

DIVISION 65

**RESTITUTION AND SUPERVISION FEES
ORS 137.101, 137.106, 161.665, 423.570, 144.102, 144.275**

**When Restitution, Fines and Fees are Ordered: Payment Schedule
255-065-0005**

- (1) For a crime committed after October 4, 1977, when the court sentences a person to pay restitution pursuant to ORS 137.106 and defers any portion of that payment until after release from imprisonment, the Board shall order restitution as a parole or post-prison supervision condition. The court order must specifically order restitution for a specific amount to a specific party.
- (2) For a crime committed after November 1, 1981, when the court sentences a person to pay a compensatory fine pursuant to ORS 137.101 and defers any portion of that payment until after release from imprisonment, the Board shall order a compensatory fine as a parole or post-prison supervision condition. The court order must specifically order a compensatory fine for a specific amount.
- (3) When the court has sentenced a person to pay attorney fees pursuant to ORS 161.665 and defers any portion of that payment until after release from imprisonment, the Board may order payment of attorney fees as a parole or post-prison supervision condition. The court order must specifically order attorney fees for a specific amount.
- (4) In establishing and supervising a schedule for the resumption of payments, the Board shall consider:
 - (a) The offender's financial resources, including salary, savings, and liquid assets not including place of residence, or those tools or vehicles essential to personal livelihood;
 - (b) The burden that will impose in light of the person's overall obligations (e.g., family and necessary living expenses);
 - (c) Ability to pay installment or other conditions to be set by the Board; and
 - (d) The rehabilitation affect of the payment and the method of payment.
- (5) Normal payments shall range up to twenty (20) percent of a person's take-home salary without voluntary payroll deductions, unless significant savings or liquid assets not including place of residence or tools or vehicle essential to personal livelihood permit larger amounts.
- (6) The Board shall provide to the sentencing court a copy of the schedule of payments and any modifications.

History: (2/1/79; 11/4/81, temporary; 5/19/82; 5/31/85, 5/19/88; 11/1/89;
10/9/92, 11/09/98)

Sentencing Including Restitution as Mitigation
255-065-0010

History: (2/1/79; 5/31/85, repealed)

Supervision of Payments: Conditions; Default; Effect on Discharge
255-065-0015

- (1) The offender shall make payments of restitution, compensatory fines, or attorney fees to the clerk of the court of the county of sentencing.
- (2) The supervising officer shall establish the method and manner of payment for the Board's approval.
- (3) If the offender has not made total payment of restitution or compensatory fines by the completion of the designated minimum period of supervision, the Board shall continue the offender on parole until the offender completes payment or until his/her sentence expires, whichever occurs first.
- (4) If the offender has not made total payment of attorney fees by the completion of the designated minimum period of supervision, the Board may continue the offender on parole until the offender completes payment or until his/her sentence expires, whichever occurs first.
- (5) The Board may require a person to pay restitution as a condition of post-prison supervision imposed for an offense other than the offense for which the restitution was ordered if the person:
 - (a) was ordered to pay restitution as a result of another conviction; and
 - (b) has not fully paid the restitution by the time the person has completed the period of post-prison supervision imposed for the offense for which the restitution was ordered.

History: (2/1/79; 11/4/81, temporary; 5/19/82; 5/31/85; 5/19/88; 11/1/89; 7/1/90; 10/9/92, 11/09/98)

Establishment of Supervision Fees: Criteria, Disbursement of Fees
255-065-0020

- (1) When a person is placed on parole or post-prison supervision, subject to supervision by either the Department of Corrections or a community corrections program established under ORS 423.500 to 423.560, the person shall pay a monthly fee to offset the costs of supervising parole or post-prison supervision. Fees are payable according to the terms set forth in ORS 423.570.

- (2) The supervision fee shall be at a rate established by the supervising community corrections program. In no case shall the fee be less than twenty-five dollars (\$25) per month. If the community corrections program fails to establish the amount of the fee, the fee shall be \$25.
- (3) The Board shall order the payment of the supervision fee as a parole or post-prison supervision condition and intentional and willful failure to pay the fee may be grounds for revocation of parole and post-prison supervision or, in the case of parole, extension of the supervision period.
- (4) In cases of financial hardship or when otherwise advisable in the interest of the released person's rehabilitation, the community program director or the Director of the Department of Corrections, whichever is appropriate, may waive or reduce the amount of the fee.
- (5) Fees collected shall be transferred to the Department of Corrections or retained by the county as provided by statute.

