



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291
DEPARTMENT OF CORRECTIONS

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ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Trust Accounts

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/24/2026 12:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

CONTACT: Julie Vaughn
971-701-0139
julie.a.vaughn@doc.oregon.gov

3723 Fairview Industrial Dr. SE, Ste 200
Salem, OR 97302

Filed By:
Julie Vaughn
Rules Coordinator

NEED FOR THE RULE(S)

Some of the proposed changes are needed to change the term "inmate" to "adult in custody"; align the rules with current practices or align terms with statutory definitions; codify current practice; clarify the rules or definitions; add or delete definitions; or update statutory references. Other proposed amendments to these rules establish guidelines for the assessment of fees to establish a trust account in accordance with ORS 421.125(2)(f); or clarify the adult in custody's responsibly associated with stop payment requests.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department of Corrections anticipates that these proposed amendments to its Division 158 rules, OAR 291-158 Trust Accounts, will have a positive impact on racial equity in the State of Oregon.

These rules establish Department of Corrections policies and procedures for the administration of adult in custody trust accounts and financial information and safeguarding of adult in custody funds for authorized expenditures and assessments during incarceration, or, in anticipation of release. Some proposed amendments align the rules with current practices or align terms with statutory definitions; codify current practice; clarify the rules or definitions; add or delete definitions; or update statutory references. Since these changes are not substantive, the department anticipates a neutral impact on racial equity in the state.

Other proposed amendments to the department's Division 158 rules establish guidelines for the assessment of fees to establish a trust account in accordance with ORS 421.125(2)(f), allowing more financially efficient operations; or clarify the adult in custody's responsibly associated with stop payment requests. These amendments are anticipated to have a neutral impact on racial equity in the state.

Additional proposed amendments will conform the rules to incorporate the statutory term for individuals incarcerated

in Department of Corrections institutions – “adult in custody”. These proposed amendments align with the department’s mission and guiding principles, which seeks to normalize and humanize the experience of individuals who are confined in Oregon’s prisons. The Department of Corrections understands that all adults in custody, including minority racial groups, are positively impacted when a culture of inclusivity, normalization, and humanization is created, and that these proposed rule amendments represent another step toward creating this culture. Because minority racial groups have historically been overrepresented among individuals who have been sentenced to prison incarceration in this state, the department anticipates that these proposed rule amendments will help promote the just and fair treatment of members of these groups while they are incarcerated and upon their release and transition back into Oregon’s communities upon completion of their incarceration sentences. For this reason, the Department of Corrections anticipates that these proposed rule amendments will have an overall positive impact on racial equity in this state.

FISCAL AND ECONOMIC IMPACT:

These proposed changes update the rules to perform housekeeping updates to reflect current terminology and processes, further define and clarify some processes for stakeholders (i.e. Misc. reserve deposits pending verification, stop payment fees, AIC welfare fund use, etc.); and establish guidelines for assessing a trust account establishment fee.

The rule change is expected to have minimal impact on current operations and is not anticipated to have additional costs or staffing fiscal impacts on the department, other state agencies/partners, local governments (the counties), AICs or the general public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as they will not be impacted by these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The department has determined that use of an advisory committee would not have provided any substantive assistance in drafting these rule revisions because of the technical nature of the revisions.

RULES PROPOSED:

291-158-0005, 291-158-0010, 291-158-0015, 291-158-0025, 291-158-0035, 291-158-0045, 291-158-0051, 291-158-0055, 291-158-0065, 291-158-0071, 291-158-0081

AMEND: 291-158-0005

RULE SUMMARY: Amends rule to clarify, update statutory references, and change the term "inmate" to "adult in custody"

CHANGES TO RULE:

291-158-0005

Authority, Purpose, and Policy ¶¶

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections (DOC) in accordance with ORS 30.643, 34.365, 34.370, 98.302, 138.590, 144.335, 179.040, 179.510 to 179.530, 421.068, 421.125, 423.020, 423.030, 423.075, and ORS 423.105.¶¶

(2) Purpose: The purpose of these rules is to establish Department of Corrections policies and procedures for the ~~establishment and administration of inmate trust accounts~~ administration of adult in custody trust accounts and financial information, and to safeguarding inmate adult in custody funds used for authorized expenditures; and assessments during incarceration, or, in anticipation of release.¶¶

(3) Policy: ¶¶

(a) It is the policy of the Department of Corrections to restrict the use of ~~inmate~~ adult in custody funds for authorized purposes. The ~~D~~ department will control and safeguard ~~inmate~~ adult in custody funds utilizing accepted accounting procedures. Moneys received not in accordance with these rules will be considered contraband and placed in the ~~Inmate~~ AIC Welfare Fund. Every person who is charged with processing ~~inmate~~ adult in custody money or trust funds shall follow these rules.¶¶

(b) It is the policy of the Department of Corrections to ~~assess an inmate~~ make appropriate assessments on an adult in custody's account, as ~~direct~~ provided by statute or rule, including assessments for court-ordered costs and fees in judicial review proceedings, in habeas corpus and post-conviction cases, in tort actions against a public body, and in other proceedings as authorized or required by law. The department intends that its rules authorizing assessments against an ~~inmate~~ adult in custody's account for these purposes apply retroactively to assessments made by the ~~D~~ department prior to, on, and after the effective date of these rules.

