



May 20, 2021

Re: [Senate Bill 214](#) (Relating to restitution)

Dear Chair Bynum, Vice Chairs Noble and Power, and members of the House Committee on Judiciary:

The Office of Public Defense Services (OPDS) is neutral on Senate Bill (SB) 214 but submits this testimony to flag a potential impact on public defense services.

SB 214 amends ORS 137.106(1)(a) and adds that, for purposes of restitution in criminal cases, evidence of economic damages consisting of a record, bill, estimate, or invoice, produced by a third party and introduced by a prosecutor, creates a rebuttable presumption that the charge, expense, or cost documented is reasonable.

This allows a prosecutor to introduce any record, bill, estimate or invoice as evidence of a restitution amount and places the burden on the defendant to prove that the record, bill, estimate or invoice is unreasonable, rather than requiring the state to demonstrate that it is reasonable, as is currently the law.

SB 214 may increase costs of defense services because defendants may need additional case supports, investigations, or experts, to disprove the reasonableness of a restitution amount. The OPDS cannot presently predict the amount of case-related expenses that may arise from SB 214 but will track them should the bill pass.

We would be happy to answer any questions.

Thank you for your time,

Bridget

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