

Enrolled
House Bill 3066

Sponsored by Representative BARKER (at the request of Department of Justice)

CHAPTER

AN ACT

Relating to collection of restitution; appropriating money; and declaring an emergency.

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

SECTION 1. (1) The Department of Justice shall establish a restitution collection pilot program in geographically dispersed counties or regions of this state to increase the collection of restitution ordered under ORS 137.106 and 137.107.

(2)(a) The department shall make grants from the Restitution Collection Pilot Program Fund established under section 2 of this 2011 Act to enable the district attorney's office of each county, or a district attorney's office located in a region, participating in the pilot program to employ at least one restitution clerk on at least a part-time basis.

(b) In addition to the grants required under paragraph (a) of this subsection, the department may make grants from the fund to fund other positions, activities and expenses related to the collection of restitution.

(3)(a) Each restitution clerk shall:

(A) Investigate evidence of the nature and amount of the damages suffered by victims of crime pursuant to ORS 137.106;

(B) Investigate and compile information regarding the defendant's ability to pay restitution; and

(C) Provide the evidence and information obtained pursuant to this paragraph to the prosecuting attorney before any hearing on the issue of restitution.

(b) Pursuant to section 42, Article I of the Oregon Constitution, and ORS 137.106, the district attorney shall present the information and evidence obtained by the restitution clerk to the court.

(c) The recipient of a grant made pursuant to subsection (2) of this section is authorized to perform the activities set out in the grant agreement and in rules adopted by the department pursuant to this section.

(4)(a) The department shall employ and assign collection agents to each county or region participating in the restitution collection pilot program.

(b) Each collection agent shall:

(A) Notwithstanding ORS 137.118, conduct collections and collection investigation work to collect restitution from offenders and liable third parties;

(B) Coordinate the collection investigation work with the respective restitution clerk in the participating county or region; and

(C) Be available to present the results of the collection investigation work in judicial proceedings, including sentencing hearings, parole revocation hearings, judgment debtor examinations and contempt proceedings.

(5) The department shall adopt rules to carry out the provisions of this section.

SECTION 2. There is established in the State Treasury, separate and distinct from the General Fund, the Restitution Collection Pilot Program Fund. All moneys in the fund are continuously appropriated to the Department of Justice to carry out the provisions of section 1 of this 2011 Act.

SECTION 3. (1) There is appropriated to the Department of Justice, out of the Criminal Injuries Compensation Account established under ORS 147.225, the amount of \$1,800,000, to be deposited in the Restitution Collection Pilot Program Fund established under section 2 of this 2011 Act, for the purpose of carrying out the provisions of section 1 of this 2011 Act.

(2) Of the moneys deposited in the Restitution Collection Pilot Program Fund under this section, the department shall expend at least \$800,000 during the 2011-2013 biennium to make grants under section 1 (2) of this 2011 Act.

SECTION 4. (1) The Department of Justice shall maintain records of the amounts of monetary obligations imposed on and collected from defendants in counties or regions in which restitution clerks and collection agents are employed pursuant to section 1 of this 2011 Act.

(2) Not later than January 1, 2012, the Department of Justice and the Judicial Department shall enter into an agreement to carry out the provisions of this 2011 Act.

(3) The Department of Justice and the Judicial Department shall each submit two reports to the Legislative Assembly, as provided in ORS 192.245, on the status of the restitution collection pilot program. The first report shall be submitted not later than February 4, 2013, and the second report shall be submitted not later than February 3, 2014.

(4) The Department of Justice may seek from the Legislative Assembly an amount that is equal to the amounts described in subsection (1) of this section but that does not exceed \$1,800,000.

SECTION 5. (1) Sections 1 to 4 of this 2011 Act are repealed on July 1, 2014.

(2) Unobligated moneys in the Restitution Collection Pilot Program Fund on July 1, 2014, revert to the Criminal Injuries Compensation Account.

(3) The repeal of sections 1 to 4 of this 2011 Act by this section does not affect the validity of judgments for restitution that remain unfulfilled on July 1, 2014.

SECTION 6. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House June 23, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate June 28, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State