

(B) RIGHT OF VICTIMS TO RESTITUTION.

A VICTIM IS PRESUMED TO HAVE A RIGHT TO RESTITUTION UNDER SUBSECTION (A) OF THIS SECTION IF:

(1) THE VICTIM OR THE STATE REQUESTS RESTITUTION; AND

(2) THE COURT IS PRESENTED WITH COMPETENT EVIDENCE OF ANY ITEM LISTED IN SUBSECTION (A) OF THIS SECTION.

(C) EFFECT OF JUDGMENT OF RESTITUTION.

(1) A JUDGMENT OF RESTITUTION DOES NOT PRECLUDE THE PROPERTY OWNER OR THE VICTIM WHO SUFFERED PERSONAL PHYSICAL OR MENTAL INJURY, OUT-OF-POCKET LOSS OF EARNINGS, OR SUPPORT FROM BRINGING A CIVIL ACTION TO RECOVER DAMAGES FROM THE RESTITUTION OBLIGOR.

(2) A CIVIL VERDICT SHALL BE REDUCED BY THE AMOUNT PAID UNDER THE CRIMINAL JUDGMENT OF RESTITUTION.

(D) ACTS OF GRAFFITI.

IN MAKING A DISPOSITION ON A FINDING THAT A CHILD AT LEAST 13 YEARS OLD HAS COMMITTED AN ACT OF GRAFFITI UNDER ARTICLE 27, § 111(F) OF THE CODE, THE COURT SHALL ORDER THE CHILD TO PERFORM COMMUNITY SERVICE OR PAY RESTITUTION OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 813, 805A(b), and 807(a) and (e).

In subsection (a)(3), (4), and (6) of this section, the reference to a governmental "unit" is substituted for the former reference to a governmental "entity" to conform to the terminology used in other revised articles of the Code.

Throughout this section, the defined term "delinquent act" and the defined term "child respondent" are added for clarity. *See* General Revisor's Note to title.

Defined terms: "Child" § 11-601

"Child respondent" § 11-101

"Crime" § 11-601

"Defendant" § 11-601

"Delinquent act" § 11-101

"Judgment of restitution" § 11-601

"Restitution obligor" § 11-601

"Victim" § 11-601

11-604. PAYERS OF RESTITUTION.

(A) RESTITUTION ALLOWED AGAINST CHILD, PARENT, OR BOTH.