

(iv) A governmental entity incurred expenses in the removal, towing, transporting, preserving, storage, sale, or destruction of an abandoned vehicle;

(v) The Criminal Injuries Compensation Board paid benefits to a victim of the crime; or

(vi) The Department of Health and Mental Hygiene or other governmental entity paid expenses incurred under § 765 of this article.

(2) [On conviction of a crime, acceptance of a plea of nolo contendere, or imposition of probation before judgment under § 641 of this article, the court may] ~~A COURT SHALL issue an order of~~ A VICTIM IS PRESUMED TO HAVE A RIGHT TO restitution [directing the defendant to make restitution in addition to any other penalty for the commission of the crime] UNDER PARAGRAPH (1) OF THIS SUBSECTION if:

(i) The victim or the State ~~on behalf of the victim~~ requests restitution;
[and]

(ii) The court is presented with competent evidence of any of items (i) through [(v)] (VI) of paragraph (1) of this subsection; AND

(III) THE DEFENDANT HAS THE ABILITY TO PAY THE RESTITUTION ORDER.

(3) ~~(I) A REBUTTABLE PRESUMPTION EXISTS THAT A DEFENDANT HAS THE ABILITY TO PAY A RESTITUTION ORDER.~~

~~(II) THE PRESUMPTION ESTABLISHED UNDER ITEM (I) OF THIS PARAGRAPH MAY BE REBUTTED IF IT IS ESTABLISHED THAT THE DEFENDANT HAS A MENTAL OR PHYSICAL DISABILITY THAT PREVENTS THE DEFENDANT FROM EARNING THE AMOUNT NECESSARY TO SATISFY THE ORDER OF RESTITUTION AND THE DEFENDANT DOES NOT HAVE SUFFICIENT ASSETS TO OTHERWISE SATISFY THE ORDER OF RESTITUTION.~~

~~(III) THE PRESUMPTION ESTABLISHED UNDER ITEM (I) OF THIS PARAGRAPH MAY NOT BE REBUTTED BY ESTABLISHING THAT A DEFENDANT IS OR WILL BE INCARCERATED A COURT NEED NOT ISSUE AN ORDER OF RESTITUTION UNDER THIS SECTION IF THE COURT FINDS GOOD CAUSE TO ESTABLISH EXTENUATING CIRCUMSTANCES AS TO WHY AN ORDER OF RESTITUTION IS INAPPROPRIATE IN A CASE.~~

[(3)](4) The court may order that restitution be made to:

(i) The victim;

(ii) The Department of Health and Mental Hygiene, the Criminal Injuries Compensation Board, or any other governmental entity; or

(iii) A third-party payor, including an insurer, which has made payment to the victim to compensate the victim for a property loss or pecuniary loss under this subsection.