

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Establishing)
a Continuing Legal Education)
Account for Columbia County)
Justice Courts)

ORDINANCE NO. 92-2

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 92-2.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035.

SECTION 3. PURPOSE.

The purpose of this ordinance is to establish an account within the Columbia County General Fund and a source of funds to pay for continuing legal education courses for Justices of the Peace in Columbia County, Oregon as required by ORS 1.850 and 51.245. In addition, provision is made for withholding and transferring the additional assessments authorized by Section 3, 4, 5 and 11 of Chapter 778, Oregon Laws 1991 to the Law Enforcement Medical Liability Account.

SECTION 4. SCOPE.

This ordinance shall apply to all offenses brought before the Columbia County Justice Courts originating within the unincorporated areas of Columbia County, Oregon. In addition, it shall apply to all offenses brought before the Justice Courts originating from within the incorporated city limits of any city which consents to application of this ordinance within such city.

SECTION 5. CONTINUING LEGAL EDUCATION ACCOUNT.

The Columbia County Justice Court Continuing Legal Education (CLE) Account is established as a line item within the Columbia County General Fund.

SECTION 6. CONTINUING LEGAL EDUCATION (CLE) ASSESSMENT.

A. Whenever a sentence of a fine, imprisonment or both is imposed by a Justice of the Peace in any Columbia County Justice Court, including a sentence imposed and thereafter suspended, or a bail forfeiture is ordered, as a penalty for an offense, as defined in ORS 161.505, excluding parking violations, a Continuing Legal Education (CLE) Assessment, in addition to such sentence or bail forfeiture, shall be collected.

B. The CLE Assessment is not part of the penalty or in lieu of any part thereof. The amount of the CLE Assessment shall be as follows:

- 1) \$1, when the fine or forfeiture is \$5 to \$14.99.
- 2) \$2, when the fine or forfeiture is \$15 to \$49.99.
- 3) \$4, when the fine or forfeiture is \$50 to \$99.99.
- 4) \$6, when the fine or forfeiture is \$100 to \$249.99.
- 5) \$8, when the fine or forfeiture is \$250 to \$499.99.
- 6) \$12, when the fine or forfeiture is \$500 or more.

C. CLE Assessments imposed under this section shall be administered as provided under Section 7 of this ordinance.

D. The Justice is not required to impose the CLE Assessment, or a part of the Assessment, if it finds that the defendant is indigent or that imposition of the Assessment would constitute an undue hardship.

E. Payment to a Justice Court shall not be credited to the CLE Assessment described in this section until all other fines, fees and assessments ordered by the Court have been paid.

SECTION 7. COLLECTION AND ADMINISTRATION.

A. Within 60 days after receipt of the CLE Assessment by the Justice Court, the Assessment shall be paid to the Columbia County Treasurer.

B. When any bail is deposited with the Justice Court for an offense, the person making such deposit shall include with the bail the amount of the CLE Assessment.

C. If the bail for an offense is forfeited, the CLE Assessment included therewith shall be paid to the County Treasurer as provided in Subsection A of this Section. If the bail is returned, the Assessment included therewith shall also be returned.

SECTION 8. AUTHORIZED USES OF CLE ASSESSMENTS.

The Columbia County Treasurer shall deposit all CLE Assessment funds received into the CLE Account to be used to pay for continuing legal education courses for the Justices of the Peace in Columbia County, Oregon as required by ORS 1.850 and 51.245. In addition, such funds may be used for education and training courses for the clerical staff of the Justice Courts at the discretion of the Justices of the Peace. CLE Assessment revenues and expenditures shall be handled in accordance with the Local Budget Law, ORS 294.305 to 294.520, 294.555 and 294.565.

SECTION 9. TRANSFER OF INCREASE IN COUNTY JUVENILE AND ADULT CORRECTIONS ASSESSMENT TO THE LAW ENFORCEMENT MEDICAL LIABILITY ACCOUNT (LEMLA).

A. Prior to making payment of the county juvenile and adult corrections assessment authorized by ORS 137.306 to 137.308, the Justices of the Peace of Columbia County shall withhold and deposit in the State Treasury to the credit of the Law Enforcement Medical Liability Account (LEMLA) the following amounts:

- 1) \$1, when the assessment is \$7 or \$8.
- 2) \$2, when the assessment is \$12 or \$14.
- 3) \$5, when the assessment is \$35.

B. This section is repealed on July 1, 1993.

SECTION 10. SEVERABILITY.

If for any reason, any portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion of the ordinance shall be deemed a separate, distinct and independent portion and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 11. EMERGENCY.

This ordinance, being immediately necessary for the health, safety and welfare of the citizens of Columbia County, an emergency is declared to exist, and it shall become effective on January 29, 1992.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 29th DAY OF January, 1992.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Michael S. Sparto
Chairman

By: J. B. Hamer
Commissioner

By: John R. Patton
Commissioner

Approved as to form

By: John Klug
Office of County Counsel

Attest:

Jan Suenkel
Recording Secretary

First Reading: 1-8-92
Second Reading: 1-29-92
Effective Date: 1-29-92