

Property Crimes Oregon Restitution Orders

- It is a constitutional right for a victim to receive prompt restitution.
- Full restitution must be ordered to the victim UNLESS the court finds on the record that the victim suffered no economic damages.
- The defendant's ability to pay is no longer a determining factor for awarding full restitution.
- A supplemental judgment may be issued within 90 days after entry of the judgment. The 90 days may be extended for good cause.

What is Restitution and Who is entitled to it?

The following persons/entities are entitled to restitution and will receive payment in the order listed.

- The actual victim
- The Crime Victims' Compensation Program (Criminal Injuries Compensation Account).
- An insurance carrier, if it has expended money on the behalf of the actual victim . OR any person who is not the actual victim whom the court determines has suffered economic damages.

Restitution Includes: Economic damages of almost any type, including loss of income and past impairment of earning capacity, and reasonable and necessary expenses incurred for substitute domestic services. Restitution does not include noneconomic damages. Restitution can be ordered in addition to a compensatory fine.

If You Are a Victim of Domestic Violence

The law says you have certain rights.

If there is enough evidence to show a crime occurred, the police will arrest your abuser. The police reports will be sent to the District Attorney's office for review. The District Attorney, not the victim, files the charges and prosecuted the case. The victim cannot dismiss the criminal case.

You can get a Temporary Restraining Order (TRO) from a judge. The judge can order the abuser to leave your home and not go back there nor enter your school or the place where you work. The judge may also order the abuser not to be anywhere around you.

The judge can also grant you custody of your children or the right to visit them.

The TRO is effective throughout the state.

NOTICE

If you are a victim of domestic violence , you can ask the District Attorney to file a criminal complaint. You may also have the right to go to the Circuit Court and file a petition requesting any of the following orders for relief: (a) an order restraining your attacker from abusing you; (b) an order directing your attacker to leave your household; (c) an order preventing your attacker from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or parenting time with a minor child or children; (e) an order restraining your attacker from molesting or interfering with minor children in your custody;
(continued on the next section)

(f) an order awarding you other relief the court considers necessary to provide for your or your children's safety, including emergency monetary assistance. Such orders are enforceable in every state.

You may also request an order awarding support for minor children in your care or for your support if the other party has a legal obligation to support you or your children.

You also have the right to sue for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other out-of-pocket expenses for injuries sustained and damage to your property. This can be done without an attorney in small claims court if the total amount claimed is under \$3,500.

Similar relief may also be available in tribal courts.

Help for Sexual Assault Victims

Here are some of the rights that apply to you if you are a victim of sexual violence.

- The right to a support person to accompany you through most phases of the investigation, medical examination, and prosecution of a crime. This person cannot be a witness of the crime.
- The right to request an HIV test if the case involved the transmission of bodily fluids. Please speak to your victim advocate for more information.
- For eligible victims, the right to have your rape exam paid for by Sexual Assault Victims' Emergency Medical Response (SAVE) Fund. Ask your doctor for more details.
- Hospitals providing care to a female victim of sexual assault shall give unbiased, accurate information about emergency contraception; and, if requested by the victim, will give the victim emergency contraception immediately at the hospital.