

Article - Criminal Procedure

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§11–616.

(a) The Division or the Department of Juvenile Services:

(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) 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 and Gaming Control Agency for State lottery prize and video lottery facility prize payout interception in accordance with § 11–618 of this subtitle.

(c) (1) The Central Collection Unit may not compromise and settle a judgment of restitution unless:

(i) the Division or the Department of Juvenile Services obtains the consent of the victim; or

(ii) the court orders otherwise because a victim cannot be located.

(2) The Division or the Department of Juvenile Services shall contact the victim to determine whether the victim consents to compromise and settle a judgment of restitution.

(d) If complete restitution and interest have been paid or a judgment of restitution has been compromised and settled as provided in subsection (c) of this section, the Division, the Department of Juvenile Services, or the Central Collection Unit immediately shall notify:

(1) the court that issued the judgment by filing the statement as provided

under § 11–608(c) of this subtitle that the judgment has been satisfied; and

(2) the last known employer of a restitution obligor to terminate an earnings withholding order issued under § 11–617 of this subtitle.

(e) (1) Restitution is overdue if the restitution or a restitution payment is not paid:

(i) by the date that the court orders; or

(ii) if no date is ordered, by the later of:

1. the date the Division or the Department of Juvenile Services directs the restitution obligor to pay restitution or make a restitution payment; or

2. 30 days after the court enters a judgment of restitution.

(2) If restitution is overdue, the amount of the arrearage is the amount of restitution ordered and any interest allowed by law, minus any amount previously paid or received under the judgment of restitution.

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