

(Including Amendments to Resolve Conflicts)

B-Engrossed Senate Bill 980

Ordered by the House May 30
Including Senate Amendments dated April 19 and House Amendments
dated May 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.

Modifies procedures by which eligible moneys are collected from Department of Corrections inmates for payment of court-ordered financial obligations. **Limits types of civil judgments defined as court-ordered financial obligations.** Specifies accountings that Judicial Department and Department of Justice are responsible for providing to Department of Corrections. Provides that Department of Justice accounting responsibilities begin July 1, [2020] **2021**. Adds priority level for certain civil judgments.

A BILL FOR AN ACT

1
2 Relating to the Department of Corrections; creating new provisions; and amending ORS 423.105.

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

4 **SECTION 1.** ORS 423.105, as amended by section 8, chapter 120, Oregon Laws 2018, is amended
5 to read:

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

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

9 (b) "Court-ordered financial obligation" means:

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

12 (B) A child support obligation;

13 (C) A civil judgment including a money award [*for a crime victim entered against an inmate re-*
14 *sulting from a crime committed by the inmate*] **in which the Department of Justice is a judgment**
15 **creditor**; or

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

19 (c) "**Criminal action**" has the meaning given that term in ORS 131.005.

20 [(c)] (d) "Eligible moneys" means moneys deposited in an inmate trust account that are subject
21 to collection under this section, including but not limited to inmate performance monetary awards
22 and moneys received from an inmate's family members or friends. "Eligible moneys" does not include
23 protected moneys.

24 [(d)] (e) "Inmate" means a person who is at least 18 years of age and in the physical custody

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 of the Department of Corrections. “Inmate” does not include:

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

4 (B) A person transferred into or out of department custody pursuant to an interstate corrections
5 compact.

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

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

8 [(e)] (f) “Protected moneys” means moneys deposited in an inmate trust account that are not
9 subject to collection under state or federal law or under this section including but not limited to:

10 (A) Disability benefits for veterans;

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

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

13 (D) Railroad retirement benefits; or

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

17 (2)(a) **Notwithstanding ORS 161.675**, the Department of Corrections shall collect eligible mon-
18 eys from an inmate trust account if the inmate owes court-ordered financial obligations as described
19 in this section.

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

24 (3)(a) The [*Department of Justice and the*] Judicial Department shall provide an accounting to the
25 Department of Corrections of court-ordered financial obligations **described in subsection (1)(b)(A)**
26 **of this section**, if any, owed by each inmate. The accounting records may be provided electron-
27 ically in a format agreed upon by the departments.

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

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

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

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

41 (c) Notwithstanding ORS 18.615 or any other provision of law, while moneys held in an inmate’s
42 transitional fund described in this subsection remain within the custody or control of the Depart-
43 ment of Corrections, those moneys are neither assignable nor subject to execution, garnishment,
44 attachment or any other process.

45 (4) There are [*three*] **four** levels of priority for the application of collected moneys to court-

1 ordered financial obligations, with Level I obligations having the highest priority and Level [III] IV
2 obligations having the lowest priority. The levels are as follows:

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

6 (b) **Level II obligations are civil judgments that include a money award in which the De-**
7 **partment of Justice is a judgment creditor.**

8 [(b)] (c) Level [II] III obligations are child support obligations [*and civil judgments including a*
9 *money award for a crime victim entered against an inmate resulting from a crime committed by the*
10 *inmate*].

11 [(c)] (d) Level [III] IV obligations are civil judgments including a money award entered against
12 an inmate resulting from an action for the inmate's assault or battery of a Department of Cor-
13 rections or Oregon Corrections Enterprises employee.

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

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

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

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

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

26 (7) The Department of Corrections, the Department of Justice and the Judicial Department may
27 adopt rules to implement this section.

28 **SECTION 2.** ORS 423.105, as amended by section 8, chapter 120, Oregon Laws 2018, and section
29 1 of this 2019 Act, is amended to read:

30 423.105. (1) As used in this section:

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

33 (b) "Court-ordered financial obligation" means:

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

36 (B) A child support obligation;

37 (C) A civil judgment including a money award in which the Department of Justice is a judgment
38 creditor; or

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

42 (c) "Criminal action" has the meaning given that term in ORS 131.005.

43 (d) "Eligible moneys" means moneys deposited in an inmate trust account that are subject to
44 collection under this section, including but not limited to inmate performance monetary awards and
45 moneys received from an inmate's family members or friends. "Eligible moneys" does not include

1 protected moneys.

