

**HOUSE AMENDMENTS TO  
A-ENGROSSED SENATE BILL 980  
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON JUDICIARY

May 30

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 24 and delete pages 2 through  
2 5 and insert:

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

5 “423.105. (1) As used in this section:

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

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

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

11 “(B) A child support obligation;

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

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

18 “(c) ‘**Criminal action**’ has the meaning given that term in ORS 131.005.

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

23 “[*d*] (e) ‘Inmate’ means a person who is at least 18 years of age and in the physical custody  
24 of the Department of Corrections. ‘Inmate’ does not include:

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

27 “(B) A person transferred into or out of department custody pursuant to an interstate cor-  
28 rections compact.

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

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

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

33 “(A) Disability benefits for veterans;

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

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

2 “(D) Railroad retirement benefits; or

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

6 “(2)(a) **Notwithstanding ORS 161.675**, the Department of Corrections shall collect eligible  
7 moneys from an inmate trust account if the inmate owes court-ordered financial obligations as de-  
8 scribed in this section.

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

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

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

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

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

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

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

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

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

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

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

45 “[*c*] (d) Level [*III*] **IV** obligations are civil judgments including a money award entered against

1 an inmate resulting from an action for the inmate's assault or battery of a Department of Cor-  
2 rections or Oregon Corrections Enterprises employee.

3 "(5)(a) After receiving the accounting records described in subsection (3) of this section, the  
4 Department of Corrections shall disburse the collected moneys for court-ordered financial obli-  
5 gations to the Department of Justice and the Judicial Department, **as appropriate**.

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

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

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

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

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

17 "**SECTION 2.** ORS 423.105, as amended by section 8, chapter 120, Oregon Laws 2018, and sec-  
18 tion 1 of this 2019 Act, is amended to read:

19 "423.105. (1) As used in this section:

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

22 "(b) 'Court-ordered financial obligation' means:

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

25 "(B) A child support obligation;

26 "(C) A civil judgment including a money award in which the Department of Justice is a judg-  
27 ment creditor; or

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

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

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

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

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

40 "(B) A person transferred into or out of department custody pursuant to an interstate cor-  
41 rections compact.

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

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

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

1       “(A) Disability benefits for veterans;  
2       “(B) Moneys received from a Native American tribe or tribal government;  
3       “(C) Moneys dedicated for medical, dental or optical expenses or emergency trips;  
4       “(D) Railroad retirement benefits; or  
5       “(E) Moneys paid as compensation to an inmate in a prison work program established under the  
6 Prison Industries Enhancement Certification Program, or a successor program designated by the  
7 United States Director of the Bureau of Justice Assistance pursuant to 18 U.S.C. 1761.  
8       “(2)(a) Notwithstanding ORS 161.675, the Department of Corrections shall collect eligible moneys  
9 from an inmate trust account if the inmate owes court-ordered financial obligations as described in  
10 this section.  
11       “(b) Notwithstanding any other provision of this section, the department may deduct a fixed  
12 percentage of each inmate performance monetary award made to an inmate, to be credited to a  
13 general victims assistance fund, before crediting the remainder of the award to the inmate trust  
14 account.  
15       “(3)(a) The Judicial Department shall provide an accounting to the Department of Corrections  
16 of court-ordered financial obligations described in subsection (1)(b)(A) of this section, if any, owed  
17 by each inmate. **The Department of Justice shall provide an accounting of court-ordered fi-**  
18 **ancial obligations described in subsection (1)(b)(B) and (C) of this section.** The accounting  
19 records may be provided electronically in a format agreed upon by the departments.  
20       “(b) Upon receipt of the accounting records described in paragraph (a) of this subsection, the  
21 Department of Corrections shall collect a portion of eligible moneys from the inmate trust account  
22 of each inmate as follows:  
23       “(A) Until an inmate not sentenced to death or to life imprisonment without the possibility of  
24 release or parole has \$500 in a transitional fund to facilitate reentry after release, 10 percent of  
25 eligible moneys shall be collected for court-ordered financial obligations and five percent of eligible  
26 moneys shall be collected and transferred to the inmate’s transitional fund.  
27       “(B) After the inmate has at least \$500 in the transitional fund, or if the inmate has been sen-  
28 tenced to death or to life imprisonment without the possibility of release or parole, the department  
29 shall collect 15 percent of eligible moneys for court-ordered financial obligations.  
30       “(C) After court-ordered financial obligations have been paid, an inmate not sentenced to death  
31 or to life imprisonment without the possibility of release or parole may elect to continue to transfer  
32 five percent of eligible moneys into the transitional fund.  
33       “(c) Notwithstanding ORS 18.615 or any other provision of law, while moneys held in an inmate’s  
34 transitional fund described in this subsection remain within the custody or control of the Depart-  
35 ment of Corrections, those moneys are neither assignable nor subject to execution, garnishment,  
36 attachment or any other process.  
37       “(4) There are four levels of priority for the application of collected moneys to court-ordered  
38 financial obligations, with Level I obligations having the highest priority and Level IV obligations  
39 having the lowest priority. The levels are as follows:  
40       “(a) Level I obligations are compensatory fines imposed pursuant to ORS 137.101, awards of  
41 restitution defined in ORS 137.103 and fines, fees or court-appointed attorney fees imposed in a  
42 criminal action.  
43       “(b) Level II obligations are civil judgments that include a money award in which the Depart-  
44 ment of Justice is a judgment creditor.  
45       “(c) Level III obligations are child support obligations.

