

House Bill 3471

Sponsored by Representative WHISNANT, Senator WESTLUND

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Imposes minimum fine for certain persons convicted of felony if court determines that conduct on which conviction is based occurred while person was engaged in performance of person's duties as official or employee, or that person was able to engage in conduct because of person's job or position. Provides that if person has retirement plan funded in part by person's employer, fine may not be less than 25 percent of value of employee's interest in plan.

Provides that 25 percent of beneficiary's interest in retirement plan is subject to execution for purpose of satisfying judgment in criminal action.

A BILL FOR AN ACT

1
2 Relating to judgments in criminal actions.

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

4 **SECTION 1. (1) If a person is convicted of a felony and the court determines that the**
5 **conduct on which the conviction is based occurred while the person was engaged in the**
6 **performance of the person's duties as an official or employee, or that the person was able**
7 **to engage in the conduct because of the person's job or position, the court shall make a no-**
8 **tation of that determination in the judgment of conviction.**

9 **(2) If a court makes a notation in a judgment of conviction pursuant to subsection (1)**
10 **of this section, and the person convicted of the felony has an interest in a retirement plan,**
11 **as defined in ORS 18.358 (1), that is funded in any amount by the person's employer, the**
12 **court shall impose a fine for the conviction that is not less than 25 percent of the value of**
13 **the employee's interest in the plan determined as of the date that the judgment of conviction**
14 **is entered.**

15 **(3) Upon request of any circuit court, the administrator of a retirement plan, as defined**
16 **in ORS 18.358 (1), shall provide to the court a valuation of a person's interest in the plan as**
17 **described in subsection (2) of this section.**

18 **SECTION 2. Section 3 of this 2005 Act is added to and made a part of ORS 18.252 to 18.850.**

19 **SECTION 3. Notwithstanding ORS 18.358 and 238.445 and any other law providing ex-**
20 **emptions from execution, 25 percent of a beneficiary's interest in a retirement plan, as de-**
21 **efined by ORS 18.358 (1), is subject to execution for the purpose of satisfying a judgment in a**
22 **criminal action.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.