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ORDERING RESTITUTION TO THE CRIME VICTIM

LEGAL SERIES



Message From THE DIRECTOR

Over the past three decades, the criminal justice field has witnessed an astounding proliferation of statutory enhancements benefiting people who are most directly and intimately affected by crime. As of 2000, all states had passed some form of legislation to benefit victims. In addition, 32 states have recognized the supreme importance of fundamental and express rights for crime victims by raising those protections to the constitutional level.

Of course, the nature, scope, and enforcement of victims' rights vary from state to state, and it is a complex and often frustrating matter for victims to determine what those rights mean for them. To help victims, victim advocates, and victim service providers understand the relevance of the myriad laws and constitutional guarantees, the Office for Victims of Crime awarded funding to the National Center for Victims of Crime to produce a series of bulletins addressing salient legal issues affecting crime victims.

Ordering Restitution to the Crime Victim, the sixth in the series, provides an overview of state laws addressing the rights of victims to receive court-ordered restitution from offenders in criminal cases. This bulletin and the others in the Legal Series highlight various circumstances in which relevant laws are applied, emphasizing their successful implementation.

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Introduction

Victims suffer staggering economic costs as a result of crime. The tangible cost of crime, including medical expenses, lost earnings, and public victim assistance costs, is an estimated \$105 billion a year.¹ Crime victim compensation programs reimburse victims for part of this loss. During fiscal year 1998, state compensation programs paid close to \$250 million to victims of violent crime.² However, most of the costs of crime are absorbed by the victims and victim service providers.

Restitution laws are designed to shift the burden. As one legislature noted, "It is the purpose of [restitution law] to encourage the compensation of victims by the person most responsible for the loss incurred by the victim, the offender."³

Status of the Law

Right to Restitution

Every state gives courts the statutory authority to order restitution. In addition, 18 of the 32 state crime victims' rights constitutional amendments give victims a right to restitution.⁴

In more than one-third of all states, courts are required by statute to order restitution unless there are compelling or extraordinary circumstances. Florida's law is typical, providing that "[i]n addition to any punishment, the court shall order the defendant to make restitution to the victim for: 1) Damage or loss caused directly or indirectly by the defendant's offense; and 2) Damage or loss related to the defendant's criminal episode, unless it finds clear and compelling reasons not to order such restitution."⁵ In many states, the law requires restitution but allows broad exceptions to that rule. For instance, Connecticut and Nevada both require restitution "if restitution is appropriate."⁶ Oregon provides that restitution shall be ordered "whenever possible."⁷ Regardless of whether restitution is mandatory, about one-quarter of all states require courts to state on the record the reasons for failing to order restitution or for ordering only partial restitution.⁸ This requirement is thought to further encourage courts to consider restitution to the victim when sentencing convicted offenders.

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We hope that victims, victim advocates, victim service providers, criminal justice professionals, and policymakers in states across the Nation will find the bulletins in this series helpful in making sense of the criminal justice process and in identifying areas in which rights could be strengthened or more clearly defined. We encourage you to use these bulletins not simply as informational resources but as tools to support victims in their involvement with the criminal justice system.

John W. Gillis
Director

Where victims have a clear statutory right to restitution, the right has been found to apply to cases that result in a plea agreement. The California Court of Appeals recently ruled that restitution must be a part of every sentence, regardless of a plea agreement to the contrary: “The Legislature left no discretion or authority with the trial court or the prosecution to bargain away the victim’s constitutional and statutory right to restitution. As such, it cannot properly be the subject of plea negotiations.”⁹ Oklahoma’s statute expressly requires that restitution to the victim be part of every plea agreement.¹⁰ Florida requires that an “order of restitution entered as part of a plea agreement is as definitive and binding as any other order of restitution, and a statement to such effect must be made part of the plea agreement.”¹¹

