

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2562

By COMMITTEE ON JUDICIARY

June 7

1 On page 1 of the printed A-engrossed bill, line 3, delete “and 21.345” and insert “, 21.345,
2 137.289, 137.291, 137.292, 137.294, 137.296, 137.297, 137.300, 153.633, 153.645 and 153.650”.

3 On page 2, delete lines 20 through 22 and insert:

4 “(A) Served, delivered, received, filed, entered or retained in any action or proceeding; or

5 “(B) Maintained under ORS 7.095.”.

6 Delete lines 26 through 30 and insert:

7 “(B) Filing documents with a court; and

8 “(C) Providing certified electronic copies of court documents and other Judicial Department re-
9 cords to another person or public body.”.

10 On page 9, after line 22, insert:

“CRIMINAL FINE DISTRIBUTION

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12
13
14 “**SECTION 9.** ORS 153.633, as amended by section 15, chapter 89, Oregon Laws 2012, is
15 amended to read:

16 “153.633. (1) In any criminal action in a **circuit court** in which a fine is imposed, the lesser of
17 the following amounts is payable to the state before any other distribution of the fine is made:

18 “(a) \$60; or

19 “(b) The amount of the fine if the fine is less than \$60.

20 “**(2) In any criminal action in a justice or municipal court in which a fine is imposed, the**
21 **lesser of the following amounts is payable to the state before any other distribution of the**
22 **fine is made:**

23 “**(a) \$44; or**

24 “**(b) The amount of the fine if the fine is less than \$44.**

25 “[~~(2)~~] **(3)** A justice or municipal court shall forward the amount prescribed under subsection
26 [~~(1)~~] **(2)** of this section to the Department of Revenue for deposit in the Criminal Fine Account.

27 “[~~(3)~~] **(4)** The provisions of **subsection (2)** of this section do not apply to fines imposed in justice
28 and municipal courts under ORS 811.590, 814.485, 814.486, 814.534, 814.536, 814.600 or 830.990 (1).

29 “**SECTION 10.** ORS 153.645 is amended to read:

30 “153.645. (1) If a justice court enters a judgment of conviction for a traffic offense and the con-
31 viction resulted from a prosecution arising out of an arrest or complaint made by an officer of the
32 Oregon State Police or by any other enforcement officer employed by state government, as defined
33 in ORS 174.111:

34 “(a) The amount prescribed by ORS 153.633 [~~(1)~~] **(2)** is payable to the state and must be for-
warded to the Department of Revenue for deposit in the Criminal Fine Account;

1 “(b) **Subject to subsection (4) of this section**, one-half of the amount remaining after any
2 payment required by paragraph (a) of this subsection is payable to the county in which the justice
3 court is located; and

4 “(c) **Subject to subsection (4) of this section**, one-half of the amount remaining after any
5 payment required by paragraph (a) of this subsection is payable to the state.

6 “(2) If a justice court enters a judgment of conviction for a traffic offense and the conviction
7 resulted from a prosecution arising out of an arrest or complaint made by a sheriff, deputy sheriff
8 or any other enforcement officer employed by the county:

9 “(a) The amount prescribed by ORS 153.633 [(1)] (2) is payable to the state and must be for-
10 warded to the Department of Revenue for deposit in the Criminal Fine Account; and

11 “(b) **Subject to subsection (4) of this section**, the remaining amount of the fine is payable to
12 the county in which the court is located.

13 “(3) If a justice court enters a judgment of conviction for a traffic offense and the conviction
14 resulted from a prosecution arising out of an arrest or complaint made by an enforcement officer
15 employed by any other local government, as defined in ORS 174.116:

16 “(a) The amount prescribed by ORS 153.633 [(1)] (2) is payable to the state and must be for-
17 warded to the Department of Revenue for deposit in the Criminal Fine Account;

18 “(b) **Subject to subsection (4) of this section**, one-half of the amount remaining after any
19 payment required by paragraph (a) of this subsection is payable to the local government that em-
20 ploys the enforcement officer; and

21 “(c) **Subject to subsection (4) of this section**, one-half of the amount remaining after any
22 payment required by paragraph (a) of this subsection is payable to the county in which the court is
23 located.

