

Senate Bill 39

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Attorney General John Kroger for 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 **as introduced**.

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 one restitution clerk. Requires restitution clerks to investigate evidence of damages suffered by victims of crime and defendant's ability to pay restitution and provide to prosecuting attorney.

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

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 in which restitution clerks and collection agents have participated.

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 one restitution clerk.**

11 **(b) Each restitution clerk shall:**

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

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

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

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

21 **(3)(a) The department shall employ collection agents and assign one agent to each county**
22 **or region participating in the restitution collection pilot program.**

23 **(b) Each collection agent shall:**

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 (A) Conduct in-house and field collection investigation work to collect restitution from
 2 offenders and liable third parties;

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

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

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

9 **SECTION 2.** There is established in the State Treasury, separate and distinct from the
 10 General Fund, the Restitution Collection Pilot Program Fund. All moneys in the fund are
 11 continuously appropriated to the Department of Justice to carry out the provisions of section
 12 1 of this 2011 Act.

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

17 (2) Of the moneys deposited in the Restitution Collection Pilot Program Fund under this
 18 section, the department shall expend at least \$800,000 to make grants under section 1 (2)(a)
 19 of this 2011 Act to counties and regions participating in the restitution collection pilot pro-
 20 gram.

21 **SECTION 4.** Moneys paid by defendants in cases in which restitution clerks and collection
 22 agents employed pursuant to section 1 of this 2011 Act have participated must be distributed
 23 as provided in ORS 137.295, except that after the total of category 1 obligations are paid, the
 24 50 percent that ordinarily would be credited to category 3 must be paid into the:

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

27 (2) Restitution Collection Pilot Program Fund after the full amount of the appropriation
 28 made under section 3 of this 2011 Act is repaid.

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

30 (2) Unobligated moneys in the Restitution Collection Pilot Program Fund on January 2,
 31 2014, revert to the Criminal Injuries Compensation Account.

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

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

37 _____