

HOUSE AMENDMENTS TO HOUSE BILL 3816

By COMMITTEE ON JUDICIARY

April 10

1 In line 2 of the printed bill, before the period insert “; creating new provisions; and amending
2 ORS 137.106 and 137.109”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 137.101 to**
5 **137.109.**

6 **“SECTION 2. Notwithstanding ORS 137.106, 137.108, 419C.450 and 811.706, upon collection,**
7 **50 percent of awards of restitution as defined in ORS 137.103, awards of restitution under**
8 **ORS 419C.450 and money awards made under ORS 811.706 ordered to an insurance carrier**
9 **shall be paid to the Department of Justice for purposes of victim services funding.**

10 **“SECTION 3. ORS 137.106 is amended to read:**

11 **“137.106. (1)(a) Except as provided in subsection (8) of this section,** when a person is con-
12 victed of a crime, or a violation as described in ORS 153.008, that has resulted in economic damages,
13 the district attorney shall investigate and present to the court, at the time of sentencing or as pro-
14 vided in paragraph (b) of this subsection, evidence of the nature and amount of the damages.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 “(A) Disclose to the defendant the names of any witnesses that may be called during the pres-
35 entation; and

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

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

42 **“(8) A victim that is an insurance carrier may direct the district attorney not to seek**
43 **restitution for damages incurred by the insurance carrier by notifying the district attorney**
44 **of the insurance carrier’s intent to sue and recover damages from the defendant in a civil**
45 **action. An insurance carrier that does not direct the district attorney not to seek restitution**

1 under this subsection agrees that 50 percent of awards of restitution ordered to the insur-
2 ance carrier shall be paid to the Department of Justice as provided in section 2 of this 2025
3 Act.

4 “**SECTION 4.** ORS 137.109 is amended to read:

5 “137.109. (1) Nothing in ORS 137.103 to 137.109, 137.540, 144.102, 144.275, 161.675 and 161.685
6 limits or impairs the right of a person injured by a defendant’s commission of a crime, by a
7 defendant’s commission of a violation described in ORS 153.008, or by a defendant’s commission of
8 an act that has brought the defendant before the court for the purpose of entering into a driving
9 while under the influence of intoxicants diversion agreement, to sue and recover damages from the
10 defendant in a civil action. Evidence that the defendant has paid or been ordered to pay restitution
11 pursuant to ORS 137.103 to 137.109, 137.540, 144.102, 144.275, 161.675 and 161.685 may not be intro-
12 duced in any civil action arising out of the facts or events that were the basis for the restitution.
13 However, the court shall credit any restitution paid by the defendant to a victim, **or paid to the**
14 **Department of Justice under section 2 of this 2025 Act**, against any judgment in favor of the
15 victim in such civil action.

16 “(2) If conviction in a criminal trial necessarily decides the issue of a defendant’s liability for
17 economic damages of a victim, that issue is conclusively determined as to the defendant if it is in-
18 volved in a subsequent civil action.

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