D R A F T

SUMMARY

Appropriates moneys to Department of Justice for Restitution Collection Pilot Program. Provides that unobligated moneys revert to General Fund. Adds compensatory fine collections to pilot program.

Extends sunset on pilot program and on reporting period for Department of Justice and Judicial Department.

Declares emergency, effective on passage.

1   **A BILL FOR AN ACT**

2 Relating to restitution collection pilot program; creating new provisions;

3   amending sections 1, 4 and 5, chapter 670, Oregon Laws 2011; appropriat-

4   ing money; and declaring an emergency.

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

6   **SECTION 1.** Section 1, chapter 670, Oregon Laws 2011, is amended to

7 read:

8   **Sec. 1.** (1) The Department of Justice shall establish a restitution col-

9 lection pilot program in geographically dispersed counties or regions of this

10 state to increase the collection of restitution **and compensatory fines** or-

11 dered under ORS **137.101,** 137.106 and 137.107.

12   (2)(a) The department shall make grants from the Restitution Collection

13 Pilot Program Fund established under section 2 [*of this 2011 Act*]**, chapter

14 670, Oregon Laws 2011,** to enable the district attorney's office of each

15 county, or a district attorney's office located in a region, participating in the

16 pilot program to employ at least one restitution clerk on at least a part-time

17 basis.

18   (b) In addition to the grants required under paragraph (a) of this sub-

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 section, the department may make grants from the fund to fund other posi-

2 tions, activities and expenses related to the collection of restitution.

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

4 (A) Investigate evidence of the nature and amount of the damages suffered

5 by victims of crime pursuant to ORS 137.101 and 137.106; **and**

6 [*(B) Investigate and compile information regarding the defendant's ability*

7 *to pay restitution; and*]

8 [*(C)*] **(B)** Provide the evidence and information obtained pursuant to this

9 paragraph to the prosecuting attorney before any hearing on the issue of

10 restitution.

11 (b) Pursuant to section 42, Article I of the Oregon Constitution, and ORS

12 **137.101 and** 137.106, the district attorney shall present the information and

13 evidence obtained by the restitution clerk to the court.

14 (c) The recipient of a grant made pursuant to subsection (2) of this section

15 is authorized to perform the activities set out in the grant agreement and in

16 rules adopted by the department pursuant to this section.

17 (4)(a) The department shall employ and assign collection agents to each

18 county or region participating in the restitution collection pilot program.

19 (b) Each collection agent shall:

20 (A) Notwithstanding ORS 137.118, conduct collections and collection in-

21 vestigation work to collect restitution **and compensatory fine amounts**

22 from offenders and liable third parties;

23 (B) Coordinate the collection investigation work with the respective

24 restitution clerk in the participating county or region; [*and*]

25 **(C) Investigate and compile information regarding the defendant's**

26 **ability to pay restitution or compensatory fines, or both; and**

27 [*(C)*] **(D)** Be available to present the results of the collection investigation

28 work in judicial proceedings, including sentencing hearings, parole revoca-

29 tion hearings, judgment debtor examinations and contempt proceedings.

30 (5) The department shall adopt rules to carry out the provisions of this

31 section.

1   <u>SECTION 2.</u> **In addition to and not in lieu of any other appropri-**

2 **ation, there is appropriated to the Department of Justice, for the**

3 **biennium beginning July 1, 2013, out of the General Fund, the amount**

4 **of $2,295,370, to be deposited in the Restitution Collection Pilot Pro-**

5 **gram Fund established under section 2, chapter 670, Oregon Laws 2011,**

6 **for the purpose of carrying out the provisions of section 1, chapter 670,**

7 **Oregon Laws 2011, as amended by section 1 of this 2013 Act.**

8   <u>SECTION 3.</u> Section 4, chapter 670, Oregon Laws 2011, is amended to

9 read:

10   **Sec. 4.** (1) The Department of Justice shall maintain records of the

11 amounts of monetary obligations imposed on and collected from defendants

12 in counties or regions in which restitution clerks and collection agents are

13 employed pursuant to section 1 [*of this 2011 Act*]**, chapter 670, Oregon**

14 **Laws 2011**.

15   (2) Not later than January 1, 2012, the Department of Justice and the

16 Judicial Department shall enter into an agreement to carry out the pro-

17 visions of [*this 2011 Act*] **chapter 670, Oregon Laws 2011**.

18   (3) The Department of Justice and the Judicial Department shall each

19 submit two reports to the Legislative Assembly, as provided in ORS 192.245,

20 on the status of the restitution collection pilot program. The first report

21 shall be submitted not later than February 4, 2013, and the second report

22 shall be submitted not later than February [*3, 2014*] **2, 2015**.

23   [*(4) The Department of Justice may seek from the Legislative Assembly an*

24 *amount that is equal to the amounts described in subsection (1) of this section*

25 *but that does not exceed $1,800,000.*]

26   <u>SECTION 4.</u> Section 5, chapter 670, Oregon Laws 2011, is amended to

27 read:

28   **Sec. 5.** (1) Sections 1 to 4 [*of this 2011 Act*]**, chapter 670, Oregon Laws**

29 **2011,** are repealed on July 1, [*2014*] **2016**.

30   (2) Unobligated moneys in the Restitution Collection Pilot Program Fund

31 on July 1, [*2014*] **2016**, revert to the [*Criminal Injuries Compensation*

1 *Account*] **General Fund**.

2   (3) The repeal of sections 1 to 4 [*of this 2011 Act*]**, chapter 670, Oregon**

3 **Laws 2011,** by this section does not affect the validity of judgments for

4 restitution **and compensatory fines** that remain unfulfilled on July 1,

5 [*2014*] **2016**.

6   SECTION 5. **This 2013 Act being necessary for the immediate pres-**

7 **ervation of the public peace, health and safety, an emergency is de-**

8 **clared to exist, and this 2013 Act takes effect on its passage.**

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