

- (i) The victim or the State requests restitution;
- (ii) The court is presented with competent evidence of any of items (i) through (vi) of paragraph (1) of this subsection; and
- (iii) The defendant has the ability to pay the restitution order.

(3) 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.

(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.

(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.

(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.

(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] UNDER subsection (b) of this section:

(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.