

# Enrolled House Bill 5006

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

CHAPTER .....

AN ACT

Relating to the financial administration of the Criminal Fine Account; creating new provisions; amending ORS 137.300; 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 are allocated to the Department of Public Safety Standards and Training for the biennium beginning July 1, 2013, from the Criminal Fine Account, the following amounts for the following purposes:

- (1) Criminal justice training and standards operations..... \$ 24,410,000
- (2) Public Safety Memorial Fund ... \$ 110,000

**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..... \$ 9,982,089
- (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 ..... \$ 8,520,223
- (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  
ORS 409.292 (1)(a) to (c)..... \$ 2,224,675  
(2) Sexual Assault Victims Fund.... \$ 533,332

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

**SECTION 6.** There is allocated to the State Court Facilities and Security Account established under ORS 1.178 for the biennium beginning July 1, 2013, from the Criminal Fine Account the amount of \$9,374,580.

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

(2) There is allocated to the Law Enforcement Medical Liability Account established under ORS 414.815 for the biennium beginning July 1, 2013, from the Criminal Fine Account the amount of \$1,300,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws relating to driving under the influence of intoxicants.

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

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

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

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

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

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

**SECTION 10. If House Bill 2562 becomes law, section 9 of this 2013 Act (amending ORS 137.300) is repealed and ORS 137.300, as amended by section 14, chapter 89, Oregon Laws 2012, section 2, chapter 40, Oregon Laws 2013 (Enrolled House Bill 2837), and section 27, chapter \_\_, Oregon Laws 2013 (Enrolled House Bill 2562), is amended to read:**

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

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

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

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

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

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

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

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

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

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

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

(e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws relating to driving under the influence of intoxicants.

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

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

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

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

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

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

**SECTION 11. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.**

**Passed by House July 6, 2013**

**Received by Governor:**

**Repassed by House July 8, 2013**

.....M.,....., 2013

**Approved:**

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Ramona J. Line, Chief Clerk of House

.....M.,....., 2013

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Tina Kotek, Speaker of House

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John Kitzhaber, Governor

**Passed by Senate July 8, 2013**

**Filed in Office of Secretary of State:**

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Peter Courtney, President of Senate

.....M.,....., 2013

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Kate Brown, Secretary of State