

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass and Be Referred to the Committee on Ways and Means

Vote: 5 - 0 - 0

Yeas: Beyer, Kruse, Prozanski, Walker, Burdick

Nays: 0

Exc.: 0

Prepared By: Darian Stanford, Counsel

Meeting Dates: 1/16, 2/6

WHAT THE MEASURE DOES: Allows court to designate award of economic damages to crime victim as compensatory fine, restitution or both.

ISSUES DISCUSSED:

- Priority of payment for compensatory fines over restitution
- Possible fiscal or revenue impact of \$1.7 million due to finite pool of money that is presently split 50-/50 percent between state and victim's restitution that, under SB 127, would shift to 100 percent to victim

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: If a defendant is found guilty of a crime, a court may order that the defendant financially compensate any victim(s) of the crime. This financial award may be designated as (1) a compensatory fine, (2) restitution or (3) both. A compensatory fine is a financial penalty that a criminal defendant must pay to the victim. Compensatory fines have priority over any other payment obligations of the defendant. Statutes limit the amount of compensatory fines from a range of \$1,250 for a Class C misdemeanor to \$500,000 for murder.

Restitution, also a financial award to a crime victim, is specifically tied to a victim's economic damages (objectively verifiable monetary losses, such as medical expenses, funeral costs, lost income, repair or replacement of damaged property, etc.). A court can only award restitution if the crime victim actually suffered such damages. Restitution obligations are equal in priority to a defendant's obligations to the state (meaning that any available money is split 50/50). There is no statutory limit to restitution awards.

Presently, there is no specific statutory authorization for a court to award economic damages as a compensatory fine (and thus giving priority). SB 127 amends ORS 137.101 to provide such authorization. If the amount of a victim's economic damages exceeds the compensatory fine limits, a court may award the remainder as restitution.