

Committee on Judiciary

CS/CS/SB 354 — Restitution

by Rules Committee; Judiciary Committee; and Senator Harrell

The bill amends criminal law and juvenile delinquency law to provide that restitution owed to a victim must be determined on a fair market value basis unless the state, victim, or defendant shows that using another basis, including, but not limited to, replacement cost, purchase price less depreciation, or actual cost of repair, is equitable and better furthers the purposes of restitution. The bill specifies that the primary purpose of restitution is to compensate the victim, and that restitution also serves the rehabilitative and deterrent goals of the criminal and juvenile justice systems. The court may consider hearsay evidence for the purpose of determining restitution, provided that the hearsay evidence has a minimal indicia of reliability.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-1