

**REVENUE: No revenue impact**

**FISCAL: No fiscal impact**

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 5 - 0 - 0

**Yeas:** Beyer, Kruse, Prozanski, Walker, Burdick

**Nays:** 0

**Exc.:** 0

**Prepared By:** Matt Kalmanson, Counsel

**Meeting Dates:** 1/16, 4/24

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**WHAT THE MEASURE DOES:** Establishes that a disclaimer of property is barred if the purpose or effect of the disclaimer is to prevent recovery of an award of restitution.

**ISSUES DISCUSSED:**

- Uniform Disclaimer of Property Interests Act
- The Fraudulent Transfer Act
- Exceptions to rules permitting disclaimers
- Rules of other states
- Use of disclaimers to avoid payment of restitution awards

**EFFECT OF COMMITTEE AMENDMENT:** Establishes that a disclaimer is barred if the purpose or effect of the disclaimer is to prevent recovery of an award of restitution. Deletes remaining provisions.

**BACKGROUND:** In 2001, Oregon adopted the Uniform Disclaimer of Property Interests Act. It permits individuals to “disclaim” – i.e., refuse to take – inheritances for tax or other reasons. In some cases, debtors disclaim inheritances to avoid paying creditors. According to the Oregon Department of Justice, criminals have used the rules governing disclaimers to avoid paying restitution awards, thus the inheritances go to the criminals’ families instead of crime victims. SB 133 A would bar disclaimers if the purpose or effect of the disclaimer is to prevent recovery of an award of restitution.