

[(4)](5) If the victim has been fully compensated for the victim's loss by a third-party payor, the court may issue an order of restitution directing the defendant to pay restitution to the third-party payor. Otherwise, payment of restitution to the victim has priority over payment of restitution to the third-party payor.

[(5)](6) 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)](7) 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:~~

~~(1) COMPLIANCE with the order may SHALL be made as a sentence or AND, IF PROBATION IS ORDERED, AS A condition of probation; AND~~

~~(2) THE COURT SHALL REQUIRE THE DEFENDANT TO PROVIDE THE DEFENDANT'S SOCIAL SECURITY NUMBER TO THE DIVISION IN ORDER TO FACILITATE THE COLLECTION OF RESTITUTION.~~

(1) COMPLIANCE WITH THE ORDER:

(I) MAY BE MADE AS A SENTENCE; AND

(II) SHALL BE A CONDITION OF PROBATION, IN ADDITION TO A SENTENCE, IF PROBATION IS ORDERED; AND

(2) SUBJECT TO FEDERAL LAW, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL OBTAIN THE SOCIAL SECURITY NUMBER OF THE DEFENDANT TO FACILITATE THE COLLECTION OF RESTITUTION.

(d) (1) Restitution shall be made by the defendant to the Division of Parole and Probation under the terms and conditions of the order of restitution.

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

(3) The Division shall forward any property or payments in accordance with the court's order of restitution 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 of restitution to pay for administrative costs of collecting payments or property. These fees shall be paid by the defendant.