

Requested by SENATE COMMITTEE ON JUDICIARY (at the request of the Department of Justice)

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

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

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

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

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

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

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

13 “(B) A child support obligation;

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

1 **131.005.**

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

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

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

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

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

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

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

21 “(A) Disability benefits for veterans;

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

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

25 “(D) Railroad retirement benefits; or

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

30 “(2)(a) **Notwithstanding ORS 161.675**, the Department of Corrections

1 shall collect eligible moneys from an inmate trust account if the inmate owes  
2 court-ordered financial obligations as described in this section.

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

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

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

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

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

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

28 “(c) Notwithstanding ORS 18.615 or any other provision of law, while  
29 moneys held in an inmate’s transitional fund described in this subsection  
30 remain within the custody or control of the Department of Corrections, those

1 moneys are neither assignable nor subject to execution, garnishment, at-  
2 tachment or any other process.

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

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

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

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

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

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

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

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

30 “(b) The Judicial Department may create a subaccount in which to deposit

1 the collected moneys received from the Department of Corrections under this  
2 section.

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

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

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

9 “423.105. (1) As used in this section:

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

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

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

17 “(B) A child support obligation;

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

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

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

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

29 “(e) ‘Inmate’ means a person who is at least 18 years of age and in the  
30 physical custody of the Department of Corrections. ‘Inmate’ does not in-

1 clude:

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

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

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

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

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

13 “(A) Disability benefits for veterans;

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

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

17 “(D) Railroad retirement benefits; or

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

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

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

29 “(3)(a) The Judicial Department shall provide an accounting to the De-  
30 partment of Corrections of court-ordered financial obligations described in

1 subsection (1)(b)(A) of this section, if any, owed by each inmate. **The De-**  
2 **partment of Justice shall provide an accounting of court-ordered fi-**  
3 **ancial obligations described in subsection (1)(b)(B) and (C) of this**  
4 **section.** The accounting records may be provided electronically in a format  
5 agreed upon by the departments.

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

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

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

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

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

27 “(4) There are four levels of priority for the application of collected  
28 moneys to court-ordered financial obligations, with Level I obligations hav-  
29 ing the highest priority and Level IV obligations having the lowest priority.  
30 The levels are as follows:

1 “(a) Level I obligations are compensatory fines imposed pursuant to ORS  
2 137.101, awards of restitution defined in ORS 137.103 and fines, fees or  
3 court-appointed attorney fees imposed in a criminal action.

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

6 “(c) Level III obligations are child support obligations.

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

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

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

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

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

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

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

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



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

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

6       “(a) ‘Adult in custody’ means a person who is at least 18 years of age and  
7 in the physical custody of the Department of Corrections. ‘Adult in  
8 custody’ does not include:

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

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

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

24       “(B) A child support obligation;

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

28       “(D) A civil judgment including a money award entered against an adult  
29 in custody resulting from an action for the assault or battery of a Depart-  
30 ment of Corrections or Oregon Corrections Enterprises employee.

1       “(d) ‘Criminal action’ has the meaning given that term in ORS  
2       131.005.

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

8       “[(e)] (f) ‘Protected moneys’ means moneys deposited in an adult in cus-  
9       tody trust account that are not subject to collection under state or federal  
10      law or under this section including but not limited to:

11      “(A) Disability benefits for veterans;

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

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

15      “(D) Railroad retirement benefits; or

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

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

24      “(b) Notwithstanding any other provision of this section, the department  
25      may deduct a fixed percentage of each adult in custody performance mone-  
26      tary award made to an adult in custody, to be credited to a general victims  
27      assistance fund, before crediting the remainder of the award to the adult in  
28      custody trust account.

29      “(3)(a) The [*Department of Justice and the*] Judicial Department shall  
30      provide an accounting to the Department of Corrections of court-ordered fi-

1 nancial obligations **described in subsection (1)(c)(A) of this section**, if  
2 any, owed by each adult in custody. The accounting records may be provided  
3 electronically in a format agreed upon by the departments.

4 “(b) Upon receipt of the accounting records described in paragraph (a) of  
5 this subsection, the Department of Corrections shall collect a portion of eli-  
6 gible moneys from the adult in custody trust account of each adult in cus-  
7 tody as follows:

8 “(A) Until an adult in custody not sentenced to death or to life  
9 imprisonment without the possibility of release or parole has \$500 in a  
10 transitional fund to facilitate reentry after release, 10 percent of eligible  
11 moneys shall be collected for court-ordered financial obligations and five  
12 percent of eligible moneys shall be collected and transferred to the transi-  
13 tional fund.

