IN THE SIXTH JUDICIAL DISTRICT OF THE STATE OF OREGON
FOR THE COUNTIES OF UMATILLA AND MORROW

In the Matter of Violation Processing, and Reauthorizing the Violations Bureau for Umatilla and Morrow Counties	PRESIDING JUDGE ORDER No. 16-009 *(Replaces PJO 12-005)*

WHEREAS ORS 153.800 provides for the court to establish a violations bureau; and

WHEREAS THE 6th Judicial District Circuit Courts have previously maintained a violations bureau for Umatilla and Morrow Counties; and

WHEREAS THE objective of this revision is to describe violation processing and expand authorization of the Violations Bureau to address traffic and non-traffic statutory violations ('violations'); and

WHEREAS ORS 153.021(1) establishes maximum reductions allowed for Class A-D traffic violations; and

WHEREAS THE Chief Justice of the Oregon Supreme Court issues orders relating to the operations of violations bureaus and a presumptive fine schedule, incorporated herein (Attachment A); and

WHEREAS THE Office of the State Court Administrator has adopted a Schedule of Fines on Violations which is available on the Internet at https://www.ojd.state.or.us/Web/OJDPublications.nsf/Schedules?OpenView&count=1000.

THEREFORE, IT IS HEREBY ORDERED THAT THE RULES FOLLOWING MY SIGNATURE SHALL DIRECT OPERATION OF THE VIOLATIONS BUREAU.

DATED: September 7, 2016

DANIEL J. HILL
Presiding Judge of the Circuit Court

I. OPERATION

The rules prescribed here shall grant authority to, and direct operation of, the Violations Bureau of the Umatilla County Circuit Court and the Morrow County Circuit Court.

1. The Violations Bureau is and remains established in the Umatilla and Morrow County Circuit Courts.
2. The Trial Court Administrator may designate such court staff as appropriate to serve as Deputy Court Clerks for the efficient administration of the Violations Bureau.
3. Clerks of the Violations Bureau (VB) are authorized to resolve violation charges by Uniform Citation (UC) or District Attorney (DA) Information on statutory violations as set forth here, based on statutory fine requirements and judicial orders. Resolution is by accepting a plea of "no contest" and assessing the appropriate fine for the violation. The maximum fine for a violation is described by any specific statute or is defined under ORS 153.018. A lower presumptive fine is established under ORS 153.019 and ORS 153.020. Statutory minimum fines are set forth in ORS 153.021.
4. Certain violations may not be processed in the Violations Bureau, but require appearance before a judge to enter a plea. See Section IV, below, for violations that require first appearance before a judge.
5. A separate Presiding Judge Order directs that all violations involving a juvenile, except wildlife violations, are typically processed through the Violations Bureau. Violations Bureau clerks will coordinate with the TCA to refer citations issued to juveniles for wildlife violations and citations not authorized by statute to be waived to adult court to the juvenile court.
6. Clerks of the Violations Bureau are authorized to grant reductions below presumptive fines for most traffic violations (defined in Section V) when:
    a. The defendant requests consideration of a reduction in the presumptive fine, and
    b. The Oregon licensed defendant has no more than two (2) traffic violations in the past three (3) years prior to the incident date based on the clerk's review of the official DMV driving record, or
    c. The defendant licensed by another state provides a verified copy of their driving record from the issuing state showing that there are no more than two (2) traffic violations in the past three (3) years prior to the incident date.

The allowable reduction varies depending on whether the defendant has no violations in the reviewed time period or has one or two violations in the time period.

Individuals with more than two traffic violations in the three (3) years prior to the incident date are not eligible for a reduction below the presumptive fine.

7. Non-Traffic violations and certain traffic violations may be processed by a clerk of the Violations Bureau, but will not be eligible for reduction below the presumptive fine (see Section VII).

8. Anyone wishing to simply plead "no contest" and pay the fine written on their citation is encouraged to do so online at the Oregon Courts ePay website: http://courts.oregon.gov. Select the OJD Courts ePay button. There is a small processing fee for this service.

9. A judge may always assess a fine higher or lower than the presumptive fine but not above the statutory maximum or below the statutory minimum for a classified violation.

10. The Umatilla and Morrow Circuit Courts do not offer traffic school or other diversion programs as alternatives to entry of a conviction or paying a fine for a violation.

11. Instructions for citizen initiated violation complaints (ORS 153.158) are not included in this Order. They may be found elsewhere on the court's website. Violations presented to the Circuit Court for resolution under this statute may be processed by the Violations Bureau if appropriate.

