



28 78-61-102, Utah Code Annotated 1953



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

31 Section 1. Section 78-61-101 is enacted to read:

32 **CHAPTER 61. PROFITS FROM CRIME MEMORABILIA**

33 **78-61-101. Definitions.**

34 As used in this chapter:

35 (1) "Conviction" means an adjudication by a federal or state court resulting from a trial  
36 or plea, including a plea of no contest, nolo contendere, a finding of not guilty due to insanity,  
37 or not guilty but mentally ill regardless of whether the sentence was imposed or suspended.

38 (2) "Fund" means the Crime Victim Reparation Fund created in Section 63-63a-4.

39 (3) "Memorabilia" means any tangible property of a person convicted of a first degree  
40 or capital felony, the value of which is enhanced by the notoriety gained from the conviction.

41 (4) "Profit" means any income or benefit over and above the fair market value of the  
42 property that is received upon the sale or transfer of memorabilia.

43 Section 2. Section 78-61-102 is enacted to read:

44 **78-61-102. Profit from sale of memorabilia -- Deposit in Crime Victim Reparation**  
45 **Fund -- Penalty.**

46 (1) Any person who receives a profit from the sale or transfer of memorabilia shall  
47 remit to the fund:

48 (a) a complete, itemized accounting of the transaction, including:

49 (i) a description of each item sold;

50 (ii) the amount received for each item;

51 (iii) the estimated fair market value of each item; and

52 (iv) the name and address of the purchaser of each item; and

53 (b) a check or money order for the amount of the profit, which shall be the difference  
54 between the amount received for the item and the estimated fair market value of the item.

55 (2) Any person who willfully violates Subsection (1) may be assessed a civil penalty of  
56 up to \$1,000 per item sold or transferred or three times the amount of the unremitted profit,  
57 whichever is greater.

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**Legislative Review Note**

as of 2-10-04 3:23 PM

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0364**

**Profits from Sale of Crime Memorabilia**

*16-Feb-04*

*11:36 AM*

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**State Impact**

It is estimated that provisions of this bill can be implemented with existing resources. The amount of revenue to be deposited into the Crime Victim Reparation Fund in the future is not known.

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**Individual and Business Impact**

No significant fiscal impact.

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**Office of the Legislative Fiscal Analyst**