

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 598
PROPOSED COMMITTEE SUBSTITUTE H598-PCS30344-RN-13

Short Title: Restitution/Sexual Exploitation of Minor.

(Public)

Sponsors:

Referred to:

April 20, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY RESTITUTION FOR SEXUAL EXPLOITATION OF A MINOR.
3 The General Assembly of North Carolina enacts:

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

6 **"§ 14-190.17B. Restitution for sexual exploitation of a minor.**

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

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

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

17 (2) Physical and occupational therapy or rehabilitation.

18 (3) Transportation, temporary housing, and child care expenses.

19 (4) Loss of income.

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

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

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

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

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

34 (f) Notwithstanding any other provision of this section, the court is not required to order
35 restitution for a violation of G.S. 14-190.16, 14-190.17, or 14-190.17A if the victim has not been
36 identified.



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

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