

Board of Parole and Post-Prison Supervision

Chapter 255

Division 65

RESTITUTION AND SUPERVISION FEES

[255-065-0005](#)

When Restitution, Fines and Fees are Ordered: Payment Schedule

(1) For a crime committed after October 4, 1977, when the court sentences a person to pay restitution pursuant to ORS 137.106 and defers any portion of that payment until after release from imprisonment, the Board shall order restitution as a parole or post-prison supervision condition. The court order must specifically order restitution for a specific amount to a specific party.

(2) For a crime committed after November 1, 1981, when the court sentences a person to pay a compensatory fine pursuant to ORS 137.101 and defers any portion of that payment until after release from imprisonment, the Board shall order a compensatory fine as a parole or post-prison supervision condition. The court order must specifically order a compensatory fine for a specific amount.

(3) When the court has sentenced a person to pay attorney fees pursuant to ORS 161.665 and defers any portion of that payment until after release from imprisonment, the Board may order payment of attorney fees as a parole or post-prison supervision condition. The court order must specifically order attorney fees for a specific amount.

(4) In establishing and supervising a schedule for the resumption of payments, the Board shall consider:

- (a) The offender's financial resources, including salary, savings, and liquid assets not including place of residence, or those tools or vehicles essential to personal livelihood;
- (b) The burden that will impose in light of the person's overall obligations (e.g., family and necessary living expenses);
- (c) Ability to pay installment or other conditions to be set by the Board; and
- (d) The rehabilitation affect of the payment and the method of payment.

(5) Normal payments shall range up to twenty (20) percent of a person's take-home salary without voluntary payroll deductions, unless significant savings or liquid assets not including place of residence or tools or vehicle essential to personal livelihood permit larger amounts.

(6) The Board shall provide to the sentencing court a copy of the schedule of payments and any modifications.

Statutory/Other Authority: ORS 137.101, 137.106, 144.102, 144.275, 161.665 & 423.570

Statutes/Other Implemented: ORS 137.101, 137.106, 137.551, 144 & 161.665

History:

PAR 5-1998, f. & cert. ef. 11-9-98
 PAR 8-1992, f. & cert. ef. 10-9-92
 PAR 4-1989, f. & ef. 11-1-89
 PAR 6-1988, f. & ef. 5-19-88
 2PB 14-1985, f. & ef. 5-31-85
 2PB 1-1982, f. & ef. 5-19-82
 Reverted to 2PB 1-1979, f. & ef. 2-1-79
 2PB 6-1981(Temp), f. & ef. 11-4-81
 2PB 1-1979, f. & ef. 2-1-79

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Supervision of Payments: Conditions; Default; Effect on Discharge

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- (1) The offender shall make payments of restitution, compensatory fines, or attorney fees to the clerk of the court of the county of sentencing.
- (2) The supervising officer shall establish the method and manner of payment for the Board's approval.
- (3) If the offender has not made total payment of restitution or compensatory fines by the completion of the designated minimum period of supervision, the Board shall continue the offender on parole until the offender completes payment or until his/her sentence expires, whichever occurs first.
- (4) If the offender has not made total payment of attorney fees by the completion of the designated minimum period of supervision, the Board may continue the offender on parole until the offender completes payment or until his/her sentence expires, whichever occurs first.
- (5) The Board may require a person to pay restitution as a condition of post-prison supervision imposed for an offense other than the offense for which the restitution was ordered if the person:
 - (a) Was ordered to pay restitution as a result of another conviction; and
 - (b) Has not fully paid the restitution by the time the person has completed the period of post-prison supervision imposed for the offense for which the restitution was ordered.

Statutory/Other Authority: ORS 137.101, 137.106, 144.102, 144.275, 161.665 & 423.570

Statutes/Other Implemented: ORS 137.551 & 144

History:

PAR 5-1998, f. & cert. ef. 11-9-98
 PAR 8-1992, f. & cert. ef. 10-9-92
 PAR 3-1990, f. 6-29-90, cert. ef. 7-1-90
 PAR 4-1989, f. & ef. 11-1-89
 PAR 6-1988, f. & ef. 5-19-88
 2PB 14-1985, f. & ef. 5-31-85
 2PB 1-1982, f. & ef. 5-19-82
 Reverted to 2PB 1-1979, f. & ef. 2-1-79
 2PB 6-1981(Temp), f. & ef. 11-4-81
 2PB 1-1979, f. & ef. 2-1-79

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Establishment of Supervision Fees: Criteria, Disbursement of Fees

- (1) When a person is placed on parole or post-prison supervision, subject to supervision by either the Department of Corrections or a community corrections program established under ORS 423.500 to 423.560, the person shall pay a monthly fee to offset the costs of supervising parole or post-prison supervision. Fees are payable according to the terms set forth in ORS 423.570.
- (2) The supervision fee shall be at a rate established by the supervising community corrections program. In no case shall the fee be less than twenty-five dollars (\$25) per month. If the community corrections program fails to establish the amount of the fee, the fee shall be \$25.
- (3) The Board shall order the payment of the supervision fee as a parole or post-prison supervision condition and intentional and willful failure to pay the fee may be grounds for revocation of parole and post-prison supervision or, in the case of parole, extension of the supervision period.
- (4) In cases of financial hardship or when otherwise advisable in the interest of the released person's rehabilitation, the community program director or the Director of the Department of Corrections, whichever is appropriate, may waive or reduce the amount of the fee.
- (5) Fees collected shall be transferred to the Department of Corrections or retained by the county as provided by statute.

Statutory/Other Authority: ORS 137.101, 137.106, 144.102, 144.275, 161.665 & 423.570

Statutes/Other Implemented: ORS 137.551 & 144

History:

PAR 5-1998, f. & cert. ef. 11-9-98
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 2PB 14-1985, f. & ef. 5-31-85
 2PB 1-1982, f. & ef. 5-19-82
 2PB 6-1981(Temp), f. & ef. 11-4-81

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