History: (11/3/81, temporary; 5/19/82; 5/31/85; 5/19/88; 11/1/89; 7/1/90;
10/9/92, 11/09/98)

DIVISION 65

RESTITUTION AND SUPERVISION FEES
(ORS 137.101, 137.106, 161.665, 423.570, 144.102, 144.275)

When Restitution, Fines and Fees are Ordered: Payment Schedule
255-65-005

- (1) For a crime committed after October 4, 1977, [W]hen the court sentences a person [has been sentenced] to pay restitution pursuant to ORS 137.106 [to pay restitution for a crime committed after October 4, 1977,] and defers any portion of that payment [is deferred] until after release from imprisonment, the Board shall [establish] order restitution as a [condition of] parole or post-prison supervision condition. The court order must specifically order restitution [Restitution must be] for a specific amount to a specific party [and must be noted as restitution in the court order].
- (2) For a crime committed after November 1, 1981, [W]hen the court sentences a person [has been sentenced] to pay a compensatory fine pursuant to ORS 137.101 [to pay a compensatory fine for a crime committed after Nov. 1, 1981,] and defers any portion of that payment [is deferred] until after release from imprisonment, the Board shall [establish] order a compensatory fine as a [condition of] parole or post-prison supervision condition. The court order must specifically order a compensatory fine [must be] for a specific amount[, and must be noted as a compensatory fine in the court order].
- (3) When the court has sentenced a person [has been sentenced] to pay attorney fees pursuant to ORS 161.665 [to pay attorney fees] and defers any portion of that payment [is deferred] until after release from imprisonment, the Board may [establish] order payment of attorney fees as a [condition of] parole or post-prison supervision condition. The court order must specifically order attorney fees [must be] for a specific amount [and must be noted as attorney fees in the court order].
- (4) In establishing and supervising a schedule for the resumption of payments, the Board shall consider:
 - (a) The prisoner's financial resources, including salary, savings, and liquid assets not including place of residence, or those tools or vehicles essential to personal livelihood;
 - (b) The burden that it will impose in light of the person's overall obligations (e.g., family and necessary living expenses);
 - (c) Ability to pay in installment or other conditions to be set by the Board; and
 - (d) The rehabilitative affect of the payment and the method of payment.
- (4) Normal payments shall range up to twenty (20) percent of a person's take-home salary without voluntary payroll deductions, unless significant savings or liquid assets not including place of residence or tools or vehicle essential to personal livelihood permit larger amounts.
- (5) The Board shall provide to the sentencing court a copy of the schedule of payments and any modifications.

History: (2/1/79; 11/4/81, temporary; 5/19/82; 5/31/85; 5/19/88; 11/1/89; 10/9/92)

Permanent effective 10/9/92

DIVISION 65

RESTITUTION AND SUPERVISION FEES

ORS 137.101, 137.106, 161.665, 423.570, 144.102, 144.275

When Restitution, Fines and Fees are Ordered: Payment Schedule

255-065-0005

- (1) For a crime committed after October 4, 1977, when the court sentences a person to pay restitution pursuant to ORS 137.106 and defers any portion of that payment until after release from imprisonment, the Board shall order restitution as a parole or post-prison supervision condition. The court order must specifically order restitution for a specific amount to a specific party.
- (2) For a crime committed after November 1, 1981, when the court sentences a person to pay a compensatory fine pursuant to ORS 137.101 and defers any portion of that payment until after release from imprisonment, the Board shall order a compensatory fine as a parole or post-prison supervision condition. The court order must specifically order a compensatory fine for a specific amount.
- (3) When the court has sentenced a person to pay attorney fees pursuant to ORS 161.665 and defers any portion of that payment until after release from imprisonment, the Board may order payment of attorney fees as a parole or post-prison supervision condition. The court order must specifically order attorney fees for a specific amount.
- (4) In establishing and supervising a schedule for the resumption of payments, the Board shall consider:
 - (a) The offender's financial resources, including salary, savings, and liquid assets not including place of residence, or those tools or vehicles essential to personal livelihood;
 - (b) The burden that will impose in light of the person's overall obligations (e.g., family and necessary living expenses);
 - (c) Ability to pay installment or other conditions to be set by the Board; and
 - (d) The rehabilitation affect of the payment and the method of payment.
- (5) Normal payments shall range up to twenty (20) percent of a person's take-home salary without voluntary payroll deductions, unless significant savings or liquid assets not including place of residence or tools or vehicle essential to personal livelihood permit larger amounts.
- (6) The Board shall provide to the sentencing court a copy of the schedule of payments and any modifications.