Although most restitution laws apply to crime victims in general, many states have enacted specific directives to order restitution to victims of particular offenses, such as crimes against the elderly,¹² domestic violence,¹³ sexual assault,¹⁴ hate crimes,¹⁵ child abuse,¹⁶ child sexual abuse,¹⁷ drunk driving,¹⁸ and identity fraud.¹⁹

Eligibility for Restitution

Generally, restitution laws provide for restitution to the direct victim(s) of a crime, including surviving family members of homicide victims. Many states also authorize an order of restitution to third parties, including insurers,²⁰ victim compensation programs,²¹ government entities,²² and victim service agencies.²³ Several states authorize restitution to any entity that has provided recovery to the victim as a collateral source.²⁴ Alaska authorizes a court to order restitution “to a public, private, or private nonprofit organization that has provided . . . counseling, medical, or shelter services to the victim or other person injured by the offense.”²⁵ In a recent New York case, an appellate court ruled that a defendant could be required to make restitution to a victim’s employer for the victim’s sick leave.²⁶

Restitution need not be limited to victims of crimes for which a defendant was convicted. When a defendant is charged with similar crimes against many individuals, as in the case of a serial rapist or a perpetrator of large-scale fraud, he or she may plead guilty to one or more counts in exchange for an agreement by the prosecutor to drop other charges. In such a case, as part of the plea agreement, the defendant may agree to pay restitution to all victims. Many states specifically allow this by statute.²⁷ For example, Idaho’s restitution law states that the “court may, with the consent of the parties, order restitution to victims, and/or any other person or entity, for economic loss or injury for crimes which are not adjudicated or are not before the court.”²⁸

Losses for Which Restitution May Be Ordered

Restitution may be ordered to cover numerous crime-related expenses incurred by a victim. Typically, statutes specify that the following may be included in setting the restitution amount:

- Medical expenses.
- Lost wages.
- Counseling expenses.
- Lost or damaged property.
- Funeral expenses.
- Other direct out-of-pocket expenses.

Medical expenses are defined as medical services and devices (often including “nonmedical care and treatment rendered in accordance with a recognized method of healing”), physical therapy, and rehabilitation.²⁹

Lost wages can include time lost from work because of participation in the court process.³⁰ Courts have even applied this to self-employed individuals who have had to close a business or forego employment while testifying.³¹ California law specifies that parents can receive restitution for wages lost while caring for an injured minor victim.³² Although Arizona’s statute is not so specific, its Court of Appeals has interpreted that statute to reach the same conclusion: the “parents . . . stood in the shoes of the victim and were entitled to restitution for their lost wages incurred while taking [her] to medical appointments and juvenile court hearings on this case.”³³

Counseling expenses are generally recoverable. Many states extend restitution for counseling expenses to victims’ family members. Some states limit family counseling expenses to cases of

homicide,³⁴ whereas others allow such expenses whenever the counseling is related to the commission of the offense.³⁵

In homicide cases, a family's funeral and travel expenses and the ordinary and reasonable attorney fees incurred in closing the victim's estate have been found to be proper restitution items.³⁶ Other funeral expenses that might be covered include a headstone, flowers, chapel music, minister's honorarium, and chapel fee.³⁷

Restitution may also be ordered for other out-of-pocket expenses directly related to the crime. In cases of identity fraud, this may include expenses for correcting a victim's credit history and costs incurred in any civil or administrative proceeding needed to satisfy any debt or other obligation of the victim, including lost wages and attorney fees.³⁸

Many states authorize courts to order defendants to pay interest on the restitution. For example, California's law provides that a restitution order shall include "interest, at the rate of 10 percent per annum, that accrues as of the date of sentencing or loss, as determined by the court."³⁹ In some states, attorney fees are also recoverable. In Oregon, attorney fees have been found by the courts to be recoverable as "special damages" if incurred to ensure indictment and criminal prosecution; the victim may later file a civil suit.⁴⁰ California's restitution statute provides for recovery of attorney fees and costs incurred for collecting restitution.⁴¹

