



Significant Issues

The Attorney General (AG) notes that this bill requires criminal courts to alter their procedures to include the damage of “economic harm.”

The Association of District Attorneys (AODA) and Public Defender Department (PDD) each note that reimbursement of “actual damages” is currently covered by the Victim Restitution Act, Section 31-17-1. “Actual damages” is defined as “all damages a victim could recover against the defendant in a civil action arising out of the same facts or event.” This bill makes “economic harm” a valid basis for restitution, should it fail to fall within the broader definition of “actual damages” under 31-17-1.

**DUPLICATION**

Duplicates SB 31.

**TECHNICAL ISSUES**

The following technical changes would clarify the intent to include all costs encompassed by the phrase “economic harm,” including but not limited to the three listed in section D:

On page 2, line 6, after “includes” insert “but is not limited to”.

On page 2, line 16, after “scare” insert “or other similar costs”.

**JCF/njw**