History: (2/1/79; 11/4/81, temporary; 5/19/82; 5/31/85, 5/19/88; 11/1/89; 10/9/92, 11/09/98)

11/09/98

Restitution & Fees

Permanent effective 11/9/98

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RESTITUTION, COMPENSATORY FINES, AND SUPERVISION FEES

When Restitution is Ordered Upon [Parole] Release: Establishing a Payment Schedule; Limitations
255-65-005

- (1) When a person has been sentenced pursuant to ORS 137.106 to pay restitution [, or when restitution is recommended by the court,] for a crime committed after October 4, 1977, and any portion of that payment is deferred until after release from imprisonment, the Board shall establish restitution as a condition of parole or post-prison supervision. Restitution must be for a specific amount to a specific party and must be noted as restitution in the court order.

- (2) When a person has been sentenced pursuant to ORS 137.101 to pay a compensatory fine for a crime committed after Nov. 1, 1981, and any portion of that payment is deferred until after release from imprisonment, the Board shall establish a compensatory fine as a condition of parole or post-prison supervision. The compensatory fine must be for a specific amount and must be noted as a compensatory fine in the court order.

- (3) When a person has been sentenced pursuant to ORS 161.665 to pay attorney fees and any portion of that payment is deferred until after release from imprisonment, the Board may establish payment of attorney fees as a condition of parole or post-prison supervision. The attorney fees must be for a specific amount and must be noted as attorney fees in the court order.

- [(3)](4) In establishing and supervising a schedule for the resumption of payments, the Board shall consider:
 - (a) the prisoner's financial resources, including salary, savings, and liquid assets not including place of residence, or those tools or vehicles essential to personal livelihood;
 - (b) the burden that it will impose in light of the person's overall obligations (e.g., family and necessary living expenses);
 - (c) ability to pay in installment or other conditions to be set by the Board; and
 - (d) the rehabilitative affect of the payment and the method of payment.

Permanent effective 11/1/89

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 65 — BOARD OF PAROLE

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- (4) Normal payments shall range up to twenty (20) percent of a person's take-home salary without voluntary payroll deductions, unless significant savings or liquid assets not including place of residence or those tools or vehicle essential to personal livelihood permit larger amounts.
- (5) The Board shall provide to the sentencing court a copy of the schedule of payments and any modifications.

11/01/89
Fees

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Permanent effective 11/1/89

Restitution &

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RESTITUTION AND SUPERVISION FEES

When Restitution is Ordered Upon Parole Release: Establishing a
Payment Schedule; Limitations
255-65-005

- (1) When a person has been sentenced pursuant to ORS 137.106 to pay restitution, or when restitution is recommended by the court, for a crime committed after October 4, 1977, and any portion of that payment is deferred until after release from imprisonment, the Board shall establish restitution as a condition of parole. Restitution must be noted as restitution in the court order.
- (2) When a person has been sentenced pursuant to ORS 137.101 to pay a compensatory fine for a crime committed after Nov. 1, 1981, and any portion of that payment is deferred until after release from imprisonment, the Board shall establish a compensatory fine as a condition of parole. The compensatory fine must be for a specific amount, and must be noted as a compensatory fine in the court order.
- (3) [a schedule of payments:(1)] In establishing and supervising a schedule of payments, the Board shall consider:
 - (a) The prisoner's financial resources, including salary, savings, and liquid assets not including place of residence, or those tools or vehicles essential to personal livelihood;
 - (b) The burden that it will impose in light of the person's overall obligations (e.g., family and necessary living expenses);
 - (c) Ability to pay [on an] in installment or other conditions to be set by the Board [a] basis]; and
 - (d) The rehabilitative [e]ffect of the payment and the method of payment.
- (4) [(2)] Normal payments shall range up [from ten (10)] to twenty (20) percent of a person's take-home salary without voluntary payroll deductions, unless significant savings or liquid assets not including place of residence or those tools or vehicle essential to personal livelihood permit larger amounts. [;]
- (5) [(3)] The Board shall provide to the sentencing court a copy of the schedule of payments and any modifications [thereof].

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255-65-005 When Restitution is Ordered Upon Parole Release:
Establishing a Payment Schedule; Limitations

When a person has been sentenced pursuant to ORS 137.106 to pay restitution for a crime committed after October 4, 1977, and any portion of that payment is deferred until after release from imprisonment, the Board shall establish a schedule of payments:

- (1) In establishing and supervising a schedule of payments, the Board shall consider:
 - (a) The prisoner's financial resources, including salary, savings, and liquid assets;
 - (b) The burden that it will impose in light of the person's overall obligations (e.g., family and necessary living expenses).
 - (c) Ability to pay on an installment or other conditional basis;
 - (d) The rehabilitative effect of the payment and the method of payment.
- (2) Normal payments shall range from ten (10) to twenty (20) percent of a person's take-home salary without voluntary payroll deductions, unless significant savings or liquid assets permit larger amounts;
- (3) The Board shall provide to the sentencing court a copy of the schedule of payments and any modifications thereof.

