

SB 980 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary**Action Date:** 04/09/19**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Gillian Fischer, Counsel**Meeting Dates:** 4/8, 4/9**WHAT THE MEASURE DOES:**

Directs the Oregon Judicial Department (OJD) to provide an accounting to the Department of Corrections (DOC) for court-ordered financial obligations. Directs the Department of Justice (DOJ) to provide an accounting of court-ordered financial obligations in which it is a judgment debtor. Allows money held in an inmate's transitional fund to be subject to garnishment from civil judgments that include a money award for a crime victim entered against an inmate resulting from a crime committed by the inmate in which the Department of Justice is a judgment creditor. Becomes operative July 1, 2020.

ISSUES DISCUSSED:

- Provisions of Senate Bill 844 (2017)
- Clean-up procedures put in place by enactment of SB 844
- Inclusion of violations as well as crimes
- Delayed operative date to allow agency adjustments

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

In 2017, the Legislative Assembly enacted Senate Bill 844 to create procedures for the Department of Corrections (DOC) to collect certain moneys from an inmate's trust account for a transitional fund and payment of court-ordered financial obligations. The measure defined key terms, such as eligible moneys, and specified the percentage of funds that DOC may collect from an inmate's trust account and how those funds are dispersed, including establishing a priority tier system for payment of court-ordered financial obligations. SB 844 directed the Department of Justice (DOJ) and Oregon Judicial Department (OJD) to provide DOC with an accounting of each inmate's court-ordered financial obligations. DOJ and OJD are also required to apply the money received from DOC to the inmate's court-ordered financial obligations.

The measure created three levels of priority for the application of collected moneys to court-ordered financial obligations, with Level I obligations having the highest priority and Level III obligations having the lowest priority. The levels are as follows:

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

(b) Level II obligations are child support obligations and civil judgments including a money award for a crime victim entered against an inmate resulting from a crime committed by the inmate.

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

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employee.

Senate Bill 980 A allows judgments of a crime victim entered against an inmate resulting from a crime committed by the inmate in which DOJ is a judgment creditor to be classified as Level II obligations and clarifies which judgments each agency is obligated to provide to the Department of Corrections.