

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	3 - 2 - 0
<b>Yeas:</b>	Prozanski, Walker, Burdick
<b>Nays:</b>	Beyer, Kruse
<b>Exc.:</b>	0
<b>Prepared By:</b>	Darian Stanford, Counsel
<b>Meeting Dates:</b>	1/16, 4/24

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**WHAT THE MEASURE DOES:** Allows court to impose restitution in an amount less than a victim's full economic damages in person felonies if victim provides written consent. Limits scope of bill to person felonies.

**ISSUES DISCUSSED:**

- Nature of restitution

**EFFECT OF COMMITTEE AMENDMENT:** Limits scope of bill to person felonies.

**BACKGROUND:** If a defendant is found guilty of a crime, a court may order that the defendant financially compensate any victim(s) of the crime. The present mechanism for compensating a crime victim's economic losses (objectively verifiable monetary losses, such as medical expenses, funeral costs, lost income, repair or replacement of damaged property, etc.) is restitution. A court can only award restitution if the crime victim actually suffered such damages.

Theoretically, there may be instances in which a crime victim would agree to take less than the full amount of his or her economic damages (perhaps to effectuate a plea bargain). There is presently no specific statutory authority that permits a court to award less than the full amount of economic damages (nor is there any definition of "full amount of the victim's economic damages"). SB 130 provides that authority but requires the written consent of the victim. As amended, the bill applies only to person felonies and not to non-person felonies or misdemeanors.