

Submitter: Joel Wirtz
On Behalf Of: Deschutes Defenders
Committee: House Committee On Judiciary
Measure: HB4075
TO: House Committee on Judiciary
FROM: Joel Wirtz, Executive Director, Deschutes Defenders, A Public Defense Nonprofit
DATE: February 1, 2022
RE: Concerns with HB 4075

Chair Bynum, Vice Chairs Noble and Power, and Members of the Committee:

I write to express my alarm with Section 1 of HB 4075, which would amend ORS 137.106 (restitution). I ask that you remove Section 1 from HB 4075, for the following reasons.

First, Section 1 of HB 4075 would eliminate time limits on restitution requests. Time limits are essential for the fair administration of justice. Victims, defendants, and the community need closure. Accuracy of both testimony and evidentiary collection drop dramatically when cases languish. That is why it is essential that there are statutory time limits to ensure a fair and accurate justice system.

Second, Section 1 of HB 4075 crafts a “presumption of reasonableness” on certain records, bills, invoices and estimates. In my practice, I have seen unreasonable bills from medical providers as well as outrageous estimates from auto repair shops. Overbilling practices in both of these industries require scrutiny, not a rubber stamp.

In conclusion, the current statute does not need to be amended as there are enough safeguards to protect victims’ rights while also ensuring that delays and questionable business practices do not taint our current justice system.