Statutory/Other Authority: ORS 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 423.020, 423.030, 423.075, 423.105, 179.510 - 179.530, 421.068, 421.125

Statutes/Other Implemented: ~~423.075~~, ORS 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 423.020, 423.030, 423.075, 421.068, 421.125

AMEND: 291-158-0010

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody", organize the definitions alphabetically, remove unnecessary definitions or add new or standard department definitions, and clarify or simplify definitions.

CHANGES TO RULE:

291-158-0010

Definitions ¶¶

(1) ~~Administrative Trust Account: An account created and approved by Central Trust that is located in the inmate in the adult in custody financial banking system. This type of account may be used for club accounts, group activities or special interest groups, and are is not associated with an individual State Identification Number (SID).~~ ¶¶

(2) ~~Central Trust: A unit within the Department of Corrections that is responsible for administering and managing inmate trust accounts; including making authorized transactions consistent with state or federal law in inmate~~ ¶¶

~~Adult in Custody (AIC): Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.~~ ¶¶

(3) ~~Adult in Custody Financial Banking System: A system for managing financial transactions for moneys held within Central Trust.~~ ¶¶

(4) ~~Adult in Custody Trust Accounts and administrative trust accounts.~~ ¶¶

(3) ~~Court-Ordered Financial Obligations (COFO): Financial obligations an inmate may have, as defined in ORS 423.105, including, but not limited to, certain fines, fees, or restitution imposed in a criminal case, a child support obligation, or a civil judgment that includes a money award for a crime victim, or otherwise defined in ORS 423.105.~~ ¶¶

(4) ~~Department of Corrections Facility: Any institution, facility, or staff office, including the grounds, operated by the Department of Corrections.~~ ¶¶

(5) ~~Designated Funds: Funds sent to any inmate that are designated and obligated to pay: An account the Department of Corrections establishes and maintains in trust on behalf of an adult in custody for the deposit and safeguarding of moneys that are the property of an adult in custody or associated with an adult in custody by their SID number. An adult in custody trust account may include sub-accounts that hold funds for a specific service purposes or witem authorized by the Functional Unit Manager.~~ ¶¶

(6) ~~DOC Debt: Any debt the Department of Corrections is authorized to place on the inmate's trust account as debt owed to the Department of Corrections.~~ ¶¶

(7) ~~Eligible Deposits: Deposits made into an inmate's gh restrictions or conditions on the manner or timing in which an adult in custody may use or access funds in those sub-accounts. The types of sub-accounts the Department of Corrections may establish include:~~ ¶¶

(a) ~~General Spending account that Trust Account: The primary subject to the Department's debt collection procedures in these rules, including discretionary monetary awards made by DOC to inmates under the Performance Recognition and Award System (PRAS) from legislatively-account that holds funds that are not designated for any specific purpose. An adult in custody may use the funds in this account to make department-appropriated funded purchases.~~ ¶¶

(8b) ~~Financial Information: Protected Spending Trust Account information that reflects the transactions associated with an inmate's account reflecting a list of transactions by type, dollar amount and running balance.~~ ¶¶

(9) ~~Functional Unit: Any organizational component within; A sub-account containing funds that are not designated for any specific purpose and are not subject to collection by the Department of Corrections responsible for the delivery of services or coordination of programs.~~ ¶¶

(10) ~~Functional Unit Manager: Any person within thunder state or federal law, including ORS 423.105. An adult in custody may use the funds in this account to make Ddepartment of Corrections who reports to either the Director, Deputy Director, an Assistant Director, or an Administrator and has responsibility for the delivery of program services or coordination of program operations. In a correctional facility, the functional unit manager is the superintendent.~~ ¶¶

(11) ~~Garnishment: The procedure by which a creditor invokes the authority of a circuit court, justice court or municipal-approved purchases.~~ ¶¶

(c) ~~Reserve Account: A sub-account that holds funds that are not used for general spending or use by an adult in custody and may be subject to restriction or limitation on use by, for, or on behalf of an adult in custody. Types of reserve sub-accounts include, but are not limited to:~~ ¶¶

(A) ~~Miscellaneous Reserve Account: A sub-account to acquire garnishable properthat holds funds, typically ofn a~~

debtor that is in the possession, control or custody of a person other than the debtor.¶

(12) Inmate: Any person in the physical custody of temporary basis, while an adult in custody's interest in those funds are determined (for on-out-count from) the Department of Corrections, and for whom the Department has created and maintained a trust account administered by Central Trust.¶

(13) Inmate Financial Banking System: A system for managing financial transactions for moneys held within Central Trust.¶

(14) Inmate example, to confirm the legitimacy or completion of deposited moneys, to hold funds pending resolution of creditor claims in judicial proceedings like writs of garnishment or execution, or to resolve and correct errors associated with deposits into or withdrawals from the Trust Account: An account DOC establishes and maintains in trust for the deposit and safeguarding of moneys that are the property of an inmate or associated with an inmate by their SID number on their behalf. DOC may segregate moneys for specific purposes into subaccounts, and those subaccounts may include restrictions or conditions on the manner or timing in which an inmate may use or access funds in those accounts. The types of subaccounts DOC may establish include). ¶

(B) Protected Moneys Reserve Obligated Account: A sub-account containing funds that are designated and obligated to be used to pay for authorized specific goods, services, programs, or assistance including, but not limited to, dental, educational, medical, optical, religious purchases, and trips.¶

