

Rule 17: Restitution

- 17.1** When a case may qualify for the payment of restitution, the Prosecutor's Office shall communicate with any victim wherein it is possible the victim might seek restitution.
- A. The Prosecutor's Office will gather all information and documentation regarding the restitution to be sought.
 - B. In communicating with the victim, in addition to seeking information regarding restitution, the Prosecutor's Office will provide to victims information on how they may seek payment through the use of the Kansas Attorney General's Crime Victim's Compensation Board, Shawnee County District Court and the Small Claims/Limited Action dockets, and through them, garnishment and aid in execution dockets at the Expocentre.
- 17.2** The Prosecutor's Office shall identify cases with the potential for a request of restitution and advise the court so the court may avoid any entry of a plea and sentencing prior to the prosecutor determining the desire of the victim regarding restitution. If such a case arises and is ready for entry of a plea prior to communication with the victim, the prosecutor shall request the matter be set for sentencing at a specially set docket that will allow time for communication with the victim or victims.
- 17.3** Restitution shall only be considered upon the filing of a written motion for restitution. The Motion for Restitution shall include documentation to support the request, including but not limited to proof of payment of said costs being sought for reimbursement. A confidential sheet containing the name, date of birth (if applicable), and address of the victim shall be attached to the Motion for Restitution.
- 17.4** When restitution is ordered, it shall be paid first with the exception of payment of fines and fees that are impeding the issue of a driver's license.
- 17.5** Restitution shall be included in any efforts to collect that are instituted with any collection agency or state setoff program.