

## COMMON QUESTIONS & ANSWERS

*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 DOC's Collections Unit at (800) 801-3478 for more information.

*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.

*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. Criminal records often limit offenders' ability to find jobs that pay well.

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

A: If you believe 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 can sometimes 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.
- Inmate jobs in prison are limited 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 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.
- Once an offender's sentence expires, restitution collection is more difficult.

### Montana Department of Corrections Victim Programs

This project was supported by Grant No. 18-V01-92737 awarded by the Montana Board of Crime Control (MBCC) through the Office of Justice Programs, US Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position of policies of the US Department of Justice.



VICTIM SERVICES PROGRAM

## Crime Victim Restitution



**“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

## THE BASICS OF RESTITUTION

Restitution is the offender's debt to you, the victim, for the losses you suffered because of a crime. Montana law 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 develop payment schedules with their supervising officers. Payments go to the Montana Department of Corrections (DOC) Restitution Collections Unit, which sends the money to victims either quarterly or when there is at least \$22.50 to send.

## SOURCES OF RESTITUTION

The sentencing judge orders offenders to pay full restitution. This obligation remains with the offender (or, should the offender die, with their estate) until the full amount is paid.

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, and continues when the offender is no longer under DOC supervision.

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
- Prison inmate trust accounts
- Money Inmates receive as gifts from friends and family
- State income tax refunds
- Profits from the sale of crafts and artwork

### WHO TO CONTACT:

**RestitutionUnit: (800) 801-3478**  
**DOC Victim Services:**  
<https://cor.mt.gov/Victims>

## THE VICTIM'S RESPONSIBILITY

To receive restitution, the DOC Collections Unit must have a completed W9 from the victim. Restitution payments are not considered income.

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. If the DOC Collections Unit does not have your name or address, they will not be able to release a restitution payment.

**The DOC Restitution Collections Unit disburses millions of dollars to victims every year.**

**Make sure the unit has your current address. Call (800) 801-3478 to update your contact information.**

## Sign up for Victim Notification

To find the location or status of the offender, register for the VINE service to receive phone, email or text message notifications about the offender.

To register, log onto [www.vinelink.com](http://www.vinelink.com), call VINE at (800) 456-3076 or download the free VINE mobile app.

**VINE: (800) 456-3076**