

# Oregon Judicial Department

## Fines and Fees

Presented to Multnomah County Local Public Safety Coordinating  
Council

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Oregon Judicial Department

Judicial Branch



- ❖ General Principles
- ❖ Statutory Framework
- ❖ Collections
- ❖ A Review of the Data
- ❖ Looking Forward

# General Principles

- Legislature comprehensively restructured many circuit court fines and fees in 2011.
- Recent changes to criminal fines and fees.
- Oregon's statutory framework includes mandatory and discretionary fines, fees, and costs.
- Ability to pay considerations are expressly included in some statutes.
- The courts do not keep most of what they collect.

# OJD's Strategic Campaign – Initiative 1.2

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*“We will continue to examine the impacts of fines and fees, develop best practices for their imposition, and take affirmative steps to ensure they do not create unnecessary barriers or disproportionate outcomes.”*

# Recent OJD Legislation

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- House Bill 2176 (2021)
  - Introduced at request of Chief Justice
  - Removed the \$50 minimum fee for payment plans and expanded authority to waive and defer the fee.
  - Expands potential to compromise debt in criminal cases, except for money owed to crime victims.
  
- House Bill 4120 (2022)
  - Introduced at request of Chief Justice
  - Court may waive minimum fine for violations when the court determines that justice requires a reduction
  - Operative January 1, 2023

# Purpose of Fines/Fees

- **Fines** are monetary obligations imposed by a court as a part of the sentence for a criminal offense or a penalty in a civil action.
- **Fees and Costs** are monetary amounts imposed to cover administrative costs or specific services provided to the litigant in connection with their case. Common fees imposed by courts include filing fees, collection fees, payment plan fees, court-appointed attorney fees, and supervision fees. Fees also include surcharges which are typically directed by statute to fund a particular government function or contribute to general revenue.
- **Restitution** compensates crime victims for economic loss.

# Types of Criminal Fines/Fees

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- Victim Compensation
  - ▣ Compensatory Fine
  - ▣ Restitution
  
- Felony, Misdemeanor, and Violation Fines
  
- Fees and Costs
  - ▣ Diversion Fees
  - ▣ DUII Fees
  - ▣ Court-Appointed Attorney Fees and Other Costs
  - ▣ Security Release Costs
  - ▣ Collection Fees

# Court Ordered Fines/Fees

- Money payable to and collected by courts is distributed to victims, counties, cities, and the state based on payment priorities defined in statute.
- Judgment remedies for criminal judgments expire:
  - ▣ 20 years after entry if no restitution
  - ▣ 50 years after entry with restitution
- Courts may allow payment plans.
- Some fines and fees may be suspended, waived, or converted to community service.



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# Statutory Framework

# Criminal Fines

## Misdemeanor Fines

Maximum fines for individuals in most misdemeanor cases are governed by ORS 161.635. Minimum fines for misdemeanors are governed by ORS 137.286(1).

Offense Degree	Minimum Fine	Maximum Fine	Mandatory
Class A Misdemeanor	\$100	\$6,250	No
Class B Misdemeanor	\$100	\$2,500	No
Class C Misdemeanor	\$100	\$1,250	No
Unclassified Misdemeanor	\$100	Specific Amount	No

## Felony Fines

The felony sentencing guidelines control sentences in most felony cases, ORS 137.669. Maximum fines in felony cases are governed by ORS 161.625. Minimum fines in felony cases are governed by ORS 137.286(2).