1 “(d) Level IV obligations are civil judgments including a money award entered against an inmate  
2 resulting from an action for the inmate’s assault or battery of a Department of Corrections or  
3 Oregon Corrections Enterprises employee.

4 “(5)(a) After receiving the accounting records described in subsection (3) of this section, the  
5 Department of Corrections shall disburse the collected moneys for court-ordered financial obli-  
6 gations to the Department of Justice and the Judicial Department, as appropriate.

7 “(b) The Department of Justice and the Judicial Department shall apply the collected moneys  
8 received from the Department of Corrections under this subsection to an inmate’s court-ordered fi-  
9 nancial obligations according to the priority levels of the obligations.

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

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

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

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

18 **“SECTION 3. The amendments to ORS 423.105 by section 2 of this 2019 Act become op-**  
19 **erative July 1, 2021.**

20 **“SECTION 3a. If House Bill 3146 becomes law, section 1 of this 2019 Act (amending ORS**  
21 **423.105) is repealed and ORS 423.105, as amended by section 8, chapter 120, Oregon Laws 2018,**  
22 **and section 99, chapter \_\_, Oregon Laws 2019 (Enrolled House Bill 3146), is amended to read:**

23 “423.105. (1) As used in this section:

24 “(a) ‘Adult in custody’ means a person who is at least 18 years of age and in the physical cus-  
25 tody of the Department of Corrections. ‘Adult in custody’ does not include:

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

28 “(B) A person transferred into or out of department custody pursuant to an interstate cor-  
29 rections compact.

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

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

32 “(b) ‘Collected moneys’ means moneys that have been collected from an adult in custody trust  
33 account by the Department of Corrections pursuant to this section.

34 “(c) ‘Court-ordered financial obligation’ means:

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

37 “(B) A child support obligation;

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

41 “(D) A civil judgment including a money award entered against an adult in custody resulting  
42 from an action for the assault or battery of a Department of Corrections or Oregon Corrections  
43 Enterprises employee.

44 **“(d) ‘Criminal action’ has the meaning given that term in ORS 131.005.**

45 “[*d*] (e) ‘Eligible moneys’ means moneys deposited in an adult in custody trust account that

1 are subject to collection under this section, including but not limited to adult in custody perform-  
2 ance monetary awards and moneys received from family members or friends of the adult in custody.  
3 'Eligible moneys' does not include protected moneys.

4 "[e)] (f) 'Protected moneys' means moneys deposited in an adult in custody trust account that  
5 are not subject to collection under state or federal law or under this section including but not lim-  
6 ited to:

7 "(A) Disability benefits for veterans;

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

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

10 "(D) Railroad retirement benefits; or

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

14 "(2)(a) **Notwithstanding ORS 161.675**, the Department of Corrections shall collect eligible  
15 moneys from an adult in custody trust account if the adult in custody owes court-ordered financial  
16 obligations as described in this section.

