

Submitter: Jamie Pruitt  
On Behalf Of:  
Committee: House Committee On Judiciary  
Measure: HB4075

TO: House Committee on Judiciary  
FROM: Jamie T. Pruitt  
DATE: February 2, 2022  
RE: Concerns with HB 4075

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

I write to express concerns with Section 1 of HB 4075, which would amend ORS 137.106. I ask that you remove Section 1 from HB 4075.

I have been an attorney for approximately 15 years and I am licensed in 3 states. I have practiced in public defense in Oregon since 2019, after being recruited from another state to help ease the shortage of public defense attorneys in Oregon.

My concerns for HB 4075, Section 1, stem from my experience in Oregon in criminal cases where restitution requests are made. It is rare that we request hearings regarding restitution, as it is only needed if the amount requested is in dispute. Currently, if an unreasonable amount or improper amount of restitution is claimed, we request hearings and the state and the requesting party have the burden to show the reasonableness. There does not seem to be any issues with the current system that would warrant shifting the burden to the defense if a business, health care entity or provider or public body requests an unreasonable amount of restitution. This opens the system up to potential abuse and it makes more work for defense attorneys. This seems irresponsible to do at this time, on the heels of the Oregon Report that has shed light on the incredibly overburdened defense system in Oregon. Without addressing the shortage of defense attorneys, the legislature should consider if this is the time to change a system that already functions well to make more work for defense attorneys. Also, to believe a business, health care entity or provider or public body would not request restitution that is unreasonable, is inaccurate, as we sometimes see invoices from "businesses" that are highly inflated and perhaps from a business owned by a friend or family member of a victim. The current system is not broken, so why must we change it now? There is no reason the defense should have to request a hearing and then be expected to use more defense time, resources and energy to do the work needed to show the unreasonableness of a restitution request made by a third party.

Please, consider the timing of this, the impact on defense attorneys and the information contained in the Oregon Report before considering a change of this

nature.

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