

## Mandatory Restitution Act

### **AUTHORITY**

The Mandatory Restitution Act of 1996, provides that a victim may be entitled to an order of restitution for certain losses suffered as a direct result of the commission of the crime for which the defendant was convicted. The types of losses for which the law provides restitution are explained below. A victim has the right to explain these losses in detail in an affidavit.

### **PROPERTY**

In the case of an offense resulting in damage, loss, or destruction of property of a victim, the Court may order:

- The return of the property to the owner or someone designated by the owner.
- Or if the return of the property is impossible, the Court may order payment in an amount equal to the greater of: the value of the property on the date of the damage, loss, or destruction, or the value of the property on the date of the sentencing, less the value (as of the date the property is returned) of any part of the property that is returned.

### **BODILY INJURY**

In the case of an offense resulting in bodily injury to a victim, the court may order:

- Payment of an amount equal to the cost of necessary medical and related professional services/devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by law.
- Payment of an amount equal to the cost of necessary physical/occupational therapy and rehabilitation.
- Reimbursement to the victim for income lost by such victim as a result of such offense.

### **LOSS OF LIFE**

In the case of an offense resulting in bodily injury that also results in the death of a victim, the Court may order payment of an amount equal to the cost of necessary funeral and related services.

### **LOSS OF INCOME**

In any case, the Court may also order reimbursement to the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation/prosecution of the offense or attendance at proceedings related to the offense.

### **ESTATE**

In any case, if the victim or the victim's estate (representative) consents, the Court may order the defendant to make restitution in services in lieu of money, or to make restitution to a person or organization designated by the victim or the estate.

### **CRIME VICTIM FUND**

In addition, the victim may at any time assign the victim's interest in restitution payments to the Crime Victim Fund in the Treasury without in any way impairing the obligation of the defendant to make such payments.

### **INSURANCE COMPENSATION**

If a victim has received compensation from insurance or any other source with respect to a loss, the Court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

### **LIEN**

A victim may file a lien against the defendant pursuant to 18 U.S.C. 3664(m)(1)(B). However, the U.S. Attorney automatically files liens on behalf of victims if the loss is over \$1,500.