(d) Savings Accounts: ¶

(aA) General Spending Trust Account: The primary Release Savings Account: A sub-account that holds funds that are not designated for any specific purpose. An inmate may use the intended for release from Department of Corrections custody. Funds in this sub-account to make any purchase that has been approved by DOC, (for example authorized personal necessities, commissary items, photocopies, postage, Board of Parole and post-prison supervision materials) may be subject to the collection of any DOC debt as provided in these rules. Exceptions to use funds from this sub-account may be made with the approval of the Financial Services Administrator or designee.¶

(bB) Reserve Transitional Savings Account: A sub-account that holds funds that are not subject to the debt collection procedures for DOC debt or non-DOC debt as provided in these rules. Types of reserve accounts include, but are not limited to: ¶

(A) Protected Moneys Reserve Account: A sub-established and protected under ORS 423.105 that holds funds for an adult in custody to use upon release from Department of Corrections custody. ¶

(5) AIC Welfare Fund: An account established under ORS 421.068 and subject to OAR 291-156 of the department's administrative rules. This account contains funds that are not designated for any specific purpose. An inmate may use the funds in this account to make appropriated to the Department of Corrections for uses benefiting the general population of adults in custody, enhancing activities and purchase that has been approved by DOC, (for example authorized personal necessities, photocopies, postage, Board of Parole and Post-Prison Supervision materials) except commissary. To purchase commissary items, protected moneys reserve account funds may be transferred using a Transfer Form (CD1832) to the General Spending Trust Account programs including education programs and providing for offender reentry programs and support. ¶

(6) Assessment: The collection of, or imposition of, a charge or claim against funds belonging to an adult in custody, including any fine, court order, judgment, money award, levy, tax, or fee. ¶

(7) Central Trust: A unit within Financial Services in the Department of Corrections that is responsible for administering and maintain their protected status, unless the Inmate Financial Banking System allows for direct spending from the protecting adult in custody trust accounts.¶

(8) Court-Ordered Financial Obligation (COFO): A financial obligation as defined in ORS 423.105, which includes specified moneys reserve account. Funds allowed to be transferred in this manner are non-eligible deposits and are not subject to collection of DOC or non-DOC debt, except when the Department is required to pursuant to court order.¶

(B) Protected Moneys Reserve Oblfines, awards or fees in a criminal action, child support obligations, and specified civil judgments. ¶

(9) Department of Corrections Facility: Any institution, facility, or staff office, including the grounds, operated by the Department of Corrections.¶

(10) Designated Account: A sub-account containing fFunds: Funds that are designated and obligated to be used to pay for a specific goods, services, programs, or assistance, including but not limited to dental, educational, medical, optical, or religious purchases, and special trips.¶

(C) Miscellaneous Reserve Account: A sub-account that holds pending funds that are designated and obligated to be used for a specific purpose.¶

(c) Savings Accounts: ¶

(A) General Savings Account: A subaccount that holds funds until release from DOC custody. Funds service or item authorized by the Functional Unit Manager.¶

(11) DOC Debt: Any debt the Department of Corrections is authorized to place on the adult in custody's trust

account as debt owed to the Department of Corrections.¶

(12) Eligible Deposits: Deposits made into an adult in custody's general spending account that are subject to the department's debt collection procedures in these rules, including discretionary monetary awards made by the department to adults in custody under the Performance Recognition and Award System (PRAS).¶

(13) Financial Information: Trust account information that reflects the transactions associated with an adult in custody's account listing this account may be subject to the collection of any DOC and non-DOC debts as provided in these rules. Exceptions to use funds from this account may be made ransactions by type, dollar amount, and running balance.¶

(14) Financial Services: A unit within the Chief Financial Office that provides administration and oversight of adult in custody banking (Central Trust), Business Services, and Statewide Financial Programs.¶

(15) Functional Unit: Any organizational component within the approval of the CFO or designee.¶

(B) Transitional Savings Account: A reserve account established and protected pursuant to ORS 423.105 that holds funds for an inmate to use upon release from DOC custody. Funds in this account are not subject to the collection of any DOC and non-DOC Department of Corrections responsible for the delivery of program services or coordination of program operations.¶

(16) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, Deputy Director, an Assistant Director, or an administrator and has responsibility for the delivery of program services or coordination of program operations. In a correctional facility, the functional unit manager is the superintendent. ¶

(157) Inmate Welfare Fund: An account established to provide moneys to enhance programs and activities that benefit the general inmate population.¶
Garnishment: The procedure by which a creditor invokes the authority of a circuit court, justice court, or municipal court or, when authorized by law, its own statutory authority to acquire garnishable property of a debtor that is in the possession, control, or custody of a person other than the debtor.¶

(168) Moneys: Cash, money orders, personal checks, warrants, certified checks, and other remittances.¶

(179) Non-DOC Debt: Any debt incurred by an inmate adult in custody that is not a "DOC Debt".¶

(1820) Non-Eligible Deposit: Protected funds defined in ORS 423.105 and OAR 291-158.¶

(219) Obligated Moneys: Moneys reserved for a specific purpose and that may have restrictions or conditions on the manner or authority for disbursing those moneys.¶

(20) Out-count: A count of inmates who are officially listed on the facility census but who are not physically present on the premises; e.g. inmates attending court, in a hospital, performing community service, work release or at an off-facility medical appointment. An out-count is a segment of the count of inmates.¶

(242) Photo Identification (Photo ID): Any government-issued photo identification that contains a current home address.¶

(223) Protected Moneys: As defined in ORS 423.105, moneys deposited in an inmate adult in custody trust account that are not subject to collection under state or federal law, including but not limited to:¶

