

**HB 5006**

**Criminal Fine Account Allocation Bill**

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House Bill 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 for felonies, misdemeanors, and violations other than parking infractions.

For the 2013-15 biennium, the revenue forecast for the CFA totals \$112.1 million. HB 5006 allocates \$67.1 million to the following agencies:

- \$24.5 million for the Department of Public Safety Standards and Training,
- \$19.9 million to the Department of Justice for crime victims programs,
- \$9.4 million to the Oregon Judicial Department for court facilities and security programs,
- \$6 million to the Oregon Health Authority for emergency medical and alcohol and drug related programs,
- \$4.3 million to the Department of Corrections for grants to counties to support jails and drug and alcohol programs,
- \$2.8 million to the Department of Human Services for domestic violence and sexual assault programs,
- \$253,000 to the Oregon State Police for enforcement of driving under the influence laws, and
- \$22,500 to the Governor's Office for arrest and return extradition.
- The balance of \$45 million will be distributed to the General Fund.

The Capital Construction Subcommittee recommends HB 5006 be amended and reported out do pass, as amended.

**77<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2013 Session  
BUDGET REPORT AND MEASURE SUMMARY**

**JOINT COMMITTEE ON WAYS AND MEANS**

**MEASURE: HB 5006-A**

**Carrier – House: Rep. Nathanson**

**Carrier – Senate: Sen. Winters**

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**Action:** Do Pass as Amended and be Printed A-Engrossed

**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:** July 6, 2013

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Agency

Various

Biennium

2013-15

## **Summary of Capital Construction 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:

<b>Agency/Program (Bill number containing expenditure authority)</b>	<b>Allocation</b>
<b><i>Department of Public Safety Standards &amp; Training (HB 5042)</i></b>	
Operations	\$ 24,410,000
Public Safety Memorial Fund	110,000
Subtotal:	<u>\$ 24,520,000</u>
<b><i>Department of Justice (HB 5018)</i></b>	
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>
<b><i>Oregon Judicial Department (HB 5016)</i></b>	
State Court Facilities & Security Account	\$ 6,414,462
Court Security Program	2,960,118
Subtotal:	<u>\$ 9,374,580</u>
<b><i>Oregon Health Authority (HB 5030)</i></b>	
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>
<b><i>Department of Corrections (HB 5005)</i></b>	
County correction programs and facilities, and alcohol and drug programs	<u>\$ 4,257,421</u>
<b><i>Department of Human Services (SB 5529)</i></b>	
Domestic Violence Fund	\$ 2,224,675
Sexual Assault Victims Fund	533,332
Subtotal:	<u>\$ 2,758,007</u>
<b><i>Oregon State Police (HB 5038)</i></b>	
Driving Under the Influence Enforcement	<u>\$ 253,000</u>
<b><i>Governor's Office (SB 5523)</i></b>	
Arrest & Return for Extradition	<u>\$ 22,500</u>
Total Allocations:	<u><b>\$ 67,096,956</b></u>

**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-  
27 cohol 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”.

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