

A COURT NEED NOT ISSUE A JUDGMENT OF RESTITUTION UNDER PART I OF THIS SUBTITLE IF THE COURT FINDS:

(1) THAT THE RESTITUTION OBLIGOR DOES NOT HAVE THE ABILITY TO PAY THE JUDGMENT OF RESTITUTION; OR

(2) THAT THERE ARE EXTENUATING CIRCUMSTANCES THAT MAKE A JUDGMENT OF RESTITUTION INAPPROPRIATE.

(B) REFUSAL OF RESTITUTION.

A COURT THAT REFUSES TO ORDER RESTITUTION THAT IS REQUESTED UNDER PART I OF THIS SUBTITLE SHALL STATE ON THE RECORD THE REASONS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 807(a)(4) and (8).

In subsection (a)(2) of this section, the former reference to a judgment of restitution inappropriate "in a case" is deleted as implicit in the reference to "judgment".

Also in subsection (a)(2) of this section, the former reference to "[g]ood cause to establish" extenuating circumstances is deleted as implicit in the reference to a court finding "that there are" extenuating circumstances.

Defined terms: "Judgment of restitution" § 11-601
"Restitution obligor" § 11-601

11-606. PAYMENT OF RESTITUTION.

(A) RESTITUTION RECIPIENTS.

THE COURT MAY ORDER THAT RESTITUTION BE PAID TO:

(1) THE VICTIM;

(2) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE CRIMINAL INJURIES COMPENSATION BOARD, OR ANY OTHER GOVERNMENTAL UNIT; OR

(3) A THIRD-PARTY PAYOR, INCLUDING AN INSURER, OR ANY OTHER PERSON THAT HAS COMPENSATED THE VICTIM FOR A PROPERTY OR PECUNIARY LOSS UNDER PART I OF THIS SUBTITLE.

(B) PRIORITY OF RESTITUTION PAYMENTS.

(1) PAYMENT OF RESTITUTION TO THE VICTIM HAS PRIORITY OVER:

(I) PAYMENT OF RESTITUTION TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR OTHER GOVERNMENTAL UNIT; AND

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, PAYMENT OF RESTITUTION TO A THIRD-PARTY PAYOR.