II. Schedule of Presumptive Fines and Standard Reductions

Classified Traffic Violations	**Presumptive Fine**	**No Prior Convictions in Last 3 Years**	**1-2 Prior Convictions in Last 3 Years**
Standard Traffic Violation			
(1) Class A violation	$435	$220	$330
(2) Class B violation	$260	$130	$195
(3) Class C violation	$160	$80	$120
(4) Class D violation	$110	$60	$85
Traffic Violation in Special Zone (Highway Work Zone, Posted School Zone, Safety			

Corridor)			
(5) Class A violation	$870	$435	$655
(6) Class B violation	$520	$260	$390
(7) Class C violation, speed only	$320	$160	$240
(8) Class D violation, speed only	$220	$110	$165

The Chief Justice has established by Order (Attachment A) a presumptive fine schedule with allowable reductions of some violations based on driving history. This chart reflects the presumptive fines for classified violations and reductions that a Violations Bureau clerk may make based on the defendant's documented driving record. For more information regarding reducible violations, see section V. For more information regarding non-reducible violations, see section VI.

Reductions to presumptive fines may be requested by a defendant. The (out-of-state) defendant must provide the Circuit Court with a verified copy of their three-year driving record from the state issuing their drivers' license or the Violations Bureau clerk will review an Oregon driver's DMV record.

III. The Violation Citation Process

The different types of citations are covered in detail in the sections that follow, but the steps in the process are essentially the same for all types of violations. The majority of citations to circuit court occur in Umatilla County; therefore this document provides direction for Umatilla County process. If a violation occurs in Morrow County, it will most likely be cited to the Morrow County Justice Court which is not subject to this order. If the citation specifically requires appearance in the Morrow County Circuit Court, please refer to the court website at http://courts.oregon.gov/Umatilla/Pages/index.aspx for contact and address information. All the rules contained herein otherwise apply to the Violations Bureaus of both Morrow County Circuit Court and Umatilla County Circuit Court.

Step 1: Entering a Plea

Anyone who receives a citation from a law enforcement officer must contact the court no later than the date to appear written on the citation and enter a plea on the charges in the citation. If a defendant attempts to enter a plea prior to the court receiving the ticket, the Violations Bureau clerk will advise the defendant to contact the court again on or before the appearance date listed on the citation. If the original citation is filed on or after the appearance date listed on the citation, the Violations Bureau will mail a notice

to the Defendant with a new date by which defendant must appear. The defendant may elect to deposit the presumptive fine amount with the court pending entry of the ticket but a plea cannot be accepted before the citation is filed.

If the citation was issued in Umatilla County, the defendant (person who received the ticket) may enter a plea:

1. In person at the Umatilla County Courthouse, Room 209, 216 SE 4th Street, in Pendleton, Oregon;
2. In person at the Stafford Hansell Government Center, Room 201, 915 S.E. Columbia Drive, in Hermiston, Oregon;
3. By telephone at (541) 278-0341 x230; or
4. In writing to Violations Bureau, 216 SE 4th St., Pendleton, OR 97801.

Failing to enter a plea on or before the appearance date will result in a default judgment of conviction, imposition of a fine, and a suspension of driving privileges.

There are three (3) plea options detailed in the respective sections below. These include "not guilty," "no contest," and "no contest with written or verbal explanation."

Step 2: Setting the Trial (if the plea is "not guilty")

1. If the defendant pleads "not guilty" to a violation, they have the right to trial by a judge – called a "bench trial." A defendant charged with a violation may be represented by an attorney at their own cost, but does not have a right to a jury trial or to court-appointed counsel.
2. In most cases, a trial will be set soon after the "not guilty" plea is received. The Violations Bureau will set trial at the trial location nearest the citing officer's primary work location. Once trial is set, the Violations Bureau will mail defendant a notice showing the date, time and courtroom where the trial will be held. Attorneys and officers will receive electronic notice.
3. If the defendant has failed to appear for a trial in the past, the defendant is required to deposit the amount of the presumptive fine written on the citation before a trial date is set. In this situation, the defendant will have fourteen (14) calendar days from the date the clerk mails the notice of the deposit requirement to complete payment of the presumptive fine in full or change their plea to 'no contest.' Failure to do so will result in the Violations Bureau clerk entering a default conviction and imposing at least the presumptive fine and any mandatory suspension of driving privileges.

