

§ 14-190.17B. Restitution for sexual exploitation of a minor.

(a) In addition to any other civil or criminal penalty authorized by law, the court shall order restitution for a violation of G.S. 14-190.16, 14-190.17, or 14-190.17A, as required by Article 81C of Chapter 15A of the General Statutes and this section.

(b) The court shall determine the full amount of the victim's losses for costs incurred as a proximate result of the offense. For the purposes of this section, the term "full amount of the victim's losses" includes, in addition to any applicable injuries and damages described in G.S. 15A-1340.35, the following:

- (1) Medical services relating to physical, psychiatric, or psychological care.
- (2) Physical and occupational therapy or rehabilitation.
- (3) Transportation, temporary housing, and child care expenses.
- (4) Loss of income.
- (5) Reasonable attorneys' fees and other litigation costs associated with the order of restitution or its enforcement.

(c) If more than one defendant contributed to the losses of the victim, the court shall apportion liability among the defendants to reflect the level of contribution of each defendant to the victim's losses. A victim's total aggregate recovery shall not exceed the full amount of the victim's losses, as determined by the court. A defendant may petition the court to amend a restitution order upon a showing that the victim has received restitution in the full amount of the victim's determined losses.

(d) Where it is impossible to trace a particular amount of the determined losses to the defendant, the court shall order restitution in an amount that, in the court's discretion, reflects the defendant's relative role in the causal process that underlies the victim's full amount of loss.

(e) The court may require the victim to provide information concerning the amount of restitution the victim has been paid in other cases for the same losses.

(f) Notwithstanding any other provision of this section, the court is not required to order restitution for a violation of G.S. 14-190.16, 14-190.17, or 14-190.17A if the victim has not been identified.

(g) In case of any conflict between Article 81C of Chapter 15A of the General Statutes and this section, this section prevails. (2023-127, s. 2(a).)