

A PERSON WHO CHALLENGES THE FAIRNESS AND REASONABLENESS OF THE AMOUNT ON THE STATEMENT OR BILL HAS THE BURDEN OF PROVING THAT THE AMOUNT IS NOT FAIR AND REASONABLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 808.

In subsection (a) of this section, the phrase "legally sufficient" evidence is substituted for the former reference to "prima facie" evidence for clarity.

Defined term: "Person" § 1-101

11-616. OVERDUE RESTITUTION.

(A) REFERRAL OF OVERDUE ACCOUNTS.

THE DIVISION OR THE DEPARTMENT OF JUVENILE JUSTICE:

(1) IN ADDITION TO OTHER ACTIONS AUTHORIZED UNDER PART I OF THIS SUBTITLE, MAY REFER AN OVERDUE RESTITUTION ACCOUNT FOR COLLECTION TO THE CENTRAL COLLECTION UNIT; AND

(2) IF PROBATION OR OTHER SUPERVISION IS TERMINATED AND RESTITUTION IS STILL OWED, SHALL REFER THE OVERDUE RESTITUTION ACCOUNT FOR COLLECTION TO THE CENTRAL COLLECTION UNIT.

(B) CENTRAL COLLECTION UNIT.

SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE CENTRAL COLLECTION UNIT MAY:

(1) COLLECT OVERDUE RESTITUTION IN ACCORDANCE WITH TITLE 3, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(2) CERTIFY A RESTITUTION OBLIGOR WHO IS IN ARREARS ON RESTITUTION PAYMENTS EXCEEDING \$30 UNDER THE JUDGMENT OF RESTITUTION TO:

(I) THE COMPTROLLER FOR INCOME TAX REFUND INTERCEPTION IN ACCORDANCE WITH TITLE 13, SUBTITLE 9, PART III OF THE TAX - GENERAL ARTICLE; AND

(II) THE STATE LOTTERY AGENCY FOR STATE LOTTERY PRIZE INTERCEPTION IN ACCORDANCE WITH § 11-618 OF THIS SUBTITLE.

(C) VICTIM CONSENT REQUIRED FOR COMPROMISE AND SETTLEMENT.

(1) THE CENTRAL COLLECTION UNIT MAY NOT COMPROMISE AND SETTLE A JUDGMENT OF RESTITUTION UNLESS THE DIVISION OR THE DEPARTMENT OF JUVENILE JUSTICE OBTAINS THE CONSENT OF THE VICTIM.

(2) THE DIVISION OR THE DEPARTMENT OF JUVENILE JUSTICE SHALL CONTACT THE VICTIM TO DETERMINE WHETHER THE VICTIM CONSENTS TO COMPROMISE AND SETTLE A JUDGMENT OF RESTITUTION.