In some states, future damages can be awarded. Iowa law specifically provides for future damages, stating that where the full extent of the loss is not known at the time of sentencing, the court is to issue a temporary order for a reasonable amount of restitution identified at that time. The court is authorized to issue a permanent supplemental order at a later date, setting out the full amount of restitution.⁴² Arizona's Court of Appeals ruled that future damages were a permissible restitution element, reasoning that disallowing future expenses would defeat the legislative purpose of restitution, which is to make the victim whole.⁴³

Meanwhile, Wyoming has a detailed statutory scheme for ordering restitution for long-term medical expenses. Under its law, the court is to consider and include as a special finding "each victim's reasonably foreseeable actual pecuniary damage that will result in the future as a result of the defendant's criminal activity."⁴⁴ Thus, a restitution order for long-term physical health care must be entered for any such damages.

Not every state allows restitution for future expenses, however. Indiana courts have stated that only actual costs incurred by the

victim before sentencing may be considered for a restitution order.⁴⁵

Considerations in Ordering Restitution

Restitution laws generally set out the elements the court is to consider before it rules on restitution. Alaska law provides that "[i]n determining the amount and method of payment of restitution, the court shall take into account the: 1) public policy that favors requiring criminals to compensate for damages and injury to their victims; and 2) financial burden placed on the victim and those who provide services to the victim and other persons injured by the offense as a result of the criminal conduct of the defendant."⁴⁶

Most states also require the court to consider the current financial resources of the defendant, the defendant's future ability to pay, and, in some states, the burden restitution will place on the defendant and his or her dependents. States are beginning to move away from consideration of the defendant's ability to pay when setting the restitution amount. However, the defendant's assets and earning potential are taken into account in setting the payment schedule. Arizona's law states that the court "shall not consider the economic circumstances of the defendant in determining the amount of restitution,"⁴⁷ but the court is required to consider the economic circumstances of the defendant in specifying the manner of payment.⁴⁸ Similarly, in Florida, the court is charged only with considering the loss sustained by the victim in determining whether to order restitution and the amount of restitution. At the time the restitution order is enforced, the court is to consider the defendant's financial resources, the present and potential future financial needs and earning ability of the defendant and his or her dependents, and other appropriate factors.⁴⁹

Current Issues

Conflicting Directives

Many states have conflicting restitution statutes. A state may have one statute that mandates restitution in every criminal case and another that expressly leaves the ordering of restitution to the court's discretion. States may give every victim the right to restitution "as provided by law" but fail to mandate that courts order restitution. In some states, a single statute contains conflicting provisions. For example, a Minnesota law states that every crime victim has the right to receive restitution as part of the disposition of a criminal charge or juvenile delinquency proceeding if the offender is convicted or found delinquent. The



statute further provides that the court “shall grant or deny restitution or partial restitution and shall state on the record its reasons for its decision on restitution if information relating to restitution has been presented.”⁵⁰ Other states have similar contradictions within their statutes. The Colorado Legislature addressed this issue in 1999 when it created a task force to develop a report on restitution and specifically charged the task force with identifying conflicting provisions in the law.⁵¹

Other Barriers to Restitution Orders

Despite progressively stronger restitution statutes, studies and anecdotal information suggest that crime victims are frequently not awarded restitution. In a 1996 study, less than half of the 1,300 crime victims surveyed reported that they were awarded restitution.⁵²

As part of the same study, local criminal justice and victim service professionals were surveyed about their experiences with crime victims’ rights and asked to identify why courts often failed to order restitution. The most common reasons were a victim’s failure to request restitution, a victim’s failure to demonstrate loss, the inability to calculate a victim’s loss, the opinion that restitution was inappropriate in light of other penalties imposed (especially in cases where the defendant receives jail time), and a defendant’s inability to pay.⁵³ Most of these reasons can be addressed in whole or in part by statute.

