

Joint Committee on Ways and Means

Carrier – House: Rep. Nathanson
Carrier – Senate: Sen. Winters

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure as Amended and as Printed B-Engrossed

Vote: 20 – 5 – 0

House

Yeas: Beyer, Buckley, Cowan, Freeman, Garrard, Komp, Kotek, Nathanson, Richardson, G. Smith

Nays: McLane, Nolan, Thatcher, Whisnant

Exc:

Senate

Yeas: Bates, Devlin, Edwards, Girod, Johnson, Monroe, Nelson, Thomsen, Verger, Winters

Nays: Whitsett

Exc:

Prepared By: Tim Walker, Legislative Fiscal Office

Meeting Date: June 20, 2011

WHAT THE MEASURE DOES: Requires the Department of Justice 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 Department of Justice 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 HB 3066 is based
- Typical consequences on criminal defendants for non-payment of restitution

EFFECT OF COMMITTEE AMENDMENT: Replaces the bill and allows the Department of Justice (DOJ) to establish restitution collection pilot programs and provide grants to counties for the purpose of funding the pilot programs. The bill also requires DOJ to maintain records related to the amounts of monetary obligates imposed on and collected from offenders in the areas affected by the pilot projects. In addition, DOJ and OJD will provide reports to the Legislative Assembly on the results of the pilot project. The bill also provides that DOJ may seek reimbursement from the Legislative Assembly for funds expended from CICA.

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.

The Department of Justice 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.