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§11–617.

(a) (1) If a court issues a judgment of restitution under § 11-603 of this subtitle, the court may enter an immediate and continuing earnings withholding order in an amount sufficient to pay the restitution.

(2) The court may enter the order:

(i) at the sentencing or disposition hearing;

(ii) when the defendant or child respondent is placed on work release or probation; or

(iii) when the payment of restitution is overdue.

(b) Subject to federal law, the order of priority of execution of an earnings withholding order is:

(1) first, an earnings withholding order issued under § 10-128 of the Family Law Article;

(2) second, an earnings withholding order issued under this section; and

(3) lastly, any other lien or legal process.

(c) (1) This subsection applies whenever a court orders an earnings withholding order under this section.

(2) On entry of the order, the clerk of the court immediately shall:

(i) serve a copy on any current or subsequent employer of the restitution obligor, if known; and

(ii) mail a copy to the restitution obligor at the last known address or place of incarceration or commitment of the restitution obligor.

(3) A restitution obligor immediately shall notify the court, the Central Collection Unit, and the Division or Department of Juvenile Services of:

(i) any objection to an earnings withholding order;

(ii) the current home address of the restitution obligor;

(iii) the name of the employer;

(iv) the work address of the restitution obligor; and

(v) any change of employer, home address, or work address of the restitution obligor.

(4) An employer who is served with an earnings withholding order under this section immediately shall notify the court, the Central Collection Unit, and the Division or Department of Juvenile Services of:

(i) any justification for the employer's inability to comply with the earnings withholding order;

(ii) the home address of the restitution obligor on the termination of employment;

(iii) information regarding the new place of employment of the restitution obligor; or

(iv) the employer's reemployment of the restitution obligor.

(5) Unless the information has been provided to the court, the Division, Department of Juvenile Services, or the Central Collection Unit shall notify the court of a current or subsequent home address of the restitution obligor and the employer and work address of the restitution obligor.

(d) (1) Except as otherwise provided in this section, an earnings withholding order issued under this section shall:

(i) comply with the requirements of §§ 10-128(a) and 10-129(a) through (c) of the Family Law Article; and

(ii) set forth the obligations and responsibilities of an employer and a restitution obligor under an earnings withholding order and the consequences of violating this section.

(2) Each amount withheld in an earnings withholding order under this section is payable to the Division, Department of Juvenile Services, or Central Collection Unit.

(3) An earnings withholding order is binding on each present and future employer of the restitution obligor who is served with the order.

(e) (1) Subject to paragraphs (2) and (3) of this subsection, the payment amount under an earnings withholding order under this section is 20% of the earnings of a restitution obligor less other deductions required by law to be paid out of any funds earned under a work release plan.

(2) If the restitution obligation of the restitution obligor is overdue, the court may impose a payment exceeding the amount allowed in paragraph (1) of this subsection.

(3) (i) The amount of an earnings withholding order issued under this section may not exceed the limits of the federal Consumer Credit Protection Act.

(ii) The court shall reduce an amount of an earnings withholding order that exceeds the limits of the federal Consumer Credit Protection Act to the maximum allowed under the Act.

(f) (1) This subsection applies to a restitution obligor and the employer of a restitution obligor.

(2) A person who violates this section is subject to a fine not exceeding $250.

(3) A fine collected under this section shall be distributed in the same way as costs are distributed under § 7-409 of the Courts Article.

(4) In addition to a fine imposed under this subsection, an employer is liable for damages for the failure to deduct the earnings of a restitution obligor or failure to make a timely payment as required in the earnings withholding order.

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