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

18 “(C) After court-ordered financial obligations have been paid, an adult in  
19 custody not sentenced to death or to life imprisonment without the possibil-  
20 ity of release or parole may elect to continue to transfer five percent of eli-  
21 gible moneys into the transitional fund.

22 “(c) Notwithstanding ORS 18.615 or any other provision of law, while  
23 moneys held in a transitional fund described in this subsection remain within  
24 the custody or control of the Department of Corrections, those moneys are  
25 neither assignable nor subject to execution, garnishment, attachment or any  
26 other process.

27 “(4) There are [*three*] **four** levels of priority for the application of col-  
28 lected moneys to court-ordered financial obligations, with Level I obligations  
29 having the highest priority and Level [*III*] **IV** obligations having the lowest  
30 priority. The levels are as follows:

1       “(a) Level I obligations are compensatory fines imposed pursuant to ORS  
2 137.101, awards of restitution defined in ORS 137.103 and fines, fees or  
3 court-appointed attorney fees imposed in a criminal action.

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

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

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

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

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

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

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

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

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

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

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

7       “(a) ‘Adult in custody’ means a person who is at least 18 years of age and  
8 in the physical custody of the Department of Corrections. ‘Adult in  
9 custody’ does not include:

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

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

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

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

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

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

22       “(A) A compensatory fine imposed pursuant to ORS 137.101, an award of  
23 restitution as defined in ORS 137.103 or any other fines, fees or court-  
24 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  
27 of Justice is a judgment creditor; or

28       “(D) A civil judgment including a money award entered against an adult  
29 in custody resulting from an action for the assault or battery of a Depart-  
30 ment of Corrections or Oregon Corrections Enterprises employee.

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

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

7 “(f) ‘Protected moneys’ means moneys deposited in an adult in custody  
8 trust account that are not subject to collection under state or federal law  
9 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 emer-  
13 gency trips;

14 “(D) Railroad retirement benefits; or

15 “(E) Moneys paid as compensation to an adult in custody in a prison work  
16 program established under the Prison Industries Enhancement Certification  
17 Program, or a successor program designated by the United States Director  
18 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  
20 collect eligible moneys from an adult in custody trust account if the adult  
21 in custody owes court-ordered financial obligations as described in this sec-  
22 tion.

23 “(b) Notwithstanding any other provision of this section, the department  
24 may deduct a fixed percentage of each adult in custody performance mone-  
25 tary award made to an adult in custody, to be credited to a general victims  
26 assistance fund, before crediting the remainder of the award to the adult in  
27 custody trust account.

28 “(3)(a) The Judicial Department shall provide an accounting to the De-  
29 partment of Corrections of court-ordered financial obligations described in  
30 subsection (1)(c)(A) of this section, if any, owed by each adult in custody.

1 **The Department of Justice shall provide an accounting of court-**  
2 **ordered financial obligations described in subsection (1)(c)(B) and (C)**  
3 **of this section.** The accounting records may be provided electronically in  
4 a format agreed upon by the departments.

5 “(b) Upon receipt of the accounting records described in paragraph (a) of  
6 this subsection, the Department of Corrections shall collect a portion of eli-  
7 gible moneys from the adult in custody trust account of each adult in cus-  
8 tody as follows:

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

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

19 “(C) After court-ordered financial obligations have been paid, an adult in  
20 custody not sentenced to death or to life imprisonment without the possibil-  
21 ity of release or parole may elect to continue to transfer five percent of eli-  
22 gible moneys into the transitional fund.

23 “(c) Notwithstanding ORS 18.615 or any other provision of law, while  
24 moneys held in a transitional fund described in this subsection remain within  
25 the custody or control of the Department of Corrections, those moneys are  
26 neither assignable nor subject to execution, garnishment, attachment or any  
27 other process.

28 “(4) There are four levels of priority for the application of collected  
29 moneys to court-ordered financial obligations, with Level I obligations hav-  
30 ing the highest priority and Level IV obligations having the lowest priority.

1 The levels are as follows:

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

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

7 “(c) Level III obligations are child support obligations.

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

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

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

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

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

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

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

30 “**SECTION 3c.** If House Bill 3146 becomes law, section 3 of this 2019 Act



1 is amended to read:

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

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