

victim for a property loss under paragraph (1)(i) of this subsection, or pecuniary loss under paragraph (1)(ii) of this subsection.

(3) If the victim has been fully compensated for the victim's loss by a third-party payor, the court may order restitution to the third-party payor. Otherwise, payment of restitution to the victim has priority over payment of restitution to the third-party payor.

(4) Payment of restitution to the victim under this subsection has priority over payment of restitution to the Department of Health and Mental Hygiene or other governmental entity.

(c) When an order of restitution has been entered pursuant to subsection (b), compliance with the order may be made as a sentence or condition of probation or parole.

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

(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.