

**VICTIM RESTITUTION**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen D. Clark**

Senate Sponsor: Margaret Dayton

---

---

**LONG TITLE**

**General Description:**

This bill requires the court to order that victims owed restitution be paid within 60 days of receipt of payments by the court or department.

**Highlighted Provisions:**

This bill:

- ▶ clarifies when a victim is to be paid restitution.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**77-38a-404**, as last amended by Chapters 278 and 280, Laws of Utah 2003

---

---

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

Section 1. Section **77-38a-404** is amended to read:

**77-38a-404. Priority.**

(1) Restitution payments made pursuant to a court order shall be disbursed to victims within 60 days of receipt ~~from the defendant~~ by the court or department :

(a) provided the victim has complied with Subsection 77-38a-203(1)(b); and

(b) if the defendant has tendered a negotiable instrument, funds from the financial institution are actually received .

~~(1)~~ (2) If restitution to more than one person, agency, or entity is set at the same time,



28 the department shall establish the following priorities of payment, except as provided in

29 Subsection [~~(3)~~] (4):

30 (a) the crime victim;

31 (b) the Office of Crime Victim Reparations;

32 (c) any other government agency which has provided reimbursement to the victim as a  
33 result of the offender's criminal conduct;

34 (d) the person, entity, or governmental agency that has offered and paid a reward under  
35 Section 76-3-201.1 or 78-3a-118;

36 (e) any insurance company which has provided reimbursement to the victim as a result  
37 of the offender's criminal conduct; and

38 (f) any county correctional facility to which the court has ordered the defendant to pay  
39 restitution under Subsection 76-3-201(6).

40 [~~(2)~~] (3) Restitution ordered under Subsection [~~(1)~~] (2)(f) is paid after criminal fines  
41 and surcharges are paid.

42 [~~(3)~~] (4) If the offender is required under Section 53-10-404 to reimburse the  
43 department for the cost of obtaining the offender's DNA specimen, this reimbursement is the  
44 next priority after restitution to the crime victim under Subsection [~~(1)~~] (2)(a).

45 [~~(4)~~] (5) All money collected for court-ordered obligations from offenders by the  
46 department will be applied:

47 (a) first, to victim restitution, except the ~~H~~→ **current and past due amount of** ←~~H~~  
47a \$30 per month required to be collected by the  
48 department under Section 64-13-21, if applicable; and

49 (b) second, if applicable, to the cost of obtaining a DNA specimen under Subsection  
50 [~~(3)~~] (4).

51 (6) Restitution owed to more than one victim shall be disbursed to each victim  
52 according to the percentage of each victim's share of the total restitution order.

---

---

Legislative Review Note  
as of 1-31-07 2:38 PM

Office of Legislative Research and General Counsel

---

---

**H.B. 157 - Victim Restitution**

**Fiscal Note**

2007 General Session

State of Utah

---

---

**State Impact**

Enactment of this bill will not require additional appropriations.

---

**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

---