

2012 Kansas Statutes

19-4809. Restitution payments; monitoring by district court; amount of restitution; modification, considerations. (a) If a local fund is created pursuant to this act, the chief judge of the judicial district within which the county exists shall create a payments docket to monitor the payment of criminal restitution in criminal convictions ordered by judges in the district court in such county. Such restitution orders shall comply with administrative order No. 41 of the supreme court of Kansas. The chief judge may assign a judge or judges of the court to administer the payments docket. Such assigned judge may be a district judge, a district magistrate judge, or a judge *pro tem*. The assigned judge shall call the docket and review cases placed on such payments docket at least quarterly. Such assigned judge shall insure that required staff is monitoring the timely payment of reparation or restitution ordered, and take such action as is necessary to insure payment as allowed in administrative order No. 41 of the supreme court of Kansas.

(b) For good cause shown, if an offender is delinquent in payment of restitution, fines or court costs, the assigned judge may decrease the amount of restitution required to be paid.

(c) In determining the appropriate amount of restitution to be awarded in such a hearing or other steps the court may take to insure restitution is paid promptly, the court shall determine:

- (1) The amount of money appropriate for full restitution to victims and interested collateral sources;
- (2) whether the offender can pay by means other than cash;
- (3) whether collateral, guarantors or other forms of copayment should be authorized;
- (4) the delinquent offender's means to pay in full;
- (5) the delinquent offender's means were adequately assessed in determining the original restitution award;
- (6) the risk the offender poses for nonpayment of restitution; and
- (7) the victim's desires concerning restitution payments.

History: L. 1990, ch. 321, § 10; L. 1999, ch. 57, § 7; July 1.