



Definitions

What is restitution?

Restitution is payment for an economic loss incurred by a victim as a direct result of the crime committed against them.

What is a criminal restitution order?

A criminal restitution order is a court order obtained on behalf of the victim requiring the defendant to pay for the victim's losses.



Uniting Law Enforcement in the Administration of Justice

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Lando Voyles Pinal County Attorney

Crime Victim's Restitution

Uniting Law Enforcement in the Administration of Justice

What is a victim loss statement?

The victim loss statement is a notarized document completed by the victim of a crime, detailing the losses incurred as a direct result of the offense.

Once a victim loss statement is completed and submitted, the Victim Services Unit delivers it to the court. The judge may use the victim loss statement as a guide in determining the amount of restitution awarded on behalf of the victim.

For more information, please contact the Pinal County Attorney's Office Victim Services Unit by calling 520.866.6813.

How does a victim apply for a criminal restitution order?

According to ARS § 13-806, a victim can apply for criminal restitution after the sentencing of a defendant. A prosecutor may also apply for a restitution lien in a criminal proceeding, in which there was economic loss, after filing a misdemeanor complaint or felony information or indictment. A prosecutor provides the defendant notice of any restitution sought at the time of arraignment.

How is a criminal restitution ordered?

Usually, during the sentencing phase or a separate restitution hearing, the judge will decide how much restitution, if any, will be ordered on behalf of the victim.

Who tracks whether a defendant ordered to pay restitution complies with the court order?

The Collections Department of the Clerk of the Superior Court's Office maintains record of restitution ordered, payments made, and balance remaining in the order. In order to ensure restitution orders are fulfilled, liens may be placed on motor vehicles or other real property owned by the defendant.

To inquire more on a restitution order, you may contact the Pinal County Clerk of the Superior Court's Office at 520.866.5300.

Restitution Lien

A restitution lien may be imposed on a defendant's real property to ensure payment of a restitution ordered by the court after the judge grants a criminal restitution order.

The Collections Department of the Pinal County Clerk of the Superior Court receives a copy of the restitution order and sends a certified copy to the Pinal County Recorder's Office.

The Recorder's Office establishes a lien against real property owned by the defendant and property acquired while the lien is in effect.

It is important to note a restitution lien applies only to real property, including land and home, and DOES NOT apply to vehicles or other types of property. A motor vehicle lien is available but sought

through alternative and additional means. A motor vehicle lien applies to all property items with a Vehicle Identification Number, such as cars, mobile homes, and motorcycles.

Motor Vehicle Lien

For a victim to obtain a motor vehicle lien against a defendant, the victim needs to mail a certified copy of the criminal restitution order and the defendant's information to the Arizona Department of Motor Vehicles.

The victim may acquire the criminal restitution order at the Pinal County Clerk of the Superior Court and will need to submit the defendant's name, date of birth, and any other personal identification information as requested by the Arizona Department of Motor Vehicles.

After making copies, the information should be sent certified mail to:

Arizona Department of Motor Vehicles Central Communications Unit

P.O. Box 2100

Mail Drop 554M

Phoenix, AZ 85001

For more information on restitution, please contact the Victim Services Division of the Pinal County Attorney's Office at 520.866.6813 or 800.208.6897 ext. 6813.