

Requested by Representative KROPF

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3816**

1 In line 2 of the printed bill, before the period insert “; creating new pro-  
2 visions; and amending ORS 137.106 and 137.109”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1. Section 2 of this 2025 Act is added to and made a part  
5 of ORS 137.101 to 137.109.**

6 **“SECTION 2. Notwithstanding ORS 137.106, 137.108, 419C.450 and  
7 811.706, upon collection, 50 percent of awards of restitution as defined  
8 in ORS 137.103, awards of restitution under ORS 419C.450 and money  
9 awards made under ORS 811.706 ordered to an insurance carrier shall  
10 be paid to the Department of Justice for purposes of victim services  
11 funding.**

12 **“SECTION 3. ORS 137.106 is amended to read:**

13 **“137.106. (1)(a) Except as provided in subsection (8) of this section,**  
14 when a person is convicted of a crime, or a violation as described in ORS  
15 153.008, that has resulted in economic damages, the district attorney shall  
16 investigate and present to the court, at the time of sentencing or as provided  
17 in paragraph (b) of this subsection, evidence of the nature and amount of the  
18 damages.

19 **“(b)(A) If the district attorney is unable to present restitution evidence  
20 at sentencing, within 90 days after sentencing the district attorney may file  
21 a motion requesting that either the judgment be amended to require**

1 restitution or that a supplemental judgment be entered requiring restitution.  
2 The court may extend the time by which the district attorney must file the  
3 motion for good cause. The motion must contain a statement that documen-  
4 tation supporting the requested amount of restitution has been provided to  
5 the defendant as described in subsection (7) of this section.

6 “(B) Upon receipt of a motion described in subparagraph (A) of this par-  
7 agraph, the court shall set a hearing. If the defendant objects to the motion,  
8 the objection must be filed at least 15 days prior to the hearing and must  
9 contain a description of the nature of the objection.

10 “(C) If the parties stipulate to the order and amount of restitution, the  
11 court may cancel the hearing and amend the judgment or enter a supple-  
12 mental judgment requiring the defendant to pay the stipulated amount of  
13 restitution.

14 “(c) At a restitution proceeding, economic damages will be presumed  
15 reasonable if the damages are documented in the form of a record, bill, es-  
16 timate or invoice from a business, health care entity or provider or public  
17 body as defined in ORS 174.109.

18 “(2)(a) If the court finds from the evidence presented that a victim suf-  
19 fered economic damages, in addition to any other sanction it may impose, the  
20 court shall enter a judgment or supplemental judgment requiring that the  
21 defendant pay the victim restitution in a specific amount that equals the full  
22 amount of the victim’s economic damages as determined by the court. The  
23 lien, priority of the lien and ability to enforce the specific amount of  
24 restitution established under this paragraph by a supplemental judgment re-  
25 lates back to the date of the original judgment that is supplemented.

26 “(b) Notwithstanding paragraph (a) of this subsection, a court may order  
27 that the defendant pay the victim restitution in a specific amount that is less  
28 than the full amount of the victim’s economic damages only if:

29 “(A) The victim or, if the victim is an estate, successor in interest, trust  
30 or other entity, an authorized representative of the victim consents to the

1 lesser amount, if the conviction is not for a person felony; or

2 “(B) The victim or, if the victim is an estate, successor in interest, trust  
3 or other entity, an authorized representative of the victim consents in writ-  
4 ing to the lesser amount, if the conviction is for a person felony.

5 “(c) As used in this subsection, ‘person felony’ has the meaning given that  
6 term in the rules of the Oregon Criminal Justice Commission.

7 “(3) After the district attorney makes a presentation described in sub-  
8 section (1) of this section, if the court is unable to find from the evidence  
9 presented that a victim suffered economic damages, the court shall make a  
10 finding on the record to that effect.

11 “(4) No finding made by the court or failure of the court to make a find-  
12 ing under this section limits or impairs the rights of a person injured to sue  
13 and recover damages in a civil action as provided in ORS 137.109.

