

**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, 137.300,
3 153.633, 153.645 and 153.650”.

4 On page 2, delete lines 20 through 22 and insert:

5 “(A) Served, delivered, received, filed, entered or retained in any action
6 or proceeding; or

7 “(B) Maintained under ORS 7.095.”.

8 Delete lines 26 through 30 and insert:

9 “(B) Filing documents with a court; and

10 “(C) Providing certified electronic copies of court documents and other
11 Judicial Department records to another person or public body.”.

12 On page 9, after line 22, insert:

13

14 **“CRIMINAL FINE DISTRIBUTION**

15

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

18 “153.633. (1) In any criminal action in a **circuit court** in which a fine is
19 imposed, the lesser of the following amounts is payable to the state before
20 any other distribution of the fine is made:

21 “(a) \$60; or

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

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

4 **“(a) \$44; or**

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

6 **“[(2)] (3)** A justice or municipal court shall forward the amount prescribed
7 under subsection **[(1)] (2)** of this section to the Department of Revenue for
8 deposit in the Criminal Fine Account.

9 **“[(3)] (4)** The provisions of **subsection (2) of this section** do not apply
10 to fines imposed in justice and municipal courts under ORS 811.590, 814.485,
11 814.486, 814.534, 814.536, 814.600 or 830.990 (1).

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

13 **“153.645. (1)** If a justice court enters a judgment of conviction for a traffic
14 offense and the conviction resulted from a prosecution arising out of an ar-
15 rest or complaint made by an officer of the Oregon State Police or by any
16 other enforcement officer employed by state government, as defined in ORS
17 174.111:

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

21 **“(b) Subject to subsection (4) of this section,** one-half of the amount
22 remaining after any payment required by paragraph (a) of this subsection is
23 payable to the county in which the justice court is located; and

24 **“(c) Subject to subsection (4) of this section,** one-half of the amount
25 remaining after any payment required by paragraph (a) of this subsection is
26 payable to the state.

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

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

4 “(b) **Subject to subsection (4) of this section,** the remaining amount
5 of the fine is payable to the county in which the court is located.

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

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

13 “(b) **Subject to subsection (4) of this section,** one-half of the amount
14 remaining after any payment required by paragraph (a) of this subsection is
15 payable to the local government that employs the enforcement officer; and

16 “(c) **Subject to subsection (4) of this section,** one-half of the amount
17 remaining after any payment required by paragraph (a) of this subsection is
18 payable to the county in which the court is located.

19 “(4) **If the full amount of the fine imposed by a justice court is**
20 **collected, the last \$16 of the amount collected shall be paid to the**
21 **county treasurer for the county in which the court is located and may**
22 **be used only for the purposes specified in section 13 of this 2013 Act.**
23 **If the full amount of the fine imposed is not collected, the \$16 payment**
24 **required by this subsection shall be reduced by one dollar for every**
25 **dollar of the fine that is not collected.**

26 “**SECTION 11.** ORS 153.650 is amended to read:

27 “153.650. (1) If a municipal court enters a judgment of conviction for a
28 traffic offense and the conviction resulted from a prosecution arising out of
29 an arrest or complaint made by an officer of the Oregon State Police or by
30 any other enforcement officer employed by state government, as defined in

1 ORS 174.111:

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

5 “(b) **Subject to subsection (4) of this section**, one-half of the amount
6 remaining after any payment required by paragraph (a) of this subsection is
7 payable to the city in which the municipal court is located; and

8 “(c) **Subject to subsection (4) of this section**, one-half of the amount
9 remaining after any payment required by paragraph (a) of this subsection is
10 payable to the state.

11 “(2) If a municipal court enters a judgment of conviction for a traffic of-
12 fense and the conviction resulted from a prosecution arising out of an arrest
13 or complaint made by a city police officer or any other enforcement officer
14 employed by the city:

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

18 “(b) **Subject to subsection (4) of this section**, the remaining amount
19 of the fine is payable to the city in which the court is located.

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

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

27 “(b) **Subject to subsection (4) of this section**, one-half of the amount
28 remaining after any payment required by paragraph (a) of this subsection is
29 payable to the local government that employs the enforcement officer; and

30 “(c) **Subject to subsection (4) of this section**, one-half of the amount

1 remaining after any payment required by paragraph (a) of this subsection is
2 payable to the city in which the court is located.

3 **“(4) If the full amount of the fine imposed by a municipal court is**
4 **collected, the last \$16 of the amount collected shall be paid to the**
5 **county treasurer for the county in which the court is located and may**
6 **be used only for the purposes specified in section 13 of this 2013 Act.**
7 **If the full amount of the fine imposed is not collected, the \$16 payment**
8 **required by this subsection shall be reduced by one dollar for every**
9 **dollar of the fine that is not collected.**

10 **“SECTION 12. Section 13 of this 2013 Act is added to and made a**
11 **part of ORS 153.640 to 153.680.**

12 **“SECTION 13. (1) If a justice or municipal court imposes a fine for**
13 **any offense other than a traffic offense and the full amount of the fine**
14 **imposed is collected, the last \$16 of the amount collected shall be paid**
15 **to the county treasurer for the county in which the court is located**
16 **and may be used only for the purposes specified in this section. If the**
17 **full amount of the fine imposed is not collected, the \$16 payment re-**
18 **quired by this subsection shall be reduced by one dollar for every dol-**
19 **lar of the fine that is not collected.**

