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DEPARTMENT of JUSTICE
ATTORNEY GENERAL
 *Tim Fox*

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Restitution

restitution Restitution



Restitution is court-ordered financial reimbursement to be paid by an offender to either the crime victim or the Crime Victim Compensation Program (CVC). The sentencing order must specify the offender is ordered to pay restitution. [intro-paragraph] If you have incurred losses as a result of a crime, you may also be entitled to restitution from the offender. Appropriate losses include medical expenses, property damage, wage loss or other expenses that resulted from the crime.

To get restitution, you must:

Advise law enforcement that you have sustained losses as a result of the crime.

Contact the city or county attorney handling your case and advise their office of the total amount of

your loss. Provide documentation to the city or county attorney's office of all medical and property loss resulting from the crime. The prosecutor can then request the judge to include restitution in the offender's sentencing order.

If you have applied for Crime Victim Compensation benefits, advise your local victim-witness advocate, the city or county attorney handling the case, or the Justice of the Peace that the compensation program has or may pay your medical expenses. If you have been awarded compensation benefits, advise them of the amount the program has paid so the offender can be court ordered to pay restitution to the program. You must inform the city or county attorney of payments made by the compensation program so restitution can be paid back to the compensation program.

Under Administrative Rule of Montana 23.15.307(3), if a victim receives restitution for expenses that have already been paid by the Crime Victim Compensation Program, the victim must pay back the restitution to the program.

A printer-friendly version of this information on this page is [here](#).

Can restitution only be ordered for medical expenses?

No. If you are a victim of property damage or theft you can request the court order state that the defendant has to pay for your missing or damaged property. The judge may also order the restitution be paid to an insurance company or Indian Health Services in the sentencing order. Restitution can only be ordered by the judge if the defendant is convicted and restitution is included in the defendant's sentencing order.

What is the difference between compensation and restitution?

Victims can apply for compensation benefits to help pay their medical expenses. If the claim meets the CVC eligibility requirements, the program can assist with medical, mental health, funeral, death benefits or wage loss expenses. If the CVC program paid the victim's medical expenses or reimbursed the victim for the expenses, any restitution paid by the offender is sent to the CVC program.

How does a victim request restitution?

A victim of crime has the right to request restitution in all cases in which the defendant has pled guilty or has been found guilty. Most counties have *Victim Impact Statements* or *Affidavit of Loss Statements* available at the city or county attorney's office, victim witness office or probation office. You should complete a loss statement as soon as possible, even if the offender hasn't been prosecuted yet.

Should I seek restitution or file a claim for compensation?

You should do both as soon as possible. You should always seek court ordered restitution and file a claim with CVC. Since you may have trouble collecting restitution from the offender or you may not be eligible for compensation, it is a good idea to pursue both possibilities at the same time. Don't wait for the defendant to be prosecuted before you request restitution from the court or apply for crime victim compensation.

How much restitution can be requested?

Victims of crime have the right to request restitution for crime-related expenses, including:

- medical bills
- counseling expenses
- funeral expenses
- lost wages due to an injury
- stolen or damaged property

Keep all of your bills, receipts or other proof of your losses and attach the copies to your victim impact statement. However, if all or part of your expenses were covered by CVC, private medical or life insurance, Medicaid, Social Security or Indian Health Services, you must indicate that on the Victim Loss Statement. Restitution that is paid is then used to reimburse these programs.

ALWAYS KEEP THE APPROPRIATE OFFICE AWARE OF YOUR CURRENT ADDRESS SO THAT RESTITUTION PAYMENTS CAN BE SENT TO YOU

Make sure you keep the proper office aware of your current address:

In misdemeanor cases, restitution is sent out by the office of the city clerk of court or the office of the Justice of the Peace.

In felony cases, restitution is sent out by the Restitution Office within Department of Corrections (DOC) in Helena. That office can be reached at 1-800-801-3478.

What if the offender does not pay the restitution?

A court order does not guarantee the offender will pay the restitution. If the offender fails to pay the

court-ordered restitution:

In a misdemeanor case, notify the city attorney's office or justice court. Do not wait until the offender's sentence has expired.

In a felony case, notify the county attorney's office, the Restitution Program in DOC and the offender's probation officer.

If the offender is in prison, a portion of his or her wages and income can be withdrawn to pay restitution. If the offender has been released from prison, he or she is responsible for paying the balance of the restitution during the supervised probation or parole time.

How can I collect restitution if the offender is no longer under the court's supervision?

Restitution in city, justice or district is a lifelong obligation until paid in full. Upon expiration of a felony or misdemeanor sentence, any delinquent restitution can be collected through wage garnishment, tax offset and/or a civil suit. Restitution cannot be dismissed by filing bankruptcy. If the offender dies, restitution may be attached to his or her estate.

What if the offender is a juvenile?

If the offender is a juvenile, you have until the offender's 18th birthday to collect court-ordered restitution. If the judgment or consent decree allows supervision until the offender's 21st birthday, you have until the offender turns 21 to recover the restitution. If the offender still hasn't paid all of the restitution, you can also petition the court to extend supervision until the offender's 25th birthday.

Contact

Restitution Officer — Crime Victim Compensation Program
Office of Victim Services
P.O. Box 201410
Helena, MT 59620-1410
(406) 444-7847 or 1-800-498-6455
For further assistance call 444-3653
Web address: www.doj.mt.gov
e-mail address: dojovs@mt.gov

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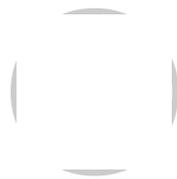
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