   NOTE that a discretionary suspension period must be determined by a judge.

4. If a defendant wishes a trial, but does not wish to appear in person, they may request a trial by declaration. See Section VII for details on trials by declaration.

5. Except in the case of a trial by declaration, the defendant must appear in person at a trial, or may choose to hire an attorney to appear with or for them. Failure to appear for the trial will result in a default judgment of conviction, imposition of a fine, and may result in a suspension of driving privileges.

6. A defendant may request one extension (continuance) of the trial date.

   a. The request must be in writing and must be received by the court at least seven (7) calendar days prior to the date of trial.

   b. The written request (motion) must explain the reason for the extension.

   c. A proposed order for continuance should be included with the request, as a separate document.

   d. Defendants may use the Motion and Order to Continue Violation Hearing form available on the court's website, http://courts.oregon.gov/Umatilla/Pages/Traffic.aspx to request a trial date change.

   e. If Defendant is represented by an attorney, a copy of the motion and proposed order must be sent to the District Attorney. The request to the court must include proof (a certificate of service) that it was served on the District Attorney.

   f. The original trial date remains in place unless a judge determines that the request is granted. If a continuance is granted, the defendant must appear on the new date. Only one continuance per party will be allowed. Failure to appear for the trial will result in a default judgment of conviction, imposition of a fine, and may result in a suspension of driving privileges. The defendant will be sent notice by mail if they or the State are granted a continuance. Attorneys and officers will receive electronic notice.

Step 3: The Trial (if the plea is "not guilty")

1. The defendant must appear in person at a trial, or may choose to hire an attorney to appear with or for them. Failure to appear for the trial will result in a default judgment of conviction, imposition of a fine, and may result in a suspension of driving privileges.

2. If the defendant is represented at trial by an attorney, a prosecutor from the District Attorney's Office may also appear and represent the State in the case.

3. Trials are scheduled to last 15 minutes unless the defendant or the officer has requested additional time, in writing, in advance. If the defendant is not present in court when the case is called a default conviction will be entered in the citation; if the citing officer is not present, the citation will be dismissed.

4. Trial consists of the officer who wrote the citation telling the judge his or her explanation of why the citation was issued. The defendant then has the opportunity to tell his or her side of the story. Each person testifies under oath and may present evidence and/or witnesses. The judge will then determine whether or not the officer has met the burden of proof required to convict the defendant of any or all of the charges.

Step 4: The Outcome – Finding of "Not Guilty" or Conviction

1. Pleas of "no contest" will result in entry of a conviction.

2. There are two possible outcomes for each charge in a bench trial or trial by declaration. The judge may find the burden of proof has been met by the officer and issue a judgment of conviction for the count, or may find the burden of proof was not met and issue a judgment of dismissal for the count.

3. If a charge is dismissed, any previously paid amount will be applied toward any outstanding court debt, and then any remaining balance will be refunded by mail.

4. If a conviction is entered on any charge, one or more of the penalties explained below apply.

Step 5: Penalties

1. The defendant will be sentenced to pay a monetary fine. The fine may be any amount up to the maximum for a violation of the classification charged (A, B, C, D or Unclassified) that is provided in law.

2. There may be a mandatory or discretionary (judge's choice) suspension of driving privileges in addition to the monetary fine. Failure to appear, or to pay fines and fees as ordered, may also result in suspension of driving privileges.

3. See Section VII for detailed payment options. If you plan to plead "no contest," please consider paying your ticket online at the Oregon Courts' ePay website: http://courts.oregon.gov/OJD/OnlineServices/ePay/Pages/index.aspx. There is a small processing fee for this service.

4. There may be restitution for any damage caused by the defendant. The prosecutor has ninety (90) days after entry of judgment to file a motion (request) for restitution. The defendant may accept the requested amount or dispute the amount by submitting a request for a hearing on

restitution within fourteen (14) calendar days of receiving notice of the motion for restitution.

IV. Violations Not Eligible for Violations Bureau

Regardless of a defendant's wish to plead "no contest" the Umatilla and Morrow Circuit Courts require the defendant and/or their attorney to appear in person before a judge for arraignment and entry of a plea when charged with the following types of violations:

1. Careless driving under ORS 811.135 involving the serious physical injury or death of a vulnerable user of a public way.
2. A violation where a presumptive fine is not included or not legible on the citation.
3. A misdemeanor treated as a violation under ORS 161.566 or 161.568. This is when the prosecutor indicates the crime charged is a misdemeanor, but is willing to treat it as a violation, with no potential jail sentence, only a fine and possible suspension of driving privileges.

