

§ 15A-1340.35. Basis for restitution.

- (a) In determining the amount of restitution, the court shall consider the following:
- (1) In the case of an offense resulting in bodily injury to a victim:
 - a. The cost of necessary medical and related professional services and devices or equipment relating to physical, psychiatric, and psychological care required by the victim;
 - b. The cost of necessary physical and occupational therapy and rehabilitation required by the victim; and
 - c. Income lost by the victim as a result of the offense.
 - (2) In the case of an offense resulting in the damage, loss, or destruction of property of a victim of the offense:
 - a. Return of the property to the owner of the property or someone designated by the owner; or
 - b. If return of the property under sub-subdivision (2)a. of this subsection is impossible, impracticable, or inadequate:
 1. The value of the property on the date of the damage, loss, or destruction; or
 2. The value of the property on the date of sentencing, less the value of any part of the property that is returned.
 - (3) Any measure of restitution specifically provided by law for the offense committed by the defendant.
 - (4) In the case of an offense resulting in bodily injury that results in the death of the victim, the cost of the victim's necessary funeral and related services, in addition to the items set out in subdivisions (1), (2), and (3) of this subsection.
- (b) The court may require that the victim or the victim's estate provide admissible evidence that documents the costs claimed by the victim or the victim's estate under this section. Any such documentation shall be shared with the defendant before the sentencing hearing. (1998-212, s. 19.4(d).)