

OF THIS SECTION, compliance with the order may be made as a sentence or condition of probation.

(d) (1) Restitution [is] SHALL BE made by the defendant to the Division of Parole and Probation [of the county in which he was convicted] under the terms and conditions of the order for restitution.

(2) The Division shall keep records of any payments or return of property in satisfaction of the order.

(3) The Division shall forward any property or payments in accordance with the court's order and the provisions of this section to:

(i) The victim;

(ii) The Department of Health and Mental Hygiene or other governmental entity; or

(iii) The third-party payor.

(4) The Division may assess additional fees not to exceed 2 percent of the amount of the order to pay for administrative costs of collecting payments or property. These fees shall be paid by the defendant.

(e) (1) When a defendant fails to make restitution as ordered, the Division shall notify the court.

(2) The court may hold a hearing to determine if the defendant is in contempt of court or has violated the terms of the probation or parole.

(3) IF THE COURT FINDS THAT THE DEFENDANT INTENTIONALLY BECAME IMPOVERISHED TO AVOID PAYMENT OF THE RESTITUTION, THE COURT MAY FIND THE DEFENDANT IN VIOLATION OF PROBATION OR PAROLE.

(f) An order of restitution may not preclude the owner of the property or the victim who suffered personal physical or mental injury or out-of-pocket loss of earnings or support from proceeding in a civil action to recover damages from the defendant. A civil verdict shall be reduced by the amount paid under the criminal restitution order.

(G) (1) AN ORDER OF RESTITUTION SHALL CONSTITUTE JUDGMENT AS IN A CIVIL ACTION.

(2) AN ORDER OF RESTITUTION FROM THE DISTRICT COURT OR THE CIRCUIT COURT SHALL BE INDEXED AND RECORDED AS PRESCRIBED BY THE MARYLAND RULES OR THE MARYLAND DISTRICT RULES.

(3) A JUDGMENT ENTERED UNDER THIS SECTION CONSTITUTES A LIEN IN THE AMOUNT OF THE JUDGMENT ON THE REAL PROPERTY OF THE DEFENDANT ONLY: