

TO: House Committee on Judiciary
FROM:
DATE: February 1st, 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 over 5 years. I practice in almost every county throughout Oregon because I specialize in rights restoration work, especially set asides (expungement).

My concern with this bill is the extended period to allow additional restitution and the lack of ability in that process for the defendant to challenge the restitution amount. I see many people owing thousands of dollars in restitution in cases where it seems out of proportion to the offense. I am very concerned this bill could make the problem worse and ultimately make it much more challenging for people to move forward in life. I understand victims need to be made whole, but Section 1 does not do it in a way that is fair to defendants.

As I have said in the past, any bill that increases the amount of restitution owed by a defendant will make it harder for them to move forward in life, even many years later. The ability to set aside a conviction depends on the full satisfaction of the sentence, meaning a fully paid off case. I have seen people who pay over whole decades at the

rate of \$25 or \$50 a month and still struggle to pay it all off. \$100 here or a few hundred there makes a huge difference and if the money isn't going to true victims, it shouldn't be increased. Certainly the presumption should not be in favor of higher restitution. We have other ways in which the law can already ensure a victim can be made whole, including through civil compromise. Though difficult to use because of the State's absolute opposition to it, the law can give us a better mechanism than this bill to improve how restitution is handled.