



General Assembly

January Session, 2001

**Amendment**

LCO No. 8478

Offered by:

REP. LAWLOR, 99<sup>th</sup> Dist.

To: Subst. House Bill No. 7007

File No. 603

Cal. No. 414

**"AN ACT CONCERNING CRIME VICTIMS."**

1 Strike lines 305 to 324, inclusive, in their entirety and substitute the  
2 following in lieu thereof:

3 "(c) In addition to any sentence imposed pursuant to subsection (b)  
4 of this section, if (1) a person is convicted of an offense that resulted in  
5 injury to another person or damage to or loss of property, (2) the  
6 victim requests financial restitution, and (3) the court finds that the  
7 victim has suffered injury or damage to or loss of property as a result  
8 of such offense, the court shall order the offender to make financial  
9 restitution [if it determines that financial restitution is] under terms  
10 that it determines are appropriate. In determining [whether financial  
11 restitution is appropriate] the appropriate terms of financial  
12 restitution, the court shall consider: [(1)] (A) The financial resources of  
13 the offender and the burden restitution will place on other obligations  
14 of the offender; [(2)] (B) the offender's ability to pay based on  
15 installments or other conditions; [(3)] (C) the rehabilitative effect on the  
16 offender of the payment of restitution and the method of payment; and

17 [(4)] (D) other circumstances, including the financial burden and  
18 impact on the victim, that the court determines makes the terms of  
19 restitution appropriate. [or inappropriate.] If the court determines that  
20 the current financial resources of the offender or the offender's current  
21 ability to pay based on installments or other conditions are such that  
22 no appropriate terms of restitution can be determined, the court may  
23 forego setting such terms. The court shall articulate its findings on the  
24 record with respect to each of the factors set forth in subparagraphs  
25 (A) to (D), inclusive, of this subsection. Restitution ordered by the  
26 court pursuant to this subsection shall be based on easily ascertainable  
27 damages for injury or loss of property, actual expenses incurred for  
28 treatment for injury to persons and lost wages resulting from injury.  
29 Restitution shall not include reimbursement for damages for mental  
30 anguish, pain and suffering or other intangible losses, but may include  
31 the costs of counseling reasonably related to the offense. Restitution  
32 ordered by the court pursuant to this subsection shall be imposed or  
33 directed by a written order of the court containing the amount of  
34 damages for injury or loss of property, actual expenses incurred for  
35 treatment for injury to persons and lost wages resulting from injury as  
36 ascertained by the court. The order of the court shall direct that a  
37 certified copy of the order be delivered by certified mail to the victim  
38 and contain an advisement to the victim that the order is enforceable  
39 as a judgment in a civil action as provided in section 53a-28a."