

VETOES

restitution to the victim has priority over payment of restitution to the third-party payor.

[(4)] (5) 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.

(6) IF RESTITUTION IS REQUESTED UNDER THIS SUBSECTION AND THE COURT DOES NOT ORDER RESTITUTION, THE COURT SHALL STATE, ON THE RECORD, THE COURT'S REASONS FOR NOT ORDERING RESTITUTION.

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

(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} SHALL 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.