## Finding Additional Resources

Visit the Arizona Attorney General's Office of Victim Services, www.azag.gov, for information on restitution or the Victim Compensation program.

Visit the Arizona Supreme Court, Administrative Office of the Courts, www.azcourts.gov/restitution, for information on restitution, resources, restitution laws, and forms and instructions for enforcing restitution orders and filing liens.

## Victim Compensation

Victim Compensation is a fund for victims to recover certain crime-related losses. Victim Compensation requires an application and proof of the crime, as well as copies of bills for which victims wish to be repaid. Compensation has strict requirements as it is a finite fund. Victim Compensation differs from restitution in that restitution is paid to the victim by the defendant and is ordered by the court, while compensation is dispersed by the Compensation Boards in each county for very specific expenses. Visit www.azcjc.gov/Programs/Victim-Services/Compensation-Program for more details.

**Arizona Attorney General's Office of Victim Services**

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Learn more about Victims' Rights at
**www.azag.gov**

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# Restitution: The Realities

**Arizona Attorney General's Office of Victim Services**

*Serving Arizona's Crime Victims*

# Arizona Attorney General's Office of Victim Services

The mission of the Office of Victim Services (OVS) is to promote justice and healing for people affected by crime in the State of Arizona.

## The Basics of Restitution

The Arizona Constitution provides that crime victims are to "receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury."

Restitution is most often ordered at the time of sentencing and may include reimbursement for actual losses and expenses attributable to the offense.

The Court is required by law to consider all of the victim's economic losses that resulted from the crime for which the defendant was convicted when determining the total amount of restitution.

The judge is also required to consider the defendant's ability to pay when establishing a payment schedule, usually with monthly payments. The defendant pays the County's Clerk of Court, which then disburses the money to victims.

Victims must keep their addresses up-to-date with the appropriate County Clerk of Court in order to receive payments. A list of telephone contact numbers for the County Clerks' of Court may be found at **https://www.azag. gov/criminal/victim- services/victim- referral-and- resources**.

## The Facts of Restitution

- Restitution cannot be discharged as part of bankruptcy proceedings;

- There is no filing fee for a restitution lien;

- The court maintains jurisdiction over a defendant only until their sentence ends or the restitution is paid in full;

- A defendant's probation may be extended for up to five years if restitution has not been paid in full;

- A restitution order is enforceable against the estate of a deceased defendant;

- In cases involving multiple victims, restitution is usually ordered to be disbursed on a pro-rated basis.

## The Office of Victim Services Restitution Program

The Attorney General's Office of Victim Services has Restitution Advocates who monitor the restitution payments in cases that the Attorney General's Office prosecutes.

If a defendant is non-compliant with the restitution order, the Restitution Advocates will:

- Contact the probation officer to find out why the defendant is behind in payments, assist in facilitating payments and seek remedies to the problem;

- Act as a liaison with the court, the Arizona Department of Corrections, Rehabilitation and Reentry, or the probation department;

- Answer any questions you may have about restitution or the criminal justice system;

- Put you in touch with resources that may be able to help enforce the restitution order.