Permanent effective 5/31/85

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RESTITUTION AND SUPERVISION FEES

When Restitution is Ordered [after] Upon Parole Release:
Establishing a Payment Schedule; Limitations

255-65-005 When a person has been sentenced pursuant to ORS 137.106 to pay restitution for a crime committed after October 4, 1977, and any portion of that payment is deferred until after release from imprisonment, the Board shall establish a schedule of payments.

(1) In establishing and supervising a schedule of payments, the Board shall consider:

(a) The prisoner's financial resources, including salary, savings, and liquid assets;

(b) The burden that it will impose in light of the person's overall obligations (e.g., family and necessary living expenses);

(c) Ability to pay on an installment or other conditional basis;

(d) The rehabilitative effect of the payment and the method of payment.

(2) Normal payments shall range from 10 to 20 percent of a person's take-home salary without voluntary payroll deductions, unless significant savings or liquid assets permit larger amounts.

(3) The Board shall provide to the sentencing court a copy of the schedule of payments and any modifications thereof.

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When Restitution is Ordered After Parole Release: Establishing a Payment Schedule; Limitations

255-65-005 When a person has been sentenced pursuant to ORS 137.106 to pay restitution for a crime committed after October 4, 1977, and any portion of that payment is deferred until after release from imprisonment, the Board shall establish a schedule of payments.

(1) In establishing and supervising a schedule of payments, the Board shall consider:

(a) The prisoner's financial resources, including salary, savings, and liquid assets;

(b) The burden that it will impose in light of the person's overall obligations (e.g., family and necessary living expenses);

(c) Ability to pay on an installment or other conditional basis;

(d) The rehabilitative effect of the payment and the method of payment.

(2) Normal payments shall range from 10 to 20 percent of a person's take-home salary without voluntary payroll deductions, unless significant savings or liquid assets permit larger amounts.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & ef. 2-1-79

Permanent effective 2/1/79

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Sentencing Including Restitution as Mitigation
255-65-010

[Restitution is a form of punishment which requires an offender to assume responsibility for his/her criminal conduct by assuming the loss incurred. The Board shall consider a sentence to pay restitution after a term of imprisonment as mitigation in setting a parole release date.]

Repealed

Permanent effective 5/19/88

OREGON ADMINISTRATIVE RULES
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255-65-010 Sentence Including Restitution as Mitigation

Restitution is a form of punishment which requires an offender to assume responsibility for his/her criminal conduct by assuming the loss incurred. [costs of compensating] the actual victim of the crime, or the state when it has provided compensation to the victim, under ORS 147.005 to 147.365.] The Board shall consider a sentence to pay restitution after a term of imprisonment as mitigation in setting a parole release date.

Permanent effective 5/31/85

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 65 — BOARD OF PAROLE

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RESTITUTION

Sentence Including Restitution as Mitigation

255-65-010 Restitution is a form of punishment which requires an offender to assume responsibility for his/her criminal conduct by assuming the costs of compensating the actual victim of the crime, or the state when it has provided compensation to the victim, under ORS 147.005 to 147.365. The Board shall consider a sentence to pay restitution after a term of imprisonment as mitigation in setting a parole release date.

Stat. Auth.: ORS Ch. 144

Hist: 2PB 1-1979, f. & cf. 2-1-79

Permanent effective 2/1/79

1-Div. 65



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RESTITUTION AND SUPERVISION FEES

ORS 137.101, 137.106, 161.665, 423.570, 144.102, 144.275

Supervision of Payments: Conditions; Default; Effect on Discharge
255-065-0015

- (1) The offender shall make payments of restitution, compensatory fines, or attorney fees to the clerk of the court of the county of sentencing.
- (2) The supervising officer shall establish the method and manner of payment for the Board's approval.
- (3) If the offender has not made total payment of restitution or compensatory fines by the completion of the designated minimum period of supervision, the Board shall continue the offender on parole until the offender completes payment or until his/her sentence expires, whichever occurs first.
- (4) If the offender has not made total payment of attorney fees by the completion of the designated minimum period of supervision, the Board may continue the offender on parole until the offender completes payment or until his/her sentence expires, whichever occurs first.
- (5) The Board may require a person to pay restitution as a condition of post-prison supervision imposed for an offense other than the offense for which the restitution was ordered if the person:
 - (a) was ordered to pay restitution as a result of another conviction; and
 - (b) has not fully paid the restitution by the time the person has completed the period of post-prison supervision imposed for the offense for which the restitution was ordered.

