S T A T E O F T E N N E S S E E
OFFICE OF THE
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Opinion No. 01-118

Restitution for Medical Services Provided to Inmates at County Jails

QUESTION

Is a county which has provided and paid for medical services to an inmate of its county jail entitled to restitution for those expenses as a condition of probation?

OPINION

No. Tenn. Code Ann. §40-35-304 provides for restitution to a victim of the offense. The county would not be considered a victim entitled to restitution.

ANALYSIS

Tenn. Code Ann. §40-35-301(a) states: "A sentencing court may direct a defendant to make restitution to the victim of the offense as a condition of probation." The Tennessee Supreme Court has ruled that the word "victim" in this statute "refers to the individual or individuals against whom the offense was actually committed. Nothing in the statute supports a broader application." *State v. Alford,* 970 S.W.2d 944, 946 (Tenn. 1998). Thus, a county jail providing medical services to an inmate would not be considered a victim and would not be entitled to restitution for those expenses.

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