

CHAPTER 692

AN ACT

SB 844

Relating to inmate trust account moneys; and declaring an emergency.

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

SECTION 1. (1) As used in this section:

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

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

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

(B) A child support obligation;

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

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

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

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

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

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

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

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

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

(A) Disability benefits for veterans;

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

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

(D) Railroad retirement benefits; or

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

(2)(a) The Department of Corrections shall collect eligible moneys from an inmate trust account if the inmate owes court-ordered financial obligations as described in this section.

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

(3)(a) The Department of Justice and the Judicial Department shall provide an accounting to the Department of Corrections of court-ordered financial obligations, if any, owed by each inmate. The accounting records may be provided electronically in a format agreed upon by the departments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. (1) Section 1 of this 2017 Act becomes operative on June 30, 2018.

(2) The Department of Corrections, the Department of Justice and the Judicial Department may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the departments, on and after the operative date specified in subsection (1) of this section, to exercise the duties, functions and powers conferred on the departments by section 1 of this 2017 Act.

SECTION 3. Notwithstanding any other provision of law, the General Fund appropriation made to the Department of Corrections by section 1 (2), chapter 573, Oregon Laws 2017 (Enrolled House Bill 5004), for the biennium beginning July 1, 2017, for central administration and administrative services, is increased by \$275,000 for the purpose of funding upgrades to the inmate trust accounting system.

SECTION 4. Notwithstanding any other provision of law limiting expenditures, the limitation on expenditures established by section 2 (2), chapter 573, Oregon Laws 2017 (Enrolled House Bill 5004), for the biennium beginning July 1, 2017, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Corrections for central administration and administrative services, is increased by \$500,000 for the purpose of funding upgrades to the inmate trust accounting system.

SECTION 5. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Approved by the Governor August 8, 2017

Filed in the office of Secretary of State August 8, 2017

Effective date August 8, 2017