Offense Degree	Minimum Fine	Maximum Fine	Mandatory
Murder/Aggravated Murder	\$200	\$500,000	No
Class A Felony	\$200	\$375,000	No
Class B Felony	\$200	\$250,000	No
Class C Felony	\$200	\$125,000	No
Unclassified Felony	\$200	Specific Amount	No

# Criminal Fees

Fee Type	Fee Amount
<b>Diversion fee, ORS 135.891</b>	\$100
<b>Misdemeanor Probationary Diversion, ORS 137.533(1)(e)</b>	\$100
<b>DUII Conviction Fee, ORS 813.020(1) and ORS 813.030</b>	\$255
<b>DUII Diversion Fee, ORS 813.240; ORS 813.210</b>	\$490
<b>Court-Appointed Attorney Fees, ORS 151.505 and 161.665</b>	Varies based on crime and OPDS Attorney Fee Schedule
<b>Costs of Prosecution, ORS 161.665(1) and (4)</b>	Actual Costs
<b>Extradition Costs, ORS 161.665(7)</b>	Actual Extradition Costs
<b>Payment Schedule Assessment Fees, ORS 1.202(1) and CJO 21-043</b>	\$25
<b>Collection Fees, ORS 1.202(2)</b>	Percentage of amount collected
<b>Interest on criminal judgments (including violations), ORS 137.183</b>	WAIVED
<b>License suspension fee for failure to appear on a traffic offense, ORS 809.267</b>	\$15
<b>Courthouse Construction Surcharge, ORS 1.188 and CJOs 16-026 and 16-030</b>	\$5

# Imposition of Fines and Fees

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- Misdemeanor/Felony
  - Courts may waive or reduce minimum misdemeanor and felony fine if inconsistent with justice. ORS 137.286(3)
  - Courts must consider a defendant's financial resources when determining whether to impose a fine and the amount of the fine. ORS 161.645
  - Court appointed attorney contribution and fee. ORS 151.487(1); ORS 151.505; ORS 161.665.
  
- Violations
  - Courts cannot reduce below minimum fine amount.
    - HB 4120, operative January 1, 2023, court may waive minimum fine.
  - Courts may suspend fine amount for amounts over the minimum fine.
  - CJO 20-022 Uniform Fine Schedule for Violations

# Post-Judgment Modification

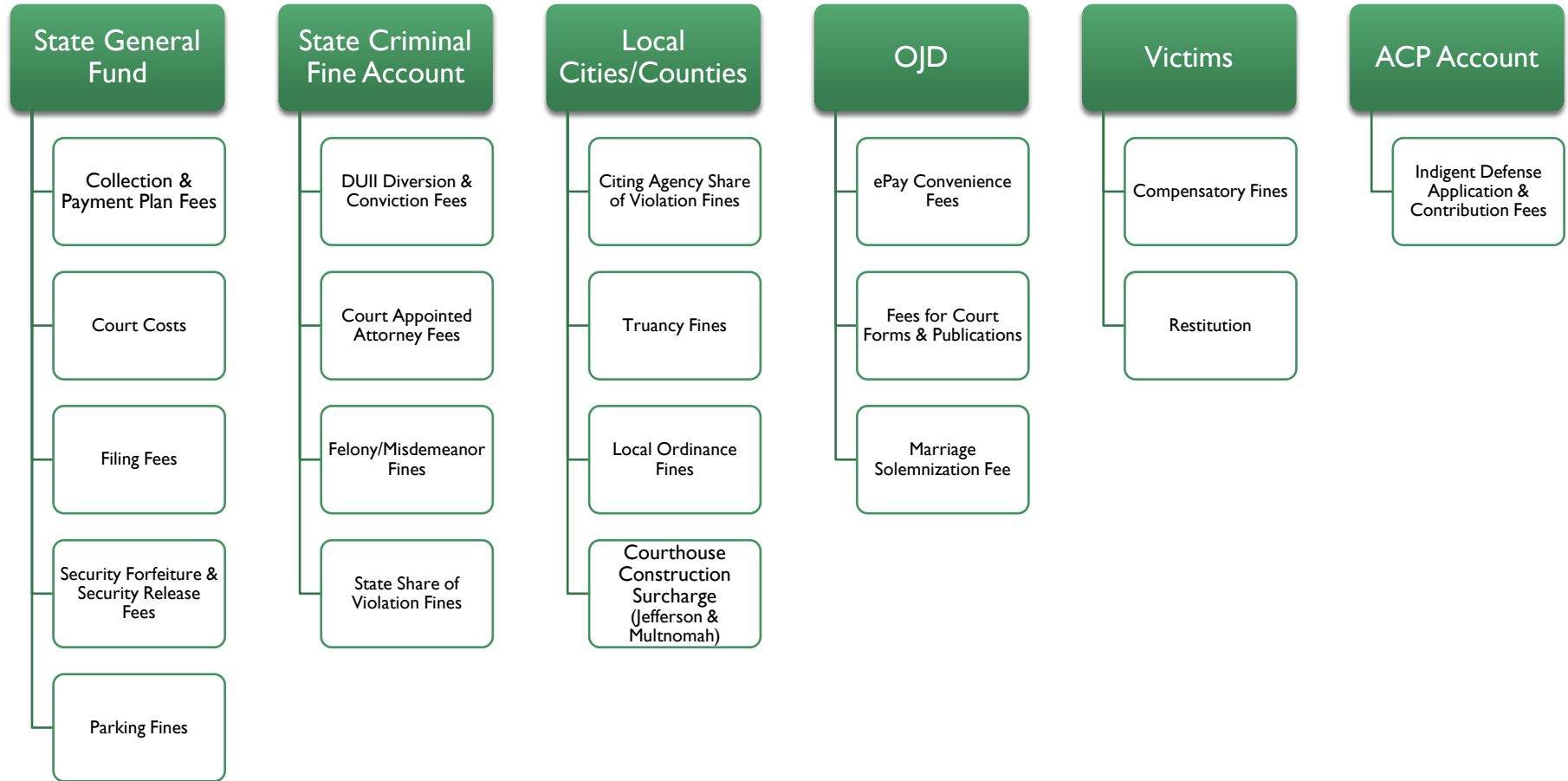
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- Fines—ORS 137.286(5)
- Attorney Fees—ORS 151.487(5) and ORS 151.505(4)
- Costs—ORS 161.665(5)
- Default/Nonpayment—ORS 161.685(5)
- New UTCR 4.120
- Multnomah County Circuit Court—  
Legal Services Day