(a) Disability benefits for veterans;¶

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

(c) Moneys obligated for medical, dental, religious, education, optical expenses or emergency trips; ¶

(d) Railroad retirement benefits; or¶

(e) Moneys paid as compensation to an inmate adult in custody 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.¶

(234) Receipts: Official Department of Corrections money receipts that are used to record receipt of money on behalf of or for the use of inmates.¶

(24) Release Subsidies: Financial assistance allocated to a released inmate by the county for the purpose of purchasing essential goods or services related to release needs documents used to record money received on behalf of or for the use of adults in custody.¶

(25) SID Number: A unique State Identification Number (SID) assigned to each inmate adult in custody and reported to the Oregon State Police Identification Services Section. ¶

(26) Signature Authorization Form (CD1465): The official form designated by Central Trust that contains the signatures of each staff member authorized by their specific functional unit manager or designee to approve completed Withdrawal Request forms (CD28) for designated inmate expenditures.¶

(27) Stale Check: A check that is outstanding and has not been cashed for two years or more.¶

(28) Trust Funds: Moneys that are the property of an inmate Trust Funds: Funds that are the property of an adult in custody or held on behalf of an inmate adult in custody that are deposited with the State Treasurer and managed administered by the Department of Corrections.

Statutory/Other Authority: ORS 30.643, 34.365, 179.5134.370, 138.590, 144.335, 179.040, 179.510 - 179.530, 421.068, 421.125, 423.020, 423.030, 423.075, 34.370, 179.520423.105

Statutes/Other Implemented: 179.510, 423.020, 423.030, 423.075, ORS 30.643, 34.365, 34.370, 138.590,

144.335, 179.040, 179.520, 10 - 179.530, 421.068, 423.020, 423.030, 423.075, 423.105

AMEND: 291-158-0015

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody", to update, further define, or clarify process, and to update statutory references.

CHANGES TO RULE:

291-158-0015

Trust Accounts ¶

(1) The Central Trust Unit will establish one trust account for each ~~inmate~~adult in custody which corresponds to the SID number issued. ~~The~~A trust account may include one or more sub-accounts as described in these rules. The trust account will accrue interest at a rate determined by ~~applicable statutes~~law. All moneys received for an ~~inmate~~adult in custody that are authorized for receipt in accordance with the provisions of these rules shall be credited to the ~~inmate~~adult in custody's trust account. ¶

(2) The ~~D~~department may assess an ~~inmate~~adult in custody's trust account for the following non-exclusive reasons: ¶

(a) Sanctions resulting from ~~the inmate's~~a disciplinary hearings; ¶

(b) Garnishment ~~actions determined by the courts~~or collection actions in a court proceeding, or by a state or federal agency with statutory authority to issue a warrant or levy against adult in custody property to collect taxes or other debts owed; ¶

(c) Court-ordered costs and fees in judicial review proceedings, in habeas corpus and post-conviction cases, in tort actions against a public body, or in other proceedings as authorized by law. ~~The reasons identified in sub-section (c) are different than those described in ORS 423.105.~~ ¶

(d) Damages or destruction caused by willful misconduct; ¶

(~~d~~e) Costs associated with the facility, release, and programs; ¶

(e) Copies; ¶

(f) Postage; ¶

(g) ~~M~~Photocopy or postage costs; ¶

(g) Authorized medical or dental services, including prostheses or other device, or optical services or purchases; ¶

(h) Authorized self-elected activities or purchases; ¶

(i) To correct illegal or erroneous transactions; ~~and~~or ¶

(j) As otherwise authorized ~~or permitted by law.~~ ¶

(3) ~~Inmates~~by law. ¶

(3) Adults in custody who are indebted to the ~~D~~department shall have their trust account debited, and funds disbursed in accordance with ~~the provisions of OAR 291-158-0065.~~ ¶

(4) ~~Once per calendar month, an inmate~~applicable law. ¶

(4) An adult in custody may request to transfer funds from their ~~protected moneys reserve~~a General Spending Trust Account to the inmate's general spending trust air General Release Savings Account by submitting a completed Transfer Request form (CD1832) to Central Trust ~~or designee, unless the Inmate Financial Banking System allows for direct spending from the protected moneys reserve account. These deposits if allowed, are not considered eligible deposits and therefore are not subject to collection of DOC debt and non-DOC debt, except when the Department is required to pursuant to court order. Once per calendar mo.~~ Funds in this account may be subject to the collection of any DOC debt as provided in these rules. Exceptions to use funds from the General Release Savings Account may be made with the approval of the Financial Services Administrator or designee by submitting a General Release Savings Exception Request form (CD1910). ¶

(5) If an adult in custody has less than \$500.00 in their Transitional Savings Account, an ~~inmate~~adult in custody may request to transfer funds from their ~~g~~General sSpending ~~a~~Trust Account to their geneTransitional ~~s~~Savings aAccount by submitting a completed Transfer Request form (CD1832) to Central Trust. ~~Funds in this account may be subject to the collection of any DOC and non-DOC debts as provided in, provided that the transfer may not cause these rules. Exceptions to use funds from this account may be made with the approval of the CFO or designee.~~ ¶

(5) Release subsidies may be determined in accordance with OAR 291-157 and ORS 421.125. Transitional Savings Account balance to exceed \$500.00. ¶