24 “(4) **If the full amount of the fine imposed by a justice court is collected, the last \$16 of**
25 **the amount collected shall be paid to the county treasurer for the county in which the court**
26 **is located and may be used only for the purposes specified in section 13 of this 2013 Act. If**
27 **the full amount of the fine imposed is not collected, the \$16 payment required by this sub-**
28 **section shall be reduced by one dollar for every dollar of the fine that is not collected.**

29 “**SECTION 11.** ORS 153.650 is amended to read:

30 “153.650. (1) If a municipal court enters a judgment of conviction for a traffic offense and the
31 conviction resulted from a prosecution arising out of an arrest or complaint made by an officer of
32 the Oregon State Police or by any other enforcement officer employed by state government, as de-
33 fined in ORS 174.111:

34 “(a) The amount prescribed by ORS 153.633 [(1)] (2) is payable to the state and must be for-
35 warded to the Department of Revenue for deposit in the Criminal Fine Account;

36 “(b) **Subject to subsection (4) of this section**, one-half of the amount remaining after any
37 payment required by paragraph (a) of this subsection is payable to the city in which the municipal
38 court is located; and

39 “(c) **Subject to subsection (4) of this section**, one-half of the amount remaining after any
40 payment required by paragraph (a) of this subsection is payable to the state.

41 “(2) If a municipal court enters a judgment of conviction for a traffic offense and the conviction
42 resulted from a prosecution arising out of an arrest or complaint made by a city police officer or
43 any other enforcement officer employed by the city:

44 “(a) The amount prescribed by ORS 153.633 [(1)] (2) is payable to the state and must be for-
45 warded to the Department of Revenue for deposit in the Criminal Fine Account; and

1 “(b) **Subject to subsection (4) of this section**, the remaining amount of the fine is payable to
2 the city in which the court is located.

3 “(3) If a municipal court enters a judgment of conviction for a traffic offense and the conviction
4 resulted from a prosecution arising out of an arrest or complaint made by an enforcement officer
5 employed by any other local government, as defined in ORS 174.116:

6 “(a) The amount prescribed by ORS 153.633 [(1)] (2) is payable to the state and must be for-
7 warded to the Department of Revenue for deposit in the Criminal Fine Account;

8 “(b) **Subject to subsection (4) of this section**, one-half of the amount remaining after any
9 payment required by paragraph (a) of this subsection is payable to the local government that em-
10 ploys the enforcement officer; and

11 “(c) **Subject to subsection (4) of this section**, one-half of the amount remaining after any
12 payment required by paragraph (a) of this subsection is payable to the city in which the court is
13 located.

14 “(4) **If the full amount of the fine imposed by a municipal court is collected, the last \$16**
15 **of the amount collected shall be paid to the county treasurer for the county in which the**
16 **court is located and may be used only for the purposes specified in section 13 of this 2013**
17 **Act. If the full amount of the fine imposed is not collected, the \$16 payment required by this**
18 **subsection shall be reduced by one dollar for every dollar of the fine that is not collected.**

19 “**SECTION 12.** Section 13 of this 2013 Act is added to and made a part of ORS 153.640 to
20 153.680.

21 “**SECTION 13.** (1) **If a justice or municipal court imposes a fine for any offense other than**
22 **a traffic offense and the full amount of the fine imposed is collected, the last \$16 of the**
23 **amount collected shall be paid to the county treasurer for the county in which the court is**
24 **located and may be used only for the purposes specified in this section. If the full amount**
25 **of the fine imposed is not collected, the \$16 payment required by this subsection shall be**
26 **reduced by one dollar for every dollar of the fine that is not collected.**

27 “(2) **Sixty percent of the amounts paid to the county treasurer under this section and**
28 **under ORS 153.645 (4) and 153.650 (4) shall be deposited by the treasurer in the county**
29 **treasury and may be used only for drug and alcohol programs and for the costs of planning,**
30 **operating and maintaining county juvenile and adult corrections programs and facilities.**

31 “(3) **Forty percent of the amounts paid to the county treasurer under this section and**
32 **under ORS 153.645 (4) and 153.650 (4) shall be deposited by the treasurer in the court facilities**
33 **security account established under ORS 1.182 for the county in which the court is located.**

34 “**SECTION 14.** Sections 15 to 20 of this 2013 Act are added to and made a part of ORS
35 137.289 to 137.297.

