

§ 15A-1340.39. Remission of restitution, notice, and hearing required.

(a) Notice and Hearing Required. – No court may remit all or part of an order of restitution entered pursuant to G.S. 15A-1340.34 without providing notice and an opportunity to be heard to the district attorney and the victim, victim's estate, or any other entity to which the order directs restitution to be paid. The court shall provide notice to the district attorney and the victim, the victim's estate, or other entity of (i) the date and time of the hearing and (ii) the right to be heard and make an objection to the remission of all or part of the order of restitution, at least 15 days prior to hearing. Notice shall be made to the victim, victim's estate, or other entity by first-class mail to the address provided for receipt of funds paid pursuant to the order of restitution.

(b) Ruling; Criteria. – If the court finds that the remission of the order is warranted and serves the interests of justice, the court may remit the order of restitution.

(c) Civil Action Not Abridged. – The remission of an order of restitution, pursuant to this section, does not abridge the right of a victim or the victim's estate to bring a civil action against the defendant for damages arising out of the offense committed by the defendant. (2017-16, s. 1.)