# Revenue Distribution

Circuit court fines and fees are distributed to the following accounts and entities.



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# Collections

# Collection Process and Fees

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- Payment Plans/Payment Plan Fee – ORS 1.202(1)/CJO 21-043
- Collection Referral Fee – ORS 1.202(2)
- Collection Timeline
- Criminal Interest (waived) – ORS 137.183
- Third Party Actions





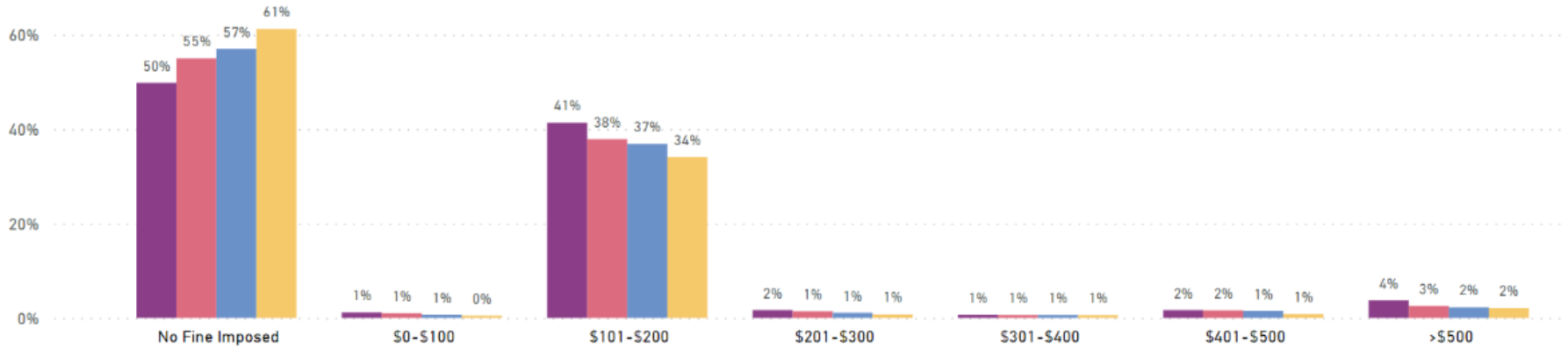
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# A Review of the Data

