



**TRIAL COURT ADMINISTRATION
Fifteenth Judicial District
Coos County Courthouse
250 North Baxter Street
Coquille, Oregon 97423
(541) 396-3121 Ext. 343**

August 25, 2009

**PRELIMINARY INFORMATION ON OCTOBER 1, 2009 CIRCUIT COURT
FEE CHANGES**

House Bill 2287 extends the sunset on existing filing fee surcharges from June 30, 2009 to September 30, 2009. The bill establishes temporary surcharges on a variety of filing fees in addition to continuing many of the surcharges currently in place. The bill also establishes several temporary fees and increases the amounts charged on the value claimed by a plaintiff in civil cases. All of the surcharges are temporary and are effective October 1, 2009 through June 30, 2011. The bill creates a Judicial System Surcharge Account and all the fee and surcharge revenue collected from July 1, 2009 through June 30, 2011 is deposited in this new account, with the exception of that raised by local Justice of the Peace, municipal, and county courts. Below you will find an overview of the fees and surcharges that will be changed or added effective October 1, 2009:

OFFENSE SURCHARGE

In all cases of conviction for the commission of a crime or violation, excluding parking violations, for all offenses committed on or after October 1, 2009 and before July 1, 2011 the court will impose a surcharge in the nature of a fine in the following amounts:

- \$35 in the case of a felony
- \$35 in the case of a misdemeanor
- \$45 in the case of a violation

A court may waive all or part of the offense surcharge only if the court imposes no fine on the defendant.

BENCH PROBATION FEES AND PROBATION VIOLATION ASSESSMENTS

If the court orders that probation be supervised by the court, the defendant shall pay a fee of \$100 to the court.

If the court determines that a defendant has violated the terms of probation, the court shall impose a \$25.00 assessment against the defendant.

These fees apply only to orders of probation and probation violation determinations made on or after October 1, 2009 and before July 1, 2011.

DIVERSION PROGRAM ADMINISTRATION FEE

In addition to the fees provided for in ORS 135.921 and 813.240 upon the filing for diversion under ORS 135.909 or 813.210 the court shall order the defendant to pay \$100 to the court as a program administrative fee. This fee only applies to petitions for diversion filed on or after October 1, 2009 and before July 1, 2011.

EXPUNCTION FEE

In addition to the fee provided in ORS 137.225, upon the filing of an application under ORS 137.225(1), the court shall order the defendant to pay a fee of \$250 to the court. The fee applies to applications filed under 137.225 on or after October 1, 2009 and before July 1, 2011.

SECURITY RELEASE DEPOSITS

The bill removes the current maximum \$200 limit that the court may retain after all conditions of release have been performed and the defendant has been discharged from all obligations in the cause. The clerk is now required to retain the maximum 15% as allowed by statute. This change will only apply on all amounts retained under ORS 135.265 as security deposit costs from security deposits made on or after October 1, 2009 and before July 1, 2011.

COLLECTION ACCOUNT FEES

The bill increases the maximum amount to be added to any judgment that is not paid in full within 30 days from \$100 to \$200. The fee will apply to judgments entered on or after October 1, 2009 and before July 1, 2011.

TRIAL AND HEARING FEES

In addition to the trial fee provided for in ORS 21.270(2), for the period commencing October 1, 2009 and ending June 30, 2011, the clerk of the circuit court shall collect from the plaintiff, appellant or moving party, for a trial without a jury a surcharge on the trial fee of \$33 for each full or partial day of trial.

In addition to the trial fee provided in ORS 21.270(3), for the period commencing October 1, 2009 and ending June 30, 2011, the clerk of the circuit court shall collect from the plaintiff or appellant, for a trial by jury of more than 6 persons a surcharge on the jury trial fee of \$32 for each full or partial day of trial. The clerk shall collect from the plaintiff or appellant for a trial by jury of six persons a surcharge on the jury trial fee \$40 for each full or partial day of trial.

In addition to the hearing fee provided for in ORS 21.275(3), for the period commencing October 1, 2009 and ending June 30, 2011, the clerk of the circuit court shall collect a surcharge on the hearing fee of \$12 if the hearing period is not more than three hours or \$33 if the hearing period is more than three hours.

SETTLEMENT CONFERENCE FEE

In an civil proceeding subject to a fee under ORS 21.110, 21.111, 21.114, or 21.310 in which the parties request a settlement conference before a judge, or in which a settlement conference before a judge is required by law or by the court, each party participating in the conference shall pay a \$50 fee to the court before the conference is conducted. The fee imposed applies only to settlement conferences conducted on or after October 1, 2009 and before July 1, 2011.