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

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

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

28 "(A) Until an adult in custody not sentenced to death or to life imprisonment without the pos-  
29 sibility of release or parole has \$500 in a transitional fund to facilitate reentry after release, 10  
30 percent of eligible moneys shall be collected for court-ordered financial obligations and five percent  
31 of eligible moneys shall be collected and transferred to the transitional fund.

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

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

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

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

45 "(a) Level I obligations are compensatory fines imposed pursuant to ORS 137.101, awards of

1 restitution defined in ORS 137.103 and fines, fees or court-appointed attorney fees imposed in a  
2 criminal action.

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

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

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

11 “(5)(a) After receiving the accounting records described in subsection (3) of this section, the  
12 Department of Corrections shall disburse the collected moneys for court-ordered financial obli-  
13 gations to the Department of Justice and the Judicial Department, **as appropriate.**

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

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

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

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

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

25 “**SECTION 3b. If House Bill 3146 becomes law, section 2 of this 2019 Act (amending ORS**  
26 **423.105) is repealed and ORS 423.105, as amended by section 8, chapter 120, Oregon Laws 2018,**  
27 **section 99, chapter \_\_, Oregon Laws 2019 (Enrolled House Bill 3146), and section 3a of this**  
28 **2019 Act, is amended to read:**

29 “423.105. (1) As used in this section:

30 “(a) ‘Adult in custody’ means a person who is at least 18 years of age and in the physical cus-  
31 tody of the Department of Corrections. ‘Adult in custody’ does not include:

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

34 “(B) A person transferred into or out of department custody pursuant to an interstate cor-  
35 rections compact.

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

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

38 “(b) ‘Collected moneys’ means moneys that have been collected from an adult in custody trust  
39 account by the Department of Corrections pursuant to this section.

40 “(c) ‘Court-ordered financial obligation’ means:

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

43 “(B) A child support obligation;

44 “(C) A civil judgment including a money award in which the Department of Justice is a judg-  
45 ment creditor; or

1 “(D) A civil judgment including a money award entered against an adult in custody resulting  
2 from an action for the assault or battery of a Department of Corrections or Oregon Corrections  
3 Enterprises employee.

4 “(d) ‘Criminal action’ has the meaning given that term in ORS 131.005.

5 “(e) ‘Eligible moneys’ means moneys deposited in an adult in custody trust account that are  
6 subject to collection under this section, including but not limited to adult in custody performance  
7 monetary awards and moneys received from family members or friends of the adult in custody. ‘Eli-  
8 gible moneys’ does not include protected moneys.

9 “(f) ‘Protected moneys’ means moneys deposited in an adult in custody trust account that are  
10 not subject to collection under state or federal law or under this section including but not limited  
11 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 adult in custody in a prison work program established  
17 under the Prison Industries Enhancement Certification Program, or a successor program designated  
18 by the 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 adult in custody trust account if the adult in custody owes court-ordered financial obli-  
21 gations as described in this section.

22 “(b) Notwithstanding any other provision of this section, the department may deduct a fixed  
23 percentage of each adult in custody performance monetary award made to an adult in custody, to  
24 be credited to a general victims assistance fund, before crediting the remainder of the award to the  
25 adult in custody trust 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)(c)(A) of this section, if any, owed  
28 by each adult in custody. **The Department of Justice shall provide an accounting of court-**  
29 **ordered financial obligations described in subsection (1)(c)(B) and (C) of this section.** The ac-  
30 counting 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 adult in custody trust  
33 account of each adult in custody as follows:

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

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

41 “(C) After court-ordered financial obligations have been paid, an adult in custody not sentenced  
42 to death or to life imprisonment without the possibility of release or parole may elect to continue  
43 to transfer 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 a transi-  
45 tional fund described in this subsection remain within the custody or control of the Department of



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

3 “(4) There are four levels of priority for the application of collected moneys to court-ordered  
4 financial 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 Depart-  
10 ment 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 adult  
13 in custody resulting from an action for the 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  
16 Department of Corrections shall disburse the collected moneys for court-ordered financial obli-  
17 gations 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 the court-ordered financial  
20 obligations of an adult in custody 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 3c.** If House Bill 3146 becomes law, section 3 of this 2019 Act is amended to read:

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

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