

SB 214 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary and Ballot Measure 110 Implementation

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Meeting Dates: 2/1, 2/2, 4/12

WHAT THE MEASURE DOES:

Expands definition of “victim,” for purposes of restitution ordered as part of a criminal sentence to include person or entity that has expended moneys on behalf of, or provided services to, a minor victim. Expands court’s authority to order restitution to include when a defendant is found guilty except for insanity. Provides that certain evidence of damages establishes a rebuttable presumption of reasonableness. Allows the court to consider evidence of restitution presented within 90 days after final disposition of a juvenile case. Creates good cause exception to extend beyond those 90 days.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Limits measure to provisions relating to evidence of economic damages. Create 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.

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 results 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 judgement order. In adult criminal cases, a restitution request may be submitted within 90 days of final disposition in a case or beyond if good cause for an extension is found.

SB 214 would add persons or entities, that expend moneys on behalf of, or provided services to, a minor victim to parties who may claim restitution in a criminal case and would add a courts finding of guilty except for insanity to cases authorizing restitution as part of a judgment order. The measure would allow courts to consider evidence of restitution submitted within 90 days of a juvenile case disposition and would specify evidence required to establish a rebuttal presumption of reasonableness of restitution amount.