

CHAPTER 78

AN ACT

HB 4093

Relating to courthouses; creating new provisions; amending ORS 153.019, 153.020, 153.640, 153.675 and 221.315; and declaring an emergency.

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

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

- (a) A violation of a parking ordinance; or
 - (b) A traffic offense as defined in ORS 801.555
- (2).

(2) Notwithstanding ORS 137.143, the presiding judge of the judicial district in which a county is located may order that the circuit court for the county impose a surcharge in the amount of \$5 on each fine assessed for an offense in the county if:

(a) The county has received funds, or has legislative authorization to receive funds, for a county courthouse from the proceeds of bonds issued pursuant to Article XI-Q of the Oregon Constitution deposited in the Oregon Courthouse Capital Construction and Improvement Fund established in section 64, chapter 723, Oregon Laws 2013;

(b) Debt service is owed on any Article XI-Q bonds issued related to the county courthouse;

(c) Debt service is owed on any bonds issued under ORS 271.390 or ORS chapter 287A to finance capital costs of the courthouse project for which bonds are or will be issued under section 8, chapter 705, Oregon Laws 2013, in the county imposing the surcharge;

(d) The board of county commissioners has requested that the presiding judge of the judicial district in which the county is located order the imposition of a surcharge and has identified the purposes for which the surcharge funds would be used; and

(e) The Chief Justice of the Supreme Court has approved the surcharge.

(3) The circuit court for the county may not impose a surcharge under this section unless, before July 1 of the calendar year preceding the imposition of the surcharge, the court submits to the State Court Administrator a copy of the order imposing the surcharge. The court may begin imposing the surcharge on fines for offenses occurring on and after January 1 of the calendar year following submission of the order to the State Court Administrator.

(4) Except as provided in ORS 153.640 and 221.315, the surcharge shall be levied fully if any fine is imposed.

(5) The surcharge shall be collected by the circuit court for the county and paid to the county for deposit in the account established under section 2 of this 2016 Act and used solely for:

(a) Payment of capital costs of the courthouse project for which bonds are or will be issued under section 8, chapter 705, Oregon Laws 2013, in the county imposing the surcharge; or

(b) Payment of debt service and related expenses and funding of debt service reserves, if any, for bonds issued under ORS 271.390 or ORS chapter 287A to finance capital costs of the courthouse project for which bonds are or will be issued under section 8, chapter 705, Oregon Laws 2013, in the county imposing the surcharge.

SECTION 2. (1) The county treasurer shall deposit moneys received from surcharges imposed under section 1 of this 2016 Act in a courthouse surcharge account maintained by the county treasurer.

(2) The moneys in the courthouse surcharge account and interest upon the account are reserved for the purposes of:

(a) Payment of capital costs of the courthouse project for which bonds are or will be issued under section 8, chapter 705, Oregon Laws 2013, in the county imposing the surcharge; or

(b) Payment of debt service and related expenses and funding of debt service reserves, if any, for bonds issued under ORS 271.390 or ORS chapter 287A to finance capital costs of the courthouse project for which bonds are or will be issued under section 8, chapter 705, Oregon Laws 2013, in the county imposing the surcharge.

(3) The county treasurer may charge against the courthouse surcharge account an administrative fee for the actual costs associated with maintaining the account. The total administrative fees charged each year may not exceed five percent of the moneys received from surcharges imposed under section 1 of this 2016 Act for that year.

SECTION 3. ORS 153.019 is amended to read: 153.019. (1) Except as provided in ORS 153.020, the presumptive fines for violations are:

- (a) \$435 for a Class A violation.
- (b) \$260 for a Class B violation.
- (c) \$160 for a Class C violation.
- (d) \$110 for a Class D violation.

(2) The presumptive fine for a specific fine violation is:

(a) The amount specified by statute as the presumptive fine for the violation; or

(b) An amount equal to the greater of 20 percent of the maximum fine prescribed for the violation, or the minimum fine prescribed by statute for the violation.

