
MEMORANDUM

Legislative Fiscal Office
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To: *Capital Construction Subcommittee*

From: *Monica Brown, Legislative Fiscal Office*
(503) 986-1839

Date: July 3, 2013

Subject: *HB 5006 Criminal Fine Account Allocation Recommendations*

HB 5006 allocates resources from the Criminal Fine Account (CFA) to support programs and expenditure limitations authorized in various agency budget bills. The CFA includes criminal fines and other financial penalties imposed on conviction of felonies, misdemeanors, and violations other than parking infractions. The measure has an emergency clause and is effective on passage.

The measure and preliminary budget report are available on the Oregon Legislative Information System (OLIS).

Amendment [if needed]

There is a -3 amendment to the measure that allocates a total of \$67.1 million to eight state agencies.

Motion #1: Move the -3 amendment to HB 5006.

Measure as Modified

The measure, as amended, is recommended to be moved to the full Committee on Joint Ways and Means.

Motion #2: Move HB 5006 to the full committee with a “do pass” recommendation, as amended.

Assignment of Carriers

Full: _____
2nd Chamber: _____

**PROPOSED AMENDMENTS TO
HOUSE BILL 5006**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending ORS 137.300;”.

3 Delete lines 7 through 9 and insert:

4 **“SECTION 2. There are allocated to the Department of Public
5 Safety Standards and Training for the biennium beginning July 1, 2013,
6 from the Criminal Fine Account, the following amounts for the fol-
7 lowing purposes:**

8 (1) Criminal justice training
9 and standards operations..... \$ 24,410,000

10 (2) Public Safety Memorial Fund ... \$ 110,000”.

11 In line 14, delete “\$8,032,089” and insert “\$9,982,089”.

12 In line 21, delete “\$7,270,223” and insert “\$8,520,223”.

13 On page 2, line 8, delete “\$13,124,285” and insert “\$9,374,580”.

14 In line 15, delete “\$506,244” and insert “\$1,300,000”.

15 In line 21, after “facilities” insert “and drug and alcohol programs”.

16 After line 32, insert:

17 **“SECTION 9. ORS 137.300, as amended by section 14, chapter 89, Oregon
18 Laws 2012, and section 2, chapter 40, Oregon Laws 2013 (Enrolled House Bill
19 2837), is amended to read:**

20 “137.300. (1) The Criminal Fine Account is established in the General
21 Fund. Except as otherwise provided by law, all amounts collected in state
22 courts as monetary obligations in criminal actions shall be deposited by the

1 courts in the account. All moneys in the account are continuously appro-
2 priated to the Department of Revenue to be distributed by the Department
3 of Revenue as provided in this section. The Department of Revenue shall
4 keep a record of moneys transferred into and out of the account.

5 “(2) The Legislative Assembly shall first allocate moneys from the Crim-
6 inal Fine Account for the following purposes, in the following order of pri-
7 ority:

8 “(a) Allocations for public safety standards, training and facilities.

9 “(b) Allocations for criminal injuries compensation and assistance to
10 victims of crime and children reasonably suspected of being victims of crime.

11 “(c) Allocations for the forensic services provided by the Oregon State
12 Police, including, but not limited to, services of the State Medical Examiner.

13 “(d) Allocations for the maintenance and operation of the Law Enforce-
14 ment Data System.

15 “(3) After making allocations under subsection (2) of this section, the
16 Legislative Assembly shall allocate moneys from the Criminal Fine Account
17 for the following purposes:

18 “(a) Allocations to the Law Enforcement Medical Liability Account es-
19 tablished under ORS 414.815.

20 “(b) Allocations to the State Court Facilities and Security Account es-
21 tablished under ORS 1.178.

22 “(c) Allocations to the Department of Corrections for the purpose of
23 planning, operating and maintaining county juvenile and adult corrections
24 programs and facilities and drug and alcohol programs.

25 “(d) Allocations to the Oregon Health Authority for the purpose of grants
26 under ORS 430.345 for the establishment, operation and maintenance of al-
27cohol and drug abuse prevention, early intervention and treatment services
28 provided through a county.

29 “(e) Allocations to the Oregon State Police for the purpose of the
30 enforcement of the laws relating to driving under the influence of

1 intoxicants.

2 “(f) Allocations to the Arrest and Return Account established under ORS
3 133.865.

4 “(g) Allocations to the Intoxicated Driver Program Fund established un-
5 der ORS 813.270.

