

Enrolled
House Bill 3816

Sponsored by Representative KROPF

CHAPTER

AN ACT

Relating to victims; creating new provisions; and amending ORS 137.106 and 137.109.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 137.101 to 137.109.

SECTION 2. Notwithstanding ORS 137.106, 137.108, 419C.450 and 811.706, upon collection, 50 percent of awards of restitution as defined in ORS 137.103, awards of restitution under ORS 419C.450 and money awards made under ORS 811.706 ordered to an insurance carrier shall be paid to the Department of Justice for purposes of victim services funding.

SECTION 3. ORS 137.106 is amended to read:

137.106. (1)(a) **Except as provided in subsection (8) of this section**, when a person is convicted of a crime, or a violation as described in ORS 153.008, that has resulted in economic damages, the district attorney shall investigate and present to the court, at the time of sentencing or as provided in paragraph (b) of this subsection, evidence of the nature and amount of the damages.

(b)(A) If the district attorney is unable to present restitution evidence at sentencing, within 90 days after sentencing the district attorney may file a motion requesting that either the judgment be amended to require restitution or that a supplemental judgment be entered requiring restitution. The court may extend the time by which the district attorney must file the motion for good cause. The motion must contain a statement that documentation supporting the requested amount of restitution has been provided to the defendant as described in subsection (7) of this section.

(B) Upon receipt of a motion described in subparagraph (A) of this paragraph, the court shall set a hearing. If the defendant objects to the motion, the objection must be filed at least 15 days prior to the hearing and must contain a description of the nature of the objection.

(C) If the parties stipulate to the order and amount of restitution, the court may cancel the hearing and amend the judgment or enter a supplemental judgment requiring the defendant to pay the stipulated amount of restitution.

(c) At a restitution proceeding, economic damages will be presumed reasonable if the damages are documented in the form of a record, bill, estimate or invoice from a business, health care entity or provider or public body as defined in ORS 174.109.

(2)(a) If the court finds from the evidence presented that a victim suffered economic damages, in addition to any other sanction it may impose, the court shall enter a judgment or supplemental judgment requiring that the defendant pay the victim restitution in a specific amount that equals the full amount of the victim's economic damages as determined by the court. The lien, priority of the lien and ability to enforce the specific amount of restitution established under this paragraph by a supplemental judgment relates back to the date of the original judgment that is supplemented.

(b) Notwithstanding paragraph (a) of this subsection, a court may order that the defendant pay the victim restitution in a specific amount that is less than the full amount of the victim's economic damages only if:

(A) The victim or, if the victim is an estate, successor in interest, trust or other entity, an authorized representative of the victim consents to the lesser amount, if the conviction is not for a person felony; or

(B) The victim or, if the victim is an estate, successor in interest, trust or other entity, an authorized representative of the victim consents in writing to the lesser amount, if the conviction is for a person felony.

(c) As used in this subsection, "person felony" has the meaning given that term in the rules of the Oregon Criminal Justice Commission.

(3) After the district attorney makes a presentation described in subsection (1) of this section, if the court is unable to find from the evidence presented that a victim suffered economic damages, the court shall make a finding on the record to that effect.

(4) No finding made by the court or failure of the court to make a finding under this section limits or impairs the rights of a person injured to sue and recover damages in a civil action as provided in ORS 137.109.

(5)(a) If a judgment or supplemental judgment described in subsection (1) of this section includes restitution, a court may delay the enforcement of the monetary sanctions, including restitution, only if the defendant alleges and establishes to the satisfaction of the court the defendant's inability to pay the judgment in full at the time the judgment is entered. If the court finds that the defendant is unable to pay, the court may establish or allow an appropriate supervising authority to establish a payment schedule, taking into consideration the financial resources of the defendant and the burden that payment of restitution will impose, with due regard to the other obligations of the defendant. The supervising authority shall be authorized to modify any payment schedule established under this section.

(b) As used in this subsection, "supervising authority" means any state or local agency that is authorized to supervise the defendant.

(6) If the defendant objects to the imposition, amount or distribution of the restitution, the court shall allow the defendant to be heard on such issue at the time of sentencing or at the time the court determines the amount of restitution.

(7)(a) At least 10 days prior to the presentation described in subsection (1) of this section, the district attorney shall:

(A) Disclose to the defendant the names of any witnesses that may be called during the presentation; and

(B) Provide the defendant with copies of, or allow the defendant to inspect, any exhibits that will be used or introduced during the presentation.

(b) If the court finds that the district attorney has violated the requirements of this subsection, the court shall grant a continuance to allow additional time for preparation upon request of the defendant. Any additional time granted under this paragraph may not count toward the 90-day time limitation described in subsection (1) of this section.

(8) A victim that is an insurance carrier may direct the district attorney not to seek restitution for damages incurred by the insurance carrier by notifying the district attorney of the insurance carrier's intent to sue and recover damages from the defendant in a civil action. An insurance carrier that does not direct the district attorney not to seek restitution under this subsection agrees that 50 percent of awards of restitution ordered to the insurance carrier shall be paid to the Department of Justice as provided in section 2 of this 2025 Act.

SECTION 4. ORS 137.109 is amended to read:

137.109. (1) Nothing in ORS 137.103 to 137.109, 137.540, 144.102, 144.275, 161.675 and 161.685 limits or impairs the right of a person injured by a defendant's commission of a crime, by a defendant's commission of a violation described in ORS 153.008, or by a defendant's commission of

an act that has brought the defendant before the court for the purpose of entering into a driving while under the influence of intoxicants diversion agreement, to sue and recover damages from the defendant in a civil action. Evidence that the defendant has paid or been ordered to pay restitution pursuant to ORS 137.103 to 137.109, 137.540, 144.102, 144.275, 161.675 and 161.685 may not be introduced in any civil action arising out of the facts or events that were the basis for the restitution. However, the court shall credit any restitution paid by the defendant to a victim, **or paid to the Department of Justice under section 2 of this 2025 Act**, against any judgment in favor of the victim in such civil action.

(2) If conviction in a criminal trial necessarily decides the issue of a defendant's liability for economic damages of a victim, that issue is conclusively determined as to the defendant if it is involved in a subsequent civil action.

SECTION 5. Section 2 of this 2025 Act and the amendments to ORS 137.106 and 137.109 by sections 3 and 4 of this 2025 Act apply to judgments of conviction entered on or after the effective date of this 2025 Act.

Passed by House April 17, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate June 11, 2025

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State