

# House Bill 3280

Sponsored by COMMITTEE ON JUDICIARY (at the request of Attorney General Ellen F. Rosenblum)

## 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**.

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.

## A BILL FOR AN ACT

1  
2 Relating to restitution collection pilot program; creating new provisions; amending sections 1, 4 and  
3 5, chapter 670, Oregon Laws 2011; appropriating money; and declaring an emergency.

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

5 **SECTION 1.** Section 1, chapter 670, Oregon Laws 2011, is amended to read:

6 **Sec. 1.** (1) The Department of Justice shall establish a restitution collection pilot program in  
7 geographically dispersed counties or regions of this state to increase the collection of restitution  
8 **and compensatory fines** ordered under ORS **137.101**, 137.106 and 137.107.

9 (2)(a) The department shall make grants from the Restitution Collection Pilot Program Fund  
10 established under section 2 [*of this 2011 Act*], **chapter 670, Oregon Laws 2011**, to enable the dis-  
11 trict attorney's office of each county, or a district attorney's office located in a region, participating  
12 in the pilot program to employ at least one restitution clerk on at least a part-time basis.

13 (b) In addition to the grants required under paragraph (a) of this subsection, the department  
14 may make grants from the fund to fund other positions, activities and expenses related to the col-  
15 lection of restitution.

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

17 (A) Investigate evidence of the nature and amount of the damages suffered by victims of crime  
18 pursuant to ORS 137.101 and 137.106; **and**

19 [*(B) Investigate and compile information regarding the defendant's ability to pay restitution; and*]

20 [*(C)*] **(B)** Provide the evidence and information obtained pursuant to this paragraph to the  
21 prosecuting attorney before any hearing on the issue of restitution.

22 (b) Pursuant to section 42, Article I of the Oregon Constitution, and ORS **137.101 and** 137.106,  
23 the district attorney shall present the information and evidence obtained by the restitution clerk to  
24 the court.

25 (c) The recipient of a grant made pursuant to subsection (2) of this section is authorized to  
26 perform the activities set out in the grant agreement and in rules adopted by the department pur-  
27 suant to this section.

28 (4)(a) The department shall employ and assign collection agents to each county or region par-  
29 ticipating in the restitution collection pilot program.

**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.

(b) Each collection agent shall:

(A) Notwithstanding ORS 137.118, conduct collections and collection investigation work to collect restitution **and compensatory fine amounts** from offenders and liable third parties;

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

(C) **Investigate and compile information regarding the defendant's ability to pay restitution or compensatory fines, or both; and**

*[(C)]* (D) Be available to present the results of the collection investigation work in judicial proceedings, including sentencing hearings, parole revocation hearings, judgment debtor examinations and contempt proceedings.

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

**SECTION 2. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Justice, for the biennium beginning July 1, 2013, out of the General Fund, the amount of \$2,295,370, to be deposited in the Restitution Collection Pilot Program Fund established under section 2, chapter 670, Oregon Laws 2011, for the purpose of carrying out the provisions of section 1, chapter 670, Oregon Laws 2011, as amended by section 1 of this 2013 Act.**

**SECTION 3.** Section 4, chapter 670, Oregon Laws 2011, is amended to read:

**Sec. 4.** (1) The Department of Justice shall maintain records of the amounts of monetary obligations imposed on and collected from defendants in counties or regions in which restitution clerks and collection agents are employed pursuant to section 1 *[of this 2011 Act]*, **chapter 670, Oregon Laws 2011.**

(2) Not later than January 1, 2012, the Department of Justice and the Judicial Department shall enter into an agreement to carry out the provisions of *[this 2011 Act]* **chapter 670, Oregon Laws 2011.**

(3) The Department of Justice and the Judicial Department shall each submit two reports to the Legislative Assembly, as provided in ORS 192.245, on the status of the restitution collection pilot program. The first report shall be submitted not later than February 4, 2013, and the second report shall be submitted not later than February *[3, 2014]* **2, 2015.**

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

**SECTION 4.** Section 5, chapter 670, Oregon Laws 2011, is amended to read:

**Sec. 5.** (1) Sections 1 to 4 *[of this 2011 Act]*, **chapter 670, Oregon Laws 2011**, are repealed on July 1, *[2014]* **2016.**

(2) Unobligated moneys in the Restitution Collection Pilot Program Fund on July 1, *[2014]* **2016**, revert to the *[Criminal Injuries Compensation Account]* **General Fund.**

(3) The repeal of sections 1 to 4 *[of this 2011 Act]*, **chapter 670, Oregon Laws 2011**, by this section does not affect the validity of judgments for restitution **and compensatory fines** that remain unfulfilled on July 1, *[2014]* **2016.**

**SECTION 5. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.**