(6) Each month, ~~Central Trust~~Financial Services will provide each ~~inmate with an active~~adult in custody with a trust account, a statement that shows a list of transactions by type, dollar amount, and running balance. This statement may be provided by paper or electronic means. ¶

(a) An inmate may submit questions or disputes regarding the statement to Central Trust, in writing, within 60 days of the statement issue date. Questions regarding account balances or whether transactions have been posted must be submitted to the institution business office, or, if an institution business office is not available, to

Central Trust. ¶

~~(b) Each inmate~~Each adult in custody shall be responsible for monitoring their trust account balance by using the monthly account statements provided to them. Additional copies of the monthly account statement shall be available for purchase from ~~Central Trust~~Financial Services at a cost of \$.50 per page. ¶

~~(b) Questions regarding the statement shall be submitted to the institution business office. If an institution business office is not available, questions may be submitted to Central Trust. ¶~~

~~(7) Funds held in an inmate~~adult in custody's trust account shall be disbursed to the ~~inmate upon~~adult in custody upon physical release from the ~~ea~~ Department of Corrections ~~custody~~facility, unless otherwise provided by law. ~~All moneys not protected or obligated will be applied to an inmate's indebtedness prior to release. An inmate approaching release shall not be allowed to initiate a withdrawal request within fourteen days of the scheduled~~Prior to release, the department will collect against available trust account funds to satisfy any outstanding DOC debts. Within 14 days of the adult in custody's scheduled release date, funds held in an adult in custody trust account may be unavailable to spend due to Central Trust preparing the funds for the adult in custody's release date. ¶

~~(8) Any monetary transaction made on behalf of one inmate~~adult in custody for the benefit of another ~~inmate~~adult in custody is prohibited. Exceptions may be allowed on a case-by-case basis by the Chief Financial Officer, and Assistant Director of Operations, or their designees. ¶

~~(9) A transfer of funds from one inmate~~adult in custody's trust account to another ~~inmate~~adult in custody's trust account, including transfers that are made or facilitated by a person who is not under the supervision of the Department of Corrections, or by a financial institution, is prohibited. Exceptions may be allowed on a case-by-case basis by the Chief Financial Officer, and Assistant Director of Operations, or their designees. ¶

~~(10) Funds received by the D~~department for an ~~inmate~~adult in custody who is the subject of an investigation by the ~~D~~department or a law enforcement agency may be held by the ~~D~~department in the ~~inmate~~adult in custody's ~~Miscellaneous R~~Reserve aAccount pending the outcome of the investigation. ¶

~~(11) Funds remaining~~ceived by the department for an adult in custody may be placed into the adult in custody's Miscellaneous Reserve Account pending verification of the completion of a deposit, or to confirm the legitimacy and authorization for a deposit. ¶

~~(12) Funds~~ in a trust account that remain unclaimed two years after the ~~inmate~~adult in custody's release from custody of the Department of Corrections or death shall be disposed of ~~pursuant to as provided in~~ the Uniform Disposition of Unclaimed Property Act, ORS 98.302, et seq. ¶

~~(123) Stale~~Disbursed checks ~~p~~rocessed from trust funds shall ~~m~~an adult in custody's trust funds that remain uncashed after two years may be returned to the ~~inmate~~adult in custody's trust account.

Statutory/Other Authority: ORS 30.643, 34.365, 34.370, 98.302 - 98.436, 138.590, 144.335, 179.040, 423.020, 423.030, 423.075, 423.105

Statutes/Other Implemented: ~~423.020, 423.030~~, ORS 30.643, 34.365, 34.370, 98.302 - 98.436, 138.590, 144.335, 179.040, 423.0720, 423.030, 423.075, 423.105

AMEND: 291-158-0025

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody", to update, further define, or clarify process, and to update statutory references.

CHANGES TO RULE:

291-158-0025

Designated Funds ¶

(1) An inmate ~~adult in custody~~ may receive and expend funds designated for a specific purpose only ~~unds~~ as authorized by the functional unit manager or designee. ~~No designated funds may be received or expended by an inmate unless the sender provides a verifiable name and address.~~ ¶

(2) The functional unit manager or designee may authorize an inmate's receipt and ~~adult in custody's~~ expenditure of designated funds for optical, medical, or dental services, ~~or expenses~~; emergency trips, ~~education~~ programs ~~ing~~, education-related expenses, religious items, or other ~~area~~ purposes designated by the Department of Corrections policies, ~~irrespective~~ ~~regardless~~ of whether the inmate ~~adult in custody's~~ trust account is indebted. ¶

(3) The functional unit manager or designee may authorize an inmate's receipt and expenditure of designated funds for other approved purposes only if the inmate's trust account is not indebted. ¶

(4) If an inmate has unused designated funds in excess of \$10, the funds shall be returned to the sender. ~~Unused designated funds in an amount of \$10 or less becomes an eligible deposit to the inmate's general spending~~ ~~Unused designated funds totaling more than \$10.00 shall be returned to the sender; unused designated funds totaling \$10.00 or less may be deposited to the adult in custody's General Spending Trust Account. Unused designated funds that originated from the adult in custody's trust account shall be returned to the adult in custody's trust~~ account.

Statutory/Other Authority: ORS 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 423.020, 423.030, 423.075, 423.105

Statutes/Other Implemented: ORS 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 423.020, 423.030, 423.075

AMEND: 291-158-0035

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody" and to update statutory references.

