

~~(3)~~ (4) A court need not issue [an order] A JUDGMENT of restitution under this section if the court finds [good]:

(I) THAT THE DEFENDANT OR LIABLE PARENT DOES NOT HAVE THE ABILITY TO PAY THE JUDGMENT OF RESTITUTION; OR

(II) GOOD cause to establish extenuating circumstances as to why [an order] A JUDGMENT of restitution is inappropriate in a case.

~~(4)~~ (5) 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)~~ (6) If the victim has been fully compensated for the victim's loss by a third-party payor, the court may issue [an order] A JUDGMENT of restitution directing the defendant OR LIABLE PARENT 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)~~ (7) 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)~~ (8) 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)] (B) When [an order] A JUDGMENT of restitution has been entered under subsection [(b)] (A) of this section:

(1) Compliance with the [order] JUDGMENT OF RESTITUTION:

(i) May be [made as a sentence; and] REQUIRED IN THE JUDGMENT OF CONVICTION OR DISPOSITION IN A JUVENILE DELINQUENCY CASE;

(ii) [Shall] IF PROBATION IS ORDERED, SHALL be a condition of [probation,] PROBATION:

1. in addition to a [sentence, if probation is ordered; and] SENTENCE OR DISPOSITION; OR

2. IN LIEU OF A SENTENCE IF THE PROBATION IS ORDERED BEFORE JUDGMENT UNDER § 641 OF THIS ARTICLE; AND

(III) IF WORK RELEASE IS ORDERED, SHALL BE A CONDITION OF WORK RELEASE.