

Restitution Q and As

Q: Why are my restitution checks always for different amounts?

A: It's possible the offender does not earn a consistent wage, lost his or her job or had a financial emergency. You may call the Department of Corrections (DOC) Collections Unit at (800) 801-3478 for more information.

Q: Why should I have to wait for my restitution just so the offender can pay his bills?

A: Offenders on community supervision such as probation or parole must have a place to live, transportation to and from work, and money for food, clothing and medical care. Many have child support obligations.

Q: The offender owes me \$20,000 and he only pays \$50 a month. How can I get him to pay more?

A: You may call DOC at (406) 444-3930 and ask to talk to his or her supervising officer or case manager. The offender may be paying all he can based on his income. Their criminal records often limit offenders' ability to find jobs that pay well.

Q: My offender supposedly can't pay restitution but I know he owns property. What can I do?

A: If you believe that the offender has financial resources he may not have disclosed, call the DOC at (406) 444-3930 and ask to talk to his or her supervising officer. Profits from the sale of real estate sometimes can be collected for restitution.

Restitution Realities

- Victims seldom receive restitution soon after the offender is sentenced unless he or she has financial resources such as property that can be sold, or bank accounts.
- Restitution collection is often a slow process. It might be years before your first restitution check arrives.
- Many offenders never pay the total amount of court-ordered restitution.
- Prison jobs are scarce and do not pay much, so inmates may not have money for restitution.
- Offenders on community supervision (prerelease, probation and parole) typically have low-paying jobs, so restitution amounts may be small.
- Offenders must pay their monthly living expenses and any court-ordered child support before they make a restitution payment.
- In crimes involving more than one victim, restitution payments are divided among them. If the offender committed more than one crime, victims receive restitution in the order that the crimes occurred.
- Offenders are seldom sent to prison for not paying restitution and they cannot be forced to pay more than they are able.

A few words about victim compensation...

The Montana Crime Victims Compensation (CVC) fund under the Attorney General may pay up to \$25,000 for crime-related medical bills, mental health counseling, and homicide victims' funeral expenses.

The crime must be verified by law enforcement.

The CVC does not reimburse for property loss or relocation costs.

If you are awarded CVC, any court-ordered restitution collected from the offender will go to reimburse the CVC fund up to the amount of compensation you received.

Crime Victim Restitution

Montana Department
of Corrections



"Laws for the punishment of crime shall be founded on the principles of prevention, reformation, public safety, and restitution for victims."

Montana Constitution
Article II Section 8



SOURCES OF RESTITUTION

The duty to pay full restitution ordered by the sentencing judge remains with the offender or the offender's estate until full restitution is paid, whether or not the offender is under Department of Corrections (DOC) supervision.

Under Montana law, payment of restitution is a condition of any probation or parole.

An offender's obligation to pay victim restitution does not go away if he or she files bankruptcy.

A restitution order can be enforced against the estate of an offender who dies while owing restitution.

Possible sources of money from offenders for victim restitution include:

- Earned income, including voluntary or forced wage garnishment
- Bank accounts
- Profits from sale of real estate and other property
- Tribal per capita payments
- Prison inmate trust accounts
- Money offenders receive as gifts from friends and family
- State income tax refunds
- Profits from the sale of crafts and artwork

The Basics of Restitution

Restitution is the offender's debt to you, the victim, for your losses caused by the crime. Montana law (46-18-241, MCA) entitles you to full restitution for expenses resulting from the crime.

Expenses include:

- Medical and dental bills
- Mental health counseling
- Stolen or damaged property
- Lost wages
- Travel and relocation costs
- Future expenses related to the crime
- Funeral costs for homicide victims

Determining the actual amount of your loss will be easier if you keep copies of bills and receipts, and a list of all expenses related to the crime.

Give copies of these records to the county attorney in charge of your case or a county victim advocate, who may ask you to fill out forms. Complete and return these forms as soon as possible, and be sure to make copies for yourself.

Offenders work out payment schedules with their supervising officers. Payments go to the Department of Corrections (DOC) Collections Unit, which sends the money to victims either quarterly or when there is at least \$25 to send.

The offenders, rather than Montana taxpayers, fund the Collections Unit with a 10 percent charge on top of the restitution owed. The unit collects and disburses millions of dollars to victims every year. Make sure the Collections Unit has your current address. Call (800) 801-3478 to make changes.

The victim's responsibility

After an offender is sentenced, the Department of Corrections (DOC) usually receives from the courts or county attorney the paperwork it needs to begin enforcing the restitution order.

If the judge awarded you restitution and you have not received any checks, contact the DOC Collections Unit at (800) 801-3478 to check on the status of your restitution.

You must notify the Collections Unit if your address changes. The unit has a large amount of restitution that is undeliverable because victims have not reported their current addresses.

Know whether the offender is in prison or prerelease, or on probation or parole. Register for the free VINE service to receive phone, email or text message notifications about the offender. To register, log onto www.vinelink.com, call VINE at (800) 456-3076 or download the free VINE mobile app.

WHO TO CONTACT FOR WHAT:

- ⇒ Restitution: (800) 801-3478
- ⇒ Department of Corrections Victim Services: (888) 223-6332
- ⇒ VINE: (800) 456-3076