

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	8 - 0 - 1
Yeas:	Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	Barker
Prepared By:	Matt Kalmanson, Counsel
Meeting Dates:	5/21

WHAT THE MEASURE DOES: Provides that a disclaimer of property is barred if the purpose or effect of the disclaimer is to prevent recovery of an award of restitution.

ISSUES DISCUSSED:

- Uniform Disclaimer of Property Interests Act
- Exceptions to rules permitting disclaimers
- Rules of other states
- Use of disclaimers to avoid payment of restitution awards

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In 2001, Oregon adopted the Uniform Disclaimer of Property Interests Act. It permits individuals to “disclaim” – i.e., refuse to take – inheritances for tax or other reasons. In some cases, debtors disclaim inheritances to avoid paying creditors. According to the Oregon Department of Justice, criminals have used the rules governing disclaimers to avoid paying restitution awards, thus the inheritance go to the criminals’ families instead of crime victims. SB 133 A would bar disclaimers if the purpose or effect of the disclaimer is to prevent recovery of an award of restitution.