

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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| Action: | Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by Prior Reference |
| Vote: | 9 - 1 - 0 |
| Yeas: | Garrett, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger |
| Nays: | Hicks |
| Exc.: | 0 |
| Prepared By: | Aaron Knott, Counsel |
| Meeting Dates: | 2/24, 3/28 |

WHAT THE MEASURE DOES: Requires the Department of Justice (DOJ) to establish a restitution collection pilot program and to make grants sufficient to enable district attorney's offices to hire and employ one restitution clerk who would investigate evidence of the damages suffered by crime victims and the ability to pay of defendants. Directs the DOJ to employ collection agents. Appropriates money from the Criminal Injuries Compensation Account. Sunsets January 2, 2014. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- The extent to which this program is projected to recoup its start up expenses through increased collections
- Current systems of restitution collection within Oregon
- The Colorado model of restitution collection on which House Bill 3066 is based
- Typical consequences on criminal defendants for non-payment of restitution

EFFECT OF COMMITTEE AMENDMENT: Allows restitution clerks to be funded on a part-time basis and allows grant funds to be used for restitution related activities.

BACKGROUND: Under this proposal, restitution collection pilot programs will be established in geographically dispersed counties and each will employ one restitution clerk via the relevant district attorney's office who will be funded by grant. This person would be responsible for investigating the circumstances surrounding the payment of restitution, including the nature and amount of damages suffered by crime victims and the ability of defendants to pay restitution as ordered. This information would be routed to the prosecuting attorney before any hearing on the issue of restitution and would be routed to the court by that attorney.

DOJ would be required to employ dedicated collection agents and assign one agent to each county or region participating in the pilot program. This person would conduct investigation work to collect restitution from delinquent offenders and liable third parties, and would coordinate with the restitution clerk and prosecuting attorney regarding further judicial action pertaining to the collection of restitution.

An initial \$1,800,000 would be appropriated to DOJ from the Criminal Injuries Compensation Account established under ORS 147.225 to establish the Restitution Collection Pilot Program Fund, of which at least \$800,000 would be spent on grants to counties and regions participating in the pilot program. This fund is currently allocated to counties to pay for victims' assistance programs and services. The flexibility provided by the amendment is meant to permit the grant to support rather than replace existing restitution infrastructure in the counties ultimately selected for the pilot program.

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This summary has not been adopted or officially endorsed by action of the committee.