

**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, 137.297, 153.633,
3 153.645 and 153.650”.

4 On page 9, after line 22, insert:

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6

“CRIMINAL FINE DISTRIBUTION

7

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

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

13 “(a) \$60; or

14 “(b) The amount of the fine [*if the fine is less than \$60*].

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

18 **“(a) \$44; or**

19 **“(b) The amount of the fine.**

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

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

4 **“SECTION 10. Sections 11 to 16 of this 2013 Act are added to and
5 made a part of ORS 137.289 to 137.297.**

6 **“SECTION 11. For the purposes of ORS 137.289 to 137.297:**

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

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

10 **“SECTION 12. (1) There are four levels of priority for application
11 of payments on criminal judgments entered in local courts, with Level
12 I obligations having the highest priority and Level IV having the low-
13 est priority. All payments on a criminal judgment entered in a local
14 court shall be applied first against the unpaid obligations in the level
15 with highest priority until those obligations have been paid in full, and
16 shall then be applied against the obligations in the level with the next
17 highest level of priority, until all obligations under the judgment have
18 been paid in full.**

19 **“(2) Except as provided in section 14 of this 2013 Act, if there is
20 more than one person or public body to whom an obligation is payable
21 under a level, a local court shall divide each payment based on each
22 person’s or public body’s proportionate share of the total amount of
23 obligations in that level.**

24 **“SECTION 13. Compensatory fines imposed pursuant to ORS 137.101
25 in criminal judgments entered in local courts are Level I obligations.**

26 **“SECTION 14. (1) There are two types of Level II obligations in
27 criminal judgments entered in local courts:**

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

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

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

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

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

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

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

1 **“SECTION 15. Level III obligations in criminal judgments entered**
2 **in local courts are amounts that the law expressly directs be paid to**
3 **a specific account or public body as defined in ORS 174.109.**

4 **“SECTION 16. Level IV obligations in criminal judgments entered**
5 **in local courts are amounts payable for reward reimbursement under**
6 **ORS 131.897.**

7 **“SECTION 17. 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 18. ORS 137.291 is amended to read:**

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

24 **“SECTION 19. 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 **criminal judgment entered in a circuit court** contains both
5 types of Level II obligations, the court shall apply 50 percent of amounts
6 creditable to Level II obligations to Type 1 obligations and 50 percent of the
7 amounts to Type 2 obligations, until all obligations in one of the two types
8 have been paid in full. All subsequent amounts creditable to Level II obli-
9 gations shall be applied against the other type of obligations until those
10 obligations have been paid in full.

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

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

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

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

30 “**SECTION 20.** ORS 137.294 is amended to read:

1 “137.294. Level III obligations **in criminal judgments entered in circuit**
2 **courts** are fines payable to a county or city.

3 **“SECTION 21.** ORS 137.296 is amended to read:

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

7 **“SECTION 22.** ORS 137.297 is amended to read:

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

10 **“SECTION 23.** ORS 153.645 is amended to read:

11 “153.645. (1) If a justice court enters a judgment of conviction for a traffic
12 offense and the conviction resulted from a prosecution arising out of an ar-
13 rest or complaint made by an officer of the Oregon State Police or by any
14 other enforcement officer employed by state government, as defined in ORS
15 174.111:

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

19 “(b) One-half of the amount remaining after any payment required by
20 paragraph (a) of this subsection is payable to the county in which the justice
21 court is located; and

22 “(c) One-half of the amount remaining after any payment required by
23 paragraph (a) of this subsection is payable to the state.

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

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

1 “(b) The remaining amount of the fine is payable to the county in which
2 the court is located.

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

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

10 “(b) One-half of the amount remaining after any payment required by
11 paragraph (a) of this subsection is payable to the local government that
12 employs the enforcement officer; and

13 “(c) One-half of the amount remaining after any payment required by
14 paragraph (a) of this subsection is payable to the county in which the court
15 is located.

16 “**SECTION 24.** ORS 153.650 is amended to read:

17 “153.650. (1) If a municipal court enters a judgment of conviction for a
18 traffic offense and the conviction resulted from a prosecution arising out of
19 an arrest or complaint made by an officer of the Oregon State Police or by
20 any other enforcement officer employed by state government, as defined in
21 ORS 174.111:

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

25 “(b) One-half of the amount remaining after any payment required by
26 paragraph (a) of this subsection is payable to the city in which the municipal
27 court is located; and

28 “(c) One-half of the amount remaining after any payment required by
29 paragraph (a) of this subsection is payable to the state.

30 “(2) If a municipal court enters a judgment of conviction for a traffic of-

1 fense and the conviction resulted from a prosecution arising out of an arrest
2 or complaint made by a city police officer or any other enforcement officer
3 employed by the city:

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

7 “(b) The remaining amount of the fine is payable to the city in which the
8 court is located.

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

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

16 “(b) One-half of the amount remaining after any payment required by
17 paragraph (a) of this subsection is payable to the local government that
18 employs the enforcement officer; and

19 “(c) One-half of the amount remaining after any payment required by
20 paragraph (a) of this subsection is payable to the city in which the court is
21 located.

22 **“SECTION 25. Sections 11 to 16 of this 2013 Act and the amendments**
23 **to ORS 137.289, 137.291, 137.292, 137.294, 137.296, 137.297, 153.633, 153.645**
24 **and 153.650 by sections 9 and 17 to 24 of this 2013 Act apply to all of-**
25 **fenses committed on or after July 31, 2013.”.**

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

27 In line 32, delete “10” and insert “27”.

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