



DEPARTMENT OF JUSTICE
CIVIL ENFORCEMENT DIVISION

MEMORANDUM

DATE: April 4, 2013

TO: Honorable Jeff Barker, Chair
House Judiciary Committee, Members

FROM: Aaron Knott, Legislative Director

SUBJECT: HB 3280

RECOMMENDED ACTION

This testimony is presented in support of HB 3280. We recommend that the Committee approve HB 3280 with a do pass recommendation.

BACKGROUND ON HB 3280

- In 2010, the Oregon Secretary of State conducted an audit of restitution practices in four counties across Oregon. This audit found deficiencies across several aspects of the process of delivering restitution to crime victims, concluding that restitution was being both systematically under-ordered and under-collected.
- In 2011, the Oregon State Legislature passed House Bill 3066, which authorized the Department of Justice to implement a pilot program aimed at increasing the amount of restitution entered into judicial orders and the rate at which that restitution was collected.
- Restitution Pilot Projects were established in five geographically dispersed counties: Crook, Jackson, Jefferson, Lane and Multnomah. These pilot programs were directed to make grants to participating counties to employ at least one restitution clerk, and hire collection agents within the Department to do investigative work and collect monetary obligations.
- Between January 1, 2012 and December 1, 2012, the Restitution Pilot Project collected \$705,256 in court ordered restitution, compensatory fines and fees. Of that, 74% of the total collections by the pilot project consisted of restitution and compensatory fines which went directly to victims of crime.
- All five counties participating in the Restitution Pilot Project saw demonstrable statistical improvement in both their rate of restitution entry reflected in judicial orders and their overall rate of collection, both relative to the previous year and relative to non-participating counties across the state:

- Rate of restitution entered compared to the previous year:
 - Crook/Jefferson: +128%
 - Jackson: +34%
 - Lane: +10%
 - Multnomah: +23%
 - Statewide: -12%
- Rate of restitution entered compared to the previous year:
 - Crook/Jefferson: +10%
 - Jackson: +19%
 - Lane: +15%
 - Multnomah: +9%
 - Statewide: +0.2%

HOW HB 3280 WILL PROVIDE RESTITUTION TO THE VICTIMS OF CRIME

- **HB3280 allows the Department of Justice to continue the Restitution Pilot Project.** House Bill 3066 (2011) calls upon the project to sunset on July 1, 2014 without specific legislative authorization. The Pilot Project became operational on January 2, 2012. However, due to statewide hiring freezes, the Pilot Project was not fully staffed in all participating counties until March 1, 2012. The Department of Justice was required by House Bill 3066 to provide a Legislative Report (also submitted to committee). This report contains only eight months of programmatic data, but the early conclusions are positive and warrant an extension.
- **HB3280 provides meaningful support to crime victims.** Program feedback suggests that the addition of a restitution specialist to help a victim go through the sometimes painful process of calculating the economic losses caused by their victimization assists not just with making sure those losses are ultimately captured in a judgment, but in providing a crime victim with a friendly face to help them navigate a very difficult process. In the wake of a crime, victims are often faced with unanticipated medical expenses and loss of income, the process of a prosecution can be confusing and the applicable timelines strict.
- **HB3280 returns restitution to crime victims.** Ultimately, this program will succeed or fail based on the level of restitution returned to crime victims. In many cases, a defendant will not be able to make payments because of complete indigence, incarceration or unavailability. There nonetheless remains a large category of defendants who remain able to make restitution payments if effectively called upon to do so. The Colorado program on which the Oregon program was modeled succeeded in raising restitution by 159% in a 10 year period. Studies underpinning that study concluded that the mere act of discussing restitution with a defendant statistically increases the likelihood that they will pay it.

DOJ CONTACT

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