

Senate Bill 230

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies method by which court clerk credits payments of monetary obligations imposed as result of conviction.

A BILL FOR AN ACT

1
2 Relating to monetary obligations imposed as result of conviction; amending ORS 137.295.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 137.295 is amended to read:

5 137.295. (1) When a defendant convicted of a crime or violation in the circuit, justice or munic-
6 ipal court, or allowed diversion in such a case, makes a payment of money to be credited against
7 monetary obligations imposed as a result of that conviction or diversion, the clerk shall distribute
8 the payment as provided in this section.

9 (2) There are four categories of monetary obligations. The categories are as follows:

10 (a) Category 1 consists of compensatory fines under ORS 137.101.

11 (b) Category 2 consists of restitution as defined in ORS 137.103 and restitution under ORS
12 419C.450 and a monetary obligation imposed under ORS 811.706.

13 (c) Category 3 consists of the unitary assessment imposed under ORS 137.290, costs imposed
14 under ORS 151.505 or 161.665 and those fines, costs, forfeited security amounts and other monetary
15 obligations payable to the state or to the General Fund of the state in criminal and quasi-criminal
16 cases for which moneys the law does not expressly provide other disposition.

17 (d) Category 4 consists of monetary obligations imposed upon the defendant as a result of the
18 conviction, but which do not fall under category 1, category 2 or category 3 of the obligation cate-
19 gories. These include, but are not limited to, fines and other monetary obligations that the law ex-
20 pressly directs be paid to an agency, person or political subdivision of the state, and any other
21 obligation to reimburse for payment of a reward under ORS 131.897. Notwithstanding paragraph (c)
22 of this subsection, the portion of assessments collected as required by ORS 137.290 (2)(c) and (d)
23 shall be considered category 4 obligations.

24 (3) As long as there remains unpaid any obligation under [*category 1*] **both categories 1 and**
25 **2**, the clerk shall credit toward **each such** category [*1 all*] **50 percent** of each payment received.
26 **When the entire amount owing for purposes of either category 1 or 2 has been credited,**
27 **further payments by the defendant shall be credited by the clerk entirely to the unpaid bal-**
28 **ance of whichever of those categories remains unpaid, until both category 1 and category 2**
29 **have been entirely paid.**

30 (4) After the total obligation has been credited under [*category 1*] **categories 1 and 2**, then as

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 long as there remains unpaid any obligation under *[both categories 2 and]* **category 3**, the clerk shall
2 credit toward *[each such category 50 percent]* **category 3 all** of each payment received.

3 (5) The clerk shall monthly transfer the moneys credited under category 1 and under category
4 2 to the victims for whose benefit moneys under that category were ordered paid. If there are mul-
5 tiple victims for whose benefit moneys have been ordered paid under category 2, the clerk shall first
6 transfer moneys credited under category 2 to the victim, as defined in ORS 137.103 (4)(a). When the
7 moneys due the victim, as defined in ORS 137.103 (4)(a), have been fully paid, the clerk shall transfer
8 moneys credited under category 2 to the Criminal Injuries Compensation Account if moneys have
9 been ordered paid to the account under category 2. When the moneys due the account have been
10 fully paid, the clerk shall transfer moneys credited under category 2 to any other victims, as defined
11 in ORS 137.103 (4)(b) or (d), for whose benefit moneys under that category were ordered paid in
12 proportion to the amounts ordered. The clerk of a circuit court shall monthly transfer the moneys
13 credited under category 3 as directed by the State Court Administrator for deposit in the State
14 Treasury to the credit of the Criminal Fine and Assessment Account established under ORS 137.300.
15 The clerk of a justice or municipal court shall monthly transfer the moneys credited under category
16 3 to the Department of Revenue as provided in ORS 305.830.

17 *[(6) When the entire amount owing for purposes of either category 2 or category 3 has been cred-*
18 *ited, further payments by the defendant shall be credited by the clerk entirely to the unpaid balance*
19 *of whichever of those categories remains unpaid, until both category 2 and category 3 have been en-*
20 *tirely paid.]*

21 *[(7) (6) When category 1, category 2 and category 3 have been entirely paid and any obligation*
22 *remains owing under category 4, the clerk shall credit further payments by the defendant to the*
23 *obligations under category 4 and shall monthly transfer the moneys so received to the appropriate*
24 *recipient, giving first priority to counties and cities entitled to revenues generated by prosecutions*
25 *in justice and municipal courts and giving last priority to persons entitled to moneys as reimburse-*
26 *ment for reward under ORS 131.897. The clerk shall monthly transfer the portion of assessments*
27 *collected as required by ORS 137.290 (2)(c) and (d) to the county for administration of substance*
28 *abuse treatment programs described in ORS 430.420.*

29 *[(8) (7) Notwithstanding subsection (5) of this section, the clerk of a circuit court shall monthly*
30 *transfer the moneys attributable to parking violations to the State Treasurer for deposit in the*
31 *General Fund.*

32 *[(9) (8) The clerk of a justice or municipal court must make the transfers required by this sec-*
33 *tion not later than the last day of the month immediately following the month in which a payment*
34 *is made.*

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