

1 Purpose: To improve the bill.

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4 S. 2577

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6 To protect crime victims' rights, to eliminate the substantial  
7 backlog of DNA and other forensic evidence samples to  
8 improve and expand the forensic science testing capacity of  
9 Federal, State, and local crime laboratories, to increase research  
10 and development of new testing technologies, to develop new  
11 training programs regarding the collection and use of forensic  
12 evidence, to provide post-conviction testing of DNA evidence to  
13 exonerate the innocent, to support accreditation efforts of  
14 forensic science laboratories and medical examiner offices, to  
15 address training and equipment needs, to improve the  
16 performance of counsel in State capital cases, and for other  
17 purposes.

18

19 Referred to the Committee on \_\_\_\_\_ and ordered to be  
20 printed

21 Ordered to lie on the table and to be printed

22 AMENDMENTS INTENDED TO BE PROPOSED BY \_\_\_\_\_

23 Viz:

24 On page 3, between lines 6 and 7, insert the following:

25 (d) GAO Study.—

26 (1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the  
27 Comptroller General of the United States shall—

28 (A) conduct a study to determine whether enhancing the restitution provisions under  
29 sections 3663 and 3663A of title 18, United States Code, to provide courts broader  
30 authority to award restitution for Federal offenses would be beneficial to crime victims  
31 **and what other factors Congress should consider in weighing such changes;** and

32 (B) submit to Congress a report on the study conducted under subparagraph (A).

1 (2) CONTENTS.—In conducting the study under paragraph (1), the Comptroller General  
2 shall focus on the benefits to crime victims that would result if the restitution provisions  
3 under sections 3663 and 3663A of title 18, United States Code, were expanded—

4 (A) to apply to victims who have suffered harm, injury, or loss that would not have  
5 occurred but for the defendant’s ~~offense~~ **related conduct**;

6 (B) in the case of an offense resulting in bodily injury resulting in the victim’s death,  
7 to allow the court to use its discretion to award an appropriate sum to reflect the  
8 income lost by the victim’s surviving family members or estate as a result of the  
9 victim’s death;

10 (C) to require that the defendant pay to the victim an amount determined by the  
11 court to restore the victim to the position he or she would have been in had the  
12 defendant not committed the offense; and

13 (D) to require that the defendant compensate the victim for any injury, harm, or loss,  
14 including emotional distress, that occurred as a result of the offense.

15 On page 29, line 16, insert “The Attorney General may enter into agreements with **1 or more**  
16 non-governmental organizations to provide technical assistance and training under this  
17 paragraph.” after “subsection (a)(6).”.

18 Beginning on page 37, strike line 15 and all that follows through page 38, line 4 and insert the  
19 following:

## 20 **SEC. 18. CRIME VICTIM ASSISTANCE.**

21 Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is  
22 amended by inserting “victim services,” before “demonstration projects”.

## 23 **SEC. 19. IMPROVING THE RESTITUTION PROCESS.**

24 Section 3612 of title 18, United States Code, is amended by adding at the end the following:

25 “(j) Evaluation of Offices of the United States Attorney and Department Components.—

26 “(1) IN GENERAL.—The Attorney General shall, as part of the regular evaluation process,  
27 evaluate each office of the United States attorney and each component of the Department of  
28 Justice on the performance of the office or the component, as the case may be, in seeking  
29 and recovering restitution for victims under sections 3663 and 3663A.

30 “(2) REQUIREMENT.—Following an evaluation under paragraph (1), each office of the  
31 United States attorney and each component of the Department of Justice shall work to  
32 improve the practices of the office or component, as the case may be, with respect to  
33 seeking and recovering restitution for victims under sections 3663 and 3663A.

34 “(k) GAO Reports.—

35 “(1) REPORT.—Not later than 1 year after the date of enactment of this subsection, the  
36 Comptroller General of the United States shall prepare and submit to the Committee on the  
37 Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate  
38 a report on restitution sought by the Attorney General under sections 3663 and 3663A  
39 during the 3-year period preceding the report.

1           “(2) CONTENTS.—The report required under paragraph (1) shall include statistically valid  
2 estimates of—

3           “(A) the number of cases in which a defendant was convicted and the Attorney  
4 General could seek restitution under this title;

5           “(B) the number of cases in which the Attorney General sought restitution;

6           “(C) of the cases in which the Attorney General sought restitution, the number of  
7 times restitution was ordered by the district courts of the United States;

8           “(D) the amount of restitution ordered by the district courts of the United States;

9           “(E) the amount of restitution collected pursuant to the restitution orders described  
10 in subparagraph (D);

11           “(F) the percentage of restitution orders for which the full amount of restitution has  
12 not been collected; and

13           “(G) any other measurement the Comptroller General determines would assist in  
14 evaluating how to improve the restitution process in Federal criminal cases.

15           “(3) RECOMMENDATIONS.—The report required under paragraph (1) shall include  
16 recommendations on the best practices for—

17           “(A) requesting restitution in cases in which restitution may be sought under  
18 sections 3663 and 3663A;

19           “(B) obtaining restitution orders from the district courts of the United States; and

20           “(C) collecting restitution ordered by the district courts of the United States.

21           “(4) REPORT.—Not later than 3 years after date on which the report required under  
22 paragraph (1) is submitted, the Comptroller General of the United States shall prepare and  
23 submit to the Committee on the Judiciary of the House of Representatives and the  
24 Committee on the Judiciary of the Senate a report on the implementation by the Attorney  
25 General of the best practices recommended under paragraph (3).”.