NOTE: If the District Attorney initially charges an offense as a misdemeanor and later amends the charge to a violation, the Violations Bureau may process these matters with no mandatory appearance before a judge.

In the above three (3) instances, the defendant will receive notice by mail from the Circuit Court, advising of the date, time and location that they must appear for arraignment before a judge. Attorneys and citing officers will receive electronic notice.

Step 1: Entering a Plea

At arraignment the defendant must appear and enter a plea.

1. A defendant may request one extension (continuance) of any mandatory appearance arraignment date,
   a. The request must be in writing and must be received by the court at least seven (7) calendar days prior to the date of arraignment.
   b. The written request (motion) must explain the reason for the extension.
   c. A proposed order for continuance should be included with the request, as a separate document.
   d. Defendants may use the Motion and Order to Continue Violation Hearing form available on the court's website, http://courts.oregon.gov/Umatilla/Pages/Traffic.aspx, to request an arraignment date change.

e. If Defendant is represented by an attorney, a copy of the motion and proposed order must be sent to the District Attorney. The request to the court must include proof (a certificate of service) that it was served on the District Attorney.

f. The original arraignment date remains in place unless a judge determines that the request is granted. If a continuance is granted, the defendant must appear on the new date. Only one continuance per party will be allowed. If the defendant does not appear for arraignment, a default judgment of conviction will be entered against them. The defendant will be sent notice of the new arraignment date by mail if they are granted a continuance. Attorneys and officers will receive electronic notice.

2. A written plea of "no contest with explanation" may be submitted to the Violations Bureau for consideration by a judge prior to the hearing.

   Unless disposition is approved by the judge prior to the date and time for arraignment and the hearing is cancelled, appearance is required. If the prosecutor seeks restitution, the defendant may request in writing within fourteen (14) calendar days a hearing to contest the amount.

   NOTE: If the charge is careless driving (ORS 811.135) with injury or death enhancement (ORS 153.061(2)) the defendant and/or defendant's attorney MUST appear in person to enter a plea of "not guilty" or "no contest" before a judge.

3. If the plea is "no contest" the judge will determine the appropriate penalties from those items listed in *Step 5: Penalties* below.

   NOTE: Defendants must be advised that conviction at trial or on a plea of "no contest" may result in a suspension of driving privileges, in addition to imposition of a monetary fine. If the defendant does not agree to this suspension upon a plea of "no contest" the clerk of the Violations Bureau will advise them that their plea is being changed to "not guilty" and their case will be set before a judge for trial.

4. If the plea is "not guilty" the Violations Bureau will set trial and will mail defendant a notice showing the date, time and courtroom where the trial will be held. Attorneys and citing officers will receive electronic notice.

Step 2: Setting the Trial (if the plea is "not guilty")

1. If the defendant pleads "not guilty" to a violation they have the right to trial by a judge – called a "bench trial." A defendant charged with a violation may be represented by an attorney at their own cost, but does not have a right to a jury trial or court-appointed counsel.

2. In most cases, a trial will be set soon after the "not guilty" plea is received. The Violations Bureau will set trial at the trial location nearest the citing officer's primary work location. Once trial is set, the Violations

Bureau will mail defendant a notice showing the date, time and courtroom where the trial will be held. Attorneys and citing officers will receive electronic notice.

3. If the defendant has failed to appear for a trial in the past, the defendant is required to deposit the presumptive fine written on the citation before a trial date is set. In this situation, the defendant will have fourteen (14) calendar days from the date the clerk mails the notice of the deposit requirement to complete payment of the presumptive fine in full or change their plea to "no contest." Failure to do so will result in the Violations Bureau clerk entering a default judgment of conviction and imposing at least the presumptive fine and any mandatory suspension of driving privileges.

   NOTE that a discretionary suspension period must be determined by a judge.

4. Except when the charge is careless driving (ORS 811.135) with injury or death enhancement (ORS 153.061(2)) a defendant may request a trial by declaration. See Section VII for details on the Trial by Declaration process.

