IN THE JUSTICE COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES

FILED
DEC 12 2018
DESCHUTES COUNTY
JUSTICE COURT

In the Matter of the)
Violations Bureau)

GENERAL ORDER No. 2018-10

It appearing to the Court that changes should occur in the Violations Bureau Authority; now, therefore,

IT IS HEREBY ORDERED that the Violations Bureau Authority, attached as Exhibit A, and the Violations Bureau Fine Schedule, attached as Exhibit B and Exhibit C, are effective December 12, 2018, and supersede all previous Violations Bureau Authorities and Fine Schedules.

DATED this 12 day of December, 2018.

CHARLES N. FADELEY, Justice of the Peace

VIOLATIONS BUREAU AUTHORITY

I.
Statutory Duties and Powers

The Violations Bureau Clerks shall have the duties and powers as established by ORS 153.800.

II.
Authority

1. The Violations Bureau Clerks will have authority over any and all violations for which the only penalty that may be imposed is a fine or forfeiture, and shall accept:
    a. Written or personal appearance;
    b. Entry of plea;
    c. Payment of fine, costs, assessments, and presumptive fine forfeiture.

2. The Violations Bureau Clerks have authority to impose reduced fines based on the Violations Bureau Fine Schedule, attached as Exhibit B and Exhibit C, except for cases involving:
    a. Any person who has been convicted of, or who has signed a plea of no contest to **one or more** previous offenses within the preceding 12 months within the jurisdiction of this court;
    b. Any person who is charged with a Class A violation;
    c. Any person who is charged with an offense involving a motor vehicle accident;
    d. Any person who is charged with speeding in a highway work zone, a posted school zone, or a designated safety corridor;
    e. Any person who has a provisional drivers license;
    f. Any person who does not have an Oregon drivers license;
    g. Any person who is charged with PUC weight or Federal Motor Carrier offenses;
    h. Any offense involving the use of a controlled substance.

III.
Deferred Payment of Fine

The Violations Bureau Clerks may extend time for payment in accordance with payment guidelines established by the Justice Court Administrator.

IV.
Appearance by Letter

Appearances by letter shall be forwarded to the Justice of the Peace for decision except that the Violations Bureau Clerks have authority to handle appearance by letter if:

1. The letter is received prior to the offender's first appearance date or within the grace period and the offender does not contest the citation; and
2. The offender specifically requests to attend a Seat Belt Diversion or a Traffic Safety Diversion and the citation qualifies for referral to the diversion program by a Violations Bureau Clerk; or
3. The letter is an appearance only, and makes no explanation of the offense, and does not contain any special request outside the authority of the Violations Bureau Clerks.

VIOLATIONS BUREAU AUTHORITY

V.
Presumptive Fine Forfeiture

Upon receipt by mail or by credit card of the presumptive fine amount without an accompanying plea or with a plea of No Contest, the Violations Bureau Clerk shall enter a forfeiture in the amount of the presumptive fine written on the citation, or in the amount of the minimum fine allowed by statute, whichever is greater.

VI.
Failure to Appear

All violation offenders will be given a fourteen-day grace period, following the date set for appearance on the citation, within which to appear and enter a plea.

1. Within the first seven days of the grace period, offenders may appear before the judge, before a Violations Bureau Clerk, or by letter. Within the second seven days of the grace period, offenders may appear before a Violations Bureau Clerk or by letter.
2. If an offender fails to appear in person or by mail by the fourteenth day of the grace period, the Violations Bureau Clerk shall enter a conviction and fine.
    a. The fine will equal the presumptive fine amount scheduled on the citation, not to exceed the maximum fine allowed by law, and will include assessments.
    b. The $50 Justice Court Processing Fee, established by Deschutes County Code 4.12.060, shall be imposed as a late fee.
    c. The Violations Bureau Clerk shall immediately notify the offender of the conviction and payment terms.
3. In traffic violations, defendants shall not have license sanctions entered for failure to appear. If full payment is not received by the final due date, the Department of Motor Vehicles shall be notified of the offender's failure to comply.

VII.
Resetting Appearance Dates

1. First Appearance Dates: The Violations Bureau Clerks will have authority to reset first appearance dates on violation cases, if the request is made prior to the date set for appearance on the citation. The first appearance may be reset one time only, and the new date shall be set within two weeks of the original appearance date.
2. Trial Dates: The Violations Bureau Clerks have the authority to reset trial dates once for the offender and once for the officer on each violation, if that request is made in writing one week prior to the date set for trial. All second requests by a party to reset trial must be approved by the judge.