20 **“(2) Sixty percent of the amounts paid to the county treasurer un-**
21 **der this section and under ORS 153.645 (4) and 153.650 (4) shall be de-**
22 **posited by the treasurer in the county treasury 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 **“(3) Forty percent of the amounts paid to the county treasurer un-**
27 **der this section and under ORS 153.645 (4) and 153.650 (4) shall be de-**
28 **posited by the treasurer in the court facilities security account**
29 **established under ORS 1.182 for the county in which the court is lo-**
30 **cated.**

1 **“SECTION 14. Sections 15 to 20 of this 2013 Act are added to and**
2 **made a part of ORS 137.289 to 137.297.**

3 **“SECTION 15. As used in ORS 137.289 to 137.297:**

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

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

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

16 **“(2) Except as provided in section 18 of this 2013 Act, if there is**
17 **more than one person or public body to whom an obligation is payable**
18 **under a level, a local court shall divide each payment based on each**
19 **person’s or public body’s proportionate share of the total amount of**
20 **obligations in that level.**

21 **“SECTION 17. Level I obligations in criminal judgments entered in**
22 **local courts are compensatory fines imposed pursuant to ORS 137.101.**

23 **“SECTION 18. (1) There are two types of Level II obligations in**
24 **criminal judgments entered in local courts:**

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

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

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 19. 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 20. Level IV obligations in criminal judgments entered**
2 **in local courts are amounts payable for reward reimbursement under**
3 **ORS 131.897.**

4 **“SECTION 21.** ORS 137.289 is amended to read:

5 “137.289. (1) There are five levels of priority for application of payments
6 on *[judgments of conviction in criminal actions]* **criminal judgments en-**
7 **tered in circuit courts**, with Level I obligations having the highest priority
8 and Level V **obligations** having the lowest priority. All payments on a
9 *[judgment of conviction in a criminal action]* **criminal judgment entered in**
10 **a circuit court** shall be applied first against the unpaid obligations in the
11 level with highest priority until those obligations have been paid in full, and
12 shall then be applied against the obligations in the level with the next
13 highest level of priority, until all obligations under the judgment have been
14 paid in full.

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

19 **“SECTION 22.** ORS 137.291 is amended to read:

20 “137.291. *[Compensatory fines under ORS 137.101 are Level I obligations]*
21 **Level I obligations in criminal judgments entered in circuit courts are**
22 **compensatory fines imposed pursuant to ORS 137.101.**

23 **“SECTION 23.** ORS 137.292 is amended to read:

24 “137.292. (1) There are two types of Level II obligations **in criminal**
25 **judgments entered in circuit courts:**

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

29 “(b) Type 2 obligations include all fines and other monetary obligations
30 payable to the state for which the law does not expressly provide other dis-

1 position, including fines payable to the state [*by justice and municipal*
2 *courts*] under ORS 153.633, 153.645 and 153.650.

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

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

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

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

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

28 “**SECTION 24.** ORS 137.294 is amended to read:

29 “137.294. Level III obligations **in criminal judgments entered in circuit**
30 **courts** are fines payable to a county or city.

1 **“SECTION 25.** ORS 137.296 is amended to read:

2 “137.296. Level IV obligations **in criminal judgments entered in circuit**
3 **courts** are amounts that the law expressly directs be paid to a specific ac-
4 count or public body as defined in ORS 174.109.

5 **“SECTION 26.** ORS 137.297 is amended to read:

6 “137.297. Level V obligations **in criminal judgments entered in circuit**
7 **courts** are amounts payable for reward reimbursement under ORS 131.897.

8 **“SECTION 27.** ORS 137.300, as amended by section 14, chapter 89, Oregon
9 Laws 2012, and section 2, chapter 40, Oregon Laws 2013, is amended to read:

10 “137.300. (1) The Criminal Fine Account is established in the General
11 Fund. Except as otherwise provided by law, all amounts collected in state
12 courts as monetary obligations in criminal actions shall be deposited by the
13 courts in the account. All moneys in the account are continuously appro-
14 priated to the Department of Revenue to be distributed by the Department
15 of Revenue as provided in this section. The Department of Revenue shall
16 keep a record of moneys transferred into and out of the account.

17 “(2) The Legislative Assembly shall first allocate moneys from the Crim-
18 inal Fine Account for the following purposes, in the following order of pri-
19 ority:

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

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

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

25 “(d) Allocations for the maintenance and operation of the Law Enforce-
26 ment Data System.

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

30 “(a) Allocations to the Law Enforcement Medical Liability Account es-

1 tablished under ORS 414.815.

2 “(b) Allocations to the State Court Facilities and Security Account es-
3 tablished under ORS 1.178.

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

7 “(d) Allocations to the Oregon Health Authority for the purpose of grants
8 under ORS 430.345 for the establishment, operation and maintenance of al-
9 cohool and drug abuse prevention, early intervention and treatment services
10 provided through a county.

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

14 “(f) Allocations to the Arrest and Return Account established under ORS
15 133.865.

16 “(g) Allocations to the Intoxicated Driver Program Fund established un-
17 der ORS 813.270.

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

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

29 “(6) The Department of Revenue shall deposit in the General Fund all
30 moneys remaining in the Criminal Fine Account after the distributions listed

1 in subsections (2) and (3) of this section have been made.

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

6 **“SECTION 28. Sections 13 and 15 to 20 of this 2013 Act and the**
7 **amendments to ORS 137.289, 137.291, 137.292, 137.294, 137.296, 137.297,**
8 **153.633, 153.645 and 153.650 by sections 9 to 11 and 21 to 26 of this 2013**
9 **Act apply to all offenses committed on or after July 31, 2013.”.**

10 In line 26, delete “9” and insert “29”

11 In line 32, delete “10” and insert “30”.

12