5. A defendant may request one extension (continuance) of the trial date.

   a. The request must be in writing and must be received by the court at least seven (7) calendar days prior to the date of trial.

   b. The written request (motion) must explain the reason for the extension.

   c. A proposed order for continuance should be included with the request, as a separate document.

   d. Defendants may use the Motion and Order to Continue Violation Hearing form available on the court's website, http://courts.oregon.gov/Umatilla/Pages/Traffic.aspx, to request a trial date change.

   e. If Defendant is represented by an attorney, a copy of the motion and proposed order must be sent to the District Attorney. The request to the court must include proof (a certificate of service) that it was served on the District Attorney.

   f. The original trial date remains in place unless a judge determines that the request is granted. If a continuance is granted, the defendant must appear on the new date. Only one continuance per party will be allowed. Failure to appear for the trial will result in a default judgment of conviction, imposition of a fine, and a suspension of driving privileges. The defendant will be sent notice by mail if they or the State are granted a continuance. Attorneys and officers will receive electronic notice.

Step 3: The Trial (if the plea is "not guilty")

1. The defendant must appear in person at a trial, or may choose to hire an attorney to appear with or for them. Failure to appear for the trial will result in a default judgment of conviction, imposition of a fine, and may result in a suspension of driving privileges.
2. If the defendant is represented at trial by an attorney, a prosecutor from the District Attorney's Office may also appear and represent the State in the case.
3. Trial consists of the officer who wrote the citation telling the judge his or her explanation of why the citation was issued. The defendant then has the opportunity to tell his or her side of the story. Each person testifies under oath and may present evidence and/or witnesses. The judge will then determine whether or not the officer has met the burden of proof required to convict the defendant of any or all of the charges.

Step 4: The Outcome – Finding of "Not Guilty" or Conviction

1. Pleas of "no contest" will result in entry of a conviction.
2. There are two possible outcomes for each charge of a bench trial or trial by declaration. The judge may find the officer has met the burden of proof and issue a judgment of conviction for the count, or may find the State did not meet the burden of proof and issue a judgment of dismissal for the count.
3. If counts are dismissed, any previously paid amount will be applied toward any outstanding court debt, and then any remaining balance will be refunded.
4. If conviction is entered on the count, one or more of the penalties below apply.

Step 5: Penalties

1. The defendant will be sentenced to pay a monetary fine. The fine may be any amount up to the maximum for a violation of the classification charged (A, B, C, D or Unclassified) that is provided in law.
2. There may be a mandatory or discretionary (judge's choice) suspension of driving privileges in addition to the monetary fine. Failure to appear, or to pay fines and fees as ordered, may also result in suspension of driving privileges.
3. See Section VII for detailed payment options. If you plan to plead "no contest," or if you have already been convicted of a violation, please consider paying your ticket online at the Oregon Courts' ePay website: http://courts.oregon.gov/OJD/OnlineServices/ePay/Pages/index.aspx. There is a small processing fee for this service.

4. There may be restitution for any damage caused by the defendant. The prosecutor has ninety (90) days after entry of judgment to file a motion (request) for restitution. The defendant may accept the requested amount or request in writing within fourteen (14) calendar days a hearing to dispute the amount.

V. Traffic Violations Eligible for Reduction

Traffic violations are defined as any violation of ORS chapters 801 through 826, except schedule I, II, or III overweight citations (ORS 825), and including Use of Marijuana in a Motor Vehicle (Oregon Laws 2016, ch. 24). A defendant who has received a citation for one of these offenses has the right to plead "not guilty" and be tried by a judge, or to plead "no contest" or "no contest with explanation" and pay the presumptive fine written on the citation or, if eligible, a reduced fine based on the grid shown in Section II above.

The defendant must contact the court no later than the date to appear written on the citation. The Violations Bureau does not grant continuances (extensions) of the date to appear and enter a plea, which must be written on the citation, unless the court has not received an official copy of the citation from the citing officer by the date on the ticket.

1. If a defendant attempts to enter a plea prior to the court receiving an official copy of the ticket, the Violations Bureau clerk will advise the defendant to contact the court again on or before the appearance date listed on the citation. The defendant may elect to deposit the presumptive fine amount with the court pending entry of the ticket but a plea cannot be accepted before the citation is filed.
2. If the original citation is filed on or after the appearance date listed on the citation, the Violations Bureau will mail a notice to the defendant with a new date by which defendant must appear.

