

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 598

Short Title: Restitution/Sexual Exploitation of Minor. (Public)

Sponsors: Representative Davis.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

April 20, 2021

A BILL TO BE ENTITLED

AN ACT TO CLARIFY RESTITUTION FOR SEXUAL EXPLOITATION OF A MINOR.

The General Assembly of North Carolina enacts:

SECTION 1. Article 26 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-190.17B. Restitution for sexual exploitation of a minor.

(a) In addition to any other civil or criminal penalty authorized by law, the court shall order restitution for a violation of G.S. 14-190.16, 14-190.17, or 14-190.17A, as required by Article 81C of Chapter 15A of the General Statutes and this section. Any defendant who viewed child pornography and has been convicted of G.S. 14-190.16, 14-190.17, or 14-190.17A shall be ordered to make restitution, as determined in accordance with this section.

(b) The court shall determine the full amount of the victim's losses for costs incurred as a proximate result of the offense. For the purposes of this section, the term "full amount of the victim's losses" includes, in addition to any applicable injuries and damages described in G.S. 15A-1340.35, the following:

(1) Medical services relating to physical, psychiatric, or psychological care.

(2) Physical and occupational therapy or rehabilitation.

(3) Transportation, temporary housing, and childcare expenses.

(4) Loss of income.

(5) Reasonable attorneys' fees and other litigation costs associated with the order of restitution or its enforcement.

(6) Any other relevant losses incurred by the victim.

(c) If more than one defendant contributed to the losses of the victim, the court shall apportion liability among the defendants to reflect the level of contribution of each defendant to the victim's losses. A victim's total aggregate recovery shall not exceed the full amount of the victim's losses, as determined by the court. A defendant may petition the court to amend a restitution order upon a showing that the victim has received restitution in the full amount of the victim's determined losses.

(d) Where it is impossible to trace a particular amount of the determined losses to the defendant, the court shall order restitution in an amount that, in the court's discretion, reflects the defendant's relative role in the causal process that underlies the victim's full amount of loss.

(e) The court may require the victim to provide information concerning the amount of restitution the victim has been paid in other cases for the same losses.

(f) In case of any conflict between Article 81C of Chapter 15A of the General Statutes and this section, this section prevails."



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1 **SECTION 2.** This act becomes effective December 1, 2021, and applies to orders
2 for restitution entered on or after that date.