A Victim’s Failure To Request Restitution

One way to address a victim’s failure to request restitution is to strengthen the laws that require a victim to be notified of the right to request restitution. Victims are commonly informed of the availability of restitution at the time they receive general information about crime victims’ rights, either when the crime is reported or when the prosecutor files charges.⁵⁴ Early notification of a victim’s right to request restitution gives the victim time to gather evidence to document losses. In some states, victims are informed of their right to request restitution again when they are notified of the sentencing hearing or asked to complete a victim impact statement.⁵⁵

Other states simply place the burden of requesting restitution on the prosecutor.⁵⁶ Wisconsin law requires the court to prompt the prosecutor: “The court, before imposing sentence or ordering probation, shall inquire of the district attorney regarding the amount of restitution, if any, that the victim claims.”⁵⁷ Finally, a few states have avoided the issue of victims failing to request restitution by eliminating the need for such a request. In Arizona, for example, restitution is mandatory in every criminal case:⁵⁸ “The fact that a

victim does not request restitution does not change the court’s obligation to order it.”⁵⁹

A Victim’s Failure To Demonstrate and a Court’s Inability To Calculate Loss

Unless they are given sufficient evidence regarding a victim’s financial loss and the degree to which the victim was harmed, courts are reluctant to enter an order of restitution. As a result, many states have adopted statutory procedures to gather information about a victim’s losses. Oregon requires the prosecutor to investigate and present evidence on the nature and amount of the victim’s damages before or at the time of sentencing unless the presentence report contained such information.⁶⁰ Wisconsin, meanwhile, requires the prosecutor to request information about losses from the victim.⁶¹

Many states also require that detailed information about the victim’s losses be included in the presentence report.⁶² Georgia requires the victim impact statement to be attached to the file so that the judge or prosecutor can use it at any stage of the proceedings, including restitution consideration.⁶³ Delaware and Oklahoma require the victim to submit a particular form describing losses in detail.⁶⁴ Victims who seek restitution in South Carolina must submit an itemized list of all financial losses.⁶⁵ Several states provide assistance to the crime victim in preparing such documentation. Oklahoma law states that “[e]very crime victim receiving the restitution claim form shall be provided assistance and direction to properly complete the form.”⁶⁶

The Opinion That Restitution Was Inappropriate in Light of Other Penalties Imposed

Traditionally, laws provide for restitution as a condition of probation or suspended sentence. There was limited statutory authority to order both restitution and incarceration.⁶⁷ This may be why many judges believe it is inappropriate to order restitution in cases in which a defendant is imprisoned as well. New laws requiring courts to consider restitution in every case may be a response to this judicial reluctance to issue restitution orders.

A Defendant’s Inability To Pay

One of the most common reasons for failing to order restitution has been a defendant’s inability to pay. As noted earlier, many states have addressed this problem by providing that the defendant’s financial circumstances are to be considered at the time the payment schedule is developed but not when the amount of restitution is set. The South Dakota statute states that even if the defendant is currently unable to pay restitution, a restitution plan must be presented that states the conditions under which the

defendant will begin making restitution.⁶⁸ Similarly, Idaho’s law states that the immediate inability of a defendant to pay is not a reason to not order restitution.⁶⁹

Illinois courts have addressed this issue by ruling that restitution may be ordered regardless of the term of incarceration and a defendant’s financial resources. “The fact that [restitution] may never be collectible is of no importance,”⁷⁰ according to one Illinois case. Meanwhile, proceedings in another Illinois case indicate that “[w]ith respect to defendants sentenced to lengthy prison terms, the fact of a term of imprisonment is simply one factor for a trial judge to consider when assessing a defendant’s postincarceration ability to pay for purposes of fashioning terms of the restitution order.”⁷¹

States have also acted to ensure that courts are presented with more complete information about a defendant’s financial status. Oklahoma’s law states that

The court shall order the offender to submit . . . such information as the court may direct and finds necessary to be disclosed for the purpose of ascertaining the type and manner of restitution to be ordered. . . . The willful failure or refusal of the offender to provide all or part of the requisite information prior to the sentencing, unless disclosure is deferred by the court, shall not deprive the court of the authority to set restitution or set the schedule of payment. The willful failure or refusal . . . shall constitute a waiver of any grounds to appeal or seek future amendment or alteration of the restitution order predicated on the undisclosed information.⁷²

