



Criminal Fine Account

STATUTORY STRUCTURE

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Criminal Fine Account



- Established by ORS 137.300
- Current version of the statute was enacted in 2011 as part of HB 2712
 - Some additional changes since then, but overall structure has remained consistent
- The account consists of moneys owed to and collected by the state as monetary obligations in criminal actions in state courts



Criminal Fine Account



- Subsection (1): moneys in the account are continuously appropriated to the Department of Revenue for distribution to the entities, programs and accounts to which moneys have been allocated
- Subsection (2) and (3): directs the Legislative Assembly to make specified allocations
- Allocations are made via a bill
 - In 2023, the bill was HB 5029 for the 2023-25 biennium
 - Adjustments were made in HB 5203 (2024)



Criminal Fine Account



- Subsection (2) directs the Legislative Assembly to allocate moneys in the account for four specified purposes
- Subsection (2) allocations are to be made “first,” before subsection (3) allocations
- The four purposes are listed in order of priority



Criminal Fine Account



(2) The Legislative Assembly shall first allocate moneys from the Criminal Fine Account for the following purposes, **in the following order of priority:**

(a) Allocations for **public safety standards, training and facilities.**

(b) Allocations for **criminal injuries compensation and assistance to victims of crime and children reasonably suspected of being victims of crime.**

(c) Allocations for the **forensic services provided by the Oregon State Police,** including, but not limited to, services of the **Chief Medical Examiner.**

(d) Allocations for the **maintenance and operation of the Law Enforcement Data System.**



Criminal Fine Account



- Subsection (3) provides that after subsection (2) allocations are made, the Legislative Assembly shall allocate moneys for 8 additional purposes
- Subsection (3) purposes are not listed in order of priority
- Subsection (4) expresses the legislative intent that subsection (3) allocations be consistent with historic funding of those entities, programs and accounts



Criminal Fine Account



(3) After making allocations under subsection (2) of this section, the Legislative Assembly shall allocate moneys from the Criminal Fine Account for the following purposes:

(a) Allocations to the **Law Enforcement Medical Liability Account** established under ORS 414.815.

(b) Allocations to the **State Court Facilities and Security Account** established under ORS 1.178.

(c) Allocations to the **Department of Corrections** for the purpose of planning, operating and maintaining county juvenile and adult corrections programs and facilities and drug and alcohol programs.



Criminal Fine Account



- (d) Allocations to the **Oregon Health Authority** for the purpose of grants under ORS 430.345 for the **establishment, operation and maintenance of alcohol and drug abuse prevention, early intervention and treatment services** provided through a county.
- (e) Allocations to the **Oregon State Police** for the purpose of the **enforcement of the laws relating to driving under the influence of intoxicants**.
- (f) Allocations to the **Arrest and Return Account** established under ORS 133.865.
- (g) Allocations to the **Intoxicated Driver Program Fund** established under ORS 813.270.
- (h) Allocations to the **State Court Technology Fund** established under ORS 1.012.



Criminal Fine Account



Other provisions of the statute:

- Subsection (5): CFA moneys may not be allocated for the payment of debt service obligations
- Subsection (7):
 - DOR “shall establish by rule a process for distributing moneys in the [CFA]”
 - DOR “may not distribute more than one-eighth of the total biennial allocation to an entity during a calendar quarter”



Criminal Fine Account



- ORS 137.300 *does not* specify what happens if there is a shortfall in the CFA and the full amount of the allocation cannot be distributed
- ORS 137.300 *does* contemplate excess moneys in the CFA after distributions have been made; subsection (6) directs DOR to deposit remaining moneys in the General Fund



Questions?



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