

HOUSE AMENDMENTS TO HOUSE BILL 3066

By COMMITTEE ON JUDICIARY

April 4

1 On page 1 of the printed bill, delete lines 4 through 24.

2 On page 2, delete lines 1 through 35 and insert:

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

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

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

13 **“(3)(a) Each restitution clerk shall:**

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

16 **“(B) Investigate and compile information regarding the defendant’s ability to pay**
17 **restitution; and**

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

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

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

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

28 **“(b) Each collection agent shall:**

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

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

33 **“(C) Be available to present the results of the collection investigation work in judicial**
34 **proceedings, including sentencing hearings, parole revocation hearings, judgment debtor ex-**
35 **aminations and contempt proceedings.**

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

2 “**SECTION 2.** There is established in the State Treasury, separate and distinct from the
3 General Fund, the Restitution Collection Pilot Program Fund. All moneys in the fund are
4 continuously appropriated to the Department of Justice to carry out the provisions of section
5 1 of this 2011 Act.

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

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

13 “**SECTION 4.** Moneys paid by defendants in counties or regions in which restitution
14 clerks and collection agents employed pursuant to section 1 of this 2011 Act have participated
15 must be distributed as provided in ORS 137.295, except that after the total of category 1 ob-
16 ligations are paid, the 50 percent that ordinarily would be credited to category 3 must be
17 paid:

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

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

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

23 “(2) Unobligated moneys in the Restitution Collection Pilot Program Fund on January 2,
24 2014, revert to the General Fund.

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

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

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