

HB 4056 A STAFF MEASURE SUMMARY

Carrier: Sen. Thatcher

Senate Committee On Judiciary

Action Date: 02/27/18

Action: Do pass the A-Eng bill.

Vote: 7-0-0-0

Yeas: 7 - Bentz, Dembrow, Gelser, Linthicum, Prozanski, Thatcher, Wagner

Fiscal: Fiscal impact issued

Revenue: No revenue impact, statement issued (Indeterminate Impact)

Prepared By: Whitney Perez, Counsel

WHAT THE MEASURE DOES:

Designates 10 percent of forfeiture proceeds for scholarship program for children of public safety officers. Modifies eligibility requirements for scholarship. Specifies length and amount of scholarship. Defines key terms, such as child. Allows disbursement of certain forfeiture proceeds for support of all specialty courts. Scholarship program changes operative for applications submitted on or after July 1, 2018. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Impetus for the bill
- Affected persons had already assumed funding was available for these scholarships
- Source of the funds and legislative history of asset forfeiture

EFFECT OF AMENDMENT:

No amendment.

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 scholarships. 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-A 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.