

B-Engrossed
House Bill 3066

Ordered by the House June 21
Including House Amendments dated April 4 and June 21

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 counties or regions in which restitution clerks and collection agents are employed.*]

Directs department to maintain records of amounts of monetary obligations imposed on and collected from defendants under pilot program.

Sunsetts [*January 2*] **July 1, 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**

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

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

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

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

11 (b) Each collection agent shall:

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

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

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

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

20 SECTION 2. There is established in the State Treasury, separate and distinct from the
21 General Fund, the Restitution Collection Pilot Program Fund. All moneys in the fund are
22 continuously appropriated to the Department of Justice to carry out the provisions of section
23 1 of this 2011 Act.

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

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

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

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

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

41 (4) The Department of Justice may seek from the Legislative Assembly an amount that
42 is equal to the amounts described in subsection (1) of this section but that does not exceed
43 \$1,800,000.

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

45 (2) Unobligated moneys in the Restitution Collection Pilot Program Fund on July 1, 2014,

1 **revert to the Criminal Injuries Compensation Account.**

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

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

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