

## WHAT IS RESTITUTION?

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Restitution is generally money the court orders a defendant to pay to a victim who has suffered financial losses caused by a crime.

The judgment and sentence direct how much restitution, if any, a defendant pays and who receives it.

## WHO COLLECTS RESTITUTION FOR THE VICTIM?

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- If the defendant is on **probation**, the Community Supervision and Corrections Department probation officer collects the restitution, and gives it to the victim.
- If the defendant is **incarcerated**, and there is a court order, the TDCJ can withdraw the restitution from the inmate's trust fund account and give it to the victim. If there is no court order, the victim can ask the court to issue one. For more information and forms, see: <http://www.courts.state.tx.us/oca/collections/woforms.asp>.
- If the defendant is on **parole** or **mandatory supervision** for an offense that restitution was ordered, the defendant pays the parole officer, who has the TDCJ give the money to the victim.

## ARE THERE OTHER OPTIONS TO RECOVER FOR A CRIME-RELATED ECONOMIC LOSS?

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The victim may seek a:

- Restitution lien
- Crime Victim's Compensation Fund grant
- Civil lawsuit

## WHAT IS A RESTITUTION LIEN?

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A victim, or the victim's attorney, may file a lien on any interest in real property, any interest in tangible or intangible personal property, or any interest in a motor vehicle owned by a person convicted of a crime to secure payment of restitution. Detailed instructions about how to file a lien on a motor vehicle can be found in 43 Texas Administrative Code § 217.7. There is a \$5 fee for the lien. <http://sos.state.tx.us/tac/index.shtml>. Filing a lien on other types of property is more complicated and may require the assistance of an attorney.

## WHAT IS THE DIFFERENCE BETWEEN RESTITUTION AND RECEIVING MONEY FROM THE CRIME VICTIM'S COMPENSATION FUND?

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These are two different programs. The Crime Victim's Compensation Fund is administered by the Texas Attorney General's Office, and only helps victims of **violent** crimes with certain expenses. Those expenses include medical; loss of earnings or support; child care; funeral and burial; crime scene clean up; mental health counseling; replacement costs for clothing, bedding, or property seized as evidence; lost wages and travel expenses resulting from the court case; and relocation expenses for victims of family violence or sexual assault that occurred in the victim's residence. Claimants must have reported the crime to law enforcement, cooperated with the police, and made the claim within three years unless the victim was a child. A victim who has already received full restitution from a defendant may not receive duplicate payment from the Crime Victim's Compensation Fund. [https://www.oag.state.tx.us/victims/about\\_comp.shtml](https://www.oag.state.tx.us/victims/about_comp.shtml)

## WHAT ARE THE VICTIM'S RESPONSIBILITIES?

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- Notify the appropriate entity collecting and forwarding the restitution of any change of address.
- Complete and return all required forms promptly, including the Texas Application for Payee Identification.
- Be proactive and aware of whether the defendant is incarcerated, on probation, or on parole; contact TDCJ-Victim Services Division at 1-800-848-4284 for victim notification services.

## DOES RESTITUTION ALWAYS INVOLVE PAYING THE VICTIM MONEY?

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If the victim consents, a defendant may also be allowed to make restitution by performing services for an organization of the victim's choice as part of a restitution order. If the court orders a minor to make restitution but that is not financially possible, the court may order the minor to perform community service or the parents may be ordered to pay the restitution for the minor. Any adult defendant who is financially unable to pay restitution may

be ordered by the court to complete community service instead.

## HOW LONG WILL IT TAKE UNTIL PAYMENT IS MADE IN FULL?

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The defendant may be given a payment plan with monthly restitution installments or the defendant may pay restitution in full at the time of sentencing. If there are multiple victims, the restitution payments are divided among them. There is no guarantee that the defendant will have income and make the payments as ordered by the court. A restitution order does survive a defendant's bankruptcy, however, and is still enforceable.

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\*This brochure is a general guide to victim restitution questions. It does not contain legal advice for specific situations.

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## Crime Victim RESTITUTION

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