

35A-1-503 Evidence in legal actions.

- (1) In any civil action pursuant to this part or criminal action pursuant to Title 76, Chapter 8, Part 12, Public Assistance Fraud:
 - (a) a fund transfer or payment instrument made to the order of a party shall constitute prima facie evidence that such party received cash assistance under Chapter 3, Employment Support Act, from the state;
 - (b) all of the records in the custody of the department relating to the application for, verification of, issuance of, receipt of, and use of public assistance shall constitute business records within the meaning of the exceptions to the hearsay rule of evidence; and
 - (c) the value of the benefits received shall be based on the ordinary and usual charge for similar benefits in the private sector.
- (2)
 - (a) A conviction or a guilty plea on a misdemeanor or felony charge of public assistance fraud is admissible in a civil action brought under this part.
 - (b) Subsection (2)(a) may not be construed to limit the right to use a conviction or guilty plea in any manner permitted by law or court rule.

Amended by Chapter 132, 1999 General Session