

# D R A F T

## SUMMARY

Reduces amount payable by municipal or justice court for deposit in Criminal Fine Account from \$60 to \$45.

Modifies priority of distribution for partial payments of fines. Provides that amounts owing to city or county have same priority as amounts owing to state.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to offenses; creating new provisions; amending ORS 137.289, 137.292,  
3 137.296, 137.297 and 153.633; repealing ORS 137.294; and declaring an  
4 emergency.

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

6 **SECTION 1.** ORS 153.633, as amended by section 15, chapter 89, Oregon  
7 Laws 2012, is amended to read:

8 153.633. (1) In any criminal action in which a fine is imposed, the lesser  
9 of the following amounts is payable to the state before any other distribution  
10 of the fine is made:

11 (a) [~~\$60~~] **\$45**; or

12 (b) The amount of the fine if the fine is less than [~~\$60~~] **\$45**.

13 (2) A justice or municipal court shall forward the amount prescribed un-  
14 der subsection (1) of this section to the Department of Revenue for deposit  
15 in the Criminal Fine Account.

16 (3) The provisions of this section do not apply to fines imposed in justice  
17 and municipal courts under ORS 811.590, 814.485, 814.486, 814.534, 814.536,  
18 814.600 or 830.990 (1).

1        **SECTION 2.** ORS 137.289 is amended to read:

2        137.289. (1) There are [*five*] **four** levels of priority for application of pay-  
3        ments on judgments of conviction in criminal actions, with Level I obli-  
4        gations having the highest priority and Level [V] **IV** having the lowest  
5        priority. All payments on a judgment of conviction in a criminal action shall  
6        be applied first against the unpaid obligations in the level with highest pri-  
7        ority until those obligations have been paid in full, and shall then be applied  
8        against the obligations in the level with the next highest level of priority,  
9        until all obligations under the judgment have been paid in full.

10       (2) Except as provided in ORS 137.292, if there is more than one person  
11       or public body to whom an obligation is payable under a level, the court  
12       shall divide each payment based on each person's or public body's propor-  
13       tionate share of the total amount of obligations in that level.

14       **SECTION 3.** ORS 137.292 is amended to read:

15       137.292. (1) There are two types of Level II obligations:

16       (a) Type 1 obligations include awards of restitution as defined in ORS  
17       137.103, awards of restitution under ORS 419C.450 and money awards made  
18       under ORS 811.706.

19       (b) Type 2 obligations include all fines and other monetary obligations  
20       payable to the state [*for which the law does not expressly provide other dis-*  
21       *position, including fines payable to the state by justice and municipal courts*  
22       *under ORS 153.633, 153.645 and 153.650*], **a city or a county, after payment**  
23       **of the amount provided for in ORS 153.633.**

24       (2) If a judgment contains both types of Level II obligations, the court  
25       shall apply 50 percent of amounts creditable to Level II obligations to Type  
26       1 obligations and 50 percent of the amounts to Type 2 obligations, until all  
27       obligations in one of the two types have been paid in full. All subsequent  
28       amounts creditable to Level II obligations shall be applied against the other  
29       type of obligations until those obligations have been paid in full.

30       (3) If there is more than one person for whose benefit a Type 1 money  
31       award has been made, the clerk shall pay the moneys credited to Type 1 ob-

1 ligations in the following order of priority:

2 (a) If the judgment contains a money award payable to the person or  
3 persons against whom the defendant committed the offense, the clerk shall  
4 first pay all moneys credited to Type 1 obligations to those persons, and shall  
5 continue to do so until all those obligations are paid in full. If there is more  
6 than one person to whom an obligation is payable under this paragraph, the  
7 court shall divide each payment under this paragraph based on each person's  
8 proportionate share of the total amount of obligations subject to payment  
9 under this paragraph.

10 (b) If the judgment contains a money award payable to the Criminal In-  
11 juries Compensation Account, the clerk shall thereafter transfer moneys  
12 credited to Type 1 obligations to the account until the award is paid in full.

13 (c) If the judgment contains a money award payable to any other victims,  
14 as defined in ORS 137.103, the clerk shall thereafter pay the moneys credited  
15 to Type 1 obligations to those victims until those victims are paid in full.

16 **SECTION 4.** ORS 137.296 is amended to read:

17 137.296. Level [IV] **III** obligations are amounts that the law expressly di-  
18 rects be paid to a specific account or public body as defined in ORS 174.109.

19 **SECTION 5.** ORS 137.297 is amended to read:

20 137.297. Level [V] **IV** obligations are amounts payable for reward re-  
21 imbursement under ORS 131.897.

22 **SECTION 6.** **ORS 137.294 is repealed.**

23 **SECTION 7.** **The amendments to ORS 137.289, 137.292, 137.296, 137.297**  
24 **and 153.633 by sections 1 to 5 of this 2013 Act and the repeal of ORS**  
25 **137.294 by section 6 of this 2013 Act apply to all offenses committed on**  
26 **or after the effective date of this 2013 Act.**

27 **SECTION 8.** **This 2013 Act being necessary for the immediate pres-**  
28 **ervation of the public peace, health and safety, an emergency is de-**  
29 **clared to exist, and this 2013 Act takes effect on its passage.**

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