EX PARTE ORDER OR JUDGMENT FEE

In any civil proceeding subject to a fee under ORS 21.110, 21.111, 21.114 or 21.310, the clerk of the circuit court shall collect the sum of \$10 for filing or submission of an ex parte order or judgment for signing by the judge. (Does not apply to filings in small claims actions) The fee imposed only applies to ex parte orders or judgments filed or submitted on or after October 1, 2009 and before July 1, 2009.

MULTIPLE PARTY FEE

At the time of filing in the circuit court of any civil action, suit or proceeding, including appeals, the clerk of the circuit court shall collect from the plaintiff, appellant or moving party the sum of \$117 for each additional party named in the pleading. In addition, at the time of filing any appearance in any such action, suit or proceeding by any defendant or respondent appearing separately, or upon the part of defendants or respondents appearing jointly, the clerk shall collect from the party or parties the sum of \$117 for each additional party named in the pleading. This fee applies only to civil actions, suits and proceedings filed on or after October 1, 2009 and before July 1, 2011.

THIRD-PARTY COMPLAINT FEE

When a person files a third-party complaint in a civil action, suit or proceeding in circuit court, the clerk of the court shall collect from the third-party plaintiff the same fees, charges, and surcharges that would be required of a plaintiff filing the same complaint in an original action.

When a third-party defendant files an appearance in a civil action, suit or proceeding in circuit court, the clerk of the court shall collect the same fees, charges, and surcharges that would be required of a defendant filing the same appearance in an original action.

The fee only applies to complaints and appearance filed on or after October 1, 2009 and before July 1, 2011.

PROBATE ANNUAL ACCOUNTING FEES

In a court with probate jurisdiction, the clerk shall charge and collect the following fees for an annual or final accounting in a probate proceeding or a conservatorship proceeding on or after October 1, 2009 and before July 1, 2011:

- If the amount of the estate is not more than \$500,000, a fee of \$100.
- If the amount of the estate is more than \$500,000 and not more than \$1 million, a fee of \$200.
- If the amount of the estate is more than \$1 million, a fee of \$300

AMOUNT IN CONTROVERSY ESCALATOR

In any action for the recovery of money or damages, the clerk of the circuit court shall collect the following sums from the plaintiff at the time the action is filed, and shall collect the following sums from the defendant or respondent appearing separately, or upon the part of defendants or respondents appearing jointly, at the time of filing any appearance in the action:

- If the amount claimed is \$50,000 or more, and less than \$150,000, the clerk shall collect a fee of \$225.00.
- If the amount claimed is \$150,000 or more, and less than \$500,000, the clerk shall collect a fee of \$275.00.
- If the amount claimed is \$500,000 or more, and less than \$1 million, the clerk shall collect a fee of \$325.00.
- If the amount claimed is \$1 million or more, the clerk shall collect a fee of \$375.00.

The above fees apply only to civil actions, suits and proceedings filed on or after October 1, 2009 and before July 1, 2011.

DEFENDANT, IN SMALL CLAIMS, DENYING CLAIM AND DEMANDING A HEARING

In addition to the fees provided in ORS 46.570(1), for the period commencing October 1, 2009 and ending June 30, 2011, in the small claims department of a circuit court the clerk shall collect:

- A surcharge of \$24 when a defendant demands a hearing and the amount or value claimed by the plaintiff does not exceed \$1,500.
- A surcharge of \$50 when the defendant demands a hearing and the amount or value claimed by the plaintiff exceeds \$1,500.

FORCIBLE ENTRY AND DETAINER

In addition to the fees provided for in ORS 106.130(2), for the period commencing October 1, 2009 and ending June 30, 2011, upon filing a complaint in the case of a dwelling unit to which ORS Chapter 90 applies, the clerk shall collect a surcharge of \$12.

NAME CHANGE

In a change of name proceeding, the clerk shall collect a surcharge of \$61 from the party filing the application for change of name and surcharge of \$61 from an objecting party appearing separately or objecting parties appearing jointly on any application made on or after October 1, 2009 and before July 1, 2011.

WRIT OF EXECUTION OR GARNISHMENT

In addition to the fees provided for in ORS 21.325(4), for the period commencing October 1, 2009 and ending June 30, 2011, the clerk shall collect a surcharge of \$6 for issuing a writ of execution or a writ of garnishment.

ONCE THE COURTS RECEIVE THE NEW STATEWIDE FEE SCHEDULES, SHORT AND DETAILED VERSION, THEY WILL BE POSTED TO THE COURT'S WEBSITE AT

www.courts.oregon.gov/coos or www.courts.oregon.gov/curry.