

SENATE AMENDMENTS TO SENATE BILL 980

By COMMITTEE ON JUDICIARY

April 19

1 In line 2 of the printed bill, after “Corrections” insert “; creating new provisions; and amending
2 ORS 423.105”.

3 Delete lines 4 through 9 and insert:

4 “**SECTION 1.** ORS 423.105, as amended by section 8, chapter 120, Oregon Laws 2018, is
5 amended 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
14 resulting from a crime committed by the inmate; 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 “(e) ‘**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;

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

1 “(D) Railroad retirement benefits; or

2 “(E) Moneys paid as compensation to an inmate in a prison work program established under the

3 Prison Industries Enhancement Certification Program, or a successor program designated by the

4 United States Director of the Bureau of Justice Assistance pursuant to 18 U.S.C. 1761.

5 “(2)(a) **Notwithstanding ORS 161.675**, the Department of Corrections shall collect eligible

6 moneys from an inmate trust account if the inmate owes court-ordered financial obligations as de-

7 scribed in this section.

8 “(b) Notwithstanding any other provision of this section, the department may deduct a fixed

9 percentage of each inmate performance monetary award made to an inmate, to be credited to a

10 general victims assistance fund, before crediting the remainder of the award to the inmate trust

11 account.

12 “(3)(a) The [*Department of Justice and the*] Judicial Department shall provide an accounting to

13 the Department of Corrections of court-ordered financial obligations **described in subsection**

14 **(1)(b)(A) of this section**, if any, owed by each inmate. The accounting records may be provided

15 electronically in a format agreed upon by the departments.

16 “(b) Upon receipt of the accounting records described in paragraph (a) of this subsection, the

17 Department of Corrections shall collect a portion of eligible moneys from the inmate trust account

18 of each inmate as follows:

19 “(A) Until an inmate not sentenced to death or to life imprisonment without the possibility of

20 release or parole has \$500 in a transitional fund to facilitate reentry after release, 10 percent of

21 eligible moneys shall be collected for court-ordered financial obligations and five percent of eligible

22 moneys shall be collected and transferred to the inmate’s transitional fund.

23 “(B) After the inmate has at least \$500 in the transitional fund, or if the inmate has been sen-

24 tenced to death or to life imprisonment without the possibility of release or parole, the department

25 shall collect 15 percent of eligible moneys for court-ordered financial obligations.

26 “(C) After court-ordered financial obligations have been paid, an inmate not sentenced to death

27 or to life imprisonment without the possibility of release or parole may elect to continue to transfer

28 five percent of eligible moneys into the transitional fund.

29 “(c) Notwithstanding ORS 18.615 or any other provision of law, while moneys held in an inmate’s

30 transitional fund described in this subsection remain within the custody or control of the Depart-

31 ment of Corrections, those moneys are neither assignable nor subject to execution, garnishment,

32 attachment or any other process.

33 “(4) There are three levels of priority for the application of collected moneys to court-ordered

34 financial obligations, with Level I obligations having the highest priority and Level *[III]* **IV** obli-

35 gations having the lowest priority. The levels are as follows:

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

37 restitution defined in ORS 137.103 and fines, fees or court-appointed attorney fees imposed in a

38 criminal action.

39 “(b) **Level II obligations are civil judgments that include a money award for a crime vic-**

40 **tim entered against an inmate resulting from a crime committed by the inmate in which the**

41 **Department of Justice is a judgment creditor.**

42 “[*b*)] (c) Level *[II]* **III** obligations are child support obligations and **all other** civil judgments

43 including a money award for a crime victim entered against an inmate resulting from a crime com-

44 mitted by the 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 for a crime victim entered against an inmate
27 resulting from a crime committed by the inmate; 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)(A) and (D) of this section and for court-**
19 **ordered financial obligations described in subsection (1)(b)(C) of this section in which the**
20 **department is a judgment creditor.** The accounting records may be provided electronically in a
21 format agreed upon by the departments.
22 “(b) Upon receipt of the accounting records described in paragraph (a) of this subsection, the
23 Department of Corrections shall collect a portion of eligible moneys from the inmate trust account
24 of each inmate as follows:
25 “(A) Until an inmate not sentenced to death or to life imprisonment without the possibility of
26 release or parole has \$500 in a transitional fund to facilitate reentry after release, 10 percent of
27 eligible moneys shall be collected for court-ordered financial obligations and five percent of eligible
28 moneys shall be collected and transferred to the inmate’s transitional fund.
29 “(B) After the inmate has at least \$500 in the transitional fund, or if the inmate has been sen-
30 tenced to death or to life imprisonment without the possibility of release or parole, the department
31 shall collect 15 percent of eligible moneys for court-ordered financial obligations.
32 “(C) After court-ordered financial obligations have been paid, an inmate not sentenced to death
33 or to life imprisonment without the possibility of release or parole may elect to continue to transfer
34 five percent of eligible moneys into the transitional fund.
35 “(c) Notwithstanding ORS 18.615 or any other provision of law, while moneys held in an inmate’s
36 transitional fund described in this subsection remain within the custody or control of the Depart-
37 ment of Corrections, those moneys are neither assignable nor subject to execution, garnishment,
38 attachment or any other process.
39 “(4) There are three levels of priority for the application of collected moneys to court-ordered
40 financial obligations, with Level I obligations having the highest priority and Level IV obligations
41 having the lowest priority. The levels are as follows:
42 “(a) Level I obligations are compensatory fines imposed pursuant to ORS 137.101, awards of
43 restitution defined in ORS 137.103 and fines, fees or court-appointed attorney fees imposed in a
44 criminal action.
45 “(b) Level II obligations are civil judgments that include a money award for a crime victim en-

1 tered against an inmate resulting from a crime committed by the inmate in which the Department
2 of Justice is a judgment creditor.

3 “(c) Level III obligations are child support obligations and all other civil judgments including
4 a money award for a crime victim entered against an inmate resulting from a crime committed by
5 the inmate.

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

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

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

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

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

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

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

23 “**SECTION 3. The amendments to ORS 423.105 by section 2 of this 2019 Act become op-**
24 **erative July 1, 2020.”**