History: (2/1/79; 11/4/81, temporary; 5/19/82; 5/31/85; 5/19/88; 11/1/89; 7/1/90;
10/9/92, 11/09/98)

Permanent effective 11/9/98

OREGON ADMINISTRATIVE RULES
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DIVISION 65

RESTITUTION AND SUPERVISION FEES
(ORS 137.101, 137.106, 161.665, 423.570, 144.102, 144.275)

Supervision of Payments: Conditions; Default; Effect on Discharge
255-65-015

- (1) The offender shall make [P]payments of restitution, compensatory fines, or attorney fees [shall be made] to the clerk of the court of the county of sentencing.
- (2) The supervising officer shall establish the method and manner of payment [shall be established by the individual's supervising officer and approved by the Board] for the Board's approval.
- (3) If the offender has not made total payment of restitution or compensatory fines [has not been made] by the completion of the designated minimum period of supervision, the Board shall continue the offender [shall be continued] on parole until the offender completes [completion of] payment or [the expiration of] until his/her sentence expires, whichever occurs first.
- (4) If the offender has not made total payment of attorney fees [has not been made] by the completion of the designated minimum period of supervision, the Board may continue the offender [may be continued] on parole until the offender completes [completion of] payment or [the expiration of] until his/her sentence expires, whichever occurs first.

History: (2/1/79; 11/4/81, temporary; 5/19/82; 5/31/85; 5/19/88; 11/1/89;
7/1/90; 10/9/92)

Permanent effective 10/9/92

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Supervision of Payments: Conditions ; Default ; Effect on
Discharge

255-65-015

(2/1/79; 11/4/81, temporary; 5/19/82;
5/31/85; 5/19/88; 11/1/89; 7/1/90)

- (1) Payments of restitution, compensatory fines, or attorney fees shall be made to the clerk of the court of the county of sentencing.
- (2) The method and manner of payment shall be established by the individual's supervising officer and approved by the Board.
- [(3)] When an offender defaults on any scheduled payment, the supervising officer shall notify the Board. The default may be grounds for revocation of parole or post-prison supervision unless the offender shows:
 - (a) the default was not due to an intentional refusal to make the payment; or
 - (b) the default occurred despite a good faith effort to make the payment.]
- [(4)](3) If total payment of restitution or compensatory fines has not been made by the completion of the designated minimum period of supervision, the offender shall be continued on parole until completion of payment or the expiration of his/her sentence, whichever occurs first.
- [(5)](4) If total payment of attorney fees has not been made by the completion of the designated minimum period of supervision, the offender may be continued on parole until completion of payment or the expiration of his/her sentence, whichever occurs first.

Permanent effective 7/1/90

Supervision of Payments: Conditions [of Parole]; Default [by Parolee]; Effect on Discharge
255-65-015

- [(1)] The payment of restitution shall be included as a special condition of parole.]
- [(2)](1) Payments of restitution, compensatory fines, or attorney fees shall be made to the clerk of the court of the county of sentencing.
- [(3)](2) The method and manner of payment shall be established by the individual's [parole] supervising officer and approved by the Board.
- [(4)](3) When [a parolee] an offender defaults on any scheduled payment, the supervising [parole] officer shall notify the Board. The default may be grounds for revocation of parole or post-prison supervision unless the [parolee] offender shows:
- (a) the default was not due to an intentional refusal to make the payment; or
 - (b) the default occurred despite a good faith effort to make the payment.
- [(5)](4) If total payment of restitution or compensatory fines has not been made by the completion of the designated minimum period of supervision, the [parolee] offender shall be continued on parole until completion of payment or the expiration of his/her sentence, whichever occurs [is] first.
- (5) If total payment of attorney fees has not been made by the completion of the designated minimum period of supervision, the offender may be continued on parole until completion of payment or the expiration of his/her sentence, whichever occurs first.

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CHAPTER 255, DIVISION 65 — BOARD OF PAROLE

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Supervision of Payments; Conditions of Parole; Default by Parolee;
Effect on Discharge
255-65-015

- (1) The [P] payment of restitution shall be included as a special condition of parole[:].
- (2) [(a)] Payments shall be made to the clerk of the court of the county of sentencing[:].
- (3) [(b)] The method and manner of payment shall be established by the individual's parole officer and approved by the Board.
- (4) [(2)] When a parolee defaults on any scheduled payment, the supervising parole officer shall notify the Board. The default may [shall] be grounds for revocation of parole unless the parolee shows:
 - (a) The default was not due to an intentional refusal to make the payment; or
 - (b) The default occurred despite a good faith effort to make the payment.
- (5) [(3)] If total payment of restitution has not been made by the completion of the designated minimum period of supervision, the parolee shall be continued on parole until completion of payment or the expiration of his/her sentence, whichever is first.

