



Oregon Alliance to End Violence Against Women



**Support for HB 4075
Facilitating Access to Restitution for Crime Victims
February 1st, 2022
House Committee on Judiciary**

Founded in 1999, the Oregon Alliance to End Violence Against Women (the Alliance) is a grassroots organization of survivors, advocates, multi-disciplinary community and system-based responders, and allies. The Alliance is dedicated to promoting legislation in Oregon that will protect and empower survivors of domestic and sexual violence.

The Alliance, along with the Oregon Law Center, the Oregon Coalition Against Domestic and Sexual Violence, the Oregon Attorney General's Sexual Assault Task Force, and Clackamas Womens' Services are pleased to offer joint support for HB 4075, which would facilitate access to restitution for victims of crime. Thank you for the opportunity to submit testimony this afternoon.

The availability of restitution for victims is a crucial piece of our system of justice, ensuring accountability from perpetrators and compensation for survivors and families. Restitution ensures that compensation is paid to the victim by the person most responsible for the loss incurred - the offender.

Access to restitution is of particular importance for survivors of domestic and sexual violence crimes. In addition to physical and economic harm caused by perpetrators of domestic and sexual violence, the domestic or sexual nature of the crime means that there is often significant emotional and psychological harm that lasts far longer than any physical or economic damage. While restitution paid by an offender cannot reverse a crime, many survivors feel it is a significant aspect of accountability which contributes to their recovery.

It is important to note that restitution also serves an important function for a convicted offender. Payment of restitution can be rehabilitative, allowing the offender to make amends in a concrete manner. Restitution is an important aspect of restorative justice.

HB 4075 would improve victim access to restitution. Most significantly:

- **Section One of the bill will streamline the court process for obtaining an award of restitution, by adopting a sensible standard of establishing damages amounts.** The bill would create a rebuttable presumption that a record, bill, estimate, or invoice from a business, health care entity, or provider or public body is a reasonable amount to be ordered as restitution for expenses.
 - Under current law, victims and the state must surmount significant obstacles simply to obtain reimbursement for expenses sustained as a result of the crime that was committed.
 - HB 4075 proposes a reasonable shift in the evidentiary standard required to establish damages, so that crime victims can submit ambulance bills, doctor bills, and other documents as rebuttable evidence of the need for restitution in the amount requested.
- **Sections Six and Seven of the bill would elevate restitution payments to a Level 1 obligation, so that crime victims get priority distribution from payments made by offenders.**
 - This portion of the bill helps ensure that crime victims receive reimbursement more quickly for expenses they incurred as a result of the crime.

In closing, restitution serves as an acknowledgment by the criminal justice system that the victim sustained harm. Restitution is focused on survivor needs and is forward-looking to help survivors recover. For many survivors of domestic and sexual violence, restitution may be even more important than the length of a sentence or the nature of a conviction. Passage of HB 4075 would increase access to restitution and would improve the criminal justice system response to victims of crime.

Thank you for your consideration, and we urge your support.

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