

# Legislative Fiscal Office

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## Budget Information Report

### Criminal Fine Account

During the 2011 and 2012 legislative sessions, HB 2712 and HB 4167, respectively, modified the statutory revenue and distribution structure of criminal fines, assessments, and other financial penalties imposed on conviction for felonies, misdemeanors, and violations other than parking infractions. This publication describes how the Criminal Fine Account (CFA), formerly known as the Criminal Fine and Assessment Account (CFAA), is funded and what programs receive CFA revenues.

#### Source of CFA Revenues

The CFA revenues are collected through the courts – the Oregon Judicial Department (OJD) for the circuit courts and the local Municipal (city) and Justice (county) Courts and remitted to the Department of Revenue. Beginning January 1, 2012, in lieu of base fines and Unitary and county assessments, presumptive fines are established and judicial discretion is permitted up to approximately 50%, or 75% in the cases of school, construction, and safety corridor zone fines. Generally, revenues are collected as part of a single integrated judgment which includes most monetary obligations imposed on a convicted person. In some cases, revenues are collected outside of this single judgment. HB 2712 (2011) established five priority levels for payment which are substantially similar with the previously authorized four categories:

- Level I – Compensatory fines (ORS 137.101) are payments to victims injured as a result of the crime.
- Level II –
  - Type 1 – Restitution payments to victims (ORS 137.103 and 419C.450) are for pecuniary or specific damages, including stolen or damaged property and medical costs resulting from the crime, and money awards (ORS 811.706) from failure to perform duties of a driver when persons are injured or property is damaged.
  - Type 2 – All fines and monetary obligations due to the state.
- Level III – All fines payable to a county or city.
- Level IV – All fines payable to specific agencies or funds, and certain rewards.
- Level V – Reward reimbursements (ORS 131.897).

As payments are received, the courts shall apply moneys to the unpaid obligation with the highest priority as outlined above. Level II payments are evenly split between Type 1 and Type 2 until either obligation is satisfied.

The CFA funding is primarily related to motor vehicle and other violations, but parking-related violation fines and fines imposed by justice and municipal courts relating to bicycles, scooters, and non-motorized vehicles are not generally included. Specific fines are outlined in various statutes, but fines for violations are as follows:

Violation	Presumptive Fine		Minimum Fine	Maximum Fine
	General	Work, School, or Safety Corridors		
Class A	\$435	\$870	\$220	\$2,000
Class B	\$260	\$520	\$130	\$1,000
Class C	\$160	\$320	\$80	\$500
Class D	\$110	\$220	\$60	\$250

The amount of fines directed to the CFA depends on where the ticket or infraction is “written” and who “writes” the ticket. HB 2712 established a \$60 priority payment on fine collections, however, to provide additional revenue to the CFA to fund programs that prior to HB 2712 had been funded by dedicated assessments outside of the CFA. If the ticket is “written” by a state trooper into the circuit court, 100% of the fine revenue is deposited into the CFA; but if it is “written” into a local court, the first \$60 of the fine collected is deposited into the CFA, and of any additional amounts collected, 50% is deposited into the CFA and the remaining 50% is retained by the county or city. For tickets issued by a local officer (e.g., sheriff’s deputy or city police officer) into a circuit court, the first \$60 of the fine collected is deposited into the CFA, and of any additional amounts collected, 50% is distributed to the CFA and the remaining 50% is distributed to the local jurisdiction. For tickets issued by a local officer into a local court, the first \$60 of the fine collected is deposited into the CFA, and any additional amounts collected are retained by the local jurisdiction. Fines revenues distributed to or retained by local jurisdictions are not restricted to particular purposes.

**Distribution of CFA Funds**

ORS 137.300 establishes the CFA (and the former CFAA) and identifies program priorities, but does not specify a funding level for the programs. Since unallocated CFA(A) revenues are deposited into the General Fund, in practice, the budget process has treated CFA(A) priority programs much the same as General Fund programs when outlining reduction options to balance the statewide budget. Prior to 2005, programs received an established percentage of the available CFAA revenue; but current allocations are specific dollar amounts rather than percentages. The 2005 Legislative Assembly narrowed the list of eligible programs that the CFAA could fund to:

- 1) Public safety standards, training and facilities.
- 2) Criminal injuries compensation and assistance to victims and children reasonably suspected of being victims of crime.
- 3) Forensic services of the Department of State Police (OSP), including, but not limited to, services of the State Medical Examiner.
- 4) Maintenance and operation of OSP’s Law Enforcement Data System (LEDS).

