

House Bill 2857

Sponsored by COMMITTEE ON JUDICIARY

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**.

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, 137.296, 137.297 and
3 153.633; repealing ORS 137.294; and declaring an emergency.

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

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

7 153.633. (1) In any criminal action in which a fine is imposed, the lesser of the following amounts
8 is payable to the state before any other distribution of the fine is made:

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

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

11 (2) A justice or municipal court shall forward the amount prescribed under subsection (1) of this
12 section to the Department of Revenue for deposit in the Criminal Fine Account.

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

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

16 137.289. (1) There are [~~five~~] **four** levels of priority for application of payments on judgments of
17 conviction in criminal actions, with Level I obligations having the highest priority and Level [V]
18 **IV** having the lowest priority. All payments on a judgment of conviction in a criminal action shall
19 be applied first against the unpaid obligations in the level with highest priority until those obli-
20 gations have been paid in full, and shall then be applied against the obligations in the level with the
21 next highest level of priority, until all obligations under the judgment have been paid in full.

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

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

26 137.292. (1) There are two types of Level II obligations:

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

29 (b) Type 2 obligations include all fines and other monetary obligations payable to the state [*for*
30 *which the law does not expressly provide other disposition, including fines payable to the state by*

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 *justice and municipal courts under ORS 153.633, 153.645 and 153.650], a city or a county, after*
 2 **payment of the amount provided for in ORS 153.633.**

3 (2) If a judgment contains both types of Level II obligations, the court shall apply 50 percent
 4 of amounts creditable to Level II obligations to Type 1 obligations and 50 percent of the amounts
 5 to Type 2 obligations, until all obligations in one of the two types have been paid in full. All sub-
 6 sequent amounts creditable to Level II obligations shall be applied against the other type of obli-
 7 gations until those obligations have been paid in full.

8 (3) If there is more than one person for whose benefit a Type 1 money award has been made,
 9 the clerk shall pay the moneys credited to Type 1 obligations in the following order of priority:

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

16 (b) If the judgment contains a money award payable to the Criminal Injuries Compensation Ac-
 17 count, the clerk shall thereafter transfer moneys credited to Type 1 obligations to the account until
 18 the award is paid in full.

19 (c) If the judgment contains a money award payable to any other victims, as defined in ORS
 20 137.103, the clerk shall thereafter pay the moneys credited to Type 1 obligations to those victims
 21 until those victims are paid in full.

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

23 137.296. Level [IV] **III** obligations are amounts that the law expressly directs be paid to a spe-
 24 cific account or public body as defined in ORS 174.109.

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

26 137.297. Level [V] **IV** obligations are amounts payable for reward reimbursement under ORS
 27 131.897.

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

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

32 **SECTION 8. This 2013 Act being necessary for the immediate preservation of the public**
 33 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
 34 **on its passage.**