

SB 214 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 04/12/21

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 4-2-1-0

Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski

Nays: 2 - Linthicum, Thatcher

Exc: 1 - Heard

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

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

WHAT THE MEASURE DOES:

Creates 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 court decision on requests for restitution
- Need for experts to provide opinion on reasonableness of charge
- Process for challenging presumption
- Interim work group on other provisions of measure

EFFECT OF AMENDMENT:

Replaces the measure.

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.