6 “(4) It is the intent of the Legislative Assembly that allocations from the
7 Criminal Fine Account under subsection (3) of this section be consistent with
8 historical funding of the entities, programs and accounts listed in subsection
9 (3) of this section from monetary obligations imposed in criminal pro-
10 ceedings. Amounts that are allocated under subsection (3)(c) [*and (d)*] of this
11 section shall be distributed to counties based on the amounts that were
12 transferred to counties by circuit[, *justice and municipal*] courts during the
13 2009-2011 biennium under the provisions of ORS 137.308, as in effect January
14 1, 2011.

15 “(5) Moneys in the Criminal Fine Account may not be allocated for the
16 payment of debt service obligations.

17 “(6) The Department of Revenue shall deposit in the General Fund all
18 moneys remaining in the Criminal Fine Account after the distributions listed
19 in subsections (2) and (3) of this section have been made.

20 “(7) The Department of Revenue shall establish by rule a process for dis-
21 tributing moneys in the Criminal Fine Account. The department may not
22 distribute more than one-eighth of the total biennial allocation to an entity
23 during a calendar quarter.”

24 In line 33, delete “9” and insert “10”.

25

House Bill 5006

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Oregon Department of Administrative Services)

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.

Directs distribution of moneys from Criminal Fine Account.
Declares emergency, effective July 1, 2013.

A BILL FOR AN ACT

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Relating to the financial administration of the Criminal Fine Account; and declaring an emergency.

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

SECTION 1. Notwithstanding ORS 137.300, for the biennium beginning July 1, 2013, the Department of Revenue shall distribute the moneys in the Criminal Fine Account established by ORS 137.300 as specified in sections 2 to 7 of this 2013 Act.

SECTION 2. There is allocated to the Department of Public Safety Standards and Training for the biennium beginning July 1, 2013, from the Criminal Fine Account the amount of \$22,718,363 for the purpose of criminal justice training and standards operations.

SECTION 3. There are allocated to the Department of Justice for the biennium beginning July 1, 2013, from the Criminal Fine Account the following amounts, for the following purposes:

- (1) **Child Abuse Multidisciplinary Intervention Account..... \$ 8,032,089**
- (2) **Creation and operation of a statewide system of regional assessment centers as provided under ORS 418.746 to 418.796..... \$ 764,721**
- (3) **Criminal Injuries Compensation Account \$ 7,270,223**
- (4) **Services to children eligible for compensation under ORS 147.390 and costs to administer provision of these services \$ 646,707**

SECTION 4. There are allocated to the Department of Human Services for the biennium beginning July 1, 2013, from the Criminal Fine Account the following amounts, for the following purposes:

- (1) **Domestic Violence Fund for the purpose of**

Note: For budget, see 2013-2015 Biennial Budget
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 ORS 409.292 (1)(a) to (c)..... \$ 2,224,675

2 (2) Sexual Assault Victims Fund... \$ 533,332

3 **SECTION 5.** There is allocated to the Oregon Health Authority for the biennium begin-
4 ning July 1, 2013, from the Criminal Fine Account the amount of \$331,824 for the Emergency
5 Medical Services and Trauma Systems Program created under ORS 431.623.

6 **SECTION 6.** There is allocated to the State Court Facilities and Security Account estab-
7 lished under ORS 1.178 for the biennium beginning July 1, 2013, from the Criminal Fine Ac-
8 count the amount of \$13,124,285.

9 **SECTION 7.** (1) There is allocated to the Oregon Health Authority for the biennium be-
10 ginning July 1, 2013, from the Criminal Fine Account the amount of \$42,884 for the purpose
11 of grants under ORS 430.345 for the establishment, operation and maintenance of alcohol and
12 drug abuse prevention, early intervention and treatment services provided through a county.

13 (2) There is allocated to the Law Enforcement Medical Liability Account established un-
14 der ORS 414.815 for the biennium beginning July 1, 2013, from the Criminal Fine Account the
15 amount of \$506,244.

16 (3) There is allocated to the Oregon State Police for the biennium beginning July 1, 2013,
17 from the Criminal Fine Account the amount of \$253,000 for the purpose of the enforcement
18 of the laws relating to driving under the influence of intoxicants.

