

HB481 INTRODUCED



1 HB481
2 FK8Q95C-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 19-Feb-26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law, when a defendant is convicted of a crime that results in pecuniary damages or loss to a victim, the court is required to order that the defendant make restitution to the victim for the damage or loss.

This bill would provide that any order of restitution shall be paid by the defendant and collected before all other fines, court costs, and other fees associated with that criminal case.

A BILL
TO BE ENTITLED
AN ACT

Relating to restitution; to amend Sections 15-18-65, 15-18-66, 15-18-67, 15-18-68, and 15-18-70, Code of Alabama 1975, to further provide for orders of restitution in criminal cases; to require the restitution to a victim to be paid before all other fines, court costs, and fees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 15-18-65, 15-18-66, 15-18-67, 15-18-68, and 15-18-70, Code of Alabama 1975, are amended to read as follows:



HB481 INTRODUCED

29 "§15-18-65

30 (a) The Legislature hereby finds, declares, and
31 determines ~~that it~~ all of the following:

32 (1) It is essential to be fair and impartial in the
33 administration of justice, ~~that all.~~

34 (2) All perpetrators of criminal activity or conduct
35 should be required to fully compensate all victims of such
36 conduct or activity for any pecuniary loss, damage, or injury
37 as a direct or indirect result thereof.

38 (3) All victims of criminal activity have a right to
39 restitution paid by the offender.

40 (b) It is the intent of the Legislature that no other
41 debt owed by a criminal defendant be satisfied before the
42 restitution to the victim is first satisfied. Accordingly, the
43 Legislature declares that an order of restitution shall have
44 priority over all other fines, costs, and fees associated with
45 that criminal conviction.

46 (c) The provisions of this article shall be construed
47 so as to accomplish this purpose and to promote the same which
48 shall be the public policy of this state."

49 "§15-18-66

50 As used in this article, the following ~~words and~~ terms
51 shall have the meanings respectively ascribed by this section:

52 (1) CRIMINAL ACTIVITIES. Any offense with respect to
53 which the defendant is convicted or any other criminal conduct
54 admitted by the defendant.

55 (2) PECUNIARY DAMAGES. All special damages ~~which that~~ a
56 person shall recover against the defendant in a civil action



HB481 INTRODUCED

57 arising out of the facts or events constituting the
58 defendant's criminal activities; ~~the~~. The term shall include,
59 but not be limited to, the money or other equivalent of
60 property taken, broken, destroyed, or otherwise used or harmed
61 and losses such as travel, medical, dental, or burial expenses
62 and wages including, but not limited to, wages lost as a
63 result of court appearances.

64 (3) RESTITUTION. Full, partial, or nominal payment to
65 the victim of pecuniary damages ~~to the victim or to its~~
66 equivalent in services performed or work or labor done for the
67 benefit of the victim as determined by the court of record.

68 (4) VICTIM. Any person whom the court determines has
69 suffered a direct or indirect pecuniary damage as a result of
70 the defendant's criminal activities. ~~"Victim" shall~~ The term
71 does not include any participant in the defendant's criminal
72 activities. The term includes all of the following:

73 a. The immediate surviving family of the actual victim.

74 b. A corporation, trust, estate, partnership,
75 association, government, political subdivision, or other legal
76 or commercial entity when that entity is a direct victim of a
77 crime.

78 c. An individual who has sustained economic loss as a
79 result of the criminal activity and who has satisfied either
80 of the following conditions:

81 1. At the time of the crime, the individual was the
82 parent, grandparent, sibling, spouse, child, or grandchild of
83 the victim.

84 2. At the time of the crime, the individual was living



HB481 INTRODUCED

85 in the household of the victim.

86 d. A government agency that is responsible for
87 repairing, replacing, or restoring public or privately owned
88 property that has been defaced with graffiti or other
89 inscribed material, and that has sustained an economic loss as
90 a result of the criminal activity."

91 "§15-18-67

92 (a) When a defendant is convicted of a criminal
93 activity or conduct ~~which~~ that has resulted in pecuniary
94 damages or loss to a victim, the court shall hold a hearing to
95 determine the amount or type of restitution due the victim or
96 victims of ~~such~~ the defendant's criminal acts. ~~Such~~ The
97 restitution hearings shall be held as a matter of course ~~and~~
98 in.

99 (b) In addition to any other sentence ~~which it may~~
100 ~~impose~~ imposed, the court shall order that the defendant make
101 restitution to or otherwise compensate ~~such~~ any victim of the
102 defendant's criminal acts for any pecuniary damages. The order
103 of restitution shall be enforceable as if the order were a
104 civil judgment and shall be paid and collected before all
105 finer, court costs, and other fees imposed by the court.

106 (c) The defendant, the victim or victims, ~~or~~ or their
107 representatives, or the administrator of any victim's estate, ,
108 as well as the district attorney shall have the right to be
109 present and be heard upon the issue of restitution at any such
110 hearings."

111 "§15-18-68

112 (a) In determining the ~~manner, method, or~~ amount of



HB481 INTRODUCED

113 restitution to be ordered, the court may take into
114 consideration all of the following:

115 ~~(1) The financial resources of the defendant and the~~
116 ~~victim and the burden that the manner or method of restitution~~
117 ~~will impose upon the victim or the defendant.~~

118 ~~(2) The ability of the defendant to pay restitution on~~
119 ~~an installment basis or on other conditions to be fixed by the~~
120 ~~court.~~

121 ~~(3)~~ (1) The anticipated rehabilitative effect on the
122 defendant regarding the manner of restitution or the method of
123 payment.

124 ~~(4)~~ (2) Any burden or hardship upon the victim as a
125 direct or indirect result of the defendant's criminal acts.

126 ~~(5)~~ (3) The mental, physical, and financial well-being
127 of the victim.

128 (b) When a defendant has been convicted of the
129 following offenses after February 1, 2009, the court may
130 consider the factors enumerated in subsection (a) and shall
131 order restitution to be paid as follows:

132 (1) When a defendant has been convicted of a capital
133 offense under ~~subsection (a) of~~ Section 13A-5-40, the court
134 shall order restitution for an amount not less than fifty
135 thousand dollars (\$50,000) for each conviction ~~under~~
136 ~~subsection (a) of Section 13A-5-40.~~

137 (2) When a defendant has been convicted of rape in the
138 first degree under Section 13A-6-61 and the person has one or
139 more prior convictions under Section 13A-6-61, the court shall
140 order restitution for an amount not less than ten thousand



HB481 INTRODUCED

141 dollars (\$10,000) for each conviction ~~under Section 13A-6-61.~~

142 (c) Nothing in this section shall limit or impair the
143 right of a person injured by a defendant's criminal activities
144 to sue or recover damages from the defendant in a civil
145 action. Evidence that the defendant has paid, or has been
146 ordered to pay, restitution pursuant to this section may not
147 be introduced in any civil action arising out of the facts or
148 events ~~which~~ that were the basis for the restitution. However,
149 the court shall credit any restitution paid by the defendant
150 to a victim against any judgment in favor of the victim in the
151 civil action."

152 "§15-18-70

153 (a) When a defendant is sentenced or ordered to make
154 restitution, the court may order payment ~~to be made forthwith~~
155 to be paid to the circuit clerk as other fines and costs are
156 made. The court may also order restitution to be made within a
157 specified period of time or in specified installments to the
158 circuit clerk as a condition of suspension of execution of
159 sentence or as a condition of probation.

160 (b) An order of restitution under this article shall be
161 satisfied before any other fine, court cost, or fee associated
162 with the criminal conviction is satisfied."

163 Section 2. This act shall become effective on October
164 1, 2026.