

SB 214 A -A2 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 5/20, 5/24, 5/25, 5/27

WHAT THE MEASURE DOES:

Creates a rebuttable presumption that a charge, expense, or cost is reasonable if a record, bill, estimate, or invoice is produced by a third party and introduced by the district attorney as part of presentation on economic damages suffered by victim.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A2 Creates rebuttable presumption that evidence of a charge, expense, or cost introduced by the district attorney during presentation of restitution is reasonable if: 1) the evidence is a record, bill, estimate, or invoice produced by a third party; and 2) the evidence is accompanied by a sworn statement from the victim that the document is for economic damages recoverable as restitution and not other charges, expenses, or costs.

BACKGROUND:

Oregon statute defines “victim,” for purposes of restitution, as the person or decedent against whom the defendant committed the criminal offense, if the court determines that the person or decedent has suffered or did suffer economic damages as a result of the offense or certain parties who expend money on a victim’s behalf as a direct result of the criminal offense committed by the defendant. To be liable for restitution, a defendant must be found guilty of the criminal offense causing the economic damages a defendant is ordered to pay. A district attorney must prove that any costs included in a request for restitution are reasonable before a court may include them in a judgment order.

Senate Bill 214 A creates a rebuttable presumption that a charge or fee is reasonable if it is produced by a third party and part of the presentation on economic damages made by the district attorney.

Senate Judiciary: 4-2-1

Senate Floor: 24-3-3

No Fiscal Impact

No Revenue Impact