

Chapter 3.12

LAW ENFORCEMENT ASSESSMENTS

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3.12.010 Imposed. There shall be imposed by the municipal court, without judicial discretion, an assessment appropriate to the cost of providing the enforcement service as established by the city. The assessment shall only be assessed upon conviction and the levy of a fine or diversion. (Ord. 640 §1, 1996)

3.12.020 Assessment schedule. The assessment schedule shall be based upon the following standards.

A. Assessments will reflect the cost of necessary labor, equipment and material used in the enforcement action and the processing cost through the municipal court system.

B. When a salary range exists for multiple employees, the average of the salary range shall be used when calculating the assessment. A single employee involved in the enforcement or processing shall be calculated at the employee's current salary level. The determination of salary levels shall include all benefit amounts in effect at the time of the levied fine.

C. Equipment and materials shall be calculated at actual cost, or if actual cost cannot be determined, a formula that reasonably reflects realistic usage based on mileage, engine hours or any other commonly accepted calculation. (Ord. 640 §2, 1996)

3.12.030 Offense convictions. The following assessments shall be placed upon offense convictions arising from municipal court adjudication.

A. All convictions for traffic infractions shall be assessed thirty dollars.

B. All convictions for Class A traffic misdemeanors shall be assessed fifty dollars.

C. All convictions for criminal infractions shall be assessed thirty dollars.

D. All convictions for crimes shall be assessed fifty dollars. (Ord. 723 §1, 2002; Ord. 640 §3, 1966)

3.12.040 Payment. The assessment shall be a monetary amount in addition to any other fine or penalty, county assessment or unitary or other assessment levied by the law.

The order of payment of the assessment shall conform to Oregon law but shall, in any case, be paid prior to the payment or reduction of any fine which has been levied. (Ord. 640 §4, 1996)

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3.12.050 Additional fees. Other fees for specific services required by law or the judicial process shall not be affected by this chapter.

Judicial diversions or diversions authorized by law or ordinance shall not reduce or otherwise affect the imposition of the city assessment. (Ord. 640 §§5, 6, 1996)

3.12.060 Expenditure of fees. Assessments collected pursuant to this chapter shall be accounted for separate from other city funds, and may be budgeted and expended only in relation to law enforcement and prevention activity in the areas of traffic safety, drug and alcohol prevention or other crime prevention activity. The prevention activity may take the form of enforcement. Assessments may be used for operational or capital expense as specified but may not be used to supplant, supplement or replace general funded personnel expense.

Assessments for traffic related offenses may be used for traffic safety programming, prevention and education or the purchase of equipment necessary to enforce traffic law including vehicles.

Assessments for criminal related matters and matters directly involving the use of alcohol or drugs may be used for prevention and education or the purchase of equipment directly related to the enforcement of drug and alcohol laws. (Ord. 640 §7, 1996)