2 (e) "Inmate" means a person who is at least 18 years of age and in the physical custody of the
3 Department of Corrections. "Inmate" does not include:

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

6 (B) A person transferred into or out of department custody pursuant to an interstate corrections
7 compact.

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

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

10 (f) "Protected moneys" means moneys deposited in an inmate trust account that are not subject
11 to collection under state or federal law or under this section including but not limited to:

12 (A) Disability benefits for veterans;

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

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

15 (D) Railroad retirement benefits; or

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

19 (2)(a) Notwithstanding ORS 161.675, the Department of Corrections shall collect eligible moneys
20 from an inmate trust account if the inmate owes court-ordered financial obligations as described in
21 this section.

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

26 (3)(a) The Judicial Department shall provide an accounting to the Department of Corrections
27 of court-ordered financial obligations described in subsection (1)(b)(A) of this section, if any, owed
28 by each inmate. **The Department of Justice shall provide an accounting of court-ordered fi-**
29 **ancial obligations described in subsection (1)(b)(B) and (C) of this section.** The accounting
30 records may be provided electronically in a format agreed upon by the departments.

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

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

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

41 (C) After court-ordered financial obligations have been paid, an inmate not sentenced to death
42 or to life imprisonment without the possibility of release or parole may elect to continue to transfer
43 five percent of eligible moneys into the transitional fund.

44 (c) Notwithstanding ORS 18.615 or any other provision of law, while moneys held in an inmate's
45 transitional fund described in this subsection remain within the custody or control of the Depart-

1 ment of Corrections, those moneys are neither assignable nor subject to execution, garnishment,
2 attachment or any other process.

3 (4) There are four levels of priority for the application of collected moneys to court-ordered fi-
4 nancial obligations, with Level I obligations having the highest priority and Level IV obligations
5 having the lowest priority. The levels are as follows:

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

9 (b) Level II obligations are civil judgments that include a money award in which the Department
10 of Justice is a judgment creditor.

11 (c) Level III obligations are child support obligations.

12 (d) Level IV obligations are civil judgments including a money award entered against an inmate
13 resulting from an action for the inmate's assault or battery of a Department of Corrections or
14 Oregon Corrections Enterprises employee.

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

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

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

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

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

27 (7) The Department of Corrections, the Department of Justice and the Judicial Department may
28 adopt rules to implement this section.

29 **SECTION 3. The amendments to ORS 423.105 by section 2 of this 2019 Act become oper-**
30 **ative July 1, 2021.**

31 **SECTION 3a. If House Bill 3146 becomes law, section 1 of this 2019 Act (amending ORS**
32 **423.105) is repealed and ORS 423.105, as amended by section 8, chapter 120, Oregon Laws 2018,**
33 **and section 99, chapter __, Oregon Laws 2019 (Enrolled House Bill 3146), is amended to read:**

34 423.105. (1) As used in this section:

35 (a) "Adult in custody" means a person who is at least 18 years of age and in the physical cus-
36 tody of the Department of Corrections. "Adult in custody" does not include:

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

39 (B) A person transferred into or out of department custody pursuant to an interstate corrections
40 compact.

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

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

43 (b) "Collected moneys" means moneys that have been collected from an adult in custody trust
44 account by the Department of Corrections pursuant to this section.

45 (c) "Court-ordered financial obligation" means:

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

3 (B) A child support obligation;

4 (C) A civil judgment including a money award [*for a crime victim entered against an adult in*
5 *custody resulting from a crime committed by the adult in custody*] **in which the Department of**
6 **Justice is a judgment creditor**; or

7 (D) A civil judgment including a money award entered against an adult in custody resulting from
8 an action for the assault or battery of a Department of Corrections or Oregon Corrections Enter-
9 prises employee.

10 (d) **“Criminal action” has the meaning given that term in ORS 131.005.**

11 [(d)] (e) “Eligible moneys” means moneys deposited in an adult in custody trust account that
12 are subject to collection under this section, including but not limited to adult in custody perform-
13 ance monetary awards and moneys received from family members or friends of the adult in custody.
14 “Eligible moneys” does not include protected moneys.

15 [(e)] (f) “Protected moneys” means moneys deposited in an adult in custody trust account that
16 are not subject to collection under state or federal law or under this section including but not lim-
17 ited 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 emergency trips;

21 (D) Railroad retirement benefits; or

22 (E) Moneys paid as compensation to an adult in custody in a prison work program established
23 under the Prison Industries Enhancement Certification Program, or a successor program designated
24 by the United States Director of the Bureau of Justice Assistance pursuant to 18 U.S.C. 1761.

