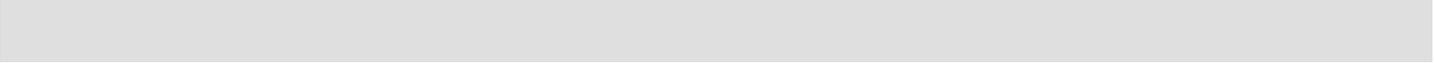




# Law Offices of A. Carl Myers



April 4, 2017

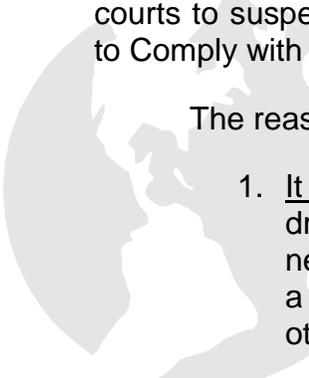
RE: Written Testimony on SB 693

Dear Chair Prozanski, and members of the House Judiciary Committee.

My name is Carl Myers. I am the Presiding Municipal Court Judge for the Cities of Keizer and Jefferson. I represent the Oregon Municipal Judges Association and the Oregon Justice of the Peace Association. Unfortunately, I am unable to appear in person at the initial hearing on SB 693 due to conflicts with my court schedule.

We, the local court judges, who handle a significant portion of this state's traffic violation cases, object to the elimination, found in SB 693 and SB 691, of the ability of courts to suspend the driving privileges of defendants that Fail to Appear (FTA) or Fail to Comply with a court order (FTA.)

The reasons for our objections to elimination this sanction are:

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1. It is the only sanction available. Courts have no other tool to deal with drivers charged with a traffic violation who either intentionally or neglectfully failure to appear on a citation or who refuse to cooperate with a court on collection of a court-imposed fine. Oregon statutes provide no other sanction.
  2. The sanction works. In many cases, defendants who do not appear for arraignment on a traffic citation eventually appear when they learn that their driving privileges may be suspended. Similarly, those who owe fine judgments tend to be more cooperative if they know that their license may be suspended.
  3. The sanction is fair. In all cases of suspension of license from a traffic court, there is ample warning of the impending suspension. The courts send out letters to the defendants indicating a possible suspension if an appearance or payment is not received by a certain time. Courts send out as many as three or four of these letters before suspending a driver's license. Upon receipt from the court of an ordered suspension, DMV sends a 30-day notice to the defendant advising of the pending suspension. At any time, before or after the suspension is imposed, a

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defendant may appear before the court to rectify the problem and the suspension will be withdrawn.

4. The sanction does not impose undue hardship on the poor or disadvantaged. Appearance at arraignment requirement may be met by personal appearance or by mail. Many courts allow appearance by phone or e-mail. Such appearance will lift any FTA suspension in that case. FTC suspensions are lifted when payment plans are entered into with the court.

These sanctions also help collection of fine moneys that fund local courts and the state's General Fund. According to Beaverton Municipal Court, for fiscal year 2015-16 the court was able to send to the state, in accordance with ORS 153.633, an additional **\$221,895** in fines collected after notice or imposition of suspension of license. That money would not be paid to the state without use of this sanction. Beaverton's statistics are representative of all other local courts. Thus, FTA/FTC suspensions collect several million dollars per year in additional General Fund revenue to the state and a similar amount or more to local jurisdictions that would go uncollected if the court's ability to suspend driving privileges for Failure to Appear and Failure to Comply are eliminated.

For these reasons mentioned, the ability of courts to suspend driving privileges must be retained. If you have any questions, please contact me.

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ACM/prm