

NEBRASKA ADMINISTRATIVE CODE

TITLE 72, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 3

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

RESTITUTION

NEBRASKA ADMINISTRATIVE CODE

TITLE 72 – NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES
CHAPTER 3 – RESTITUTION

NUMERICAL TABLE OF CONTENTS

| <u>SUBJECT</u> | <u>STATUTORY AUTHORITY</u> | <u>CODE SECTION</u> |
|--|----------------------------|---------------------|
| Purpose | §83,-183, 83-184.01 | 001 |
| Restitution Orders | §83,-183, 83-184.01 | 002 |
| Collection Rate | §83,-183, 83-184.01 | 003 |
| Courts: Provide Orders | §83,-183, 83-184.01 | 004 |
| Notification to Inmate | §83,-183, 83-184.01 | 005 |
| Grievance Process | §83,-183, 83-184.01 | 006 |
| Remittance of Collected Restitution | §83,-183, 83-184.01 | 007 |
| Completion of Restitution Notification | §83,-183, 83-184.01 | 008 |
| Report to Legislature | §83,-183, 83-184.01 | 009 |

NEBRASKA ADMINISTRATIVE CODE

TITLE 72 – NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES
CHAPTER 3 – RESTITUTION

ALPHABETICAL TABLE OF CONTENTS

| <u>SUBJECT</u> | <u>STATUTORY AUTHORITY</u> | <u>CODE SECTION</u> |
|--|----------------------------|---------------------|
| Collection Rate | §83,-183, 83-184.01 | 003 |
| Completion of Restitution Notification | §83,-183, 83-184.01 | 008 |
| Courts: Provide Orders | §83,-183, 83-184.01 | 004 |
| Grievance Process | §83,-183, 83-184.01 | 006 |
| Notification to Inmate | §83,-183, 83-184.01 | 005 |
| Purpose | §83,-183, 83-184.01 | 001 |
| Remittance of Collected Restitution | §83,-183, 83-184.01 | 007 |
| Report to Legislature | §83,-183, 83-184.01 | 009 |
| Restitution Orders | §83,-183, 83-184.01 | 002 |

NEBRASKA ADMINISTRATIVE CODE

TITLE 72 – NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES CHAPTER 3 – RESTITUTION

001. PURPOSE: To establish policies surrounding the collection of restitution from inmates sentenced to the Department and transfer of restitution funds to the court as required by Neb. Rev. Stat. 83-184.01.

002. RESTITUTION ORDERS. The Department shall collect and remit restitution from inmates sentenced to the Department who have been ordered to pay restitution regardless of whether the restitution order is received as a specific court order or as part of a sentencing order.

002.01 Sentencing orders that require the defendant to pay restitution shall be treated as an order for the Department to collect and remit restitution during incarceration.

002.02 Priority of restitution orders and other Court ordered obligations. If an inmate has more than one restitution order or another court ordered obligation, the Department shall satisfy the orders in the following priority:

002.02(A) Child Support

002.02(B) Restitution

002.02(C) Federal Court filing fees

002.02(D) Other Court Ordered Obligations

002.03 Multiple orders of the same type. If an inmate receives two restitution orders or two Court ordered obligations of the same type, priority shall be given to the order which issued first.

003. COLLECTION RATE. Unless specifically indicated in the sentencing order or court order, restitution shall be collected at the rate of 20% of all stipends or compensation received for employment deposited in an inmate's institutional account.

003.01 If the order specifies a specific amount of restitution to paid, the Department shall withhold and remit that amount from the inmate's institutional account, if available.

003.02 The collection of restitution shall not reduce the balance in an inmate's institutional account below \$10.

004. COURTS PROVIDE ORDERS. The various courts will provide the Department with a copy of a sentencing order that includes restitution. The copy shall be sent electronically in a mutually agreed upon manner.

005. NOTIFICATION TO INMATE. The Department shall notify the inmate that they are initiating collection of restitution prior to withholding or remitting any funds and shall include a copy of the court order or sentencing order with such notice.

NEBRASKA ADMINISTRATIVE CODE

TITLE 72 – NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES CHAPTER 3 – RESTITUTION

006. GRIEVANCE PROCESS. An inmate may challenge the restitution order, the amount of funds withheld, or raise other procedural questions regarding the collection and remittance of restitution through the NDCS grievance process found in Title 68, Chapter 2.

007. REMITTING COLLECTED RESTITUTION. All restitution will be remitted to the Court which issued the sentencing order or court order for disposition to the parties designated to receive the restitution. Restitution will be remitted on a monthly basis.

008. COMPLETION OF RESTITUTION NOTIFICATION. The Court issuing the restitution order will notify the Department when an inmate has paid their total restitution due. Upon receipt of notice from a court that an inmate has completed paying the court ordered restitution, the Department shall cease to withhold and remit funds for that restitution order and notify the inmate the restitution obligation has been completed.

009. REPORT TO LEGISLATURE. The Department will provide a report, in electronic format, to the Legislature annually. The report will include the total number of inmates with restitution judgements, the total number of inmates with wage funds, the total number of inmates with both, the number of payments made to the courts, the average amount of payments, and the total amount of restitution collected.