36 “**SECTION 15.** As used in ORS 137.289 to 137.297:

37 “(1) **‘Criminal judgment’ means a judgment of conviction in a criminal action.**

38 “(2) **‘Local court’ means a justice or municipal court.**

39 “**SECTION 16.** (1) **There are four levels of priority for application of payments on criminal**
40 **judgments entered in local courts, with Level I obligations having the highest priority and**
41 **Level IV obligations having the lowest priority. All payments on a criminal judgment entered**
42 **in a local court shall be applied first against the unpaid obligations in the level with highest**
43 **priority until those obligations have been paid in full, and shall then be applied against the**
44 **obligations in the level with the next highest level of priority, until all obligations under the**
45 **judgment have been paid in full.**

1 “(2) Except as provided in section 18 of this 2013 Act, if there is more than one person
2 or public body to whom an obligation is payable under a level, a local court shall divide each
3 payment based on each person’s or public body’s proportionate share of the total amount of
4 obligations in that level.

5 “SECTION 17. Level I obligations in criminal judgments entered in local courts are
6 compensatory fines imposed pursuant to ORS 137.101.

7 “SECTION 18. (1) There are two types of Level II obligations in criminal judgments en-
8 tered in local courts:

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

11 “(b) Type 2 obligations include all fines and other monetary obligations payable to the
12 state, a city or a county, after payment of the amount provided for in ORS 153.633 (2).

13 “(2) If a criminal judgment entered in a local court contains both types of Level II obli-
14 gations, the court shall apply 50 percent of amounts creditable to Level II obligations to Type
15 1 obligations and 50 percent of the amounts to Type 2 obligations, until all obligations in one
16 of the two types have been paid in full. All subsequent amounts creditable to Level II obli-
17 gations shall be applied against the other type of obligations until those obligations have been
18 paid in full.

19 “(3) If there is more than one person for whose benefit a Type 1 money award has been
20 made, a local court shall pay the moneys credited to Type 1 obligations in the following order
21 of priority:

22 “(a) If the judgment contains a money award payable to the person or persons against
23 whom the defendant committed the offense, the court shall first pay all moneys credited to
24 Type 1 obligations to those persons, and shall continue to do so until all those obligations
25 are paid in full. If there is more than one person to whom an obligation is payable under this
26 paragraph, the court shall divide each payment under this paragraph based on each person’s
27 proportionate share of the total amount of obligations subject to payment under this para-
28 graph.

29 “(b) If the judgment contains a money award payable to the Criminal Injuries Compen-
30 sation Account, the court shall thereafter transfer moneys credited to Type 1 obligations to
31 the account until the award is paid in full.

32 “(c) If the judgment contains a money award payable to any other victims, as defined in
33 ORS 137.103, the court shall thereafter pay the moneys credited to Type 1 obligations to
34 those victims until those victims are paid in full.

35 “SECTION 19. Level III obligations in criminal judgments entered in local courts are
36 amounts that the law expressly directs be paid to a specific account or public body as defined
37 in ORS 174.109.

38 “SECTION 20. Level IV obligations in criminal judgments entered in local courts are
39 amounts payable for reward reimbursement under ORS 131.897.

40 “SECTION 21. ORS 137.289 is amended to read:

41 “137.289. (1) There are five levels of priority for application of payments on [*judgments of con-*
42 *viction in criminal actions*] **criminal judgments entered in circuit courts**, with Level I obligations
43 having the highest priority and Level V **obligations** having the lowest priority. All payments on a
44 [*judgment of conviction in a criminal action*] **criminal judgment entered in a circuit court** shall
45 be applied first against the unpaid obligations in the level with highest priority until those obli-

1 gations have been paid in full, and shall then be applied against the obligations in the level with the
2 next highest level of priority, until all obligations under the judgment have been paid in full.

3 “(2) Except as provided in ORS 137.292, if there is more than one person or public body to whom
4 an obligation is payable under a level, [*the*] a **circuit** court shall divide each payment based on each
5 person’s or public body’s proportionate share of the total amount of obligations in that level.

6 “**SECTION 22.** ORS 137.291 is amended to read:

7 “137.291. [*Compensatory fines under ORS 137.101 are Level I obligations*] **Level I obligations in**
8 **criminal judgments entered in circuit courts are compensatory fines imposed pursuant to**
9 **ORS 137.101.**

10 “**SECTION 23.** ORS 137.292 is amended to read:

11 “137.292. (1) There are two types of Level II obligations **in criminal judgments entered in**
12 **circuit courts:**

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

15 “(b) Type 2 obligations include all fines and other monetary obligations payable to the state for
16 which the law does not expressly provide other disposition, including fines payable to the state [*by*
17 *justice and municipal courts*] under ORS 153.633, 153.645 and 153.650.

