

B-Engrossed
Senate Bill 1074

Ordered by the House August 4
Including Senate Amendments dated July 7 and House Amendments
dated August 4

Sponsored by Senator PROZANSKI

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Limits amount of moneys City of Coburg may retain for certain traffic offenses occurring on any portion of Interstate Highway 5 during fiscal year. Directs city to transfer moneys in excess of limit to State Treasurer for deposit into Police Standards and Training Account.

Declares emergency, effective July 1, 2005.

A BILL FOR AN ACT

1
2 Relating to distribution of fines; amending ORS 153.630; and declaring an emergency.

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

4 **SECTION 1.** ORS 153.630 is amended to read:

5 153.630. (1) Costs and one-half of all fines collected in traffic offense cases by any court having
6 jurisdiction of the traffic offense shall be paid as follows:

7 (a) If collected in a circuit court, to be credited and distributed under ORS 137.293 and 137.295,
8 as a monetary obligation payable to the state.

9 (b) If collected in a justice court, to be credited and distributed under ORS 137.293 and 137.295
10 to the treasurer of the county in which the offense occurred, as a monetary obligation payable to
11 the county.

12 (c) If collected in a municipal court, to be credited and distributed under ORS 137.293 and
13 137.295 to the city treasurer, as a monetary obligation payable to the city.

14 (2) The other half of such fines shall be paid as follows:

15 (a) If resulting from prosecutions initiated by or from arrests or complaints made by a member
16 of the Oregon State Police, to be credited and distributed under ORS 137.293 and 137.295, as a
17 monetary obligation payable to the state.

18 (b) If resulting from prosecutions initiated by or from arrests or complaints made by a motor
19 carrier enforcement officer, to be credited and distributed under ORS 137.293 and 137.295, as a
20 monetary obligation payable to the state.

21 (c) If resulting from prosecutions initiated by or from arrests or complaints made by a city police
22 officer, including a city marshal or a member of the police of a city or municipal or quasi-municipal
23 corporation, to be credited and distributed under ORS 137.293 and 137.295:

24 (A) To the treasurer of the city or municipal or quasi-municipal corporation by which such po-
25 lice officer is employed, as a monetary obligation to that political subdivision of the state if the of-
26 fense occurred within the boundaries of the city or municipal or quasi-municipal corporation; or

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (B) As a monetary obligation payable to the state if the offense occurred outside the boundaries
2 of the city or municipal or quasi-municipal corporation.

3 (d) If resulting from prosecutions initiated by or from arrests or complaints made by a sheriff,
4 deputy sheriff or county weighmaster, to be credited and distributed under ORS 137.293 and 137.295
5 to the treasurer of the county in which the offense occurred, as a monetary obligation payable to
6 that county and to be credited to the general fund of that county.

7 (e) If resulting from prosecutions for parking in a winter recreation parking location, to be
8 credited and distributed under ORS 137.293 and 137.295, as a monetary obligation payable to the
9 state.

10 (f) In other cases, to be credited and distributed under ORS 137.293 and 137.295, as a monetary
11 obligation to the same entity to which payment is made of the half provided for in subsection (1)
12 of this section.

13 (3) If provisions of subsection (2)(b) or (e) of this section are applicable, and if the fine or penalty
14 imposed is remitted, suspended or stayed, or the offender against whom the fine or penalty was
15 levied or imposed serves time in jail in lieu of paying the fine or penalty or a part thereof, the
16 committing judge or magistrate shall certify the facts thereof in writing to the State Court Admin-
17 istrator in the case of a circuit court or the Department of Revenue in the case of a justice or
18 municipal court not later than the 10th day of the month next following the month in which the fine
19 was remitted or penalty suspended. If any part of the fine is thereafter paid, it shall be remitted to
20 the judge or magistrate who imposed the fine or penalty, who shall distribute it as provided in
21 subsections (1) and (2) of this section.

22 (4) If a fine is subject to division between two entities under this section and a sentence to pay
23 a fine is imposed by the court, any remittance, suspension or stay of the fine portion of the sentence
24 must be attributed on an equal basis to both of the entities entitled to a share of the fine.

25 (5) Distribution of fines and costs collected in a justice or municipal court under this section
26 must be made not later than the last day of the month immediately following the month in which
27 the fines and costs are collected.

28 (6) All fines collected as a result of citations issued by a member of the Oregon State Police for
29 a violation of ORS 813.095 and credited and distributed to the state under subsections (1)(a) and
30 (2)(a) of this section shall be deposited in the State Police Account established in ORS 181.175 to
31 be used by the Department of State Police for the enforcement of laws concerning driving while
32 under the influence of intoxicants.

33 **(7) Notwithstanding subsections (1)(c) and (2)(c) of this section, the amount of moneys**
34 **that the City of Coburg may retain under subsections (1)(c) and (2)(c) of this section for**
35 **traffic offenses occurring on any portion of Interstate Highway 5 during a fiscal year may**
36 **not exceed 15 percent of the city's general fund budget. No later than 120 days after the end**
37 **of the fiscal year, the City of Coburg shall transfer the moneys received under subsections**
38 **(1)(c) and (2)(c) of this section that are in excess of the amount allowed under this subsection**
39 **to the State Treasurer for deposit into the Police Standards and Training Account estab-**
40 **lished in ORS 181.690 for police officer training.**

41 **SECTION 2. This 2005 Act being necessary for the immediate preservation of the public**
42 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**
43 **July 1, 2005.**