

**CRIMINAL FINES SURCHARGE AMENDMENTS**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Blake D. Chard**

AN ACT RELATING TO CORRECTIONS AND STATE GOVERNMENT; AMENDING THE ALLOCATION OF THE CRIMINAL FINES SURCHARGE; PROVIDING FOR APPROPRIATING TO CORRECTIONS, FOR OFFICER TRAINING, A PORTION OF THE SURCHARGE CURRENTLY DEPOSITED IN THE GENERAL FUND.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**63-63a-4**, as last amended by Chapter 308, Laws of Utah 1997

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

Section 1. Section **63-63a-4** is amended to read:

**63-63a-4. Reparation fund -- Victim reparation and specific appropriations.**

(1) In this section:

(a) "Reparation fund" means the Crime Victim Reparation Trust Fund.

(b) "Safety fund" means the Public Safety Support Fund.

(2) (a) There is created an expendable trust fund known as the Crime Victim Reparation Trust Fund to be administered and distributed as provided in this chapter by the Reparations Office under Title 63, Chapter 25a, Part 4, Crime Victims' Reparations Act, in cooperation with the Division of Finance.

(b) Monies deposited in this fund are for victim reparations and, as appropriated, for administrative costs of the Reparations Office under Title 63, Chapter 25a, Part 4, Crime Victims' Reparations Act.

(3) (a) There is created a restricted ~~h~~ **[revenue fund] ACCOUNT h** in the General Fund known as the Public Safety Support Fund to be administered and distributed by the Department of Public Safety in cooperation with the Division of Finance as provided in this chapter.

28 (b) Monies deposited in this fund shall be appropriated to:

29 (i) the Division of Peace Officer Standards and Training (POST) as described in Title 53,  
30 Chapter 6, Peace Officer Standards and Training Act; and

31 (ii) the Office of the Attorney General for the support of the Utah Prosecution Council  
32 established in Title 67, Chapter 5a, and the fulfillment of the council's duties.

33 (4) (a) There is created a restricted ~~h~~ [revenue fund] ACCOUNT ~~h~~ in the General Fund  
33a known as the

34 Corrections Training Fund to be administered and distributed by the Department of Corrections  
35 in cooperation with the Division of Finance as provided in this chapter.

36 (b) Monies deposited in this fund shall be appropriated to the Department of Corrections.

37 [~~4~~] (5) The Division of Finance shall allocate from the collected surcharge established  
38 in Section 63-63a-1:

39 (a) 35% to the reparation fund, but not to exceed \$2,500,000 for fiscal year 1993-94;

40 (b) 18.5% to the safety fund for POST, but not to exceed the amount appropriated by the  
41 Legislature; [~~and~~]

42 (c) 3% to the safety fund for support of the Utah Prosecution Council, but not to exceed  
43 the amount appropriated by the Legislature[~~;~~]; and

44 (d) \$ [8.25%] 4.5% § to the Corrections Training Fund for correctional officer training, but not to  
45 exceed the amount appropriated by the Legislature.

46 [~~5~~] (6) (a) In addition to the funding provided by other sections of this chapter, a  
47 percentage of the income earned by inmates working for correctional industries in a federally  
48 certified private sector/prison industries enhancement program shall be deposited in the reparation  
49 fund.

50 (b) The percentage of income deducted from inmate pay under Subsection (6)(a) shall be  
51 determined by the executive director of the Department of Corrections in accordance with the  
52 requirements of the private sector/prison industries enhancement program.

53 [~~6~~] (7) (a) In addition to the money collected from the surcharge, judges are encouraged  
54 to, and may in their discretion, impose additional reparations to be paid into the reparation fund  
55 by convicted criminals.

56 (b) The additional discretionary reparations may not exceed the statutory maximum fine  
57 permitted by Title 76, Utah Criminal Code, for that offense.

**Legislative Review Note**

**as of 2-2-00 2:40 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**