IIX.
City Parking Violations

1. The Violations Bureau Clerks have authority to reduce the amount of the bail forfeiture in city parking violation cases by $10.00 when a late fee has been added for failure to pay within five (5) days of the alleged violation. This is allowed only if the owner of the vehicle contacts the court within 30 days from the date the citation was issued, requests that the late fee be waived, and pays the original forfeiture amount.
2. The Violations Bureau Clerks have authority to dismiss city parking violation citations where the DMV record shows the vehicle owner as "Unknown", if the fine has not been paid within 30 days of the date the citation was issued.

VIOLATIONS BUREAU AUTHORITY

IX.
Seat Belt Diversion

The Violations Bureau Clerks have authority to refer offenders to Seat Belt Diversion for seat belt or child restraint charges if the offender has not had a seat belt conviction within five years preceding the current offense and has not attended a seat belt diversion class within five years preceding the current offense.

1. The offender shall enter a plea of no contest and the Violations Bureau Clerks shall impose an alternative fine based upon the Violations Bureau Fine Schedule.
2. The Violations Bureau Clerks shall impose a $50 court fee at the time the offender is referred to Seat Belt Diversion.
3. If the offender elects to pay the fine after entering into the diversion, the Court Processing Fee shall not be applied to the fine amount.

X.
Traffic Safety Diversion

The Violations Bureau Clerks have authority to refer offenders to Traffic Safety School Diversion, <u>except for No Insurance, No Operator License and Use of Mobile Communications Device charges</u>, if the offender:

1. Is charged with no more than one traffic violation that qualifies for disposition through the Violations Bureau, after any other charges have been dismissed under the Violations Bureau Clerk's authority;
2. Has had no moving violations on their record in the past five years;
3. Who signs an affidavit stating they have not participated in a Traffic Safety School Diversion program within the past five years;
4. Who signs an agreement stating they will not receive a citation for further moving violations for 180 days following the commencement of the diversion period; and,
5. Who pays a $100 diversion fee pursuant to ORS 135.891(2) at the time the offender is referred to Traffic Safety School Diversion.

The offender shall enter a plea of no contest and the Violations Bureau Clerks shall impose an alternative fine. If the offender elects to pay the fine after entering into the diversion, the Court Processing Fee shall not be applied to the fine amount.

XI.
Bicycle Diversion

The Violations Bureau Clerks have authority to refer bicycle offenders to Bicycle Diversion if the offender has not attended a bicycle diversion class within five years preceding the current offense.

1. The offender shall enter a plea of no contest and the Violations Bureau Clerks shall impose an alternative fine based upon the Violations Bureau Fine Schedule.
2. The Violations Bureau Clerks shall impose a $100 diversion fee pursuant to ORS 135.891(2) at the time the offender is referred to Bicycle Diversion.
3. The offender shall sign an agreement stating they will attend the diversion class, pay the classroom fee, and will provide proof of class completion to the Court within 90 days of entering into the diversion.
4. If the offender elects to pay the fine after entering into the diversion, the Court Processing Fee shall not be applied to the fine amount.

VIOLATIONS BUREAU AUTHORITY

XII.

Dismissal

The Violations Bureau Clerks have authority to dismiss charges under the following circumstances:

1. The offender has been referred to Traffic Safety Diversion or Seat Belt Diversion and has successfully completed all diversion conditions.
2. The judge gives the offender a period of time to complete a specific condition in order to have a charge dismissed, and the condition is successfully completed within that time period.
3. A law enforcement officer has stamped and signed defendant's summons, indicating that the offense has been corrected.
4. The offender is charged with failing to provide proof of liability insurance, and presents proof of insurance that contains:
   a. a vehicle description that matches the vehicle on the citation; and,
   b. an effective date that includes the date the citation was issued.

When an offender makes a first appearance on a citation with more than one charge, and the Violations Bureau Clerk is able to dismiss one or more charges based upon 3. or 4. above, and only one charge remains, the Violations Bureau Clerk can reduce the fine or otherwise proceed as if the citation had carried only the one remaining charge.

XIII.

