

1 **CRIME VICTIMS RESTITUTION ACT AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mike K. McKell**

5 Senate Sponsor: _____

6

LONG TITLE

7 **General Description:**

8 This bill amends the Crime Victims Restitution Act.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ allows for a person who claims pecuniary damages as a result of a defendant's
12 criminal activities to seek restitution individually through counsel or through the
13 prosecutor's office.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **77-38a-202**, as last amended by Laws of Utah 2011, Chapter 131

21

Be it enacted by the Legislature of the state of Utah:

22 Section 1. Section **77-38a-202** is amended to read:

23 **77-38a-202. Restitution determination -- Prosecution duties and responsibilities.**

24 (1) At the time of entry of a conviction or entry of any plea disposition of a felony or
25 class A misdemeanor, the attorney general, county attorney, municipal attorney, or district
26
27



28 attorney shall provide to the district court:

29 (a) the names of all victims, including third parties, asserting claims for restitution;

30 (b) the actual or estimated amount of restitution determined at that time; and

31 (c) whether or not the defendant has agreed to pay the restitution specified as part of

32 the plea disposition.

33 (2) In computing actual or estimated restitution, the attorney general, county attorney,
34 municipal attorney, or district attorney shall:

35 (a) use the criteria set forth in Section 77-38a-302 for establishing restitution amounts;

36 and

37 (b) in cases involving multiple victims, incorporate into any conviction or plea
38 disposition all claims for restitution arising out of the investigation for which the defendant is
39 charged.

40 (3) A victim may seek restitution from the court through:

41 (a) individual counsel;

42 (b) a representative designated in writing; or

43 (c) the prosecutor's office.

44 [~~3~~] (4) If charges are not to be prosecuted as part of a plea disposition, restitution
45 claims from victims of those crimes shall also be provided to the court.

46 [~~4~~] (5) (a) The attorney general, county attorney, municipal attorney, or district
47 attorney may be authorized by the appropriate public treasurer to deposit restitution collected
48 on behalf of crime victims into an interest bearing account in accordance with Title 51, Chapter
49 7, State Money Management Act, pending distribution of the funds.

50 (b) In the event restitution funds are deposited in an interest bearing account as
51 provided under Subsection [~~4~~] (5)(a), the attorney general, county attorney, municipal
52 attorney, or district attorney shall:

53 (i) distribute any interest that accrues in the account to each crime victim on a pro rata
54 basis; and

55 (ii) if all crime victims have been made whole and funds remain, distribute any
56 remaining funds to the state Division of Finance for deposit to the Utah Office for Victims of
57 Crime.

58 (c) This section does not prevent an independent judicial authority from collecting,

59 holding, and distributing restitution.

Legislative Review Note
as of 12-20-13 11:33 AM

Office of Legislative Research and General Counsel