

A-Engrossed House Bill 5006

Ordered by the House July 6
Including House Amendments dated July 6

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

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.

Directs distribution of moneys from Criminal Fine Account.
Modifies statement of legislative intent for certain allocations to counties.
Declares emergency, effective July 1, 2013.

A BILL FOR 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

Note: For budget, see 2013-2015 Biennial Budget
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 ORS 147.390 and costs to
2 administer provision of
3 these services \$ 646,707

4 **SECTION 4.** There are allocated to the Department of Human Services for the biennium
5 beginning July 1, 2013, from the Criminal Fine Account the following amounts, for the fol-
6 lowing purposes:

7 (1) Domestic Violence Fund
8 for the purpose of
9 ORS 409.292 (1)(a) to (c)..... \$ 2,224,675

10 (2) Sexual Assault Victims Fund.... \$ 533,332

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

14 **SECTION 6.** There is allocated to the State Court Facilities and Security Account estab-
15 lished under ORS 1.178 for the biennium beginning July 1, 2013, from the Criminal Fine Ac-
16 count the amount of \$9,374,580.

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

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

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

27 (4) There is allocated to the Department of Corrections for the biennium beginning July
28 1, 2013, from the Criminal Fine Account the amount of \$4,257,421 for the purpose of planning,
29 operating and maintaining county juvenile and adult corrections programs and facilities and
30 drug and alcohol programs. The grant to each county shall be based on amounts deposited
31 in the Criminal Fine and Assessment Account by the circuit court for the county in the
32 2009-2011 biennium.

33 (5) There is allocated to the Arrest and Return Account established under ORS 133.865
34 for the biennium beginning July 1, 2013, from the Criminal Fine Account the amount of
35 \$22,500.

36 (6) There is allocated to the Intoxicated Driver Program Fund created under ORS 813.270
37 for the biennium beginning July 1, 2013, from the Criminal Fine Account the amount of
38 \$4,323,000.

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

42 **SECTION 9.** ORS 137.300, as amended by section 14, chapter 89, Oregon Laws 2012, and section
43 2, chapter 40, Oregon Laws 2013 (Enrolled House Bill 2837), is amended to read:

44 137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise
45 provided by law, all amounts collected in state courts as monetary obligations in criminal actions

1 shall be deposited by the 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 of Revenue as provided
3 in this section. The Department of Revenue shall keep a record of moneys transferred into and out
4 of the account.

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

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

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

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

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

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

15 (a) Allocations to the Law Enforcement Medical Liability Account established under ORS
16 414.815.

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

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

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

24 (e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws relat-
25 ing to driving under the influence of intoxicants.

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

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

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

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

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

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

43 **SECTION 10. This 2013 Act being necessary for the immediate preservation of the public**
44 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
45 **July 1, 2013.**