CHANGES TO RULE:

291-158-0035

Interest Accruals ¶

Any interest accrued on funds in an ~~inmate~~adult in custody's protected money's reserve account will be credited into that account ~~on a monthly basis~~. Interest accrued on funds in any other account or sub-account will be credited monthly into the general spending trust account. ~~Inmates~~Adults in custody may request, in writing, the exclusion of interest on their trust account.

Statutory/Other Authority: ORS 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 179.510, 421.068, 421.125, 423.020, 423.030, 423.075, 179.510

Statutes/Other Implemented: ~~423.020~~, ORS 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 421.068, 421.125, 423.020, 423.030, 423.075

AMEND: 291-158-0045

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody", and to update or clarify process.

CHANGES TO RULE:

291-158-0045

Authorized Receipts ¶

(1) The Department will accept and process authorized money items received by Central Trust only in the form prescribed by and in accordance with the provisions of these rules, ~~OR 291-158-0005 to 291-158-0080.~~ ¶

(a) Authorized money items include: ¶

(A) Cashier's check; ¶

(B) Money order; ¶

(C) Checks or warrants issued by a local, state, federal, or tribal government; and ¶

(D) Checks issued by an insurance company related to the settlement of a legal action or claim; ¶

(E) Exceptions can be made with approval from the Chief Financial Officer or designee. For example, an exception may include a business check from a verified business for a legitimate reason. ¶

(b) Authorized money items must be made payable to the Department of Corrections; and must legibly include, on the face of the remittance, the name of the inmateadult in custody, the SID number of the inmateadult in custody, the legal name of the sender, and the current address of the sender. ¶

(c) Only one inmateadult in custody trust account may be credited per authorized money item. Exceptions can be made with approval from the Chief Financial Officer or designee. Authorized money items should be mailed directly to the Department of Corrections, Central Trust, P.O. Box 14400, Salem, OR 97309-5077. An authorized money item mailed to the Department must include the sender's legal name and current residence address on the outside of the envelope that contains the authorized money item. ¶

(d) Central Trust may provide an inmateadult in custody with a receipt for authorized money items received and credited to the inmateadult in custody's trust account upon request. ¶

(e) The Department may require ~~that~~ a copy of a photo ID be submitted along with any authorized money item: ~~Photo ID may be photocopied to be used for documentation purposes.~~ ¶

(2) Electronic Deposits ¶

(a) The Department may allow the deposit of funds to an inmateadult in custody trust account via electronic deposit through an approved third-party vendor. ¶

(b) Upon request by an inmateadult in custody, Central Trust may provide that inmateadult in custody with a receipt for authorized money items received and credited to that inmateadult in custody's trust account. ¶

(c) The Department may require ~~that~~ a copy of a photo ID be submitted along with any remittance. ~~Photo ID may be photocopied to be used for documentation purposes.~~ ¶

(3) Authorized money items requiring the inmateadult in custody's endorsement will be sent to the appropriate functional unit to obtain the inmateadult in custody's endorsement and then be returned to Central Trust. ¶

(4) Central Trust will not forward or deliver any non-money items (e.g. for example, correspondence, notes, and photographs) sent with or accompanying an authorized monetary item, except for authorized non-money items received from a governmental agency with a verified SID number. Non-money items with no obvious and apparent monetary value will be discarded. Non-money items with obvious and apparent monetary value will be returned to the sender with a ~~Mail Violation Notice~~.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075

AMEND: 291-158-0051

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody", and to update or clarify process.

CHANGES TO RULE:

291-158-0051

Unauthorized Receipts

(1) Money items in the form of cash or personal checks shall not be credited to an ~~inmate~~adult in custody's trust account. ¶

(a) Cash received in the mail by Central Trust shall be confiscated and deposited in the ~~Inmate~~AIC Welfare Fund. If enough information is provided, a notice of the confiscation shall be provided to the sender, and a copy of the notice shall be provided to the intended ~~inmate~~adult in custody recipient. If the cash was concealed, the method of concealment will be documented. Only the sender may request an administrative review of confiscated cash. If an administrative review is requested and the ~~D~~department determines that the sender did not conceal the cash, the money shall be returned to the sender. If the ~~D~~department cannot determine the sender of the cash, it will remain in the ~~Inmate~~AIC Welfare Fund. ¶

(b) Personal checks shall be returned to the sender with the envelope and its contents, along with a ~~M~~mail ~~Viol~~confiscation ~~N~~notice or and explanation for the return of the items. ¶

(c) Any money item made payable jointly to the ~~inmate~~adult in custody and a second party will be returned to the sender. ¶

(2) Unidentifiable Funds: ¶

(a) Any ~~remittance~~money item that is intended to be credited to an ~~inmate~~adult in custody's trust account that lacks sufficient information for the ~~D~~department to identify the ~~inmate~~adult in custody, or the sender, will be placed in an Administrative ~~€~~Trust Account. The Administrative Trust Account will be reconciled on a quarterly basis. ¶

(b) If the sender is unidentifiable, and if the ~~inmate~~ but the adult in custody is identifiable, Central Trust shall give written notice to the identified adult in custody that a deposit was sent with insufficient information to be deposited into the ~~inmate~~adult in custody's trust account. If sufficient information is not provided by the sender, 60 days from notice, the funds shall be ~~placed in the Inmate Welfare Funds based on violating these rules.~~confiscated in violation of this rule and deposited into the AIC Welfare Fund. ¶

(c) If the sender is identifiable but the ~~inmate~~adult in custody is unidentifiable, Central Trust shall return the funds to the sender. If the funds are undeliverable and returned to Central Trust, they funds will be ~~considered~~contraband ~~as~~confiscated ~~in~~violating the trust ~~on~~of this rule and will be deposited in the unidentified deposit account. ¶

(d) Any unclaimed funds remaining in the unidentified deposit account for greater than 60 days shall be confiscated and deposited into the ~~Inmate~~AIC Welfare Fund. ¶

(e) If a sender wishes to claim funds that have been confiscated by Central Trust and can provide sufficient information according to this trust rule, they must do so within one calendar year from deposit date.

