

Senate Bill 127

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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**.

Allows court to designate award of economic damages as compensatory fine, restitution or both.

A BILL FOR AN ACT

1
2 Relating to compensatory fines; amending ORS 137.101.

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

4 **SECTION 1.** ORS 137.101 is amended to read:

5 137.101. (1) Whenever the court imposes a fine as a penalty for the commission of a crime re-
6 sulting in injury for which the person injured by the act constituting the crime has a remedy by civil
7 action, unless the issue of punitive damages has been previously decided [*on*] **in** a civil case arising
8 out of the same act and transaction, the court may order that the defendant pay any portion of the
9 fine separately to the clerk of the court as compensatory fines in the case. The clerk shall pay over
10 to the injured victim or victims, as directed in the court's order, moneys paid to the court as
11 compensatory fines under this subsection. This section shall be liberally construed in favor of vic-
12 tims.

13 (2) **The court may apportion the amount of a victim's economic damages between**
14 **compensatory fines and restitution awarded under ORS 137.103 to 137.109. The court may**
15 **award** compensatory fines [*may be awarded*] in addition to, **or in lieu of**, restitution [*awarded under*
16 *ORS 137.103 to 137.109*]. **The court shall make a finding on the record if the court awards**
17 **compensatory fines or restitution to compensate a victim for economic damages. If the**
18 **amount of economic damages exceeds the permissible fines under ORS 161.625 and 161.635,**
19 **the court may award the balance as restitution.**

20 (3) Nothing in this section limits or impairs the right of a person injured by a defendant's
21 criminal acts to sue and recover damages from the defendant in a civil action. Evidence that the
22 defendant has paid or been ordered to pay compensatory fines under this section may not be intro-
23 duced in any civil action arising out of the facts or events [*which*] **that** were the basis for the
24 compensatory fine. However, the court in [*such*] **the** civil action shall credit any compensatory fine
25 paid by the defendant to a victim against any judgment for punitive damages in favor of the victim
26 in the civil 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.