

D R A F T

SUMMARY

Authorizes Department of Corrections to collect portion of certain moneys in inmate trust account for transitional fund and payment of court-ordered financial obligations. Directs Department of Justice and Judicial Department to provide Department of Corrections with accounting of court-ordered financial obligations. Specifies procedures for collection and disbursement of moneys and prioritization of payments.

A BILL FOR AN ACT

Relating to inmate trust account moneys.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) “Collected moneys” means moneys that have been collected from an inmate trust account by the Department of Corrections pursuant to this section.

(b) “Court-ordered financial obligation” means:

(A) A compensatory fine imposed pursuant to ORS 137.101, an award of restitution as defined in ORS 137.103 or any other fines or court-appointed attorney fees associated with an inmate’s criminal conviction;

(B) A child support obligation;

(C) A civil judgment including a money award for a crime victim entered against an inmate resulting from a crime committed by the inmate; or

(D) A civil judgment including a money award entered against an inmate resulting from an action for the inmate’s assault or battery

1 of a Department of Corrections or Oregon Corrections Enterprises
2 employee.

3 (c) “Eligible moneys” means moneys deposited in an inmate trust
4 account that are subject to collection under this section, including but
5 not limited to inmate performance monetary awards and moneys re-
6 ceived from an inmate’s family members or friends. “Eligible
7 moneys” does not include protected moneys.

8 (d) “Inmate” means a person who is at least 18 years of age and in
9 the physical custody of the Department of Corrections. “Inmate” does
10 not include:

11 (A) A person on leave from prison due to participation in an alter-
12 native incarceration program established under ORS 421.504 or short-
13 term transitional leave under ORS 421.168.

14 (B) A person transferred into or out of department custody pursu-
15 ant to an interstate corrections compact.

16 (C) A person in the physical custody of the Oregon Youth Author-
17 ity.

18 (D) A person in the physical custody of a county jail or other
19 county detention facility.

20 (e) “Protected moneys” means moneys deposited in an inmate trust
21 account that are not subject to collection under state or federal law
22 or under this section including but not limited to:

23 (A) Disability benefits for veterans;

24 (B) Moneys received from a Native American tribe or tribal gov-
25 ernment;

26 (C) Moneys dedicated for medical, dental or optical expenses or
27 emergency trips;

28 (D) Railroad retirement benefits; or

29 (E) Moneys paid as compensation to an inmate in a prison work
30 program established under the Prison Industries Enhancement Certi-
31 fication Program, or a successor program designated by the United

1 States Director of the Bureau of Justice Assistance pursuant to 18
2 U.S.C. 1761.

3 (2)(a) The Department of Corrections shall collect eligible moneys
4 from an inmate trust account if the inmate owes court-ordered fi-
5 nancial obligations as described in this section.

6 (b) Notwithstanding any other provision of this section, the de-
7 partment may deduct a fixed percentage of each inmate performance
8 monetary award made to an inmate, to be credited to a general victims
9 assistance fund, before crediting the remainder of the award to the
10 inmate trust account.

11 (3)(a) The Department of Justice and the Judicial Department shall
12 provide an accounting to the Department of Corrections of court-
13 ordered financial obligations, if any, owed by each inmate. The ac-
14 counting records may be provided electronically in a format agreed
15 upon by the departments.

16 (b) Upon receipt of the accounting records described in paragraph
17 (a) of this subsection, the Department of Corrections shall collect a
18 portion of eligible moneys from the inmate trust account of each in-
19 mate as follows:

20 (A) Until an inmate not sentenced to death or to life imprisonment
21 without the possibility of release or parole has \$500 in a transitional
22 fund to facilitate reentry after release, 10 percent of eligible moneys
23 shall be collected for court-ordered financial obligations and five per-
24 cent of eligible moneys shall be collected and transferred to the
25 inmate's transitional fund.

26 (B) After the inmate has at least \$500 in the transitional fund, or
27 if the inmate has been sentenced to death or to life imprisonment
28 without the possibility of release or parole, the department shall col-
29 lect 15 percent of eligible moneys for court-ordered financial obli-
30 gations.

31 (C) After court-ordered financial obligations have been paid, an in-

1 **mate not sentenced to death or to life imprisonment without the pos-**
2 **sibility of release or parole may elect to continue to transfer five**
3 **percent of eligible moneys into the transitional fund.**

4 **(4) There are three levels of priority for the application of collected**
5 **moneys to court-ordered financial obligations, with Level I obligations**
6 **having the highest priority and Level III obligations having the lowest**
7 **priority. The levels are as follows:**

8 **(a) Level I obligations are compensatory fines imposed pursuant to**
9 **ORS 137.101, awards of restitution defined in ORS 137.103 and fines and**
10 **court-appointed attorney fees payable to the state resulting from the**
11 **inmate's criminal action.**

12 **(b) Level II obligations are child support obligations and civil judg-**
13 **ments including a money award for a crime victim entered against an**
14 **inmate resulting from a crime committed by the inmate.**

15 **(c) Level III obligations are civil judgments including a money**
16 **award entered against an inmate resulting from an action for the**
17 **inmate's assault or battery of a Department of Corrections or Oregon**
18 **Corrections Enterprises employee.**

19 **(5)(a) After receiving the accounting records described in subsection**
20 **(3) of this section, the Department of Corrections shall disburse the**
21 **collected moneys for court-ordered financial obligations to the De-**
22 **partment of Justice and the Judicial Department.**

23 **(b) The Department of Justice and the Judicial Department shall**
24 **apply the collected moneys received from the Department of Cor-**
25 **rections under this subsection to an inmate's court-ordered financial**
26 **obligations according to the priority levels of the obligations.**

27 **(6)(a) The Department of Justice may create a subaccount in which**
28 **to deposit the collected moneys received from the Department of Cor-**
29 **rections under this section.**

30 **(b) The Judicial Department may create a subaccount in which to**
31 **deposit the collected moneys received from the Department of Cor-**

1 **rections under this section.**

2 **(c) The Department of Corrections may create subaccounts for the**
3 **purposes of storing collected moneys prior to disbursement under this**
4 **section.**

5 **(7) The Department of Corrections, the Department of Justice and**
6 **the Judicial Department may adopt rules to implement this section.**

7 **SECTION 2. (1) Section 1 of this 2017 Act becomes operative on June**
8 **30, 2018.**

9 **(2) The Department of Corrections, the Department of Justice and**
10 **the Judicial Department may take any action before the operative date**
11 **specified in subsection (1) of this section that is necessary to enable**
12 **the departments, on and after the operative date specified in sub-**
13 **section (1) of this section, to exercise the duties, functions and powers**
14 **conferred on the departments by section 1 of this 2017 Act.**

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