

Victims and Witnesses: *Restitution*

Restitution is a remedy whereby the defendant reimburses the victim for loss, damage or injury caused by his/her conduct. If a defendant is convicted, he/she may be ordered to make restitution to cover any financial loss the victim suffered as a result of the crime. Under Federal law, it is mandatory for a defendant to pay restitution for a criminal offense occurring after April 24, 1996. Unfortunately, a defendant who has no money or earning potential may be unlikely to make meaningful restitution to his/her victims. Nevertheless, it is important to keep a record of all expenses incurred as a result of a crime.

Title 18, United States Code, Section 3613(c) provides that the liability to pay court ordered restitution lasts 20 years plus any period of incarceration or until the death of the defendant. During that time, a fine or restitution order will be enforced by the United States. The Financial Litigation Unit in the United States Attorney's Office will take steps to help ensure that this money is collected and that victims of crime are fully compensated for their losses. Discovery of the defendant's assets will also be pursued. Victims may want to consider consulting an attorney regarding enforcement of the restitution order as a separate civil action to recover any loss since the United States Attorney's Office cannot pursue a civil action to enforce payment of criminal restitution on the behalf of someone else.

Any payments for restitution will be made by the defendant to the clerk of the court. Payments of restitution received by the clerk of the court will be made to the victims on a periodic basis.

Remember, you must keep the District Court Clerk informed of your current address in order to receive restitution payments.