OREGON ADMINISTRATIVE RULES
CHAPTER 255. DIVISION 65 — BOARD OF PAROLE

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255-65-015 Supervision of Payments: Conditions of Parole; Default by Parolee, Effect on Discharge

- (1) Payment of restitution shall be included as a special condition of parole:
 - [(a) Any applicable schedule shall be clearly stated on the Order of Parole;]
 - (a)[(b)] Payments shall be made to the clerk of the court of the county of sentencing[, or as directed by the Board];
 - (b)[(c)] The method and manner of payment shall be established [supervised] by the individual's parole officer.
- (2) When a parolee defaults on any scheduled payment, the supervising parole officer shall notify the Board. The default shall be grounds for revocation of parole unless the parolee shows:
 - (a) The default was not due to an intentional refusal to make the payment;
 - (b) The default occurred despite a good faith effort to make the payment.
- (3) If total payment of restitution has not been made [completed] by the completion of the designated period of supervision, [parolee's tentative discharge date] the parolee shall be continued on parole until completion of payment or the expiration of his/her sentence, whichever is first.
- [(4) The Board shall provide to the sentencing court a copy of the discharge of parole in cases where restitution has been ordered.]

Permanent effective 5/31/85

Supervision of Payments: Conditions of Parole; Default by Parolee; Effect on Discharge

255-65-015 (1) Payment of restitution shall be included as a special condition of parole:

(a) Any applicable schedule shall be clearly stated on the Order of Parole.

(b) Payments shall be made to the clerk of the court of the county of sentencing, or as directed by the Board.

(c) The method and manner of payment shall be supervised by the individual's parole officer.

(2) When a parolee defaults on any scheduled payment, the supervising parole officer shall notify the Board. The default shall be grounds for revocation of parole unless the parolee shows:

(a) The default was not due to an intentional refusal to make the payment.

(b) The default occurred despite a good faith effort to make the payment.

(3) If payment of restitution has not been completed by the parolee's tentative discharge date, the parolee shall be continued on parole until completion of payment or the expiration of his/her sentence, whichever is first.

(4) The Board shall provide to the sentencing court a copy of the discharge of parole in cases where restitution has been ordered.

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 65 — BOARD OF PAROLE

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Supervision of Payments; Conditions of Parole; Default by Parolee; Effect on Discharge

255-65-015 (1) Payment of restitution shall be included as a special condition of parole:

(a) Any applicable schedule shall be clearly stated on the Order of Parole.

(b) Payments shall be made to the clerk of the court of the county of sentencing, or as directed by the Board.

(c) The method and manner of payment shall be supervised by the individual's parole officer.

(2) When a parolee defaults on any scheduled payment, the supervising parole officer shall notify the Board. The default shall be grounds for revocation of parole unless the parolee shows:

(a) The default was not due to an intentional refusal to make the payment.

(b) The default occurred despite a good faith effort to make the payment.

(3) If payment of restitution has not been completed by the parolee's tentative discharge date, the parolee shall be continued on parole until completion of payment or the expiration of his/her sentence, whichever is first.

Stat. Auth.: ORS Ch. 144

Hist.: 2PB 1-1979, f. & ef. 2-1-79

Permanent effective 2/1/79



DIVISION 65

RESTITUTION AND SUPERVISION FEES

ORS 137.101, 137.106, 161.665, 423.570, 144.102, 144.275

Establishment of Supervision Fees: Criteria, Disbursement of Fees
255-065-0020

- (1) When a person is placed on parole or post-prison supervision, subject to supervision by either the Department of Corrections or a community corrections program established under ORS 423.500 to 423.560, the person shall pay a monthly fee to offset the costs of supervising parole or post-prison supervision. Fees are payable according to the terms set forth in ORS 423.570.
- (2) The supervision fee shall be at a rate established by the supervising community corrections program. In no case shall the fee be less than twenty-five dollars (\$25) per month. If the community corrections program fails to establish the amount of the fee, the fee shall be \$25.
- (3) The Board shall order the payment of the supervision fee as a parole or post-prison supervision condition and intentional and willful failure to pay the fee may be grounds for revocation of parole and post-prison supervision or, in the case of parole, extension of the supervision period.
- (4) In cases of financial hardship or when otherwise advisable in the interest of the released person's rehabilitation, the community program director or the Director of the Department of Corrections, whichever is appropriate, may waive or reduce the amount of the fee.
- (5) Fees collected shall be transferred to the Department of Corrections or retained by the county as provided by statute.

