

## Restitution Questions and Answers

What is restitution? Restitution is full, partial or nominal payment for pecuniary damages to a victim including the accrual of interest from the time of sentencing, insured damages, and payment for expenses to a governmental entity for extradition or transportation and as further defined by law.

Who is considered a victim? A victim is any person whom the court determines has suffered pecuniary damages as a result of a defendant's criminal activities. A victim does not include any codefendant in the defendant's criminal activities.

What is criminal activity? Criminal activity is any offense of which the defendant is convicted or any other criminal conduct for which the defendant admits responsibility to the sentencing court with or without an admission of committing the criminal conduct.

What are pecuniary damages? Pecuniary damages are all special damages, but not general damages, which a person could recover against the defendant in a civil action arising out of the facts or events constituting the defendant's criminal activities and includes the money equivalent of property taken, destroyed, broken, or otherwise harmed, and losses including earnings and medical expenses.

How do I apply for restitution? Restitution must be requested through the criminal case. If restitution is needed for an item that was stolen, the request must be submitted through the theft case filed against the defendant.

Restitution can be requested through the prosecutor's victim advocate program. A "Restitution Request Form" can be provided by the victim advocate to be completed, signed and returned with copies of receipts or other documents that support the claim.

**Please contact Nicole Daugherty (801)940-1607 as soon as possible if you are interested in applying for restitution. The court proceedings move quickly and restitution cannot be requested once a defendant has already been sentenced.**

How does the court decide what to order for restitution? Utah Code states that the things to be considered in determining restitution are: the cost of the damage or lost property, the cost of the medical and related professional services and devices, the cost of funeral and related services, the financial resources of the defendant, the ability of the defendant to pay, the rehabilitative effect on the defendant of the payment of restitution and other circumstances which the court deems relevant.

If restitution is ordered to me, how do I collect it? If restitution is ordered to be paid to you, the defendant will pay it to the court or through a probation agency. The court or probation agency will then forward a check to you for the amount paid.

If you do not receive payments as ordered, contact the court first and they can either tell you what the delay is, how to get the matter back on the court calendar for non-payment or who the probation agency is that should be collecting the restitution.

Is there any other way to get restitution for my medical bills without having to wait for the defendant to pay restitution? Crime Victim Reparations is a federal compensation program funded by fines paid by criminal offenders. You may be eligible for this program if you are a victim of a crime against persons and if a police report has been filed.

<http://www.crimevictim.state.ut.us/>