

**Editorial Notes**

## AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-334, § 12502(a)(2)(A)(i), inserted “or the pet, service animal, emotional support animal, or horse of that person” after “another person”.

Subsec. (a)(2). Pub. L. 115-334, § 12502(a)(2)(A)(ii), inserted “or the pet, service animal, emotional support animal, or horse of that person” after “proximity to, another person”.

Subsec. (b)(5). Pub. L. 115-334, § 12502(a)(2)(B), inserted “including any case in which the offense is committed against a pet, service animal, emotional support animal, or horse,” after “in any other case,”.

2013—Subsec. (a)(1). Pub. L. 113-4, which directed amendment of subsec. (a)(2) by inserting “is present” after “Indian country or”, was executed by making the insertion in subsec. (a)(1) to reflect the probable intent of Congress.

2006—Subsec. (a)(1). Pub. L. 109-162 inserted “or within the special maritime and territorial jurisdiction of the United States” after “Indian country”.

2000—Subsec. (a). Pub. L. 106-386 added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows:

“(1) CROSSING A STATE LINE.—A person who travels across a State line or enters or leaves Indian country with the intent to engage in conduct that—

“(A)(i) violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued; or

“(ii) would violate this subparagraph if the conduct occurred in the jurisdiction in which the order was issued; and

“(B) subsequently engages in such conduct, shall be punished as provided in subsection (b).

“(2) CAUSING THE CROSSING OF A STATE LINE.—A person who causes a spouse or intimate partner to cross a State line or to enter or leave Indian country by force, coercion, duress, or fraud, and, in the course or as a result of that conduct, intentionally commits an act that injures the person’s spouse or intimate partner in violation of a valid protection order issued by a State shall be punished as provided in subsection (b).”

1996—Subsec. (a)(1)(A)(ii). Pub. L. 104-294 substituted “violate this subparagraph” for “violate subparagraph (A)”.

Subsec. (b)(1) to (3). Pub. L. 104-201 substituted “victim” for “offender’s spouse or intimate partner”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of this title.

**§ 2263. Pretrial release of defendant**

In any proceeding pursuant to section 3142 for the purpose of determining whether a defendant charged under this chapter shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

(Added Pub. L. 103-322, title IV, § 40221(a), Sept. 13, 1994, 108 Stat. 1928.)

**§ 2264. Restitution**

(a) IN GENERAL.—Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court

shall order restitution for any offense under this chapter.

(b) SCOPE AND NATURE OF ORDER.—

(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court pursuant to paragraph (2).

(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) DEFINITION.—For purposes of this subsection, the term “full amount of the victim’s losses” includes any costs incurred by the victim for—

(A) medical services relating to physical, psychiatric, or psychological care;

(B) physical and occupational therapy or rehabilitation;

(C) necessary transportation, temporary housing, and child care expenses;

(D) lost income;

(E) attorneys’ fees, plus any costs incurred in obtaining a civil protection order;

(F) veterinary services relating to physical care for the victim’s pet, service animal, emotional support animal, or horse; and

(G) any other losses suffered by the victim as a proximate result of the offense.

(4) ORDER MANDATORY.—(A) The issuance of a restitution order under this section is mandatory.

(B) A court may not decline to issue an order under this section because of—

(i) the economic circumstances of the defendant; or

(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

(c) VICTIM DEFINED.—For purposes of this section, the term “victim” means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.

(Added Pub. L. 103-322, title IV, § 40221(a), Sept. 13, 1994, 108 Stat. 1928; amended Pub. L. 104-132, title II, § 205(d), Apr. 24, 1996, 110 Stat. 1231; Pub. L. 115-334, title XII, § 12502(a)(3), Dec. 20, 2018, 132 Stat. 4983.)

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## AMENDMENTS

2018—Subsec. (b)(3)(F), (G). Pub. L. 115-334 added subpar. (F) and redesignated former subpar. (F) as (G).

1996—Subsec. (a). Pub. L. 104-132, § 205(d)(1), inserted “or 3663A” after “3663”.

Subsec. (b)(1). Pub. L. 104-132, § 205(d)(2)(A), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The order of restitution under this section shall direct that—

“(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the