However, because of a historical concern that the growth in revenues from criminal fines would be insufficient to cover all of these programs, the practice has not been to allocate resources to all of these prioritized uses but to allocate only to those programs included in the first two categories. General Fund resources support programs in the other two categories. HB 2712 (2011) retained these priorities for CFA, and provided that once the above allocations had been made, allocations shall be made for:

- 5) Law Enforcement Medical Liability Account (ORS 414.815).
- 6) State Court Facilities and Security Account (ORS 1.178).
- 7) Community corrections grants within the Department of Corrections (ORS 423.520) to support county correction programs and facilities formerly provided from County Assessment revenues.
- 8) Establishment, operation, and maintenance of alcohol and drug abuse prevention, early intervention and treatment services provided through a county via the Oregon Health Authority (ORS 430.345).
- 9) OSP’s enforcement of the laws relating to driving under the influence of intoxicants.
- 10) Arrest and Return Account (ORS 133.865).
- 11) Intoxicated Driver Program Fund (ORS 813.270).

Prior to January 1, 2012, these additional programs had received direct revenue distributions outside of the CFAA. The Legislative Assembly declared the intent to fund these programs consistent with historical funding levels, and included specific CFA allocations for the 2011-13 biennium in HB 2712. The allocation amounts approved for the Law Enforcement Medical Liability Account and for county corrections programs, however, did not meet this intent as they provided funding levels only equal to what had historically been provided from circuit court assessment collections. An additional \$600,000 allocation for the Law Enforcement Medical Liability Account, and an additional \$3.8 million allocation for county corrections programs, would be needed to provide funding amounts that were historically provided from local court assessment collections.

Once the specific program allocations have been made, the balance of revenues in the CFA is distributed to the state's General Fund. For the 2013-15 biennium, CFA total revenues are currently projected to be \$121.1 million. The allocation of these dollars will be determined through the 2013 legislative process.

<b>CFA(A) Allocations</b>				
	<b>Agency</b>	<b>2007-09</b>	<b>2009-11</b>	<b>2011-13<sup>1</sup></b>
<b>Revenues Available</b>		121,874,584	122,262,184	126,074,115
<b>Priority 1 Allocations</b>				
DPSST Operations	DPSST	29,122,518	27,268,232	21,424,867
State Police Training	OSP	-	-	-
Public Safety Memorial Fund	DPSST	211,221	95,000	-
	Subtotal:	29,333,739	27,363,232	21,424,867
<b>Priority 2 Allocations</b>				
Child Abuse Multidisciplinary Intervention (CAMI)	DOJ	9,540,470	8,948,820	7,812,599
Criminal Injuries Compensation Account (CICA)	DOJ	8,697,412	8,153,823	7,099,827
Domestic Violence Fund	DHS	2,224,675	2,224,675	2,224,675
Regional Assessment Centers	DOJ	913,881	857,215	746,798
Child Abuse Medical Assessments	DOJ	772,508	724,608	631,551
Sexual Assault Victims Fund	DHS	533,332	533,332	533,332
Emergency Medical Services & Trauma Systems	OHA	324,765	324,765	331,824
	Subtotal:	23,007,043	21,767,238	19,380,606
<b>Priority 3 Allocations</b>				
Forensics Services	OSP	-	-	-
Medical Examiner	OSP	-	-	-
	Subtotal:	-	-	-
<b>Priority 4 Allocations</b>				
Law Enforcement Data Systems (LEDS)	OSP	-	-	-
	Subtotal:	-	-	-
<b>Eligible Allocations established in HB 2712 (2011)</b>				
State Court Facilities & Security Account	OJD	n/a	n/a	5,141,295
Court Security Program	OJD	n/a	n/a	6,269,225
Alcohol & Drug Abuse Prevention	OHA	n/a	n/a	57,179
Law Enforcement Medical Liability Account	OHA	n/a	n/a	657,264
Driving Under the Influence Enforcement	OSP	n/a	n/a	253,338
Community Correction jail construction & maintenance	DOC	n/a	n/a	4,297,572
Arrest & Return for Extradition	Governor	n/a	n/a	22,500
Intoxicated Driver Program	OHA	n/a	n/a	4,323,000
	Subtotal:	-	-	21,021,373
<b>Balance to General Fund</b>		69,533,802	73,131,714	64,247,269

<sup>1</sup>Revenue Available based on September 2012 Revenue Forecast.

For additional information, contact:

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This report is available on the Legislative Fiscal Office website at [www.leg.state.or.us/comm/lfo](http://www.leg.state.or.us/comm/lfo)