

**A-Engrossed**  
**House Bill 3066**

Ordered by the House April 4  
Including House Amendments dated April 4

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

**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.

Requires Department of Justice to establish restitution collection pilot program in geographically dispersed counties or regions and to make grants to enable district attorney's offices in participating counties or regions to employ **at least one restitution clerk on at least part-time basis. Authorizes department to make other grants related to collection of restitution.** Requires restitution clerks to investigate evidence of damages suffered by victims of crime and information regarding defendant's ability to pay restitution and to provide evidence and information to prosecuting attorney.

Directs department to employ collection agents for investigation work related to collecting restitution.

**Requires department to adopt rules.**

Establishes Restitution Collection Pilot Program Fund. Continuously appropriates moneys in fund to department for purposes of pilot program.

Appropriates moneys from Criminal Injuries Compensation Account for purposes of pilot program. Specifies distribution of moneys paid by defendants in *[cases]* **counties or regions** in which restitution clerks and collection agents *[have participated]* **are employed.**

Sunsets January 2, 2014.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to collection of restitution; appropriating money; and declaring an emergency.

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

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

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

11 **(b) In addition to the grants required under paragraph (a) of this subsection, the de-**  
12 **partment may make grants from the fund to fund other positions, activities and expenses**  
13 **related to the collection of restitution.**

14 **(3)(a) Each restitution clerk shall:**

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

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

19 **(C) Provide the evidence and information obtained pursuant to this paragraph to the**

**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 prosecuting attorney before any hearing on the issue of restitution.

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

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

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

10 (b) Each collection agent shall:

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

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

15 (C) Be available to present the results of the collection investigation work in judicial  
16 proceedings, including sentencing hearings, parole revocation hearings, judgment debtor ex-  
17 aminations and contempt proceedings.

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

19 **SECTION 2.** There is established in the State Treasury, separate and distinct from the  
20 General Fund, the Restitution Collection Pilot Program Fund. All moneys in the fund are  
21 continuously appropriated to the Department of Justice to carry out the provisions of section  
22 1 of this 2011 Act.

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

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

30 **SECTION 4.** Moneys paid by defendants in counties or regions in which restitution clerks  
31 and collection agents employed pursuant to section 1 of this 2011 Act have participated must  
32 be distributed as provided in ORS 137.295, except that after the total of category 1 obligations  
33 are paid, the 50 percent that ordinarily would be credited to category 3 must be paid:

34 (1) Into the Criminal Injuries Compensation Account established under ORS 147.225 until  
35 the full amount of the appropriation made under section 3 of this 2011 Act is repaid.

36 (2) As provided in ORS 137.295, after the full amount of the appropriation made under  
37 section 3 of this 2011 Act is repaid.

38 **SECTION 5.** (1) Sections 1 to 4 of this 2011 Act are repealed on January 2, 2014.

39 (2) Unobligated moneys in the Restitution Collection Pilot Program Fund on January 2,  
40 2014, revert to the General Fund.

41 (3) The repeal of sections 1 to 4 of this 2011 Act by this section does not affect the va-  
42 lidity of judgments for restitution that remain unfulfilled on January 2, 2014.

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