Determining Multiple Conviction Dates

When an offense case with more than one charge has multiple dates upon which the charges were disposed of due to the judge imposing a combination of conditions, diversions, and fines, the Violations Bureau Clerks shall:

1. On the original judgment:
   a. Circle the determination for each charge as it is decided;
   b. Enter their initials and the date next to any determination finalized by the clerk; and,
   c. Upon determining the final charge, also enter that date and initial below the judge's signature.
2. On the abstract:
   a. Conform to show the plea, finding, and determination for each charge;
   b. Conform the signature of the judge who signed the original judgment; and,
   c. Conform the judge's signature date to match the Violations Bureau Clerk's date entered in 1., c., above.

XIV.

Suspension of Fines and Fees; Recall from Collections

1. Deceased Debtors: The Violations Bureau Clerks have authority to suspend the unpaid portion of fines and fees for debtors who are proven to be deceased. Proof of death must be one of the following, and shall be attached to each case on which fines and fees are suspended:
   a. DMV driving record that notes "deceased";
   b. Obituary that matches the debtor's name and date of birth;
   c. Newspaper article acknowledging the death, that notes the name and date of birth;
   d. Collection company's report of deceased debtors removed from the collection process.

(continued on page 5)

VIOLATIONS BUREAU AUTHORITY
(Suspension of Fines and Fees; Recall from Collections continued)

2. Suspending Fees: The Violations Bureau Clerks have authority to suspend the unpaid portion of the following fees:
    a. Collection fees:
        i. When an account is recalled from collections;
        ii. When a collection company reports an account is fully paid, and an additional collection fee imposed by the court was not added to that client's collection balance.
    b. License reinstatement fees:
        i. When the suspension is vacated by order;
        ii. When the conviction is vacated by order, and the fine is suspended by the judge;
        iii. When it is discovered that the suspension was entered in error;
        iv. When a collection company reports an account is paid in full, and an additional license reinstatement fee imposed by the court was not added to that client's collection balance.
3. Recall from Collections: The Violations Bureau Clerks have authority to recall a case from collections when all fines and fees have been suspended by the judge or by the clerk.

VIOLATIONS BUREAU FINE SCHEDULE

For Offenses Committed on or after

JANUARY 1, 2018

VIOLATION OF LAWFUL or POSTED SPEED ORS 811.100, 811.110, 811.112, 811.120, 811.123, 811.806		**Presumptive Fine Amount**	**NUMBER OF CONVICTIONS**	
			Past 24 mos.: 0	**Past 12 mos: 0** **Past 24 mos: 1**
1 - 10 mph over	Class D	$115	$100	$104
11 - 20 mph over	Class C	$165	$133	$149
21 - 30 mph over	Class B	$265	$213	$239
31 - 99 mph over	Class A	$440	SEE JUDGE	SEE JUDGE
100 mph or more over	Class A	$1,155	SEE JUDGE	SEE JUDGE

**Unclassified violation fines use Class B*

SPECIAL VIOLATIONS	**Presumptive Fine Amount**	**NUMBER OF CONVICTIONS**	
		Past 24 mos.: 0	**Past 12 mos: 0** **Past 24 mos: 1**
811.135 Careless Driving – Class A (Accident Involved)	Must appear	SEE JUDGE	SEE JUDGE
Bicycle: 814.485 No Headgear, under 16; 814.486 No Headgear, Responsible Person with Passenger under 16	$30	N/A	N/A
475.864 Possession of less than one ounce Marijuana	$655	N/A	N/A
471.410 Allow Minor to Consume Alcohol on Property	$440	$1000 for each subsequent offense	N/A
813.095 Refusal to take test for intoxicants	$505	SEE JUDGE	SEE JUDGE
814.600 Failure to wear protective headgear; skateboarder, scooter rider, in-line skater helmet	$30	N/A	N/A

VIOLATIONS BUREAU FINE SCHEDULE

For Offenses Committed on or after

JANUARY 1, 2018

MINIMUM FINE SCHEDULE							MAXIMUM FINE SCHEDULE (Fine only - assessments not included)	
PENALTY CLASS	INDIVIDUAL			CORPORATION				
	Presumptive	Minimum	Maximum	Presumptive	Minimum	Maximum		
A	$440	$225*	$2000	$440	$225*	$4000	Class A violation	$2000.00
B	$265	$135*	$1000	$265	$135*	$2000	Class B violation	$1000.00
C	$165	$85*	$500	$165	$85*	$1000	Class C violation	$500.00
D	$115	$65*	$250	$115	$65*	$500	Class D violation	$250.00

**Fine cannot be waived, reduced, or suspended below this amount.*