

107TH CONGRESS
2D SESSION

H. R. 5580

To amend title 18, United States Code, to provide mandatory restitution in certain cases, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2002

Mrs. WILSON of New Mexico (for herself and Mr. PICKERING) introduced the following bill; which was referred to the Committee on Judiciary

A BILL

To amend title 18, United States Code, to provide mandatory restitution in certain cases, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mandatory Restitution
5 for Corporate Abuses Act of 2002”.

6 **SEC. 2. MANDATORY RESTITUTION.**

7 (a) IN GENERAL.—Chapter 63 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“§1351. Mandatory restitution for certain offenses**

2 “(a) IN GENERAL.—Notwithstanding section 3663 or
3 3663A, and in addition to any other civil or criminal pen-
4 alty authorized by law, the court shall order restitution
5 to all victims of any offense under section 1341, 1342,
6 1343, 1344, or 1348.

7 “(b) SCOPE AND NATURE OF ORDER.—

8 “(1) DIRECTIONS.—The order of restitution
9 under this section shall direct the defendant to pay
10 to the victim (through the appropriate court mecha-
11 nism) the full amount of the victim’s losses as deter-
12 mined by the court pursuant to paragraph (2).

13 “(2) ENFORCEMENT.—An order of restitution
14 under this section shall be issued and enforced in ac-
15 cordance with section 3664 in the same manner as
16 an order under section 3663A.

17 “(3) DEFINITION.—For purposes of this sub-
18 section, the term “full amount of the victim’s losses”
19 means all losses suffered by the victim as a prox-
20 imate result of the offense.

21 “(4) ORDER MANDATORY.—(A) The issuance of
22 a restitution order under this section is mandatory.

23 “(B) A court may not decline to issue an order
24 under this section because of—

25 “(i) the economic circumstances of the de-
26 fendant; or

1 “(ii) the fact that a victim has, or is enti-
 2 tled to, receive compensation for his or her inju-
 3 ries from the proceeds of insurance or any other
 4 source.

5 “(c) VICTIM DEFINED.—In this section, the term
 6 ‘victim’ has the meaning given that term in section
 7 3663A(a)(2).”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 at the beginning of chapter 63 of title 18, United States
 10 Code, is amended by adding at the end the following new
 11 item:

“1351. Mandatory restitution for certain offenses.”.

12 **SEC. 3. NONDISCHARGEABILITY OF RESTITUTION OR-**
 13 **DERED UNDER CRIMINAL LAW OF STATES.**

14 Section 523(a)(13) of title 11, United States Code,
 15 is amended by striking “, United States Code” and insert-
 16 ing “or under the criminal law of a State” after “title
 17 18”.

○