Step 1: Entering a Plea

If the citation was issued in Umatilla County, the defendant (person who received the ticket) may enter a plea:

1. In person at the Umatilla County Courthouse, Room 209, 216 SE 4th Street, in Pendleton, Oregon;
2. In person at the Stafford Hansell Government Center, Room 201, 915 SE Columbia Drive, Hermiston, Oregon;
3. By telephone at (541) 278-0341 x230; or
4. In writing to Violations Bureau, 216 SE 4th St., Pendleton, OR 97801.
5. A plea of "no contest" may be entered online by submitting payment of the presumptive fine written on the citation through the OJD Courts

ePay website: http://courts.oregon.gov. There is a small processing fee for this service.

Failing to enter a plea on or before the appearance date will result in a default judgment of conviction, imposition of a fine, and may result in a suspension of driving privileges.

Plea Options

"Not Guilty"

If the defendant pleads "not guilty" to a violation they have the right to trial by a judge – called a "bench trial." A defendant charged with a violation may be represented by an attorney at their own cost, but does not have a right to a jury trial or court-appointed counsel.

"No Contest" or "No Contest with Explanation"

Although a plea of "no contest" means the defendant is not admitting guilt, he or she is not contesting/arguing with the charge, this plea will result in conviction.

The difference between a plea of "no contest" and a plea of "no contest with explanation" is that the defendant has the opportunity to write a letter to the Violations Bureau explaining any mitigating circumstances that might impact the Court's decision regarding the penalty to be imposed. A plea of "no contest" or "no contest with explanation" will result in assessment of the presumptive fine or a reduced fine, if eligible, as described in Section II above.

Step 2: Setting the Trial (if the plea is "not guilty")

1. If the defendant pleads "not guilty" to a violation they have the right to trial by a judge – called a "bench trial." A defendant charged with a violation may be represented by an attorney at their own cost, but does not have a right to a jury trial or court-appointed counsel.
2. In most cases, a trial will be set soon after the "not guilty" plea is received. The Violations Bureau will set trial at the trial location nearest the citing officer's primary work location. Once trial is set, the Violations Bureau will mail defendant a notice showing the date, time and courtroom where the trial will be held. Attorneys and officers will receive electronic notification.
3. If the defendant has failed to appear for a trial in the past, the defendant is required to deposit the presumptive fine written on the citation before a trial date is set. In this situation, the defendant will have fourteen (14) calendar days from the date the clerk mails the notice of the deposit requirement to complete payment of the presumptive fine in full or to change their plea to "no contest." Failure to do so will result in the Violations Bureau clerk entering a

default judgment of conviction and imposition of at least the presumptive fine and any mandatory suspension of driving privileges.

NOTE that any discretionary suspension period must be determined by a judge.

4. If a defendant wishes a trial, but does not wish to appear in person, they may request a trial by declaration. See Section VII for details on trials by declaration.

5. A defendant may request one extension (continuance) of the trial date.

   a. The request must be in writing and must be received by the court at least seven (7) calendar days prior to the date of trial.

   b. The written request (motion) must explain the reason for the extension.

   c. A proposed order for continuance should be included with the request, as a separate document.

   d. Defendants may use the Motion and Order to Continue Violation Hearing form available on the court's website, http://courts.oregon.gov/Umatilla/Pages/Traffic.aspx, to request a trial date change.

   e. If the defendant is represented by an attorney, a copy of the motion and proposed order must be sent to the District Attorney. The request to the court must include proof (a certificate of service) that it was served on the District Attorney.

      NOTE: If the defendant is not represented by an attorney, notice to the District attorney is not required.

      The original trial date remains in place unless a judge determines that the request is granted. If a continuance is granted, the defendant must appear on the new date. Only one continuance per party will be allowed. Failure to appear for the trial will result in a default judgment of conviction, imposition of a fine, and a suspension of driving privileges. The defendant will be sent notice by mail if they or the State are granted a continuance. Attorneys and citing officers will receive electronic notice.

Step 3: The Trial (if the plea is "not guilty")

1. The defendant must appear in person at a trial, or may choose to hire an attorney to appear with or for them. Failure to appear for the trial will result in a default judgment of conviction, imposition of a fine and a suspension of driving privileges.

2. If defendant is represented at trial by an attorney, a prosecutor from the District Attorney's Office may also appear and represent the State in the case.

3. Trial consists of the officer who wrote the citation telling the judge his or her explanation of why the citation was issued. The defendant then has the opportunity to tell his or her side of the story. Each person testifies under oath and may present evidence and/or witnesses. The judge will then determine whether or not the officer has met the burden of proof required to convict the defendant of any or all of the charges.