18 “(2) If a judgment contains both types of Level II obligations, the **circuit** court shall apply 50
19 percent of amounts creditable to Level II obligations to Type 1 obligations and 50 percent of the
20 amounts to Type 2 obligations, until all obligations in one of the two types have been paid in full.
21 All subsequent amounts creditable to Level II obligations shall be applied against the other type of
22 obligations until those obligations have been paid in full.

23 “(3) If there is more than one person for whose benefit a Type 1 money award has been made,
24 the [*clerk*] **circuit court** shall pay the moneys credited to Type 1 obligations in the following order
25 of priority:

26 “(a) If the judgment contains a money award payable to the person or persons against whom the
27 defendant committed the offense, the [*clerk*] **court** shall first pay all moneys credited to Type 1 ob-
28 ligations to those persons, and shall continue to do so until all those obligations are paid in full. If
29 there is more than one person to whom an obligation is payable under this paragraph, the court
30 shall divide each payment under this paragraph based on each person’s proportionate share of the
31 total amount of obligations subject to payment under this paragraph.

32 “(b) If the judgment contains a money award payable to the Criminal Injuries Compensation
33 Account, the [*clerk*] **court** shall thereafter transfer moneys credited to Type 1 obligations to the
34 account until the award is paid in full.

35 “(c) If the judgment contains a money award payable to any other victims, as defined in ORS
36 137.103, the [*clerk*] **court** shall thereafter pay the moneys credited to Type 1 obligations to those
37 victims until those victims are paid in full.

38 “**SECTION 24.** ORS 137.294 is amended to read:

39 “137.294. Level III obligations **in criminal judgments entered in circuit courts** are fines
40 payable to a county or city.

41 “**SECTION 25.** ORS 137.296 is amended to read:

42 “137.296. Level IV obligations **in criminal judgments entered in circuit courts** are amounts
43 that the law expressly directs be paid to a specific account or public body as defined in ORS 174.109.

44 “**SECTION 26.** ORS 137.297 is amended to read:

45 “137.297. Level V obligations **in criminal judgments entered in circuit courts** are amounts

1 payable for reward reimbursement under ORS 131.897.

2 “**SECTION 27.** ORS 137.300, as amended by section 14, chapter 89, Oregon Laws 2012, and
3 section 2, chapter 40, Oregon Laws 2013, is amended to read:

4 “137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise
5 provided by law, all amounts collected in state courts as monetary obligations in criminal actions
6 shall be deposited by the courts in the account. All moneys in the account are continuously appro-
7 priated to the Department of Revenue to be distributed by the Department of Revenue as provided
8 in this section. The Department of Revenue shall keep a record of moneys transferred into and out
9 of the account.

10 “(2) The Legislative Assembly shall first allocate moneys from the Criminal Fine Account for
11 the following purposes, in the following order of priority:

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

13 “(b) Allocations for criminal injuries compensation and assistance to victims of crime and chil-
14 dren reasonably suspected of being victims of crime.

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

17 “(d) Allocations for the maintenance and operation of the Law Enforcement Data System.

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

20 “(a) Allocations to the Law Enforcement Medical Liability Account established under ORS
21 414.815.

22 “(b) Allocations to the State Court Facilities and Security Account established under ORS 1.178.

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

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

29 “(e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws re-
30 lating to driving under the influence of intoxicants.

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

32 “(g) Allocations to the Intoxicated Driver Program Fund established under ORS 813.270.

33 “(4) It is the intent of the Legislative Assembly that allocations from the Criminal Fine Account
34 under subsection (3) of this section be consistent with historical funding of the entities, programs
35 and accounts listed in subsection (3) of this section from monetary obligations imposed in criminal
36 proceedings. Amounts that are allocated under subsection [(3)(c) and (d)] **(3)(d)** of this section shall
37 be distributed to counties based on the amounts that were transferred to counties by circuit, justice
38 and municipal courts during the 2009-2011 biennium under the provisions of ORS 137.308, as in effect
39 January 1, 2011.

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

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

45 “(7) The Department of Revenue shall establish by rule a process for distributing moneys in the

1 Criminal Fine Account. The department may not distribute more than one-eighth of the total
2 biennial allocation to an entity during a calendar quarter.

3 **“SECTION 28. Sections 13 and 15 to 20 of this 2013 Act and the amendments to ORS**
4 **137.289, 137.291, 137.292, 137.294, 137.296, 137.297, 153.633, 153.645 and 153.650 by sections 9 to**
5 **11 and 21 to 26 of this 2013 Act apply to all offenses committed on or after July 31, 2013.”.**

6 In line 26, delete “9” and insert “29”.

7 In line 32, delete “10” and insert “30”.

8
