



# SB 214

## Meaningful Restitution Reform for Crime Victims

**Restitution is an essential feature of the criminal justice process for victims of crime that have suffered economic losses. Restitution also provides an opportunity for defendant rehabilitation. As a result of many new appellate cases, today it is very challenging to get restitution ordered for victims of crime after a criminal conviction.**

### Problem

- Current case law prohibits restitution for losses incurred by minor victims and any persons or entities that incurred economic losses on the behalf of minor victims. This prohibition includes personal economic losses by minor victims, parents of a minor victim, child abuse assessment center expenses, medical treatment expenses, or insurance losses.
- Current case law requires proof of the “reasonableness” of the actual treatment or service provided to a crime victim, and the “reasonableness” of the cost of the treatment or service. Victims of crime usually do not have any choice as to the treatment or services received, or the costs incurred, as a result of harm caused by the defendant.
- Current law prohibits juvenile courts from ordering restitution in juvenile matters after a youth has been adjudicated into the court’s jurisdiction but prior to the youth receiving conditions of supervision at a disposition hearing. This restriction doesn’t allow a juvenile court the flexibility that it enjoys in other sections of the juvenile code to impose conditions that provide for the personal responsibility, accountability and reformation of a youth. Further, as a result of this restriction, victims of crimes committed by a youth have less time to request restitution and submit their documentation to substantiate a restitution claim.
- Current law prohibits the court to order restitution in any case in which the defendant is adjudicated to be guilty except for insanity.

### Solution

- Allow the court to order restitution for documented economic losses incurred directly by a minor victim, or by any person or entity that expends money or services on behalf of a minor crime victim.
- Allow the presentation of a verifiable record, report, bill, estimate, or invoice to prove the reasonableness of the service or procedure provided to the crime victim to support the restitution request, with a rebuttable presumption for the defendant.
- Allow the juvenile court to order restitution for a youth during the adjudicatory process or within 90 days after the adjudicatory hearing or the final disposition hearing.
- Allow the juvenile court to order restitution for youth at any point in the adjudication, and as part of any alternative disposition or information supervision.
- Allow the court to order restitution for crime victims when the defendant has been adjudicated as guilty except for insanity.



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