# Trends in Felony and Misdemeanor Fines

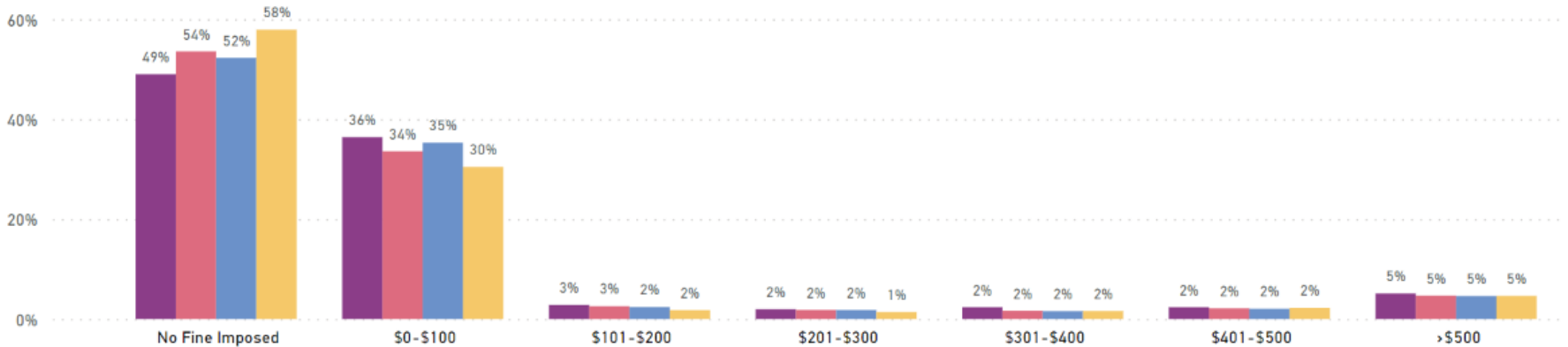
% of Convicted Felony Offenses by Fine Amount and Year Imposed

● 2019 ● 2020 ● 2021 ● 2022



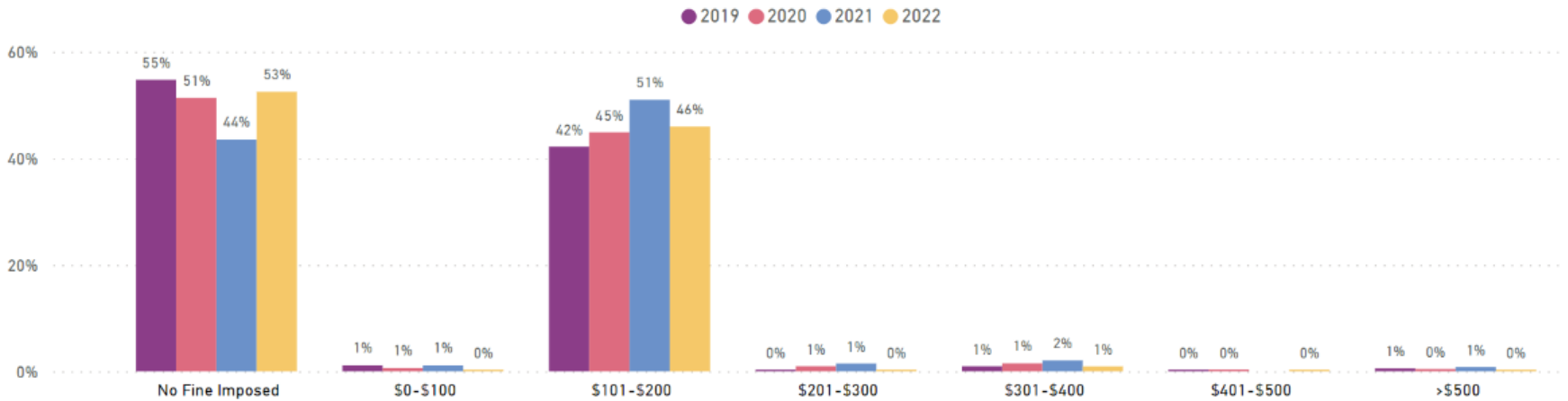
% of Convicted Misdemeanor Offenses by Fine Amount and Year Imposed

