

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2562**

1 On page 1 of the printed A-engrossed bill, line 3, delete “and 21.345” and
2 insert “21.345, 137.289, 137.291, 137.292, 137.294, 137.296, 127.297 and 153.633”.

3 On page 9, after line 22, insert:
4

5 **“CRIMINAL FINE DISTRIBUTION”**
6

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

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

12 “(a) \$60; or

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

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

17 **“(a) \$44; or**

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

19 “[2)] (3) A justice or municipal court shall forward the amount prescribed
20 under subsection [(1)] (2) of this section to the Department of Revenue for
21 deposit in the Criminal Fine Account.

22 “[3)] (4) The provisions of **subsection (2) of** this section do not apply

1 to fines imposed in justice and municipal courts under ORS 811.590, 814.485,
2 814.486, 814.534, 814.536, 814.600 or 830.990 (1).

3 **“SECTION 10. Section 11 of this 2013 Act is added to and made a**
4 **part of ORS chapter 137.**

5 **“SECTION 11. (1) Except as provided in subsection (2) of this sec-**
6 **tion, every fine imposed in a justice or municipal court is subject to**
7 **a county assessment of \$16. The county assessment shall be collected**
8 **from the fine imposed. If a justice court is required to pay a portion**
9 **of the fine to the state or any other public body under ORS 153.645, the**
10 **county assessment shall be collected from the portion of the fine that**
11 **would otherwise be payable to the county under ORS 153.645. If a mu-**
12 **nicipal court is required to pay a portion of the fine to the state or**
13 **any other public body under the provisions of ORS 153.650, the county**
14 **assessment shall be collected from the portion of the fine that would**
15 **otherwise be payable to the city under ORS 153.650.**

16 **“(2) A justice or municipal court may waive the portion of the fine**
17 **imposed for the county assessment if the court finds that the defend-**
18 **ant is indigent or that collection of the county assessment would**
19 **constitute an undue hardship for the defendant.**

20 **“(3)(a) Sixty percent of the amounts collected as county assess-**
21 **ments under this section shall be deposited by the court in the treas-**
22 **ury for the county in which the court is located and may be used only**
23 **for drug and alcohol programs and for the costs of planning, operating**
24 **and maintaining county juvenile and adult corrections programs and**
25 **facilities.**

26 **“(b) Forty percent of the amounts collected as county assessments**
27 **under this section shall be deposited by the court in the court facilities**
28 **security account established under ORS 1.182 for the county in which**
29 **the court is located.**

30 **“SECTION 12. Sections 13 to 19 of this 2013 Act are added to and**

1 made a part of ORS 137.289 to 137.297.

2 **“SECTION 13. For the purposes of ORS 137.289 to 137.297:**

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

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

6 **“SECTION 14. (1) There are five levels of priority for application of**
7 **payments on criminal judgments entered in local courts, with Level I**
8 **obligations having the highest priority and Level V having the lowest**
9 **priority. All payments on a criminal judgment entered in a local court**
10 **shall be applied first against the unpaid obligations in the level with**
11 **highest priority until those obligations have been paid in full, and shall**
12 **then be applied against the obligations in the level with the next**
13 **highest level of priority, until all obligations under the judgment have**
14 **been paid in full.**

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

20 **“SECTION 15. Compensatory fines imposed pursuant to ORS 137.101**
21 **in criminal judgments entered in local courts are Level I obligations.**

22 **“SECTION 16. (1) There are two types of Level II obligations in**
23 **criminal judgments entered in local courts:**

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

27 **“(b) Type 2 obligations include all fines and other monetary obli-**
28 **gations payable to the state, a city or a county, after payment of the**
29 **amount provided for in ORS 153.633, other than the amount of the**
30 **county assessment imposed under section 11 of this 2013 Act.**

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

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

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

20 **“(b) If the judgment contains a money award payable to the Crim-**
21 **inal Injuries Compensation Account, the court shall thereafter trans-**
22 **fer moneys credited to Type 1 obligations to the account until the**
23 **award is paid in full.**

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

28 **“SECTION 17. Level III obligations in criminal judgments entered**
29 **in local courts are amounts that the law expressly directs be paid to**
30 **a specific account or public body as defined in ORS 174.109.**

1 **“SECTION 18. Level IV obligations in criminal judgments entered**
2 **in local courts are amounts payable for reward reimbursement under**
3 **ORS 131.897.**

4 **“SECTION 19. Level V obligations in criminal judgments entered in**
5 **local courts are amounts payable as a county assessment under sec-**
6 **tion 11 of this 2013 Act.**

7 **“SECTION 20.** ORS 137.289 is amended to read:

8 “137.289. (1) There are five levels of priority for application of payments
9 on [*judgments of conviction in criminal actions*] **criminal judgments en-**
10 **tered in circuit courts**, with Level I obligations having the highest priority
11 and Level V having the lowest priority. All payments on a [*judgment of*
12 *conviction in a criminal action*] **criminal judgment entered in a circuit**
13 **court** shall be applied first against the unpaid obligations in the level with
14 highest priority until those obligations have been paid in full, and shall then
15 be applied against the obligations in the level with the next highest level
16 of priority, until all obligations under the judgment have been paid in full.

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

21 **“SECTION 21.** ORS 137.291 is amended to read:

22 “137.291. Compensatory fines [*under*] **pursuant to ORS 137.101 in crimi-**
23 **nal judgments entered in circuit courts** are Level I obligations.

24 **“SECTION 22.** ORS 137.292 is amended to read:

25 “137.292. (1) There are two types of Level II obligations **in criminal**
26 **judgments entered in circuit courts:**

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

30 “(b) Type 2 obligations include all fines and other monetary obligations

1 payable to the state for which the law does not expressly provide other dis-
2 position, including fines payable to the state [*by justice and municipal*
3 *courts*] under ORS 153.633, 153.645 and 153.650.

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

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

13 “(a) If the judgment contains a money award payable to the person or
14 persons against whom the defendant committed the offense, the [*clerk*] **court**
15 shall first pay all moneys credited to Type 1 obligations to those persons,
16 and shall continue to do so until all those obligations are paid in full. If
17 there is more than one person to whom an obligation is payable under this
18 paragraph, the court shall divide each payment under this paragraph based
19 on each person’s proportionate share of the total amount of obligations sub-
20 ject to payment under this paragraph.

21 “(b) If the judgment contains a money award payable to the Criminal In-
22 juries Compensation Account, the [*clerk*] **court** shall thereafter transfer
23 moneys credited to Type 1 obligations to the account until the award is paid
24 in full.

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

29 **“SECTION 23.** ORS 137.294 is amended to read:

30 “137.294. Level III obligations **in criminal judgments entered in circuit**

1 **courts** are fines payable to a county or city.

2 **“SECTION 24.** ORS 137.296 is amended to read:

3 “137.296. Level IV obligations **in criminal judgments entered in circuit**
4 **courts** are amounts that the law expressly directs be paid to a specific ac-
5 count or public body as defined in ORS 174.109.

6 **“SECTION 25.** ORS 137.297 is amended to read:

7 “137.297. Level V obligations **in criminal judgments entered in circuit**
8 **courts** are amounts payable for reward reimbursement under ORS 131.897.

9 **“SECTION 26. Sections 11 and 13 to 19 of this 2013 Act and the**
10 **amendments to ORS 137.289, 137.291, 137.292, 137.294, 137.296, 137.297 and**
11 **153.633 by sections 9 and 20 to 25 of this 2013 Act apply to all offenses**
12 **committed on or after July 31, 2013.”.**

13 In line 26, delete “9” and insert “27”

14 In line 32, delete “10” and insert “28”.

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