History: (11/3/81, temporary; 5/19/82; 5/31/85; 5/19/88; 11/1/89; 7/1/90;
10/9/92, 11/09/98)

Permanent effective 11/9/98

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CHAPTER 255, DIVISION 65 — BOARD OF PAROLE

DIVISION 65

RESTITUTION AND SUPERVISION FEES
(ORS 137.101, 137.106, 161.665, 423.570, 144.102, 144.275)

Establishment of Supervision Fees: Criteria; Disbursement of Fees
255-65-020

- (1) When a person [is placed] goes on parole or post-prison supervision, subject to supervision by either the Department of Corrections or a community corrections program established under ORS 423.500 to 423.560, the person shall [be required to] pay a monthly fee to offset the costs of supervising parole.
- (2) The supervision fee shall be twenty-five dollars (\$25) a month, unless [a greater fee is recommended by] the Department of Corrections recommends a greater fee and [approved by] the Board approves it, using the same criteria set forth in rule 255-65-005(2). In no case shall the fee be less than ten dollars (\$10) per month.
- (3) The Board shall order the supervision fee [established pursuant to subsection (1) of this rule] [shall be a condition of] as a parole or post-prison supervision condition and intentional and willful failure to pay the fee may be grounds for revocation of parole or post-prison supervision or, in the case of parole, extension of the supervision period.
- (4) In cases of financial hardship or when otherwise advisable in the interest of the released person's rehabilitation, the community program director or the Director of the Department of Corrections, whichever is appropriate, may waive the payment of the fee in whole or in part.
- (5) Fees collected shall be transferred to the Department of Corrections or retained by the county as provided by statute.

History: (11/3/81, temporary; 5/19/82; 5/31/85; 5/19/88; 11/1/89; 7/1/90;
10/9/92)

Permanent effective 10/9/92

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 65 — BOARD OF PAROLE

DIVISION 65

Establishment of Supervision Fees: Criteria; Disbursement of Fees:
255-65-020 (11/3/81, temporary; 5/19/82: 5/31/85;
5/19/88; 11/1/89; 7/1/90)

- (1) When a person is placed on parole or post-prison supervision, subject to supervision by either the Department of Corrections or a community corrections program established under ORS 423.500 to 423.560, the person shall be required to pay a monthly fee to offset the costs of supervising parole.
- (2) The fee [may range between ten dollars (\$10) and twenty dollars (\$20)] shall be twenty-five dollars (\$25) a month, unless a greater fee is recommended by the Department of Corrections and approved by the Board using the same criteria set forth in rule 255-65-005(3). In no case shall the fee be less than ten dollars (\$10) per month.
- (3) The fee established pursuant to subsection (1) of this rule shall be a condition of parole or post-prison supervision and intentional and willful failure to pay the fee [shall] may be grounds for revocation of parole or post-prison supervision or, in the case of parole, extension of the supervision period.
- (4) In cases of financial hardship or when otherwise advisable in the interest of the released person's rehabilitation, the Community Program Director or the Director of the Department of Corrections, whichever is appropriate, may waive the payment of the fee in whole or in part.
- (5) Fees collected shall be transferred to the Department of Corrections or retained by the county as provided by statute.

Permanent effective 7/1/90

OREGON ADMINISTRATIVE RULES
CHAPTER 255. DIVISION 65 — BOARD OF PAROLE

DIVISION 65

RESTITUTION

Establishment of Supervision Fees: Criteria; Disbursement of Fees
255-65-020

- (1) When a person is placed on parole or post-prison supervision, subject to supervision by either the Department of Corrections or a community corrections program established under ORS 423.500 to 423.560, the person shall be required to pay a monthly fee to offset the costs of supervising parole.
- (2) The fee may range between ten dollars (\$10) and twenty dollars (\$20) a month, unless a greater fee is recommended by the Department of Corrections and approved by the Board using the same criteria set forth in rule 255-65-005(3). In no case shall the fee be less than ten dollars (\$10) per month.
- (3) The fee established pursuant to subsection (1) of this rule shall be a condition of parole or post-prison supervision and intentional and willful failure to pay the [such] fee shall be grounds for revocation of parole or post-prison supervision or, in the case of parole, extension of the supervision period.
- (4) In cases of financial hardship or when otherwise advisable in the interest of the released person's rehabilitation, the community program director or the Director of the Department of Corrections, whichever is appropriate, may waive the payment of the fee in whole or in part.
- (5) Fees collected shall be transferred to the Department of Corrections or retained by the county as provided by statute.