(3) Any surcharge imposed under section 1 of this 2016 Act shall be added to and made a part of the presumptive fine.

SECTION 4. ORS 153.020 is amended to read:

153.020. (1) If a person is charged with a traffic violation, as defined in ORS 801.557, and the enforcement officer issuing the citation notes on the citation that the offense occurred in a highway work zone and is subject to the provisions of ORS 811.230, occurred in a posted school zone and is subject to the provisions of ORS 811.235, or occurred in a safety corridor and is subject to the provisions of ORS 811.483, the presumptive fine for the violation is:

[1] (a) \$870 for a Class A violation.

[2] (b) \$520 for a Class B violation.

[3] (c) \$320 for a Class C violation.

[4] (d) \$220 for a Class D violation.

(2) Any surcharge imposed under section 1 of this 2016 Act shall be added to and made a part of the presumptive fine.

SECTION 5. ORS 153.640 is amended to read:

153.640. (1) If a circuit court enters a judgment of conviction for a traffic offense, the full amount of the fine imposed under the judgment is payable to the state if the conviction resulted from a prosecution arising out of an arrest or complaint made by an officer of the Oregon State Police or by any other enforcement officer employed by state government, as defined in ORS 174.111.

(2)(a) If a circuit court enters a judgment of conviction for a traffic offense and the conviction resulted from a prosecution arising out of an arrest or complaint made by a sheriff, deputy sheriff, city police officer or any other enforcement officer employed by a local government, as defined in ORS 174.116:

[a] (A) The amount prescribed by ORS 153.633 (1) is payable to the state and must be deposited in the Criminal Fine Account;

[b] (B) **Subject to paragraph (b) of this subsection**, one-half of the amount remaining after any payment required by [paragraph (a) of this subsection] **subparagraph (A) of this paragraph** is payable to the local government that employs the enforcement officer; and

[c] (C) **Subject to paragraph (b) of this subsection**, one-half of the amount remaining after any payment required by [paragraph (a) of this subsection] **subparagraph (A) of this paragraph** is payable to the state.

(b) If the full amount of the fine imposed by a circuit court is collected and a surcharge imposed under section 1 of this 2016 Act is part of the presumptive fine as provided in ORS 153.019 or 153.020, the last \$5 of the amount collected shall be paid to the county for deposit in the county's courthouse surcharge account established under section 2 of this 2016 Act. If the full amount of the fine imposed is not collected, the \$5 payment required by this paragraph shall be reduced by one dollar for every dollar of the fine that is not collected.

SECTION 6. ORS 221.315 is amended to read:

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

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

(a) **Subject to subsection (3) of this section**, one-half of the fine shall be credited and distributed to the treasurer of the city whose charter or ordinance was violated, as a monetary obligation payable to the city.

(b) If collected by the circuit court, **and subject to subsection (3) of this section**, one-half of the fine shall be credited and distributed as a monetary obligation payable to the state.

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

(3) If the full amount of the fine imposed by a circuit court under this section is collected and a surcharge is imposed on the fine under section 1 of this 2016 Act, the last \$5 of the amount collected shall be paid to the county for deposit in the county's courthouse surcharge account established under section 2 of this 2016 Act. If the full amount of the fine imposed is not collected, the \$5 payment required by this subsection shall be reduced by one dollar for every dollar of the fine that is not collected.

SECTION 7. ORS 153.675 is amended to read:

153.675. (1) Amounts payable to the state under ORS 153.633, 153.645 and 153.650 shall be transferred by the court to the Department of Revenue for distribution as provided in ORS 305.830. **Except as provided in ORS 153.640 (2)(b)**, amounts payable to a local government under ORS 153.640 to 153.680 shall be deposited by the court in the local government's general fund and are available for general governmental purposes.

(2) Justice and municipal courts must make the transfer required by subsection (1) of this section under ORS 153.633, 153.645 and 153.650 not later than the last day of the month immediately following the month in which a payment on a judgment is received by the court.

SECTION 8. This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Approved by the Governor March 29, 2016
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