

ABOUT RESTITUTION

The Michigan Constitution gives crime victims the right to receive restitution. The purpose of restitution is to compensate the victim.

Offenses for which restitution must be ordered

The Crime Victim's Right Act (CVRA) requires restitution for any criminal offense. MCL 780.794(2) requires a court to order restitution at the disposition or sentencing hearing.

Persons or entities entitled to restitution

In all cases, the court must order restitution to victims (including insurance companies that have compensated the victim for losses), and to individuals or entities that have provided services to the victims. The court must order restitution to be paid to the victim or the victim's estate first.

How restitution is calculated where the offense results in property damage, destruction, loss, or seizure?

If an offense results in damage to or loss or destruction of a victim's property, or in the seizure or impoundment of a victim's property, the court may order restitution. If return of the property is impossible, impractical, or inadequate, the court may order the defendant to pay the value of the property on the day it was damaged, lost, or destroyed or the value of the property at sentencing.

How restitution is calculated where the offense results in physical or psychological injury, serious bodily impairment, or death expenses related to physical or psychological injury?

If an offense results in physical or psychological injury to a victim, the court shall order restitution for professional services and devices, physical and occupational therapy, lost income, medical and psychological treatment for the victim's family, and child care expenses. MCL 780.794(4)(a)-(e).

How restitution is calculated with regard to expenses related to the victim's death?

If criminal conduct results in the death of a victim, the court must order the restitution be paid to the victim's estate. MCL 780.794(7).

Triple restitution for serious bodily impairment or death of a victim

If an offense causing bodily injury to the victim also results in the serious impairment of a body function or the death of that victim, the court may order up to three times the amount of restitution otherwise allowed under the CVRA. MCL 780.766(5).

How is restitution paid, and when will I get my money?

After restitution has been ordered by the Judge the defendant must pay the

amount of restitution ordered to the court. However, the Judge may allow the defendant to pay over a set period of time with monthly installments. Restitution will be distributed to the Victim(s) by the court. It is imperative that victims keep us up to date with their address.

How does the defendant pay restitution if s/he is in prison?

The Michigan Department of Corrections allows prisoners to hold \$50 in their account, any amount over \$50 is then garnished, or "swept" monthly. 50% of the swept amount is paid out to the victim and the other 50% is withheld for the court. Typically, the funds are held and not disbursed until \$100 has been collected by MDOC (MCL 791.220[h]).