Such failure or refusal is also an act of contempt.⁷³

In California, the defendant is required to file a disclosure identifying all assets, income, and liabilities. Failure to disclose this information may be considered an aggravating circumstance in sentencing and “a factor indicating that the interests of justice would not be served by admitting the defendant to probation . . . conditionally sentencing the defendant . . . [or] imposing less than the maximum fine and sentence.”⁷⁴

New Mexico requires defendants to prepare a plan of restitution with the probation or parole officer, “and the court, before approving, disapproving or modifying the plan of restitution, shall consider the physical and mental health and condition of the defendant, his age, his education, his employment circumstances,

his potential for employment and vocational training, his family circumstances, [and] his financial condition,” among other factors.⁷⁵

Providing information about a defendant’s ability to pay restitution can give courts more confidence in ordering restitution. Perhaps more important, it helps to fashion a workable payment plan.

Conclusion

Restitution to crime victims is an important criminal law objective. The act of ordering restitution serves as an acknowledgment by the criminal justice system that the victim sustained harm. Payment of restitution can help rectify that harm. Legislatures nationwide are reexamining their statutes regarding this issue and continuing to refine and expand this area of the law. Not only are legislatures acting to encourage more restitution orders, the increasing attention paid to quantifying a victim’s losses and investigating a defendant’s assets before entering restitution orders will help improve the quality and workability of such orders. Victim service providers should continue to follow developments regarding this issue and be prepared to assist crime victims who seek restitution.

About This Series

OVC Legal Series bulletins are designed to inform victim advocates and victim service providers about various legal issues relating to crime victims. The series is not meant to provide an exhaustive legal analysis of the topics presented; rather, it provides a digest of issues for professionals who work with victims of crime.

Each bulletin summarizes—

- Existing legislation.
- Important court decisions in cases where courts have addressed the issues.
- Current trends or “hot topics” relating to each legal issue.