19 (4) There is allocated to the Department of Corrections for the biennium beginning July
20 1, 2013, from the Criminal Fine Account the amount of \$4,257,421 for the purpose of planning,
21 operating and maintaining county juvenile and adult corrections programs and facilities. The
22 grant to each county shall be based on amounts deposited in the Criminal Fine and Assess-
23 ment Account by the circuit court for the county in the 2009-2011 biennium.

24 (5) There is allocated to the Arrest and Return Account established under ORS 133.865
25 for the biennium beginning July 1, 2013, from the Criminal Fine Account the amount of
26 \$22,500.

27 (6) There is allocated to the Intoxicated Driver Program Fund created under ORS 813.270
28 for the biennium beginning July 1, 2013, from the Criminal Fine Account the amount of
29 \$4,323,000.

30 **SECTION 8.** After distributing the amounts specified in sections 2 to 7 of this 2013 Act,
31 the Department of Revenue shall distribute funds remaining in the Criminal Fine Account
32 to the General Fund.

33 **SECTION 9.** This 2013 Act being necessary for the immediate preservation of the public
34 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
35 July 1, 2013.

36

77th OREGON LEGISLATIVE ASSEMBLY – 2013 Session
BUDGET REPORT AND MEASURE SUMMARY

JOINT COMMITTEE ON WAYS AND MEANS

MEASURE: HB 5006-A

Carrier – House: Rep.

Carrier – Senate: Sen.

Action:

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Monica Brown, Legislative Fiscal Office

Reviewed By: Daron Hill, Legislative Fiscal Office

Meeting Date:

Agency

Various

Biennium

2013-15

Summary of Public Safety Subcommittee Action

House Bill 5006 allocates resources from the Criminal Fine Account (CFA). The CFA includes criminal fines and other financial penalties imposed on conviction for felonies, misdemeanors, and violations other than parking infractions which are collected through the courts – the Oregon Judicial Department (OJD) for the circuit courts and the local Municipal (city) and Justice (county) Courts and remitted to the Department of Revenue.

ORS 137.300 establishes the CFA and identifies program priorities, but does not specify a funding level for the programs. Expenditure limitations for programs receiving CFA allocations are established in the separate appropriation bills for the various receiving agencies. Once the specific program allocations have been made, the balance of revenues in the CFA is deposited into the General Fund.

For the 2013-15 biennium, the revenue forecast inclusive of the changes in HB 2562 for the CFA totals \$112.1 million. The Capital Construction Subcommittee approved allocations to agencies totaling \$67.1 million, leaving a balance of \$45 million to be deposited into the General Fund. The specific allocations accomplished through this bill are outlined in the following table:

Agency/Program (Bill number containing expenditure authority)	Allocation
<i>Department of Public Safety Standards & Training (HB 5042)</i>	
Operations	\$ 24,410,000
Public Safety Memorial Fund	110,000
Subtotal:	<u>\$ 24,520,000</u>
<i>Department of Justice (HB 5018)</i>	
Child Abuse Multidisciplinary Intervention (CAMI)	\$ 9,982,089
Criminal Injuries Compensation Account (CICA)	8,520,223
Regional Assessment Centers	764,721
Child Abuse Medical Assessments	646,707
Subtotal:	<u>\$ 19,913,740</u>
<i>Oregon Judicial Department (HB 5016)</i>	
State Court Facilities & Security Account	\$ 6,414,462
Court Security Program	2,960,118
Subtotal:	<u>\$ 9,374,580</u>
<i>Oregon Health Authority (HB 5030)</i>	
Emergency Medical Services & Trauma Services	\$ 331,824
Alcohol & Drug Abuse Prevention	42,884
Law Enforcement Medical Liability Account (LEMLA)	1,300,000
Intoxicated Driver Program	4,323,000
Subtotal:	<u>\$ 5,997,708</u>
<i>Department of Corrections (HB 5005)</i>	
County correction programs and facilities, and alcohol and drug programs	<u>\$ 4,257,421</u>
<i>Department of Human Services (SB 5529)</i>	
Domestic Violence Fund	\$ 2,224,675
Sexual Assault Victims Fund	533,332
Subtotal:	<u>\$ 2,758,007</u>
<i>Oregon State Police (HB 5038)</i>	
Driving Under the Influence Enforcement	<u>\$ 253,000</u>
<i>Governor's Office (SB 5523)</i>	
Arrest & Return for Extradition	<u>\$ 22,500</u>
Total Allocations:	<u>\$ 67,096,956</u>