

Restitution & Other Forms of Relief

	State Court Restitution (generally)	Federal Court Restitution	Military: Civilian Victim	Military: Service Member Victim	Military: Dependent Victim	Military: Dependent of Accused
Concept for Offender to Pay Restitution	Court may directly order offender to pay victim for certain losses suffered as a result of the crime, as part of plea agreement or sentence	Court may directly order offender to pay victim for certain losses suffered as a result of the crime, as part of plea agreement or sentence	<ul style="list-style-type: none"> Military judge cannot order restitution Pretrial agreement with convening authority may require the accused to pay victim 	<ul style="list-style-type: none"> Military judge cannot order restitution Pretrial agreement with convening authority may require the accused to pay victim 	<ul style="list-style-type: none"> Military judge cannot order restitution Pretrial agreement with convening authority may require the accused to pay victim 	Offender's pay can continue to go to dependents while in confinement if they request deferment/waiver of automatic or adjudged forfeitures
Types of Coverage	<ul style="list-style-type: none"> Medical, Therapy, Counseling, Prescriptions, Insurance Deductibles Funerals Lost wages Travel expenses and child care while at trial Return or pay value of property loss 	<ul style="list-style-type: none"> Medical, Therapy, Counseling, Prescriptions, Insurance Deductibles Funerals Lost wages Travel expenses and child care while at trial Return or pay value of property loss 	<ul style="list-style-type: none"> If restitution is part of a PTA, accused pays same type of expenses as state/federal restitution Victim can file Art. 139 claim for property loss 	<ul style="list-style-type: none"> If restitution is part of a PTA, accused pays same type of expenses as state/federal restitution Victim can file Art. 139 claim for property loss 	<ul style="list-style-type: none"> If restitution is part of a PTA, accused pays same type of expenses as state/federal restitution Victim can file Art. 139 claim for property loss 	<ul style="list-style-type: none"> <u>Art. 58b</u>: CA may waive automatic forfeitures for up to 6 months and direct the money be paid to the dependents <u>Art. 57a</u> CA may defer adjudged forfeitures while in confinement until ETS date, accused sets up allotment to dependents
Interplay with other Forms of Relief	Restitution is offset by amount of compensation for same loss paid by state or in civil proceeding	Restitution is offset by amount of compensation for same loss paid by state or in civil proceeding	<ul style="list-style-type: none"> May file FTCA civil suit May file claim under Military Claims Act or Foreign Claims Act 	<ul style="list-style-type: none"> Victim may file civil suit against accused (only) May file claim under Military Claims Act 	<ul style="list-style-type: none"> May file FTCA civil suit May file claim under Military Claims Act 	Medical & dental benefits lost when punitive discharge takes effective

Compensation Systems

	State Compensation (generally)	Federal System	Military: Civilian Victim	Military: Service Member Victim	Military: Dependent Victim	Military: Dependent of Accused	
Concept	States reimburse victims for out of pocket costs in immediate aftermath of crime, if other financial resources do not cover the loss	Refer to state compensation system	Refer to state compensation system	Refer to state compensation system	<ul style="list-style-type: none"> Military benefits and medical care cover most expenses Refer to state compensation if necessary VA provides medical benefits after discharge 	<ul style="list-style-type: none"> Expenses covered by military benefits/ medical care coverage plus state comp. Transitional comp. offers dependent victim financial security after sponsor is separated 	To avoid punishing dependent family members of service members convicted at court-martial, dependents may receive limited transitional benefits.
Types of Coverage	<ul style="list-style-type: none"> Medical, Therapy, Counseling, Prescriptions, Insurance Deductibles Funerals Lost wages Travel and child care while at trial <i>Does NOT include property loss, or pain/suffering</i> 	Refer to state compensation system	Refer to state compensation system	<p><u>While in Military:</u></p> <ul style="list-style-type: none"> Military pays victim's salary, covers medical expenses, and pays travel costs to trial Any other expenses can be claimed through the state <p><u>After Military:</u></p> <ul style="list-style-type: none"> May be eligible for VA disability benefits 	<p><u>Offender in Military:</u></p> <ul style="list-style-type: none"> Military pays offender's salary, dependents' medical care expenses, and travel costs to trial as witness; Any expenses not covered can be claimed through the state; <p><u>Offender Discharged:</u></p> <ul style="list-style-type: none"> May qualify for transitional compensation 	<ul style="list-style-type: none"> Family loses military financial support, housing, and medical benefits when sponsor is convicted and sentenced to confinement with a punitive discharge Family entitled to receive relocation expenses to home of record 	
Amount & Funding Source	<ul style="list-style-type: none"> Fines collected by courts for state crime victims' comp fund Federal Crime Victims Fund Cap of \$25-75K 	Federal Crime Victims Fund est. by VOCA give grants to states	Refer to state compensation system	<ul style="list-style-type: none"> No cap to statutory benefits on active duty; State and VA benefits vary 	<ul style="list-style-type: none"> Military benefits State benefits TC monthly pay 12-36 months, medical, commissary & exchange access Part of retirement 	Military benefits	