

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 980**

1 In line 2 of the printed bill, after “Corrections” insert “; creating new  
2 provisions; and amending 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  
5 Laws 2018, 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) ‘Criminal action’ has the meaning given that term in ORS**  
21 **131.005.**

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

6       “[(d)] (e) ‘Inmate’ means a person who is at least 18 years of age and in  
7 the physical custody of the Department of Corrections. ‘Inmate’ does not in-  
8 clude:

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

12       “(B) A person transferred into or out of department custody pursuant to  
13 an interstate corrections compact.

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

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

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

20       “(A) Disability benefits for veterans;

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

22       “(C) Moneys dedicated for medical, dental or optical expenses or emer-  
23 gency trips;

24       “(D) Railroad retirement benefits; or

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

29       “(2)(a) **Notwithstanding ORS 161.675**, the Department of Corrections  
30 shall collect eligible moneys from an inmate trust account if the inmate owes

1 court-ordered financial obligations as described in this section.

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

6 “(3)(a) The [*Department of Justice and the*] Judicial Department shall  
7 provide an accounting to the Department of Corrections of court-ordered fi-  
8 nancial obligations **described in subsection (1)(b)(A) of this section**, if  
9 any, owed by each inmate. The accounting records may be provided elec-  
10 tronically in a format agreed upon by the departments.

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

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

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

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

27 “(c) Notwithstanding ORS 18.615 or any other provision of law, while  
28 moneys held in an inmate’s transitional fund described in this subsection  
29 remain within the custody or control of the Department of Corrections, those  
30 moneys are neither assignable nor subject to execution, garnishment, at-

1   tachment or any other process.

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

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

9       “**(b) Level II obligations are civil judgments that include a money**  
10   **award for a crime victim entered against an inmate resulting from a**  
11   **crime committed by the inmate in which the Department of Justice**  
12   **is a judgment creditor.**

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

16       “*[(c)]* **(d)** Level *[III]* **IV** obligations are civil judgments including a money  
17   award entered against an inmate resulting from an action for the inmate’s  
18   assault or battery of a Department of Corrections or Oregon Corrections  
19   Enterprises employee.

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

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

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

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

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

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

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

10 “423.105. (1) As used in this section:

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

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

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

18 “(B) A child support obligation;

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

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

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

25 “(d) ‘Eligible moneys’ means moneys deposited in an inmate trust account  
26 that are subject to collection under this section, including but not limited  
27 to inmate performance monetary awards and moneys received from an  
28 inmate’s family members or friends. ‘Eligible moneys’ does not include pro-  
29 tected moneys.

30 “(e) ‘Inmate’ means a person who is at least 18 years of age and in the

1 physical custody of the Department of Corrections. ‘Inmate’ does not in-  
2 clude:

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

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

11 “(f) ‘Protected moneys’ means moneys deposited in an inmate trust ac-  
12 count that are not subject to collection under state or federal law or under  
13 this section including but not limited to:

14 “(A) Disability benefits for veterans;

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

16 “(C) Moneys dedicated for medical, dental or optical expenses or emer-  
17 gency trips;

18 “(D) Railroad retirement benefits; or

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

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

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

30 “(3)(a) The Judicial Department shall provide an accounting to the De-

1 partment of Corrections of court-ordered financial obligations described in  
2 subsection (1)(b)(A) of this section, if any, owed by each inmate. **The De-**  
3 **partment of Justice shall provide an accounting of court-ordered fi-**  
4 **ancial obligations described in subsection (1)(b)(A) and (D) of this**  
5 **section and for court-ordered financial obligations described in sub-**  
6 **section (1)(b)(C) of this section in which the department is a judgment**  
7 **creditor.** The accounting records may be provided electronically in a format  
8 agreed upon by the departments.

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

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

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

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

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

30 “(4) There are three levels of priority for the application of collected

1 moneys to court-ordered financial obligations, with Level I obligations hav-  
2 ing the highest priority and Level IV obligations having the lowest priority.  
3 The levels are as follows:

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

7 “(b) Level II obligations are civil judgments [*including*] **that include** a  
8 money award for a crime victim entered against an inmate resulting from a  
9 crime committed by the inmate in which the Department of Justice is a  
10 judgment creditor.

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

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

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

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

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

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



1 section.

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

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

6 **“SECTION 3. The amendments to ORS 423.105 by section 2 of this  
7 2019 Act become operative July 1, 2020.”.**

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