

*Restitution is the money a judge **orders** the offender to **pay** to the victim(s) to **compensate** for damages related to a **crime**. Restitution is part of the **offender's sentence** and can be ordered in both **adult** and **juvenile** cases following a **conviction** or a plea of guilty. The **amount** of restitution **ordered** by the judge depends on the victim's **expenses** **related** to the crime and the offender's **ability** to pay.*

## Hearings

### Restitution Hearings:

There is no guarantee that an offender will pay court-ordered restitution. If restitution payments are not made, victims have the right to ask the probation officer to schedule a probation restitution hearing. The hearing can be scheduled at any time but must be requested 60 days before the end of the offender's probation. Victims may be asked to provide proof of their losses for use at the restitution hearing. The offender has the burden of proving that restitution, as requested by the victim, should not be ordered.

The judge can order the offender to pay all the restitution within the remaining time, extend probation for an additional year to allow more time for payment, or allow the offender to complete probation without paying restitution. Other options include entering a civil judgement against the offender for the remaining amount of restitution owed or sending the offender to jail or prison for non-payment.



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# Restitution

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**Eligibility**

**Who is eligible for restitution:**

Individuals, families and survivors are eligible for restitution. Victims other than persons (church, corporation, business or government agency) may be eligible also if they have sustained a loss due to the crime. Minnesota law provides that a court may require an offender to pay all restitution to the victim(s) before paying other fines.

**What restitution will cover:**

Restitution may be requested for a victim's out-of-pocket expenses as a result of the crime. Expenses may include, but are not limited to, medical and dental bills, counseling, transportation, lost wages due to injury, and stolen or damaged property.

If the entire amount of the losses is unknown at the time of sentencing, the amount of restitution may be determined at a later date. Requests may be made for anticipated expenses, such as physical or psychological therapy. If the offender's sentence includes probation or supervised release, the total amount of restitution ordered may remain open through probation or supervised release as expenses accrue.

**What restitution will and will not cover:**

All requested restitution must be directly related to the crime committed by the charged offender. Expenses which are related to a different crime will not be considered for payment. In addition, some judges may order restitution only for expenses not covered by insurance.

A criminal court cannot order restitution payments for physical pain, suffering and emotional trauma. Victims who seek financial compensation for these types of losses must have an attorney to pursue a personal injury claim against the offender. The offender's financial resources and ability to pay should be looked at when considering this option.

**Coverage**

**Applying for Restitution**

**How to request restitution:**

A crime victim has a right to request restitution for losses incurred as a result of a crime. Requests for restitution should be made in writing prior to sentencing. Restitution forms are available from the county prosecutor, victim service provider or corrections officer.

Applications for restitution should be supported by documents which detail expenses incurred, including medical or dental bills, insurance payment receipts, estimates for stolen or damaged property, counseling bills, transportation expenses, loss of wages proof and other expenses directly related to the crime. The restitution order should include a payment schedule. Any restitution ordered by the court will be paid to the county, not directly to the victim.

**When to apply for restitution:**

Victims should request restitution as early in the criminal process as possible. The prosecutor must be notified of the victim's request for restitution before the guilty plea to make sure restitution will be considered as part of the sentence. The prosecutor or victim service provider will determine the deadline.

Victims should also request reparations as early as possible to speed reimbursement for losses. Victims and their families should not wait until medical or dental treatment is completed; if additional expenses arise, additional requests for reparations may be submitted.

Victims should apply for reparations even if they are also requesting restitution. A court order does not guarantee payment of restitution by the offender. Not all victims are eligible for reparations. It is advised that victims pursue both financial options at the same time.

**The Difference Between Restitution and Reparations**

**Restitution:**

- ▶ Financial assistance from the offender
- ▶ Available only if the offender is convicted and if the judge orders him or her to pay
- ▶ Ordered for expenses related to the crime, including property losses.

**Reparations:**

- ▶ Financial assistance from the State of Minnesota
- ▶ Available for victims regardless of whether the offender is charged or found guilty
- ▶ Available for victims of reported personal crimes and does not cover property losses.

*Reparations claim forms are available through victim service programs or the Minnesota Office of Justice Programs*