Notes

1. Miller, Ted, Mark Cohen, and Brian Wiersema (1996). *Victim Costs and Consequences: A New Look*, Washington, DC: National Institute of Justice, U.S. Department of Justice, p. 1.
2. National Association of Crime Victim Compensation Boards (1999). *Program Directory*, Alexandria, VA: National Association of Crime Victim Compensation Boards, p. 1.
3. ME. REV. STAT. ANN. tit. 17-A, § 1321 (West 2000).
4. ALASKA CONST. art. I, § 24; ARIZ. CONST. art. II, § 2.1; CAL. CONST. art. I, § 28; CONN. CONST. amend. 17(b); IDAHO CONST. art. I, § 22; ILL. CONST. art. I, § 8.1; LA. CONST. art. I, § 25; MICH. CONST. art. I, § 24; MO. CONST. art. I, § 32; N.M. CONST. art. II, § 24; N.C. art. I, § 37; OKLA. CONST. art. II, § 34; OR. CONST. art. I, § 42; R.I. CONST. art. I, § 23; S.C. CONST. art. I, § 24; TENN. CONST. art. I, § 35; TEX. CONST. art. I, § 30; WIS. CONST. art. I, § 9(m). Additionally, Montana recently adopted a constitutional amendment broadening the principles on which laws for the punishment of crime are based to include restitution to crime victims. MONT. CONST. art. II, § 28.
5. FLA. STAT. ANN. § 775.089 (West 2000).
6. CONN. GEN. STAT. § 53a-28 (2000); NEV. REV. STAT. § 176.033 (2001).
7. OR. REV. STAT. § 137.106 (1999).
8. As examples, see IDAHO CODE § 19-5304 (Michie 2000); MD. ANN. CODE art. 27, § 807 (2001); N.C. GEN. STAT. § 15A-1340.36 (2000).
9. *People v. Valdez*, 24 Cal. App. 4th 1194, 30 Cal. Rptr. 2d 4. (1994, 5th Dist.). See also *State v. Barrs*, 172 Ariz. 42, 43, 833 P.2d 713 (Ariz. Ct. App. 1992): “The right of restitution belongs to the victim. We know of no authority that would grant the state or the court the option of not pursuing a restitution order in the absence of a waiver by the victim.” However, in an Indiana case, the court found that the trial court was prohibited from ordering restitution where restitution had not been part of the plea agreement. In that state, the ordering of restitution is not required but is in the court’s discretion. Indiana law also clearly states that once the court accepts a plea agreement, it is bound by the terms of the agreement. *Sinn v. State*, 693 N.E.2d 78 (Ind. App. 1998).
10. OKLA. STAT. tit. 22, § 991f (2000).
11. FLA. STAT. ANN. § 775.089 (West 2000).
12. FLA. STAT. ANN. § 784.08 (West 2000).
13. MINN. STAT. § 518B.01 (2000); UTAH CODE ANN. § 77-36-5.1 (2000).
14. MONT. CODE ANN. § 45-5-503 (2000); TEX. CODE CRIM. PROC. ANN. art. 42.12 (Vernon 2000).
15. CAL. PENAL CODE § 422.95 (Deering 2001).
16. COLO. REV. STAT. § 18-6-401.4 (2000).
17. COLO. REV. STAT. § 18-3-414 (2000).
18. KAN. STAT. ANN. § 8-1019 (2000).
19. MASS. GEN. LAWS ch. 266, § 37E (2001).
20. 18 PA. CONS. STAT. § 1106 (2000).
21. *Id.*
22. Mont. Code Ann. § 46-18-243 (2000).
23. IND. CODE ANN. § 35-50-5-3 (Michie 2000); MICH. STAT. ANN. § 27.3178(598.30) (Law. Co-op. 2000).
24. For example, ME. REV. STAT. ANN. tit. 17-A, § 1324 (West 2000); WIS. STAT. § 973.20 (2000).
25. ALASKA STAT. § 12.55.045 (Michie 2001). See also MICH. STAT. ANN. § 28.1073 (Law. Co-op. 2000).
26. *People v. McDaniel*, 219 A.D. 2d 861, 631 N.Y.S.2d 957 (4th Dept. 1995), *appeal denied*, 88 N.Y.2d 850, 644 N.Y.S.2d 697, 667 N.E.2d 347 (1996).
27. For example, see FLA. STAT. ANN. § 775.089 (West 2000); 730 ILL. COMP. STAT. 5/5-5, -6 (2001); WASH. REV. CODE § 9.94A.140 (2001).
28. IDAHO CODE § 19-5304 (Michie 2000).
29. FLA. STAT. ANN. § 775.089 (West 2000).
30. ALA. CODE § 15-18-66 (2001); *People v. Nguyen*, 23 Cal. App. 4th 32, 28 Cal. Rptr. 2d 140, *modified on other grounds, reh’g denied*, 23 Cal. App. 4th 1306e (6th Dist. 1994).