Step 4: The Outcome – Finding of "Not Guilty" or Conviction

1. There are two possible outcomes for each charge of a bench trial or trial by declaration. The judge may find the burden of proof has been met by the officer and issue a judgment of conviction for the count, or may find the burden of proof was not met and issue a judgment of dismissal for the count.

2. The Violations Bureau may enter convictions on "no contest" pleas or dismissals as otherwise allowed by Presiding Judge Order.

3. If the counts are dismissed, any previously paid amount will be applied toward any outstanding court debt, and then any remaining balance will be refunded by mail.

4. If the count is convicted, defendant will be sentenced immediately to one or more of the penalties below apply.

Step 5: Penalties

1. The defendant will be sentenced to pay a monetary fine. The fine may be any amount up to the maximum for a violation of the classification charged (A, B, C, D or Unclassified) that is provided in law.

   At the request of a defendant pleading "no contest" or "no contest with explanation" to a clerk of the Violations Bureau, the fine may be reduced from the presumptive fine written on the citation (see Section II). There are two possible levels of reduction:

   a. For defendants with not more than two (2) convictions for a traffic offense in the past three (3) years prior to the incident date, and

   b. For defendants with no convictions for a traffic offense in the past three (3) years prior to the incident date.

2. There may be a mandatory or discretionary (judge's choice) suspension of driving privileges in addition to the monetary fine. Failure to appear, or to pay fines and fees as ordered, may also result in suspension of driving privileges.

3. There may be restitution for any damage caused by the defendant. The prosecutor has ninety (90) days after entry of judgment to file a motion (request) for restitution. The defendant may accept the requested amount or request a hearing to dispute the amount in writing within fourteen (14) calendar days of the notice of restitution is mailed to them.

4. See Section VII for detailed payment options. If you plan to plead "no contest," or if you have already been convicted of a violation, please consider paying your ticket online at the Oregon Courts' ePay website: http://courts.oregon.gov/OJD/OnlineServices/ePay/Pages/index.aspx. There is a small processing fee for this service.

VI. Traffic and Non-Traffic Violations Not Eligible for Reduction

All rules set forth in Section V above, except potential reduction of the fine amount written on the citation, apply to citations for violations not eligible for reduction.

Non-traffic violations include, for example only:

- Boating safety (ORS 830);
- Commercial fishing violations (ORS 506-509, 511, 513)
- Wildlife if a statutory violation (ORS 496-498, 501);
- Animal violations;
- County ordinance violations;
- Minor in possession of alcohol or marijuana;
- State park violations;
- Federal motor carrier laws and similar categories.

Traffic violations that are not reducible include:

- Speed in excess of 100 miles per hour;
- Snow park violations;
- Schedule I, II, III, and VI overweight violations (ORS 825); and
- Violations specifically excluded from reduction in statute.

1. Pleas of "not guilty" are set before a judge for trial. Pleas of "no contest" or "no contest with explanation" are assessed a fine and – for traffic violations and violations related to commercial vehicles – a suspension of driving privileges may be required. In short, any violation not specifically reflected as a mandatory appearance or reducible violation falls in this category.

2. For any plea of "no contest" or "no contest with explanation" the fine assessed by the Violations Bureau will be the presumptive fine written on the citation. See Section II for presumptive fines and Section VIII for payment options.

3. If a suspension of driving privileges is to be imposed upon a plea of "no contest" or "no contest with explanation," the Violations Bureau clerk will notify the defendant of the likely duration of the suspension. The defendant has the option to change their plea to "not guilty" and receive a trial before a judge.

4. Defendants who plead "no contest" or "no contest with explanation" advised by this Presiding Judge Order that the victim and the District Attorney may file a motion (request) for restitution within ninety (90) days of entering the plea in some types of cases such as dog as a nuisance or damage to property. If this occurs, the defendant has a right to request a hearing to contest the amount of restitution in writing within fourteen (14) calendar days of notice being mailed to them, otherwise the amount of restitution requested by the prosecutor will be added to the judgment against the defendant.

VII. Trial by Declaration

Trial by declaration (sworn statement) consists of the defendant and the officer submitting their sworn statements on a form such as the sample provided on the circuit court website. If the defendant qualifies for a trial by declaration future court appearances may not be necessary.

A fillable sample form is available on the Court's website at http://courts.oregon.gov/Umatilla/docs/TrialByDeclarationPacket-Fillable.pdf.

