

(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.

(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.

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

(2) 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].

(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].

(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.