

PRESIDENT
Jim Hood

Mississippi Attorney General

PRESIDENT-ELECT
Marty Jackley

South Dakota Attorney General

VICE PRESIDENT
George Jepsen

Connecticut Attorney General

IMMEDIATE PAST PRESIDENT
J.B. Van Hollen

Wisconsin Attorney General

EXECUTIVE DIRECTOR
James McPherson

October 15, 2014

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Jim Sensenbrenner
Chairman, House Judiciary
Subcommittee on Crime, Terrorism,
Homeland Security, and Investigations
US House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Senate Building
Washington, DC 20510

The Honorable Bobby Scott
Ranking Member
House Judiciary Subcommittee
on Crime Terrorism, Homeland
Security and Investigations
US House of Representatives
Rayburn House Building
Washington, DC 20515

Dear Chairmen Leahy and Sensenbrenner and Ranking Members Grassley and Scott:

We, the undersigned attorneys general, write to express our support for the Amy and Vicky Child Pornography Victim Restitution Improvement Act of 2014 (S. 2301/H.R. 4981). As attorneys general of 44 states and territories, we respectfully request that you bring the bill to a vote.

On April 23, 2014, the U.S. Supreme Court held in *Paroline v. United States* that victims of child pornography should receive restitution, but defendants should be liable only for the consequences of their actions, not the conduct of others. Unfortunately, this decision was counter to the legal opinions of the attorneys general of 35 states and territories, expressed in an amicus brief urging the Supreme Court to allow full restitution to victims of child pornography.

Despite the common refrain, viewing child pornography is not a victimless crime. The marketing, trading and possession of child pornography perpetuate a market that leads to the harm of increasing numbers of children. In 2010, the U.S. Department of Justice reported that U.S. Attorneys in 2006 handled 82.8 percent more child pornography cases than in 1994. This increase is largely attributed to child pornography images traded online¹. Victims of child pornography are constantly reminded of the abuse of their past, and there is no way to erase the photographs from the Internet or prevent them from being shared by others. In the *Paroline* decision, the majority agreed that continued trade of child pornography negatively impacts those

2030 M Street, NW
Eighth Floor
Washington, DC 20036
Phone: (202) 326-6000
<http://www.naag.org/>

¹ <http://www.justice.gov/sites/default/files/psc/docs/natstrategyreport.pdf>

who have been victimized: “The cause of the victim’s general losses is the trade in her images. And Paroline is a part of that cause, for he is one of those who viewed her images.”¹

The Supreme Court decision would force victims to pursue a continuous stream of defendants, recovering very little in each case. The emotional and monetary costs, as well as time required to seek restitution from multiple defendants, disincentivizes victims from seeking the resources they need for therapy, medical care, lost wages and other needed services. However, the decision helps protect defendants from having to pay substantial costs to those they have harmed.

The Amy and Vicky Act provides victims with meaningful restitution from the multiple defendants who produce, distribute or possess images of child pornography, including those who have not been identified. The law also provides for joint and several liability so that multiple defendants may sue each other to spread out restitution costs for the same victim.

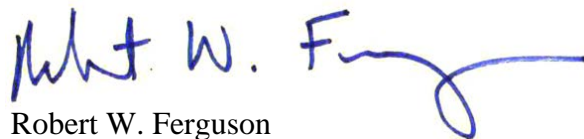
The undersigned attorneys general respectfully request the Senate Judiciary Committee and the House Judiciary Subcommittee to pass the Amy and Vicky Act. Providing timely and meaningful restitution will ensure that the growing number of victims can begin to rebuild their lives by fully recovering the financial losses caused by child pornography.

Thank you for your consideration.

