

HB 4056 -1, -2, -6 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Whitney Perez, Counsel

Meeting Dates: 2/5, 2/14

WHAT THE MEASURE DOES:

Designates 10 percent of forfeiture proceeds for scholarship program for family members of public safety officers. Modifies eligibility requirements for scholarship. Specifies length and amount of scholarship. Defines key terms, such as family member. Allows disbursement of certain forfeiture proceeds for support of all specialty courts. Scholarship program changes operative for applications submitted on or after January 1, 2019. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Approximate amounts and stability of funding
- Scholarship eligibility requirements
- Concerns over funding source
- History and regulation of asset forfeiture in Oregon

EFFECT OF AMENDMENT:

-1 Modifies eligibility requirements for scholarship to include only children of a qualifying public safety officer. Makes technical changes.

-2 Modifies eligibility requirements for scholarship to include only children of a qualifying public safety officer. Defines "child." Specifies scholarship is for a maximum of four academic years. Makes technical changes.

-6 Specifies operative date of July 1, 2018 for changes to scholarship program.

BACKGROUND:

Under Oregon law, property is subject to civil forfeiture when it has been used in relation to prohibited conduct. Prohibited conduct is defined in law and involves criminal activities. Oregon law also specifies disbursement of civil forfeiture proceeds. For instance, it specifies payment for certain costs associated with the forfeiture and deposit of 20 percent of the proceeds into the Oregon Criminal Justice Commission Account to support drug court programs.

In 1999, the Public Safety Memorial Fund Board was created. The Public Safety Memorial Fund (Memorial Fund) provides certain benefits to eligible officers and their family members, including educational scholarship. Oregon law also provides a scholarship for children of public safety officers that is awarded by the Higher Education Coordinating Commission (HECC).

House Bill 4056 distributes ten percent of asset forfeitures from prohibited conduct into an account for these scholarships awarded by HECC. It also modifies the criteria for these scholarships to mirror the criteria contained in the Memorial Fund, such as specifying the qualifying death or disability of the public safety officer. It requires HECC to report to the Legislative Assembly on the scholarship program by January 1, 2021.

PRELIMINARY