25 (2)(a) **Notwithstanding ORS 161.675**, the Department of Corrections shall collect eligible mon-
26 eys from an adult in custody trust account if the adult in custody owes court-ordered financial ob-
27 ligations as described in this section.

28 (b) Notwithstanding any other provision of this section, the department may deduct a fixed
29 percentage of each adult in custody performance monetary award made to an adult in custody, to
30 be credited to a general victims assistance fund, before crediting the remainder of the award to the
31 adult in custody trust account.

32 (3)(a) The [*Department of Justice and the*] Judicial Department shall provide an accounting to the
33 Department of Corrections of court-ordered financial obligations **described in subsection (1)(c)(A)**
34 **of this section**, if any, owed by each adult in custody. The accounting records may be provided
35 electronically in a format agreed upon by the departments.

36 (b) Upon receipt of the accounting records described in paragraph (a) of this subsection, the
37 Department of Corrections shall collect a portion of eligible moneys from the adult in custody trust
38 account of each adult in custody as follows:

39 (A) Until an adult in custody not sentenced to death or to life imprisonment without the possi-
40 bility of release or parole has \$500 in a transitional fund to facilitate reentry after release, 10 per-
41 cent of eligible moneys shall be collected for court-ordered financial obligations and five percent of
42 eligible moneys shall be collected and transferred to the transitional fund.

43 (B) After the adult in custody has at least \$500 in the transitional fund, or if the adult in cus-
44 tody has been sentenced to death or to life imprisonment without the possibility of release or parole,
45 the department shall collect 15 percent of eligible moneys for court-ordered financial obligations.

1 (C) After court-ordered financial obligations have been paid, an adult in custody not sentenced
2 to death or to life imprisonment without the possibility of release or parole may elect to continue
3 to transfer five percent of eligible moneys into the transitional fund.

4 (c) Notwithstanding ORS 18.615 or any other provision of law, while moneys held in a transi-
5 tional fund described in this subsection remain within the custody or control of the Department of
6 Corrections, those moneys are neither assignable nor subject to execution, garnishment, attachment
7 or any other process.

8 (4) There are [*three*] **four** levels of priority for the application of collected moneys to court-
9 ordered financial obligations, with Level I obligations having the highest priority and Level [*III*] **IV**
10 obligations having the lowest priority. The levels are as follows:

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

14 **(b) Level II obligations are civil judgments that include a money award in which the De-**
15 **partment of Justice is a judgment creditor.**

16 [*(b)*] (c) Level [*II*] **III** obligations are child support obligations [*and civil judgments including a*
17 *money award for a crime victim entered against an adult in custody resulting from a crime committed*
18 *by the adult in custody*].

19 [*(c)*] (d) Level [*III*] **IV** obligations are civil judgments including a money award entered against
20 an adult in custody resulting from an action for the assault or battery of a Department of Cor-
21 rections or Oregon Corrections Enterprises employee.

22 (5)(a) After receiving the accounting records described in subsection (3) of this section, the De-
23 partment of Corrections shall disburse the collected moneys for court-ordered financial obligations
24 to the Department of Justice and the Judicial Department, **as appropriate**.

25 (b) The Department of Justice and the Judicial Department shall apply the collected moneys
26 received from the Department of Corrections under this subsection to the court-ordered financial
27 obligations of an adult in custody according to the priority levels of the obligations.

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

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

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

34 (7) The Department of Corrections, the Department of Justice and the Judicial Department may
35 adopt rules to implement this section.

36 **SECTION 3b. If House Bill 3146 becomes law, section 2 of this 2019 Act (amending ORS**
37 **423.105) is repealed and ORS 423.105, as amended by section 8, chapter 120, Oregon Laws 2018,**
38 **section 99, chapter __, Oregon Laws 2019 (Enrolled House Bill 3146), and section 3a of this**
39 **2019 Act, is amended to read:**

40 423.105. (1) As used in this section:

41 (a) "Adult in custody" means a person who is at least 18 years of age and in the physical cus-
42 tody of the Department of Corrections. "Adult in custody" does not include:

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

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

1 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 (b) "Collected moneys" means moneys that have been collected from an adult in custody trust
5 account by the Department of Corrections pursuant to this section.

6 (c) "Court-ordered financial obligation" means:

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

9 (B) A child support obligation;

10 (C) A civil judgment including a money award in which the Department of Justice is a judgment
11 creditor; or

12 (D) A civil judgment including a money award entered against an adult in custody resulting from
13 an action for the assault or battery of a Department of Corrections or Oregon Corrections Enter-
14 prises employee.

