

# RESTITUTION RECOVERY FORM

NAME OF CLAIMANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

HOME PHONE \_\_\_\_\_ BUSINESS PHONE \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

DATE OF INCIDENT \_\_\_\_\_ AMOUNT OF LOSS \_\_\_\_\_

TYPE OF LOSS \_\_\_\_\_

DO YOU HAVE INSURANCE COVERAGE? ( ) YES ( ) NO. IF YES, WHAT IS THE AMOUNT OF YOUR DEDUCTIBLE? \_\_\_\_\_

DO YOU PLAN TO SUBMIT A CLAIM WITH YOUR INSURANCE CARRIER? ( ) YES ( ) NO.

NAME AND ADDRESS OF YOUR INSURANCE CARRIER \_\_\_\_\_

\_\_\_\_\_

HAVE YOU RECEIVED ANY MONEY FROM YOUR INSURANCE CARRIER? ( ) YES ( ) NO.

ACTUAL AMOUNT OF YOUR LOSS \_\_\_\_\_ (out of pocket expenses)

**ATTACH COPIES OF ANY MEDICAL BILLS, PROPERTY DAMAGE ESTIMATES, REPAIR BILLS OR ANY OTHER DOCUMENT SHOWING LOSS.**

I hereby authorize the use of any information I have provided in the attempt to recover restitution.

\_\_\_\_\_

\_\_\_\_\_

Date

Signature

When requesting information concerning your case, please provide the following information:

State of Oklahoma vs. \_\_\_\_\_

**IMPORTANT NOTICE TO CLAIMANT:** Pursuant to 22 O.S. 1991, Section 991h, the unexcused failure or refusal of the crime victim to provide all or part of the requested information prior to the sentencing, unless disclosure is deferred by the court, shall constitute a waiver of any grounds to appeal or seek future amendment or alteration of the restitution order predicated on the undisclosed available information.

# **Restitution**

Oklahoma State Statutes provide that as part of the sentence or plea agreement, the Court can order the defendant to pay restitution to the victim of the crime. Restitution may only be ordered in cases where evidence is shown to the Court of actual expenses the victim has incurred because of the crime.

Some types of expenses the Court may consider include:

- Counseling, medical or dental expenses resulting from the crime
- Funeral expenses the family has incurred if the victim died as a result of the crime
- Loss of income resulting from the crime
- Other documentation expenses resulting from the crime
- Property damage resulting from the crime
- Value of property or money stolen that could not be recovered

## **Ordering Restitution**

Restitution cannot be ordered for pain and suffering or for expenses that can't be documented. However, the judge in the case may order the restitution for up to 3 times the actual economic loss presented to the court. This is usually done when the victim has continuing losses from the crime.

For example, if the tools of the victim's trade were stolen, the victim would not only be out the current value of the tools, but the difference between the cost of the used tools and the brand new tools, and the loss of income from jobs the victim could not perform without the tools. The judge will consider all these factors when determining the actual amount of restitution to order. In addition, judges have an option to order interest to accrue on the restitution amount until it is paid in full.

## **Presentation of Evidence**

A victim presents evidence of loss to the Court by completing a Restitution Recovery Form and providing documentation (bills, insurance statements, pay stubs, etc.) that show the amount of the loss. The Restitution Recovery Form and documentation should be given to the prosecutor or the District Attorney's Victim Witness Advocate prior to the sentencing date or the date of any plea agreement.

## **Judge's Decision**

If all or part of the victim's expenses are paid through a state agency, (i.e., Worker's Compensation or the Crime Victim Compensation), the judge may decide to order the defendant to pay restitution to those agencies to reimburse them.