Permanent effective 11/1/89

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 65 — BOARD OF PAROLE

DIVISION 65

RESTITUTION

Establishment of Supervision Fees: Criteria; Disbursement of Fees
255-65-020

- (1) When a person is placed on parole, subject to supervision by either the Department of Corrections [Division] or a community corrections program established under ORS 423.500 to 423.560, the person shall be required to pay a monthly fee to offset the costs of supervising parole.
- (2) The fee [shall] may range [be] between ten dollars (\$10) and twenty dollars (\$20) a month, unless a greater fee is recommended by the Department of Corrections [Division] and approved by the Board using the same criteria set forth in rule 255-65-005(2) [(1)(a), (b), and (c)]. In no case shall the fee be less than ten dollars (\$10) per month.
- (3) [(2)] The fee established pursuant to subsection (1) of this rule shall be a condition of parole and intentional and willful failure to pay such fee shall be grounds for revocation of parole or extension of the supervision period.
- (4) In cases of financial hardship or when otherwise advisable in the interest of the released person's rehabilitation, the community program director or the [Assistant] Director of the Department of Corrections, whichever is appropriate, may waive the payment of the fee in whole or in part.
- (5) Fees collected shall be transferred to the Department of Corrections [Division] or retained by the county as provided by statute.

Permanent effective 5/19/88

OREGON ADMINISTRATIVE RULES
CHAPTER 255, DIVISION 65 — BOARD OF PAROLE

DIVISION 65

RESTITUTION

255-65-020 Establishment of Supervision Fees/Criteria/ Disbursement of Fees

- (1) When a person is placed on parole, subject to supervision by either the Corrections Division or a community corrections program established under ORS 423.500 to 423.560, the person shall be required to pay a monthly fee to offset costs of supervising parole. The fee shall be twenty dollars (\$20) [~~\$10~~] unless a greater fee is recommended by the Corrections Division [supervising officer] and approved by the Board using the same criteria set forth in Rule 255-65-005(1)(a), (b) and (c). In no case shall the fee be less than ten dollars (\$10) per month.
- (2) The fee established pursuant to section (1) of this rule shall be a condition of parole and intentional and willful failure to pay such fee shall be grounds for revocation of parole or extension of the supervision period.
- (3) In cases of financial hardship or when otherwise advisable in the interest of the released person's rehabilitation, the community program director or the Assistant Director of Corrections, whichever is appropriate, may waive the payment of the fee in whole or in part.
- (4) Fees collected shall be transferred to the Corrections Division or retained by the county as provided by statute.

Permanent effective 5/31/85

DIVISION 65

RESTITUTION

Establishment of Supervision Fees; Criteria; Disbursement of Fees

255-65-020(1) When a person is placed on parole, subject to supervision by either the Corrections Division or a community corrections program established under ORS 423.500 to 423.560, the person shall be required to pay a monthly fee to offset costs of supervising parole. The fee shall be \$10.00 unless a greater fee is recommended by the supervising officer and approved by the Board using the same criteria set forth in 255-65-005(1)(a)(b) and (c). In no case shall the fee be less than \$10.00 per month.

(2) The fee established pursuant to section (1) shall be a condition of parole and intentional and willful failure to pay such fee shall be grounds for revocation of parole or extension of the supervision period.

(3) In cases of financial hardship or when otherwise advisable in the interest of the released person's rehabilitation, the community program director or the Assistant Director of Corrections, whichever is appropriate, may waive the payment of the fee in whole or in part.

(4) Fees collected shall be transferred to the Corrections Division or retained by the county as provided by statute.

DIVISION 65

RESTITUTION

255-65-020(1) When a person is placed on parole, subject to supervision by either the Corrections Division or a community corrections program established under ORS 423.500 to 423.560, the person shall be required to pay a monthly fee to offset costs of supervising parole. The fee shall be \$10.00 unless a greater fee is recommended by the supervising officer and approved by the Board using the same criteria set forth in 255-65-005(1)(a)(b) and (c). In no case shall the fee be less than \$10.00 per month.

(2) The fee established pursuant to section (1) shall be a condition of parole and intentional and willful failure to pay such fee shall be grounds for revocation of parole or extension of the supervision period.

(3) In cases of financial hardship or when otherwise advisable in the interest of the released person's rehabilitation, the community program director or the Assistant Director of Corrections, whichever is appropriate, may waive the payment of the fee in whole or in part.

(4) Fees collected shall be transferred to the Corrections Division or retained by the county as provided by statute.

Temporary effective 11/4/81 to 5/2/82

See addition of rule title on the
5/19/82 permanent filing.