Unofficial Copy E3 1998 Regular Session 8lr0494

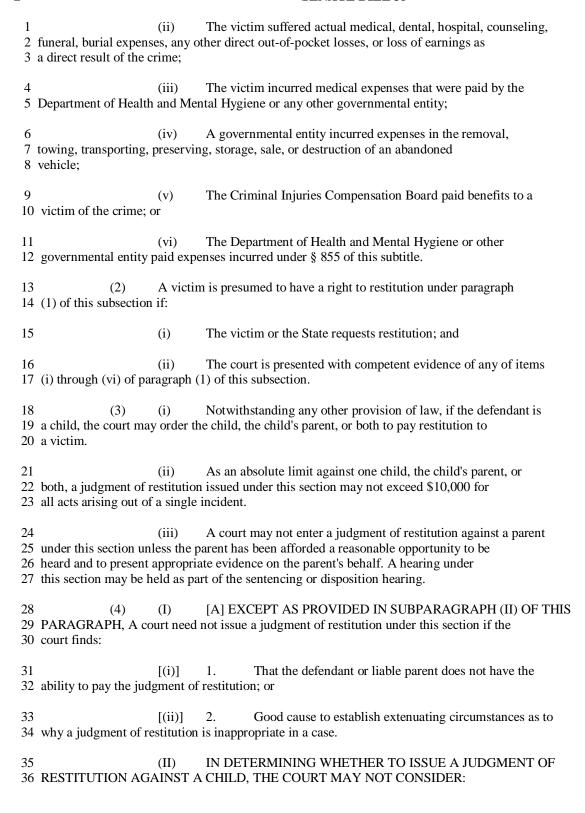
(PRE-FILED)					
By: <b>Senator Boozer</b> Requested: October 2, 1997 Introduced and read first time: January 14, 1998 Assigned to: Judicial Proceedings					
Committee Report: Favorable Senate action: Adopted Read second time: February 17, 1998					
CHAPTER					
1 AN ACT concerning					
Restitution - Juvenile Delinquents					
<ul> <li>FOR the purpose of prohibiting the court from considering certain factors in</li> <li>determining whether to issue a judgment of restitution against a child; and</li> <li>generally relating to restitution.</li> </ul>					
6 BY repealing and reenacting, with amendments, 7 Article 27 - Crimes and Punishments 8 Section 807(a) 9 Annotated Code of Maryland 10 (1996 Replacement Volume and 1997 Supplement)					
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:					

## 13 Article 27 - Crimes and Punishments

14 807.

- 15 (a) (1) A court may issue a judgment of restitution directing a defendant to 16 make restitution in addition to any other penalty for the commission of a crime, if:
- 17 (i) Property of the victim was stolen, damaged, destroyed,
- 18 converted, unlawfully obtained, or its value substantially decreased as a direct result
- 19 of the crime;

## **SENATE BILL 35**



## **SENATE BILL 35**

1			1.	THE AGE AND CIRCUMSTANCES OF THE CHILD; OR	
2 3	RESTITUTION.		2.	THE CHILD'S PRESENT OR FUTURE ABILITY TO PAY	
4	(5)	The court may order that restitution be made to:			
5		(i)	The vic	tim;	
6 7	Injuries Compensation	(ii) The Department of Health and Mental Hygiene, the Criminal Board, or any other governmental entity; or			
	8 (iii) A third-party payor, including an insurer, which has made 9 payment to the victim to compensate the victim for a property loss or pecuniary loss 0 under this subsection.				
13 14	1 (6) If the victim has been fully compensated for the victim's loss by a 2 third-party payor, the court may issue a judgment of restitution directing the 3 defendant or liable parent to pay restitution to the third-party payor. Otherwise, 4 payment of restitution to the victim has priority over payment of restitution to the 5 third-party payor.				
	6 (7) Payment of restitution to the victim under this subsection has 7 priority over payment of restitution to the Department of Health and Mental Hygiene 8 or other governmental entity.				
	(8) If restitution is requested under this subsection and the court does not order restitution, the court shall state, on the record, the court's reasons for not ordering restitution.				
22 23	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.				