Sincerely,



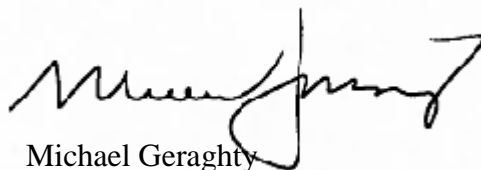
Greg Zoeller
Indiana Attorney General



Robert W. Ferguson
Washington Attorney General



Luther Strange
Alabama Attorney General



Michael Geraghty
Alaska Attorney General



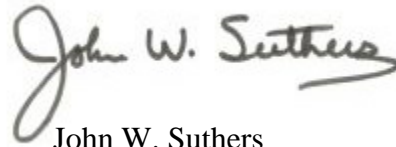
Tom Horne
Arizona Attorney General



Dustin McDaniel
Arkansas Attorney General



Kamala Harris
California Attorney General



John W. Suthers
Colorado Attorney General



Joseph R. "Beau" Biden III
Delaware Attorney General



Pamela Jo Bondi
Florida Attorney General



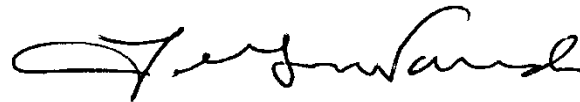
Samuel S. Olens
Georgia Attorney General



Lenny Rapadas
Guam Attorney General



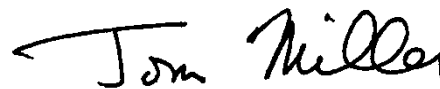
David Louie
Hawaii Attorney General



Lawrence Wasden
Idaho Attorney General



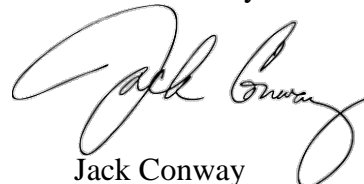
Lisa Madigan
Illinois Attorney General



Tom Miller
Iowa Attorney General



Derek Schmidt
Kansas Attorney General



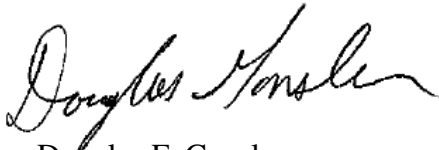
Jack Conway
Kentucky Attorney General




James "Buddy" Caldwell
Louisiana Attorney General



Janet Mills
Maine Attorney General



Douglas F. Gansler
Maryland Attorney General



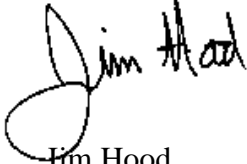
Martha Coakley
Massachusetts Attorney General



Bill Schuette
Michigan Attorney General



Lori Swanson
Minnesota Attorney General



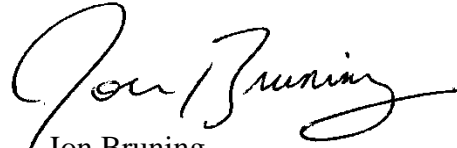
Jim Hood
Mississippi Attorney General



Chris Koster
Missouri Attorney General



Tim Fox
Montana Attorney General



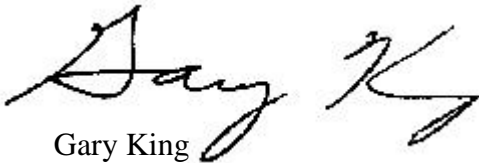
Jon Bruning
Nebraska Attorney General



Joseph Foster
New Hampshire Attorney General



John Hoffman
New Jersey Attorney General



Gary King
New Mexico Attorney General




Roy Cooper
North Carolina Attorney General



Wayne Stenehjem
North Dakota Attorney General



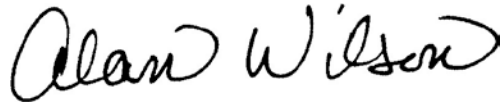
Scott Pruitt
Oklahoma Attorney General



Ellen F. Rosenblum
Oregon Attorney General



Peter Kilmartin
Rhode Island Attorney General



Alan Wilson
South Carolina Attorney General



Marty Jackley
South Dakota Attorney General



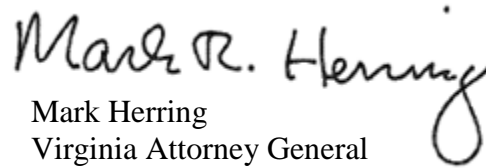
Greg Abbott
Texas Attorney General



Sean Reyes
Utah Attorney General



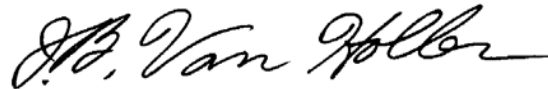
William H. Sorrell
Vermont Attorney General



Mark Herring
Virginia Attorney General



Patrick Morrisey
West Virginia Attorney General



J.B. Van Hollen
Wisconsin Attorney General