Statutory/Other Authority: ORS 34.365, 30.643, 34.370, 138.590, 144.335, 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 34.365, 30.643, 34.370, 138.590, 144.335, 179.040, 423.020, 423.030, 423.075

AMEND: 291-158-0055

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody", to update, further define, or clarify process, and to update statutory references.

CHANGES TO RULE:

291-158-0055

Authorized Expenditures ¶

(1) An ~~inmate~~adult in custody may request and authorize Central Trust or their designee to withdraw funds from the ~~inmate~~adult in custody's trust account for authorized expenditures. Transactions will be recorded on the ~~inmate~~adult in custody's monthly trust account statement by referencing the transaction description and transaction date. ¶

(2) An ~~inmate~~adult in custody may initiate an authorized expenditure by submitting a completed Withdrawal Request form (CD28) to Central Trust or their designee. ~~If an inmate has a protected money reserve acco~~The adult in custody must sign the Withdrawal Request form in the presence of a designated employee as approved by the functional unit manager and wants the expenditure to be paid with funds from the protected moneys reserve account, the inmate must designate the use~~ager before sending the form to the functional unit manager or designee for approval.~~ ¶

(3) An ~~adult in custody~~ may initiate an authorized expenditure using their ~~protected spending trust account by submitting a completed Withdrawal of p~~Protected money r~~Funds on the CD28. The inmate must sign the Withdrawal Request form (CD28P) to Central Trust or their designee. The adult in custody must sign the Withdrawal of Protected Reserve Funds form in the presence of a designated staff member~~employee as approved by the functional unit manager before sending the form to the functional unit manager or designee for approval. ¶

(34) The ~~D~~department, in its sole discretion, may require that an ~~inmate~~adult in custody first accumulate sufficient funds in the ~~inmate~~adult in custody's trust account to cover the entire cost of a requested purchase or payment before authorizing the transaction. ¶

(45) Purchases: An ~~inmate~~adult in custody may use their general spending trust account funds ~~or protected spending trust account~~ to purchase authorized personal necessities, commissary items, photocopies, postage, and other such items as authorized for inmate purchase by the Department. ~~A request to purchase materials from the Board of Parole and Post-Prison Supervision (Parole Board) must be sent directly to the Parole Board prior to submitting a completed withdrawal request, to determine whether the materials are available and may be disclosed. An inmate may use funds held in their protected moneys reserve account to purchase authorized necessities, photocopies, postage, and other such items as authorized for inmate purchase by the Department except for commissary. To purchase commissary items, protected moneys reserve account funds may be transferred using a Transfer Form (CD1832) to the General Spending Trust Account and maintain their protected status. Funds transferred in this manner are non-eligible deposits and are not subject to collection of DOC or non-DOC debt, except when the Department is required to pursuant to court order.~~commissary items, photocopies, postage, and other such items as authorized for adult in custody purchase by the department. ¶

(56) Payments ~~/or~~ Disbursements: Unless otherwise provided by law, ~~inmates~~adults in custody may make the following types of payments or disbursements: ¶

(a) Support Payments, Court Orders, and Judgments: Payments for child, spousal, or family support (whether court ordered or self-elected), and to satisfy court orders and judgments (e.g. ~~for example~~, restitution orders, garnishment orders, judgments for filing fees and courts costs). ¶

(b) Self-Elected Programs, Services and Assistance: Payments for self-elected programs, services, assistance, and Private Sector Prison Industries Programs, as authorized by the ~~D~~department (e.g. ~~for example~~, education programs, ~~inmate~~adult in custody hair salon services, etc.). ¶

(c) Disbursement of Excess Funds: ~~Inmates~~Adults in custody who have no DOC debts may request Central Trust to disburse a portion of their general spending trust account funds in excess of their personal needs, and that of their dependents, to a third party (other than a Department of Corrections ~~inmate~~adult in custody or family member of another Department of Corrections ~~inmate~~adult in custody) for legitimate and verifiable purposes. The Withdrawal Request form (CD28) must be directed in writing to and approved by the ~~facility functional unit manager or designee.~~Financial Services Administrator or designee. ¶

(d) Disbursement of Protected Spending Trust Account Funds: At any time and regardless of debt status, an ~~inmate~~adult in custody may request that Central Trust disburse funds from their protected ~~moneys reserve account through the use of a withdrawal of f~~spending trust account using a Request for Withdrawal of Protected Reserve Funds form (CD28P). ¶

(de) The ~~D~~department may require additional information prior to approving any payment or disbursement. ¶

(67) Non-sufficient Funds: The ~~D~~department will return any Withdrawal Request form (CD28) if the ~~inmate~~adult

in custody lacks sufficient trust account funds for the requested withdrawal amount, unless the inmate adult in custody is specifically authorized to incur a debt in connection with the requested withdrawal.[¶]

(8) The department may assess a trust account establishment fee of \$1.00 in accordance with ORS 421.125(2)(f). Once assessed, the department may collect the assessed fee from any accrued interest, up to \$1.00, that is remaining or remaining to be deposited at the time of account closure due to release, transfer, or any other reason. The department may waive collection of any remaining uncollected portion of the assessed fee after account closure.[¶]

(9) Stop Payment Fees: If an adult in custody stops payment on a completed Withdrawal Request form (CD28), any costs associated with the stop payment, including any fees assessed by an issuing bank and any fees assessed by any other entity as a result of the stopped payment, are the responsibility of the adult in custody submitting the request for stop payment.

