

Obtaining a Pre-Conviction Restitution Lien

A Pre-Conviction Restitution Lien process can be used when a crime victim has experienced economic loss and is aware that the charged defendant owns real and/or personal property. If you want to file a request with the court for a Pre-Conviction Restitution Lien, the following must be true:

- ___ You have experienced an economic loss because of a crime AND
- ___ A misdemeanor complaint or felony Information or Indictment has been filed which relates to that crime and economic loss

If these requirements are met, then follow these procedures:

- 1) Complete the **Request for Pre-Conviction Restitution Lien**. All the information is necessary.
- 2) Complete the **Pre-Conviction Restitution Lien**.
- 3) File the Request with the clerk of the court where the case was filed and give the Pre-Conviction Restitution Lien to the clerk. There are no charges for this process. **Please be aware that, if filed by the victim, the lienholder's (victim's) name and address must be included on this form, a copy of which is sent to the defendant.**
- 4) The lien may not be signed by the judge that day. It may be set for a hearing for another day. Procedures can vary so ask clerk staff for procedural information. Once the **Pre-Conviction Restitution Lien** is signed by the Judge, request four (4) certified copies from the court clerk. If you are handling this matter by mail, use the **Clerk of Court Cover Letter – Pre-Conviction Restitution Lien** and include a self-addressed, stamped envelope.
- 5) Mail regular copies of the signed PreConviction Restitution Lien to the Defendant, his/her attorney, and the prosecutor on your case. Follow Steps 5, 6, 7, and 8 from the **Filing a Restitution Lien** Section to perfect the lien with the county recorder, MVD, and the Secretary of State. If the case is dismissed or the defendant is acquitted, it is the responsibility of the court to order the release of any Pre-Conviction Restitution Lien.