



March 6, 2018

ATTORNEY GENERAL MADIGAN CALLS ON CONGRESS TO SUPPORT VICTIMS OF CHILD PORNOGRAPHY

Chicago — Attorney General Lisa Madigan and 54 other state and territorial attorneys general today called on Congressional leaders to pass legislation supporting victims of child pornography.

In a [letter](#) sent today, Madigan called on House and Judiciary Committee leaders to support the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2017 that would make it easier for victims of child pornography to obtain restitution. A similar bill passed the U.S. Senate in 2015 but failed to pass the House of Representatives.

“Child pornography is a horrendous crime that victimizes children and their families every time one of these atrocious images is shared,” Madigan said. “No money can ever make up for the unimaginable harm victims have suffered, but they should have a right to obtain meaningful restitution.”

In 2014, a U.S. Supreme Court decision in *Paroline v. United States* held that while victims of child pornography are entitled to restitution, any individual defendant they sue is only liable for the harm caused by that one individual’s possession of the images.

As a result, victims of child pornography must pursue restitution in each case that involves possession of their image, though they may receive only a small sum in each case. Images of child pornography, however, are traded around the world, and there may be thousands of defendants found to possess one image.

Madigan and the other attorneys general state in their letter:

“Unfortunately, the Supreme Court’s decision puts an enormous burden on victims of child pornography. In order to receive restitution, a victim must pursue every case in which a defendant was found to possess images of the victim. As the Supreme Court recognized, digital images of each child victim are trafficked worldwide, and there may be thousands of defendants found to possess each victim’s images. As a result, victims are only able to receive a small amount of restitution from each defendant and must pursue thousands of cases in order to receive full restitution. Preventing victims from collecting full restitution protects defendants, who are shielded from having to pay meaningful costs to those they have harmed.”

The Amy, Vicky, and Andy Child Pornography Victim Assistance Act will improve the law by:

- Clarifying congressional intent that victims be fully compensated for all the harms resulting from every perpetrator who contributed to their trauma;
- Establishing a more meaningful definition of “full amount of a victim’s losses;”
- Establishing a process for victims to receive compensation from the Child Pornography Victims Reserve within the federal Crime Victims Fund and requiring judicial appointment of a guardian ad litem for victims of child pornography production;
- Allowing victims and their attorneys access to images in which they are depicted which is crucial for victim identification, expert testimony, forensic review, treatment, and the prevention and prosecution of future crimes; and
- Requiring the U.S. Department of Justice to report on implementation within two years.

Attorney General Madigan runs the Illinois Internet Crimes Against Children ([ICAC](#)) Task Force, with a grant from the U.S. Department of Justice, that investigates child exploitation crimes and trains law enforcement agencies. Since 2006, Madigan’s ICAC task force has been involved in more than 1,400 arrests of sexual predators. The task force has also provided internet safety training and education to more than 590,000 parents, teachers and students and more than 23,200 law enforcement professionals.

Joining Madigan in signing the letter were attorneys general from all 50 states, along with attorneys general from the District of Columbia, American Samoa, Guam, Puerto Rico and the Virgin Islands.

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