Statutory/Other Authority: ORS 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 421.125, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 421.125, 423.020, 423.030, 423.075

AMEND: 291-158-0065

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody", and to update, further define, or clarify process.

CHANGES TO RULE:

291-158-0065

Indebted Funds ¶

(1) Collection of DOC Debt; ¶

(a) An ~~inmate~~adult in custody who has DOC debt may be permitted to spend one half of the first \$80.00 (up to \$40.00) of funds deposited into the ~~inmate~~adult in custody's general spending trust account for authorized expenditures during that calendar month. ¶

(b) Any additional deposits received by the ~~inmate~~adult in custody into their general spending account during the calendar month shall be applied to the ~~inmate~~adult in custody's debt until such indebtedness is satisfied. ¶

(c) Any unused funds remaining in an ~~inmate~~adult in custody's general spending trust account ~~that were not transferred from the protected reserve account~~ at the end of the last business day of the calendar month shall be applied to the ~~inmate~~adult in custody's indebtedness. Any changes to this scheduled date will be communicated by Central Trust. ¶

(d) Holiday Period: During a designated holiday period, the Assistant Director of Operations or Institution Administrator may allow a standard increase in the amount of funds an ~~inmate~~adult in custody may spend from their trust account designated for the purchase of authorized items. The standard increase and holiday period will be the same for all functional units and will not be collected to pay DOC debts during that period. ~~Any unused funds remaining to an inmate's trust account that were not transferred from the protected reserve~~debts in custody who receive new DOC disciplinary fines or fees during the holiday period will have that debt collected at the end of the holiday period. Any unused funds remaining in an adult in custody's trust account at the end of the designated period will be applied to the ~~inmate~~adult in custody's indebtedness. ¶

(2) Collection of Non-DOC Debt: ~~DOC~~The Department of Corrections will comply with applicable state and federal law ~~in regards to~~ing the collection of non-DOC debt that has been established or that ~~DOC~~the Department of Corrections has been charged with collecting. ¶

(3) Collection of DOC Debt After Release: The Department of Corrections will comply with all applicable state and federal law regarding the collection of DOC debt once an adult in custody is released.

Statutory/Other Authority: ORS 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 423.020, 423.030, 423.075

Statutes/Other Implemented: ORS 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 423.020, 423.030, 423.075

AMEND: 291-158-0071

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody", to clarify, and to update statutory references.

CHANGES TO RULE:

291-158-0071

Restitution

(1) An ~~inmate~~adult in custody may be required to pay restitution to the ~~D~~department as a result of the ~~inmate~~adult in custody's misconduct in accordance with the ~~D~~department's rule on Prohibited ~~inmate~~Adult Conduct and Processing Disciplinary Actions (OAR 291-105). ¶

(2) An ~~inmate~~adult in custody may be required to pay restitution to an individual or other third party as determined by law. ¶

(3) Restitution payments may be ordered paid from the ~~inmate~~adult in custody's trust account, or from any other trust accounts over which the ~~D~~department exercises control. ¶

(4) Moneys confiscated via the disciplinary process will be deposited in the ~~inmate~~AIC Welfare Fund, unless otherwise directed by the hearings officer.

Statutory/Other Authority: ORS 423.020, 423.030, 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 293.450, 421.125, 423.075, 423.105

Statutes/Other Implemented: ORS 423.020, 423.030, 30.643, 34.365, 34.370, 138.590, 144.335, 179.040, 293.450, 421.125, 423.075

AMEND: 291-158-0081

RULE SUMMARY: Amends rule to change the term "inmate" to "adult in custody", and to update, further define, or clarify process.

CHANGES TO RULE:

291-158-0081

Administrative Review

(1) If an ~~inmate~~adult in custody is unable to resolve an issue regarding their account as stated in OAR 291-158-0015(6)(a), they may obtain an administrative review by writing to Central Trust on an ~~inmate~~AIC Communication form (CD214). The request must state the specific reason(s) why the ~~inmate~~adult in custody believes any errors occurred with their account. ~~RA~~ requests for administrative review must be received by ~~Central Trust no later~~ Financial Services within 60 days ~~of~~ from the statement issue date ~~per OAR 291-158-0015 (6)(a) to~~. An untimely request for administrative review will not be reviewable.

(2) If an ~~inmate~~adult in custody submits a timely request for administrative review, Central Trust will review relevant records to determine whether any error occurred. After review, Central Trust will issue a final decision in writing within 30 days after receipt of the request for administrative review. A copy of the final decision letter shall be provided to the ~~inmate~~adult in custody. First appeal letters go to the ~~inmate~~AIC Financial Services Administrator and second appeal letters go to the Chief Financial Officer. ¶

(3) Final decisions are not grievable.

Statutory/Other Authority: ORS 423.020, 423.030, 423.075, 179.040

Statutes/Other Implemented: ORS 423.020, 423.030, 423.075, 179.040