

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 1543**

1 On page 1 of the printed bill, line 2, delete “and”.

2 In line 3, after “180.700” insert “, 423.105” and after “837.365” insert “; and
3 prescribing an effective date”.

4 On page 7, after line 17, insert:

5 **“SECTION 7.** ORS 423.105 is amended to read:

6 “423.105. (1) As used in this section:

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

10 “(b) ‘Court-ordered financial obligation’ means:

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

14 “(B) A child support obligation;

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

17 “(D) A civil judgment including a money award entered against an inmate
18 resulting from an action for the inmate’s assault or battery of a Department
19 of Corrections or Oregon Corrections Enterprises employee.

20 “(c) ‘Eligible moneys’ means moneys deposited in an inmate trust account
21 that are subject to collection under this section, including but not limited

1 to inmate performance monetary awards and moneys received from an
2 inmate's family members or friends. 'Eligible moneys' does not include pro-
3 tected moneys.

4 "(d) 'Inmate' means a person who is at least 18 years of age and in the
5 physical custody of the Department of Corrections. 'Inmate' does not in-
6 clude:

7 "(A) A person on leave from prison due to participation in an alternative
8 incarceration program established under ORS 421.504 or short-term transi-
9 tional leave under ORS 421.168.

10 "(B) A person transferred into or out of department custody pursuant to
11 an interstate corrections compact.

12 "(C) A person in the physical custody of the Oregon Youth Authority.

13 "(D) A person in the physical custody of a county jail or other county
14 detention facility.

15 "(e) 'Protected moneys' means moneys deposited in an inmate trust ac-
16 count that are not subject to collection under state or federal law or under
17 this section including but not limited to:

18 "(A) Disability benefits for veterans;

19 "(B) Moneys received from a Native American tribe or tribal government;

20 "(C) Moneys dedicated for medical, dental or optical expenses or emer-
21 gency trips;

22 "(D) Railroad retirement benefits; or

23 "(E) Moneys paid as compensation to an inmate in a prison work program
24 established under the Prison Industries Enhancement Certification Program,
25 or a successor program designated by the United States Director of the Bu-
26 reau of Justice Assistance pursuant to 18 U.S.C. 1761.

27 "(2)(a) The Department of Corrections shall collect eligible moneys from
28 an inmate trust account if the inmate owes court-ordered financial obli-
29 gations as described in this section.

30 "(b) Notwithstanding any other provision of this section, the department

1 may deduct a fixed percentage of each inmate performance monetary award
2 made to an inmate, to be credited to a general victims assistance fund, before
3 crediting the remainder of the award to the inmate trust account.

4 “(3)(a) The Department of Justice and the Judicial Department shall pro-
5 vide an accounting to the Department of Corrections of court-ordered finan-
6 cial obligations, if any, owed by each inmate. The accounting records may
7 be provided electronically in a format agreed upon by the departments.

8 “(b) Upon receipt of the accounting records described in paragraph (a) of
9 this subsection, the Department of Corrections shall collect a portion of eli-
10 gible moneys from the inmate trust account of each inmate as follows:

11 “(A) Until an inmate not sentenced to death or to life imprisonment
12 without the possibility of release or parole has \$500 in a transitional fund
13 to facilitate reentry after release, 10 percent of eligible moneys shall be
14 collected for court-ordered financial obligations and five percent of eligible
15 moneys shall be collected and transferred to the inmate’s transitional fund.

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

20 “(C) After court-ordered financial obligations have been paid, an inmate
21 not sentenced to death or to life imprisonment without the possibility of re-
22 lease or parole may elect to continue to transfer five percent of eligible
23 moneys into the transitional fund.

24 “(c) **Notwithstanding ORS 18.615 or any other provision of law, while**
25 **moneys held in an inmate’s transitional fund described in this sub-**
26 **section remain within the custody or control of the Department of**
27 **Corrections, those moneys are neither assignable nor subject to exe-**
28 **cution, garnishment, attachment or any other process.**

29 “(4) There are three levels of priority for the application of collected
30 moneys to court-ordered financial obligations, with Level I obligations hav-

1 ing the highest priority and Level III obligations having the lowest priority.

2 The levels are as follows:

3 “(a) Level I obligations are compensatory fines imposed pursuant to ORS
4 137.101, awards of restitution defined in ORS 137.103 and fines, fees or
5 court-appointed attorney fees imposed in a criminal action.

6 “(b) Level II obligations are child support obligations and civil judgments
7 including a money award for a crime victim entered against an inmate re-
8 sulting from a crime committed by the inmate.

9 “(c) Level III obligations are civil judgments including a money award
10 entered against an inmate resulting from an action for the inmate’s assault
11 or battery of a Department of Corrections or Oregon Corrections Enterprises
12 employee.

13 “(5)(a) After receiving the accounting records described in subsection (3)
14 of this section, the Department of Corrections shall disburse the collected
15 moneys for court-ordered financial obligations to the Department of Justice
16 and the Judicial Department.

17 “(b) The Department of Justice and the Judicial Department shall apply
18 the collected moneys received from the Department of Corrections under this
19 subsection to an inmate’s court-ordered financial obligations according to the
20 priority levels of the obligations.

21 “(6)(a) The Department of Justice may create a subaccount in which to
22 deposit the collected moneys received from the Department of Corrections
23 under this section.

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

27 “(c) The Department of Corrections may create subaccounts for the pur-
28 poses of storing collected moneys prior to disbursement under this section.

29 “(7) The Department of Corrections, the Department of Justice and the
30 Judicial Department may adopt rules to implement this section.”.

1 In line 18, delete “7” and insert “8”.

2 After line 19, insert:

3 **“SECTION 9. This 2018 Act takes effect on June 30, 2018.”.**

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