15 (d) "Criminal action" has the meaning given that term in ORS 131.005.

16 (e) "Eligible moneys" means moneys deposited in an adult in custody trust account that are
17 subject to collection under this section, including but not limited to adult in custody performance
18 monetary awards and moneys received from family members or friends of the adult in custody. "El-
19 igible moneys" does not include protected moneys.

20 (f) "Protected moneys" means moneys deposited in an adult in custody trust account that are
21 not subject to collection under state or federal law or under this section including but not limited
22 to:

23 (A) Disability benefits for veterans;

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

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

26 (D) Railroad retirement benefits; or

27 (E) Moneys paid as compensation to an adult in custody in a prison work program established
28 under the Prison Industries Enhancement Certification Program, or a successor program designated
29 by the United States Director of the Bureau of Justice Assistance pursuant to 18 U.S.C. 1761.

30 (2)(a) Notwithstanding ORS 161.675, the Department of Corrections shall collect eligible moneys
31 from an adult in custody trust account if the adult in custody owes court-ordered financial obli-
32 gations as described in this section.

33 (b) Notwithstanding any other provision of this section, the department may deduct a fixed
34 percentage of each adult in custody performance monetary award made to an adult in custody, to
35 be credited to a general victims assistance fund, before crediting the remainder of the award to the
36 adult in custody trust account.

37 (3)(a) The Judicial Department shall provide an accounting to the Department of Corrections
38 of court-ordered financial obligations described in subsection (1)(c)(A) of this section, if any, owed
39 by each adult in custody. **The Department of Justice shall provide an accounting of court-**
40 **ordered financial obligations described in subsection (1)(c)(B) and (C) of this section.** The ac-
41 counting records may be provided electronically in a format agreed upon by the departments.

42 (b) Upon receipt of the accounting records described in paragraph (a) of this subsection, the
43 Department of Corrections shall collect a portion of eligible moneys from the adult in custody trust
44 account of each adult in custody as follows:

45 (A) Until an adult in custody not sentenced to death or to life imprisonment without the possi-

1 bility of release or parole has \$500 in a transitional fund to facilitate reentry after release, 10 per-
2 cent of eligible moneys shall be collected for court-ordered financial obligations and five percent of
3 eligible moneys shall be collected and transferred to the transitional fund.

4 (B) After the adult in custody has at least \$500 in the transitional fund, or if the adult in cus-
5 tody has been sentenced to death or to life imprisonment without the possibility of release or parole,
6 the department shall collect 15 percent of eligible moneys for court-ordered financial obligations.

7 (C) After court-ordered financial obligations have been paid, an adult in custody not sentenced
8 to death or to life imprisonment without the possibility of release or parole may elect to continue
9 to transfer five percent of eligible moneys into the transitional fund.

10 (c) Notwithstanding ORS 18.615 or any other provision of law, while moneys held in a transi-
11 tional fund described in this subsection remain within the custody or control of the Department of
12 Corrections, those moneys are neither assignable nor subject to execution, garnishment, attachment
13 or any other process.

14 (4) There are four levels of priority for the application of collected moneys to court-ordered fi-
15 nancial obligations, with Level I obligations having the highest priority and Level IV obligations
16 having the lowest priority. The levels are as follows:

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

20 (b) Level II obligations are civil judgments that include a money award in which the Department
21 of Justice is a judgment creditor.

22 (c) Level III obligations are child support obligations.

23 (d) Level IV obligations are civil judgments including a money award entered against an adult
24 in custody resulting from an action for the assault or battery of a Department of Corrections or
25 Oregon Corrections Enterprises employee.

26 (5)(a) After receiving the accounting records described in subsection (3) of this section, the De-
27 partment of Corrections shall disburse the collected moneys for court-ordered financial obligations
28 to the Department of Justice and the Judicial Department, as appropriate.

29 (b) The Department of Justice and the Judicial Department shall apply the collected moneys
30 received from the Department of Corrections under this subsection to the court-ordered financial
31 obligations of an adult in custody according to the priority levels of the obligations.

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

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

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

38 (7) The Department of Corrections, the Department of Justice and the Judicial Department may
39 adopt rules to implement this section.

40 **SECTION 3c.** If House Bill 3146 becomes law, section 3 of this 2019 Act is amended to read:

41 **Sec. 3.** The amendments to ORS 423.105 by section [2] **3b** of this 2019 Act become operative July
42 1, 2021.