IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE FIFTEENTH JUDICIAL DISTRICT

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COOS COUNTY COURT
NORTH BEND OREGON

In The Matter of Establishing a Violations Bureau	))))	General Order 12-01

Pursuant to the provisions of ORS 153.800, as amended by Oregon Laws 2011, chapter 597, section 149 and Chief Justice Order Number 11-095, and the Court finding for the efficient disposition of court business and for the convenience of persons so charged with traffic, boating, wildlife and commercial fishing, and parks and recreation violations:

IT IS HEREBY ORDERED:

I. There is established the Coos-Curry Courts Violations Bureau and the court designates the Trial Court Administrator (TCA) as Violations Clerk for all operational functions of said bureau. The Trial Court Administrator shall serve under the direction and control of this court as the appointing power.

II. Violations will be disposed of per Chief Justice Order (CJO) Number 11-095, if the offense is one described by ORS 153.008 or designated as a violation by City or County ordinance relating to traffic, boating, wildlife, commercial fishing and parks and recreation violations through the violations bureau.

III. Defendants must personally appear before the judge on any city (municipal), county, Oregon Administrative Rule (OAR) violation, Minor in Possession (MIP), unclassified violation, major traffic offense (misdemeanor) and felony.

IV. Persons charged with violations who qualify for disposition through the violations bureau and who report in person for arraignment are given options by the violations clerk as follows:

A. Plead not guilty - The defendant will give the clerk a complete and current address and sign the back of summons or a Not Guilty Plea form. The clerk will set the trial and deliver to the defendant a trial notice setting forth the time and date of the trial.

B. Plead no contest - Sign the back of the summons or No Contest form, clerk to assess fine per CJO #11-095.

V. If defendant posts the presumptive fine amount without a written plea of no contest the violations clerk will impose the specified fines per the attached Schedule of Fines 2012.

VI. If, after seeing the violations clerk, the defendant disagrees with the fine, he or she would then be given the option of:

A. Entering his or her plea of no contest or comply with Section IV A of this order and

have the matter set for trial, or

B. Request and be granted the opportunity to see a Judge in order to have the Judge set the fine or penalty.

VII. The violations clerk may allow continuances for appearance by a defendant appearing personally before the violations bureau not to exceed two (2) weeks; the TCA or the chief deputy violations clerk may allow a second two (2) week continuance; and

The violations clerk shall, whenever possible, obtain immediate payment of the fine; however the violations clerk may allow the defendant to make payments over time according to the following payment schedule, when the defendant states that immediate payment is not possible.

AMOUNT DUE	MONTHLY PYMT	MONTHS OF PAYMENT
Up to $499	$30	Up to 17
$500-$1000	$50	Up to 20
$1001-$2000	$75	Up to 27
$2001-$3000	$100	Up to 30
$3001-$4000	$125	Up to 32
$4001-$5000	$150	Up to 45

VIII. Upon failure to appear for arraignment, or for a scheduled trial, the violations clerk shall enter a finding of no contest on the citation and impose sentence of the fine equal to two times (or double) the amount of the presumptive fine for the offense **and** sanction the defendant=s drivers license under ORS 809.220.
For example:
Class A Violation – Presumptive Fine $435 + $435 Total: $870
Class B Violation – Presumptive Fine $260 + $260 Total: $520
Class C Violation – Presumptive Fine $160 + $160 Total: $320
Class D Violation – Presumptive Fine $110 + $110 Total: $220

Upon failure to comply with any payment arrangement the violations clerk shall in the regular course notify the department of motor vehicles of the failure to comply, pursuant to ORS 809.210

IX. The defendant=s no contest plea shall be noted on the back of the complaint by date received.

X. The violations clerk is authorized to disclose the Schedule of Fines 2012 by telephone and continue a case up to two (2) weeks, upon request, for anyone making a specific inquiry with respect to the policy of the court relating to the Violations Bureau.

Upon request for reduction in the amount of the fine, the violations clerk may quote CJO #11-095 Fine Schedule for Violations over the telephone to defendants who wish to plead no contest.

The violations clerk may impose the disposition specified in the attached Schedule of Fines 2012 upon defendants who plead no contest by mail with or without a written explanation.

Pursuant to ORS 153.800, the violations clerk may accept a Not Guilty plea in person or in writing from defendant. Upon request defendant may have a trial by affidavit in lieu of a court trial.

XI. The Trial Court Administrator, as violations clerk, may designate any member of court operations staff as deputy violations clerk in order to carry out the purpose of this order. The Trial Court Administrator will designate at least one chief deputy violation clerk.

XII. Nothing in this order shall prevent a person from mailing the signed waiver of trial and no contest plea upon being quoted the fine by the clerk, who shall then enter the plea and apply the receipted funds to the fine.

Nothing in this order shall prevent any person, upon request, from appearing before the court to explain the facts and circumstances of the citation.

XIII. The violations clerk may dismiss the following citations when presented with appropriate proof:

- Driving While Suspended (Violation, ORS 811.175), dismiss with proof of valid license at time citation was issued or a Hardship Permit if valid at time of citation if person was driving within its restrictions.

- Driving Uninsured (ORS 806.012), dismiss with proof of insurance at time citation was issued. Proof must cover vehicle listed on citation.

- Failure to Carry Proof of Financial Responsibility (ORS 806.020), dismiss when proof of valid insurance at time citation was issued.

The violations clerk may accept a plea of no contest from a defendant after advising the defendant that such a plea will result in a finding of no contest and imposition of the fine specified in the attached Schedule of Fines 2012.

The previous General Order #09-01 establishing a Violations Bureau and Fine Schedule is set aside on the effective date of this order.

The Trial Court Administrator shall draft procedures to carry out the purpose of this order.

Dated this 3rd day of January, 2012.

Effective the 1st day of January, 2012.

Richard L. Barron
Presiding Judge