31. *State v. Russell*, 126 Idaho 38, 878 P.2d 212 (Ct. App. 1994).
32. CAL. PENAL CODE § 1202.4 (Deering 2001).
33. *In re Erika V.*, 983 P.2d 768; 297 Adv. Rep. 55 (1999).
34. N.H. REV. STAT. ANN. § 651:62 (2000).
35. MICH. STAT. ANN. § 28.1073 (Law. Co-op. 2000).
36. *State v. Spears*, 184 Ariz. 277, 292, 908 P.2d 1062 (1996).
37. *State v. Blanton*, 173 Ariz. 517, 520, 844 P.2d 1167 (Ct. App. 1993).
38. Mass. Gen. Laws ch. 266, § 37E (2001).
39. CAL. PENAL CODE § 1202.4 (Deering 2001). See also IDAHO CODE § 19-5304 (Michie 2000); KY. REV. STAT. ANN. § 532.164 (Michie 2001); UTAH CODE ANN. § 76-3-201 (2000).
40. *State v. Mahoney*, 115 Or. App. 440, 838 P.2d 1100 (1992), Sup. Ct. review denied, as modified by 118 Or. App. 1, 846 P.2d 413 (1993).
41. CAL. PENAL CODE § 1202.4 (Deering 2001).
42. IOWA CODE § 910.3 (2001).
43. *State v. Howard*, 168 Ariz. 458, 459-60, 815 P.2d 5 (Ct. App. 1991).
44. WYO. STAT. ANN. § 7-9-103 (Michie 2001).
45. *Ault v. State*, 705 N.E.2d 1078 (Ind. App. 1999).
46. ALASKA STAT. § 12.55.045 (Michie 2001).
47. ARIZ. REV. STAT. § 13-804(C) (2000).
48. ARIZ. REV. STAT. § 13-804(E) (2000).
49. FLA. STAT. ANN. § 775.089(6) (West 2000). See also *Martinez v. State*, 974 P.2d 133 (Nev. 1999) (no requirement that court consider defendant's ability to pay in determining amount of restitution).
50. MINN. STAT. § 611A.04 (2000).
51. COLO. REV. STAT. § 16-11-101.5(6)(a) (2000).
52. Beatty, David, Susan Howley, and Dean Kilpatrick (1996). *Statutory and Constitutional Protections for Victims Rights*, Arlington, VA: National Center for Victims of Crime, table C-8, p. 39.
53. *Id.*, table D-28, p. 95.
54. For example, see ALA. CODE § 15-23-62 (2001); FLA. STAT. ANN. § 960.001 (West 2000); MISS. CODE ANN. § 99-43-7 (2001); OHIO REV. CODE ANN. § 109.42 (Anderson 2001).
55. MINN. STAT. § 611A.037; N.Y. Crim. Proc. Law § 390.30 (McKinney 2001).
56. For example, 725 ILL. COMP. STAT. 120/4.5 (2001).
57. WIS. STAT. § 973.20(13) (2000).
58. ARIZ. REV. STAT. § 13-603(c) (2000).
59. *State v. Steffy*, 173 Ariz. 90, 93, 839 P.2d 1135 (Ct. App. 1992).
60. OR. REV. STAT. § 137.106 (1999).
61. WIS. STAT. § 973.20(13) (2000).
62. For example, ALASKA STAT. § 12.55.025 (Michie 2001); KAN. STAT. ANN. § 21-4604 (2000); N.Y. Crim. Proc. Law § 390.30 (McKinney 2001).
63. GA. CODE ANN. § 17-10-1.1 (2000).
64. Del. Fam. Ct. R. Crim. Proc. 32; OKLA. STAT. tit. 22, § 991f (2000).
65. S.C. CODE ANN. § 16-3-1515 (Law. Co-op. 2000).
66. OKLA. STAT. tit. 22, § 991f (2000). See also R.I. GEN. LAWS § 12-28-9 (2001).
67. See Alan T. Harland, *Monetary Remedies for the Victims of Crime: Assessing the Role of the Criminal Courts*, 30 UCLA L. Rev. 52-128, at 75-76 (1982).
68. S.D. CODIFIED LAWS § 23A-28-3 (Michie 2001).
69. IDAHO CODE § 19-5304 (Michie 2000).
70. *People v. Mitchell*, 241 Ill. App. 3d 1094, 182 Ill. Dec. 925, 610 N.E.2d 794 (4th Dist. 1993), appeal denied, 152 Ill. 2d 572, 190 Ill. Dec. 903, 622 N.E.2d 1220 (1993).
71. *People v. Brooks*, 158 Ill. 2d 260, 198 Ill. Dec. 851, 633 N.E.2d 692 (1994).



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72. OKLA. STAT. tit. 22, § 991f (2000).

73. *Id.*

74. CAL. PENAL CODE § 1202.4 (Deering 2001).

75. N.M. STAT. ANN. § 31-17-1 (Michie 2000).

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