14 “(5)(a) If a judgment or supplemental judgment described in subsection (1)  
15 of this section includes restitution, a court may delay the enforcement of the  
16 monetary sanctions, including restitution, only if the defendant alleges and  
17 establishes to the satisfaction of the court the defendant’s inability to pay  
18 the judgment in full at the time the judgment is entered. If the court finds  
19 that the defendant is unable to pay, the court may establish or allow an  
20 appropriate supervising authority to establish a payment schedule, taking  
21 into consideration the financial resources of the defendant and the burden  
22 that payment of restitution will impose, with due regard to the other obli-  
23 gations of the defendant. The supervising authority shall be authorized to  
24 modify any payment schedule established under this section.

25 “(b) As used in this subsection, ‘supervising authority’ means any state  
26 or local agency that is authorized to supervise the defendant.

27 “(6) If the defendant objects to the imposition, amount or distribution of  
28 the restitution, the court shall allow the defendant to be heard on such issue  
29 at the time of sentencing or at the time the court determines the amount of  
30 restitution.

1 “(7)(a) At least 10 days prior to the presentation described in subsection  
2 (1) of this section, the district attorney shall:

3 “(A) Disclose to the defendant the names of any witnesses that may be  
4 called during the presentation; and

5 “(B) Provide the defendant with copies of, or allow the defendant to in-  
6 spect, any exhibits that will be used or introduced during the presentation.

7 “(b) If the court finds that the district attorney has violated the require-  
8 ments of this subsection, the court shall grant a continuance to allow addi-  
9 tional time for preparation upon request of the defendant. Any additional  
10 time granted under this paragraph may not count toward the 90-day time  
11 limitation described in subsection (1) of this section.

12 “(8) **A victim that is an insurance carrier may direct the district**  
13 **attorney not to seek restitution for damages incurred by the insurance**  
14 **carrier by notifying the district attorney of the insurance carrier’s**  
15 **intent to sue and recover damages from the defendant in a civil action.**  
16 **An insurance carrier that does not direct the district attorney not to**  
17 **seek restitution under this subsection agrees that 50 percent of awards**  
18 **of restitution ordered to the insurance carrier shall be paid to the**  
19 **Department of Justice as provided in section 2 of this 2025 Act.**

20 “**SECTION 4.** ORS 137.109 is amended to read:

21 “137.109. (1) Nothing in ORS 137.103 to 137.109, 137.540, 144.102, 144.275,  
22 161.675 and 161.685 limits or impairs the right of a person injured by a  
23 defendant’s commission of a crime, by a defendant’s commission of a vio-  
24 lation described in ORS 153.008, or by a defendant’s commission of an act  
25 that has brought the defendant before the court for the purpose of entering  
26 into a driving while under the influence of intoxicants diversion agreement,  
27 to sue and recover damages from the defendant in a civil action. Evidence  
28 that the defendant has paid or been ordered to pay restitution pursuant to  
29 ORS 137.103 to 137.109, 137.540, 144.102, 144.275, 161.675 and 161.685 may not  
30 be introduced in any civil action arising out of the facts or events that were

1 the basis for the restitution. However, the court shall credit any restitution  
2 paid by the defendant to a victim, **or paid to the Department of Justice**  
3 **under section 2 of this 2025 Act**, against any judgment in favor of the  
4 victim in such civil action.

5 “(2) If conviction in a criminal trial necessarily decides the issue of a  
6 defendant’s liability for economic damages of a victim, that issue is conclu-  
7 sively determined as to the defendant if it is involved in a subsequent civil  
8 action.

9 **“SECTION 5. Section 2 of this 2025 Act and the amendments to ORS**  
10 **137.106 and 137.109 by sections 3 and 4 of this 2025 Act apply to judg-**  
11 **ments of conviction entered on or after the effective date of this 2025**  
12 **Act.”**

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