

HOUSE BILL 308

E2

8lr1742
CF 8lr1744

By: **Delegate Vallario**

Introduced and read first time: January 24, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Restitution - Priority to Victims**

3 FOR the purpose of altering a provision of law so as to provide that payment of
4 restitution to a victim has priority over any payments to any other person or
5 governmental unit, subject to certain exceptions; and generally relating to
6 restitution.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 11–606
10 Annotated Code of Maryland
11 (2001 Volume and 2007 Supplement)
12 (As enacted by Chapter 429 of the Acts of the General Assembly of 2006)

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Procedure
15 Section 11–617(b)
16 Annotated Code of Maryland
17 (2001 Volume and 2007 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Criminal Procedure**

21 11–606.

22 (a) The court may order that restitution be paid to:

23 (1) the victim;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) the Department of Health and Mental Hygiene, the Criminal
2 Injuries Compensation Board, or any other governmental unit;

3 (3) a third-party payor, including:

4 (i) an insurer; or

5 (ii) any other person that has, under Part I of this subtitle:

6 1. compensated the victim for a property or pecuniary
7 loss; or

8 2. paid an expense on behalf of a victim;

9 (4) any person for whom restitution is authorized by law; or

10 (5) a person who has provided to or for a victim goods, property, or
11 services for which restitution is authorized under § 11-603 of this subtitle.

12 (b) (1) Subject to paragraph (2) of this subsection **AND § 11-617(B) OF**
13 **THIS SUBTITLE**, payment of restitution to the victim has priority over [payment of
14 restitution] **ANY PAYMENTS** to any other person or governmental unit.

15 (2) If the victim has been fully compensated for the victim's loss by a
16 third-party payor, the court may issue a judgment of restitution that directs the
17 restitution obligor to pay restitution to the third-party payor.

18 11-617.

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

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

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2008.