

B-Engrossed
Senate Bill 844

Ordered by the Senate June 30
Including Senate Amendments dated April 14 and June 30

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

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.

Appropriates moneys to Department of Corrections, and increases limitation on expenditures by department, for purposes of upgrading inmate trust accounting system.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to inmate trust account moneys; and declaring an emergency.

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

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

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

7 (b) **"Court-ordered financial obligation" means:**

8 (A) **A compensatory fine imposed pursuant to ORS 137.101, an award of restitution as**
9 **defined in ORS 137.103 or any other fines, fees or court-appointed attorney fees imposed in**
10 **a criminal action;**

11 (B) **A child support obligation;**

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

14 (D) **A civil judgment including a money award entered against an inmate resulting from**
15 **an action for the inmate's assault or battery of a Department of Corrections or Oregon**
16 **Corrections Enterprises employee.**

17 (c) **"Eligible moneys" means moneys deposited in an inmate trust account that are sub-**
18 **ject to collection under this section, including but not limited to inmate performance mone-**
19 **etary awards and moneys received from an inmate's family members or friends. "Eligible**
20 **moneys" does not include protected moneys.**

21 (d) **"Inmate" means a person who is at least 18 years of age and in the physical custody**
22 **of the Department of Corrections. "Inmate" does not include:**

23 (A) **A person on leave from prison due to participation in an alternative incarceration**
24 **program established under ORS 421.504 or short-term transitional leave under ORS 421.168.**

25 (B) **A person transferred into or out of department custody pursuant to an interstate**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **corrections compact.**

2 **(C) A person in the physical custody of the Oregon Youth Authority.**

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

4 **(e) "Protected moneys" means moneys deposited in an inmate trust account that are not**
5 **subject to collection under state or federal law or under this section including but not limited**
6 **to:**

7 **(A) Disability benefits for veterans;**

8 **(B) Moneys received from a Native American tribe or tribal government;**

9 **(C) Moneys dedicated for medical, dental or optical expenses or emergency trips;**

10 **(D) Railroad retirement benefits; or**

11 **(E) Moneys paid as compensation to an inmate in a prison work program established**
12 **under the Prison Industries Enhancement Certification Program, or a successor program**
13 **designated by the United States Director of the Bureau of Justice Assistance pursuant to 18**
14 **U.S.C. 1761.**

15 **(2)(a) The Department of Corrections shall collect eligible moneys from an inmate trust**
16 **account if the inmate owes court-ordered financial obligations as described in this section.**

17 **(b) Notwithstanding any other provision of this section, the department may deduct a**
18 **fixed percentage of each inmate performance monetary award made to an inmate, to be**
19 **credited to a general victims assistance fund, before crediting the remainder of the award**
20 **to the inmate trust account.**

21 **(3)(a) The Department of Justice and the Judicial Department shall provide an accounting**
22 **to the Department of Corrections of court-ordered financial obligations, if any, owed by each**
23 **inmate. The accounting records may be provided electronically in a format agreed upon by**
24 **the departments.**

25 **(b) Upon receipt of the accounting records described in paragraph (a) of this subsection,**
26 **the Department of Corrections shall collect a portion of eligible moneys from the inmate**
27 **trust account of each inmate as follows:**

28 **(A) Until an inmate not sentenced to death or to life imprisonment without the possibility**
29 **of release or parole has \$500 in a transitional fund to facilitate reentry after release, 10**
30 **percent of eligible moneys shall be collected for court-ordered financial obligations and five**
31 **percent of eligible moneys shall be collected and transferred to the inmate's transitional**
32 **fund.**

33 **(B) After the inmate has at least \$500 in the transitional fund, or if the inmate has been**
34 **sentenced to death or to life imprisonment without the possibility of release or parole, the**
35 **department shall collect 15 percent of eligible moneys for court-ordered financial obligations.**

36 **(C) After court-ordered financial obligations have been paid, an inmate not sentenced to**
37 **death or to life imprisonment without the possibility of release or parole may elect to con-**
38 **tinue to transfer five percent of eligible moneys into the transitional fund.**

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

42 **(a) Level I obligations are compensatory fines imposed pursuant to ORS 137.101, awards**
43 **of restitution defined in ORS 137.103 and fines, fees or court-appointed attorney fees imposed**
44 **in a criminal action.**

45 **(b) Level II obligations are child support obligations and civil judgments including a**

1 money award for a crime victim entered against an inmate resulting from a crime committed
2 by the inmate.

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

6 (5)(a) After receiving the accounting records described in subsection (3) of this section,
7 the Department of Corrections shall disburse the collected moneys for court-ordered finan-
8 cial obligations to the Department of Justice and the Judicial Department.

9 (b) The Department of Justice and the Judicial Department shall apply the collected
10 moneys received from the Department of Corrections under this subsection to an inmate's
11 court-ordered financial obligations according to the priority levels of the obligations.

12 (6)(a) The Department of Justice may create a subaccount in which to deposit the col-
13 lected moneys received from the Department of Corrections under this section.

14 (b) The Judicial Department may create a subaccount in which to deposit the collected
15 moneys received from the Department of Corrections under this section.

16 (c) The Department of Corrections may create subaccounts for the purposes of storing
17 collected moneys prior to disbursement under this section.

18 (7) The Department of Corrections, the Department of Justice and the Judicial Depart-
19 ment may adopt rules to implement this section.

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

21 (2) The Department of Corrections, the Department of Justice and the Judicial Depart-
22 ment may take any action before the operative date specified in subsection (1) of this section
23 that is necessary to enable the departments, on and after the operative date specified in
24 subsection (1) of this section, to exercise the duties, functions and powers conferred on the
25 departments by section 1 of this 2017 Act.

26 **SECTION 3.** Notwithstanding any other provision of law, the General Fund appropriation
27 made to the Department of Corrections by section 1 (2), chapter _____, Oregon Laws 2017
28 (Enrolled House Bill 5004), for the biennium beginning July 1, 2017, for central administration
29 and administrative services, is increased by \$275,000 for the purpose of funding upgrades to
30 the inmate trust accounting system.

31 **SECTION 4.** Notwithstanding any other provision of law limiting expenditures, the limi-
32 tation on expenditures established by section 2 (2), chapter _____, Oregon Laws 2017 (En-
33 rolled House Bill 5004), for the biennium beginning July 1, 2017, as the maximum limit for
34 payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts,
35 but excluding lottery funds and federal funds, collected or received by the Department of
36 Corrections for central administration and administrative services, is increased by \$500,000
37 for the purpose of funding upgrades to the inmate trust accounting system.

38 **SECTION 5.** This 2017 Act being necessary for the immediate preservation of the public
39 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
40 on its passage.