

# Senate Bill 228

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Attorney General Hardy Myers for Attorney General's Restitution Reform Task Force)

## 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 victim who is entitled to payment of restitution to file petition for entry of civil judgment naming victim as judgment creditor for amount equal to restitution owing under criminal judgment. Requires satisfaction of money award for restitution payable to victim under criminal judgment.

## A BILL FOR AN ACT

1  
2 Relating to restitution.

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

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 18.**

5 **SECTION 2. (1) At any time after entry in circuit court of a judgment in a criminal**  
6 **action that includes a money award for restitution, the victim who is named in the judgment**  
7 **as being entitled to payment of the restitution may file a petition for the entry of a separate**  
8 **judgment that names the victim as a judgment creditor and that includes a money award**  
9 **equal to the amount owing as restitution to the victim on the date the new judgment is en-**  
10 **tered.**

11 **(2) A petition under this section must be filed with the circuit court that entered the**  
12 **judgment in the criminal action. The petition need not be served on the defendant in the**  
13 **criminal action or on any other person. The following documents must be attached to the**  
14 **petition:**

15 **(a) A copy of the judgment in the criminal action.**

16 **(b) A judgment document in the form prescribed by ORS 18.042, with a blank left for the**  
17 **amount of the money award.**

18 **(c) A satisfaction document in the form prescribed by ORS 18.225 that indicates that the**  
19 **restitution money award payable to the victim is satisfied. Notwithstanding ORS 18.225, the**  
20 **victim shall sign the satisfaction document.**

21 **(3) As soon as possible after the filing of a petition under this section, the court admin-**  
22 **istrator for the court shall determine the amount owing as restitution that is payable to the**  
23 **petitioner. The court administrator shall then enter that amount in the judgment document**  
24 **provided by the petitioner and cause the document to be submitted to a judge for signature.**  
25 **Upon signature and filing of the judgment document with the court administrator, the court**  
26 **administrator shall enter the judgment.**

27 **(4) Upon entry of a judgment under this section, the court administrator shall also enter**  
28 **the satisfaction document provided with the petition under subsection (2) of this section.**

29 **(5) The court administrator shall give notice of the entry of a judgment under this sec-**  
30 **tion as prescribed in ORS 18.078.**

**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.

1       **(6)(a) Subject to subsection (7) of this section, if judgment remedies for a judgment en-**  
2 **tered under this section are not extended under ORS 18.182 the judgment remedies expire**  
3 **10 years after the entry of the judgment.**

4       **(b) Subject to subsection (7) of this section, if judgment remedies for a judgment entered**  
5 **under this section are extended under ORS 18.182 the judgment remedies expire on the date**  
6 **specified by ORS 18.182 (5).**

7       **(7) All judgment remedies for a judgment entered under this section expire 50 years after**  
8 **the entry of the judgment in the criminal action.**

9       **SECTION 3. Section 2 of this 2009 Act applies to all judgments in criminal actions,**  
10 **whether entered before, on or after the effective date of this 2009 Act.**

11