

PROPOSED AMENDMENT: MANDATORY RESTITUTION FOR AMPHETAMINE AND METHAMPHETAMINE OFFENSES

Synopsis of Proposed Amendment: *This proposed amendment implements section 3613 of the Methamphetamine Anti-Proliferation Act of 2000, Pub. L. 106-310. That section amends 21 U.S.C. § 853(q) to provide mandatory restitution for offenses that involve the manufacture of methamphetamine. The proposed amendment amends §5E1.1 (Restitution) to include a reference to 21 U.S.C. § 853(q) in the guideline provision regarding mandatory restitution.*

Proposed Amendment:

§5E1.1. Restitution

- (a) In the case of an identifiable victim, the court shall --
 - (1) enter a restitution order for the full amount of the victim's loss, if such order is authorized under 18 U.S.C. § 2248, § 2259, § 2264, § 2327, § 3663, or § 3663A, or 21 U.S.C. § 853(q); or

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Commentary

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Background: Section 3553(a)(7) of Title 18, United States Code, requires the court, "in determining the particular sentence to be imposed," to consider "the need to provide restitution to any victims of the offense." Orders of restitution are authorized under 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, and 3663A, and 21 U.S.C. § 853(q). For offenses for which an order of restitution is not authorized, restitution may be imposed as a condition of probation or supervised release.