● 2019 ● 2020 ● 2021 ● 2022

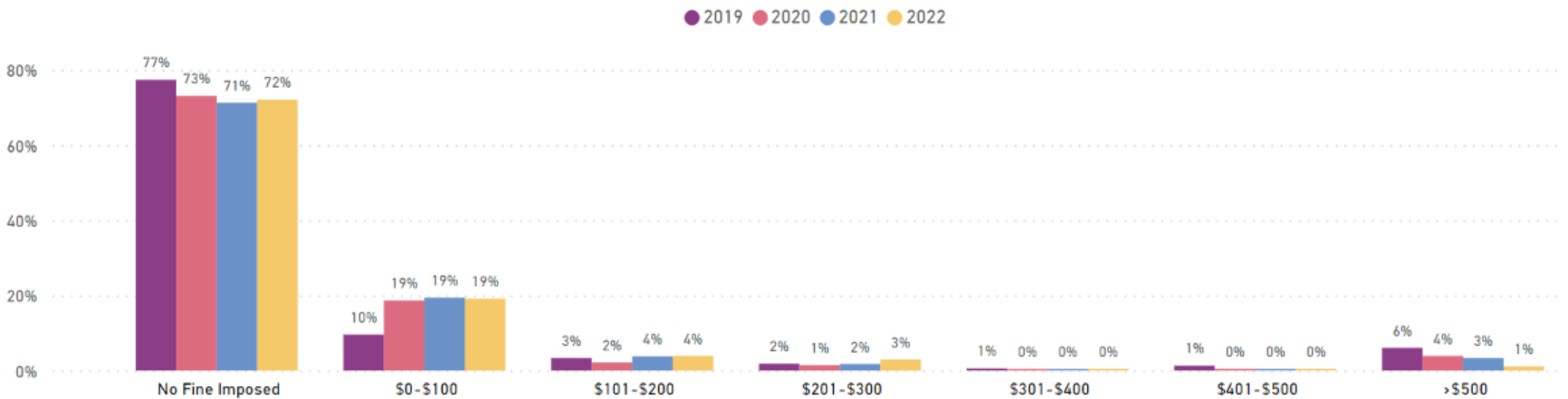


# Trends in Felony and Misdemeanor Fines – Multnomah County

% of Convicted Felony Offenses by Fine Amount and Year Imposed



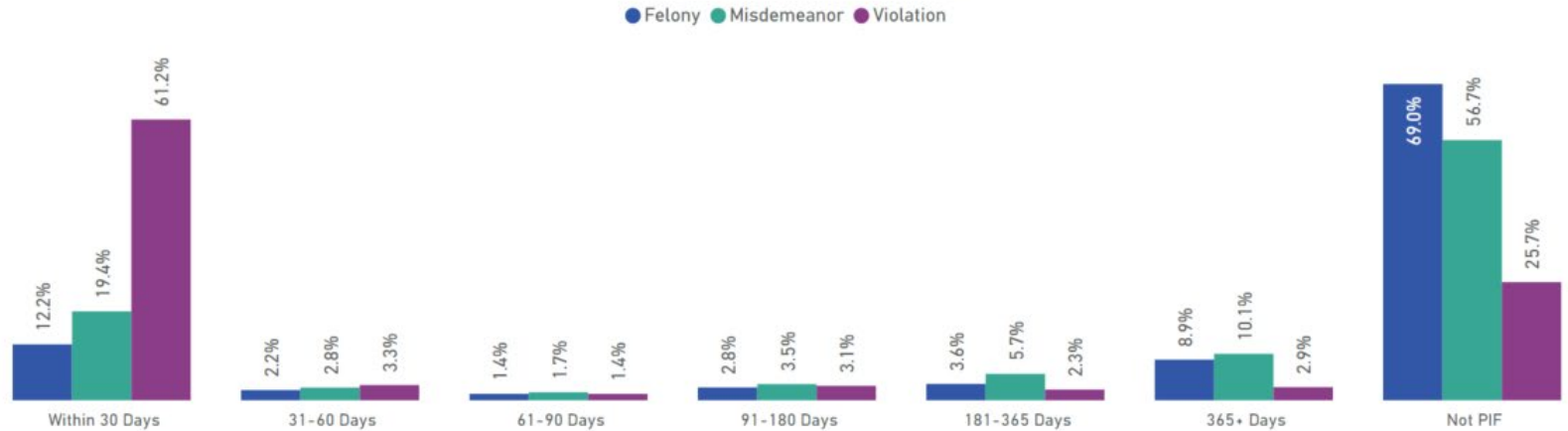
% of Convicted Misdemeanor Offenses by Fine Amount and Year Imposed



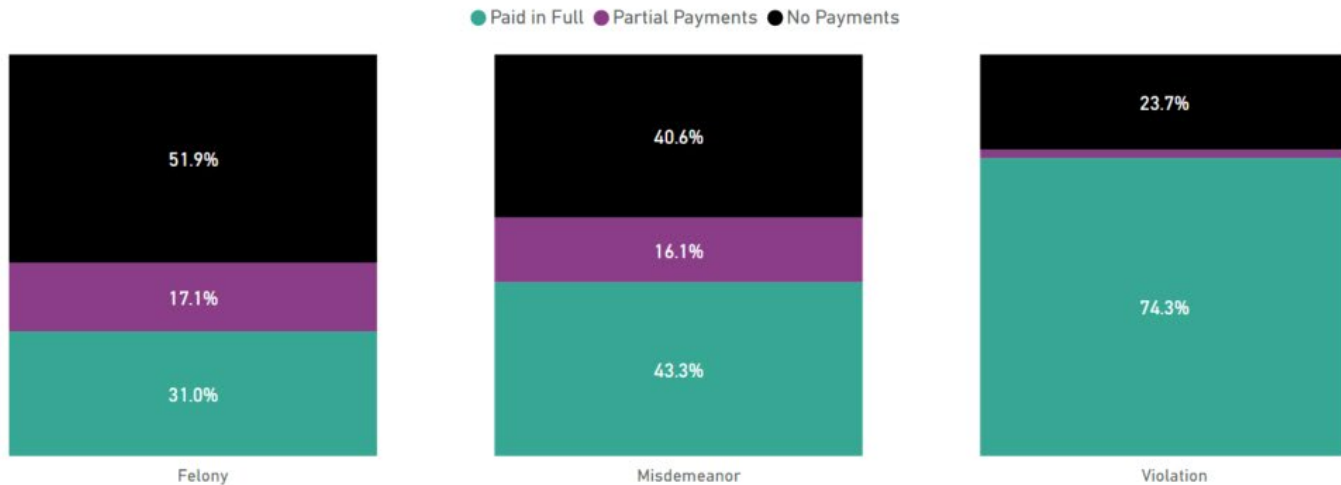
# Payment Trends on Fines, Fees, and Restitution

## Felony, Misdemeanor, and Violation Offenses Filed 2019 – 2022

Time to Payment in Full by Offense Type



Payment Status by Offense Type



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# Looking Ahead

# Strategic Campaign—Initiative 1.2

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- Implement legislative changes
- Recommend updates to CJOs, policies, rules
- Improve communication to defendants
- Central Violations Bureau updates
- Develop educational materials for courts
- Examine and evaluate other places for improvement.

