



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

April 4, 2013

The Honorable Floyd Prozanski, Chair
Senate Judiciary Committee

RE: Senate Bill 396 with Proposed -4 Amendments

Chair Prozanski and members of the Senate Judiciary Committee, I am Mike Gower, Assistant Director of the Operations Division for the Oregon Department of Corrections (DOC). I am here to provide information as to the department's preliminary concerns with the proposed -4 amendment to SB 396, given the department only became aware of this amendment late yesterday. We have not yet had time to study and consider their full impact.

What this Bill Does

As current law requires, the department collects and pays over funds from inmate trust accounts to creditors when garnishment orders are received. The full amount of funds specified in a garnishment order is collected and paid over to the creditor to the extent of funds in the inmate's trust account, subject to limited exemptions in the law. Under current law, an inmate like any other debtor may assert the debtor's exemption interest in personal property, not to exceed \$400.

The proposed -4 amendments to SB 396 would remove inmate trust accounts from this debtor's limited personal property exemption allowed all debtors in current law.

Initial Concerns with the Proposed -4 Amendments to this Bill

The vast majority of monies in inmate trust accounts come from General Funds appropriated to the Department. Inmate trust accounts also contain monies that are deposited to these accounts by the inmate's family members.

Inmates are permitted by the department to use the funds in their trust accounts to purchase authorized property items, including health and hygiene items, and to make other kinds of authorized payments such as for child or spousal support. The department is authorized by law to assess and collect funds from an inmate's trust account for certain purposes, such as sanctions resulting from disciplinary actions, garnishment actions, or court-ordered fees and costs. Permitting moderate levels of institutional purchases by inmates while incarcerated is supported by sound correctional management principles.

In addition, under current law and practice inmates are encouraged by the department for their use and support upon release – for housing, transportation, treatment, work-related expenses, etc. Permitting

inmates to save funds for their release has long been recognized as important in aiding offenders' successful release back into our communities.

We believe the proposed -4 amendments, if enacted, could have the unintended consequence of making our prisons more difficult to manage and less safe for inmates and staff, and makes inmates less likely to be successful upon their release and reentry into Oregon communities.

I would be happy to answer any questions.

Submitted by:

The Department of Corrections (DOC)

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