

HB 4075 A STAFF MEASURE SUMMARY

Carrier: Sen. Hansell

Joint Committee On Ways and Means

Action Date: 02/23/22

Action: Do pass the A-Eng bill.

Senate Vote

Yeas: 10 - Anderson, Frederick, Girod, Golden, Gorsek, Hansell, Knopp, Lieber, Steiner
Hayward, Taylor

Exc: 1 - Thomsen

House Vote

Yeas: 11 - Breese-Iverson, Bynum, Evans, Gomberg, McLain, Nosse, Reschke, Sanchez, Smith G,
Stark, Valderrama

Fiscal: Fiscal impact issued

Revenue: Revenue impact issued

Prepared By: John Borden, Budget Analyst

Meeting Dates: 2/21, 2/23

WHAT THE MEASURE DOES:

Modifies procedures for district attorney to request restitution and court to order restitution in criminal cases and certain violations. Creates presumption that economic damages are reasonable if specified documentation of the damages is provided at a restitution proceeding. Specifies awards of restitution as Level I for priority of payment in criminal judgments in circuit and local courts.

ISSUES DISCUSSED:

- Changes in priority of payments
- Revenue impact to the state

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

When a defendant is convicted of an offense that results in economic damages, the district attorney is required to present evidence of the nature and amount of the damages at the time of sentencing or within 90 days after entry of judgment. The 90 days may be extended for good cause. Recent Oregon Court of Appeals decisions have held that certain evidence is required to establish the amount of damages incurred by a victim is reasonable prior to ordering restitution.

ORS 137.146 establishes five levels of priority for application of payments on criminal judgments. Level I obligations have the highest level of priority and Level V obligations have the lowest priority. Currently, restitution is a Level II obligation in circuit and local court judgments.