

**IN THE MUNICIPAL COURT OF THE CITY OF BROOKINGS
COUNTY OF CURRY, STATE OF OREGON**

RULE 6: Restitution Hearings

IT IS HEREBY ORDERED AS FOLLOWS:

1. As provided in Oregon Revised Statutes 137.106 when a person is convicted of an offense as a violation by the Brookings Municipal Court, and said offense has resulted in harm to a victim by the defendant's wrongful acts, the Judge may impose a requirement for restitution in addition to all other fines and fees.
2. In determining whether to order restitution which is complete, partial or nominal the Court shall order a restitution hearing. The victim and defendant will be given a notice to appear before the Court within 90 days of the conviction.
3. At said hearing, the Judge will review all evidence presented by the victim to show the harm caused by the defendant's acts. Restitution can cover any out-of-pocket losses directly related to the offense including:
 - a. Medical expenses.
 - b. Therapy costs.
 - c. Prescription charges.
 - d. Lost wages.
 - e. Expenses related to participating in the criminal justice process (i.e. travel time, child care expenses, etc).
 - f. Lost or damaged property.
 - g. Insurance deductibles.
 - h. Crime scene clean up.
 - i. Any other expense that resulted from the violation.
4. Restitution shall not include compensation for such things as pain and suffering or emotional distress. Only damages which are provable and for which the victim has written documentation of value.
5. All documentation of the amount of loss claimed for restitution must be submitted to the Court Clerk at least two weeks in advance of the hearing.

The Court Clerk shall provide a copy of such documentation to the defendant.

6. Said hearing will also afford the defendant the opportunity to inform the Court of what burden the restitution order would impose and prove information on financial resources.

Dated this First day of November, 2020.

Gary Milliman
Municipal Court Judge