NOTE: If the defendant does not qualify for a trial by declaration, they must comply with the process in Section IV, V or VI depending on the charges in the citation.

1. If the defendant qualifies for a trial by declaration, they will be given a date by which the declaration must be received at the Court.

   The declaration is a sworn statement that explains the circumstances of the violation(s) with which the defendant was charged. This is the defendant's only chance to present their side of the case to the judge. The law enforcement officer who issued the citation will also have the opportunity to file a declaration in support of the charge(s).

2. Upon receiving the sworn statements of both the defendant and the officer, a judge will make a decision based on the declarations and relevant laws.

3. The Violations Bureau will notify the defendant of the judge's decision by mail. If the verdict is "guilty" the defendant will be notified of the date by

which the fine must be paid in full or arrangements made for a payment plan if eligible, and of any suspension of driving privileges that are imposed. See Section VIII for payment options.

VIII. Payment Options

The Violations Bureau may accept payment of fines and fees for conviction by plea, trial or default of traffic and non-traffic violations in the following ways:

1. Payments.

As provided herein, pleas of "no contest" or pleas of "not guilty" where the defendant has failed to appear on any charge in the past must be accompanied by payment of the presumptive fine written on the traffic citation. Payment must be in United States funds and as detailed below:

a. Payment with a written plea should be by personal check or money order (ORS 153.061(3)(b)). If the defendant has had an insufficient funds transaction in the past, a personal check may not be accepted.

b. Payment in person may be by cash, check or money order, or credit or debit card (ORS 1.005) bearing the Visa or MasterCard logo. If the defendant has had an insufficient funds transaction in the past, a personal check may not be accepted.

c. Payment over the telephone or online may be by credit or debit card bearing the Visa or MasterCard logo.

d. Returned checks for insufficient funds, closed account or any other reason will result in assessment of an "NSF Check" fee of $35.00 (ORS 21.258(1); CJO 12-028).

e. Online Payments. Persons pleading "no contest" or who have already been convicted of a violation are encouraged to use the Oregon Judicial Department's online payment service called "Courts ePay" at http://courts.oregon.gov to register their plea by making their payment. A small processing fee for this service.

2. Payment Plans.

Upon a plea of "no contest" or a judgment of conviction a defendant with no delinquent court debt may:

a. Request establishment of a monthly payment plan in which the fine and fees must be paid in full within a set period of time. Entering into a time payment plan with the circuit court will result in a required payment plan fee (see #3 below); or

b. Request deferral for not more than twenty-five (25) days. There is no additional fee if the fine is paid in full within twenty-five (25) days of entering a "no contest" plea.

NOTE: Failure to remain current with a payment plan will result in imposition of the additional fee described in #4 and may result in a suspension of driving privileges.

3. Payment Plan Fees. If your account is not paid in full within twenty-five (25) days, an additional assessment will be added to your account as follows (ORS 1.202(1)). Remaining balance of:

- ✓ $1 - $149.99 $50 fee
- ✓ $150 - $399.99 $125 fee
- ✓ $400 or more $200 fee

4. Delinquent Payments. If payment arrangements are not made or if your account is delinquent forty-five (45) days beyond the payment due date, the account will be turned over to a collection agency and an additional 28% collection assessment recovery fee will be added to your account (ORS 1.202(2)). The clerk should remind anyone entering on a payment plan that it is their responsibility to ensure their account is current. The court is not responsible for any mail delays, etc.

IX. Appeal from a Default Judgment

A judge may consider granting relief from a default judgment under this Presiding Judge Order as follows:

1. A defendant against whom a default judgment is entered may file a motion for relief from default judgment, within a reasonable time, not to exceed one year after the entry of default (ORS 153.105).

2. The court requires a written motion for relief, accompanied by an affidavit or declaration setting forth facts which demonstrate that the failure to appear or to exercise one of the options described in this Presiding Judge Order, was due to mistake, inadvertence, surprise or excusable neglect. At the time the motion for relief is filed, the defendant must pay to the court the balance of any amount of the fine imposed in the judgment still owing. The payment requirement may be waived or deferred per Judicial Department and court policy, subject to filing an Application & Declaration for Deferral or Waiver of Fees. A motion for relief cannot be filed until the payment is made, deferred or waived. The court may rule on the motion without a hearing or may require the defendant to appear and present oral argument.

3. If relief is granted, and if driving privileges have been suspended, all costs related to reinstatement of privileges with DMV are still required to be paid by the defendant to the DMV if required by that agency.