a city charter or ordinance shall be paid as follows:

5 (a) One-half of the fine shall be credited and distributed to the treasurer
6 of the city whose charter or ordinance was violated, as a monetary obligation
7 payable to the city.

8 (b) If collected by the circuit court, one-half of the fine shall be credited
9 and distributed as a monetary obligation payable to the state.

10 (c) If collected by the justice court, one-half of the fine shall be credited
11 and distributed to the treasurer of the county in which the court is located
12 as a monetary obligation payable to the county.

13 **SECTION 5.** ORS 221.357 is amended to read:

14 221.357. (1) A city having a population of 300,000 or less may enter into
15 an agreement with the State Court Administrator for the provision of judi-
16 cial services by the circuit court for the county in which the city is located.

17 (2) A circuit court providing services to a city under an agreement en-
18 tered into under subsection (1) of this section shall have all judicial juris-
19 diction, authority, powers, functions and duties of the municipal court of the
20 city and the municipal court judges with respect to any violations of the
21 charter or ordinances of the city.

22 (3) **Except as provided by section 3 of this 2016 Act and** unless an
23 agreement entered into under subsection (1) of this section provides other-
24 wise, and subject to the provisions of ORS 153.640 to 153.680, all fines, costs
25 and forfeited security deposits collected shall be paid to the city, and the city
26 shall reimburse the circuit court providing judicial services for expenses in-
27 curred under the agreement.

28 (4) The exercise of jurisdiction under an agreement entered into under
29 subsection (1) of this section by a circuit court judge shall not constitute the
30 holding of more than one office.

31 **SECTION 6.** Sections 1 and 3 of this 2016 Act apply only to fees and

1 **finest collected on and after the effective date of this 2016 Act.**

2 **SECTION 7. This 2016 Act being necessary for the immediate pres-**

3 **ervation of the public peace, health and safety, an emergency is de-**

4 **clared to exist, and this 2016 Act takes effect on its passage.**

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