

32B-4-305 Additional criminal penalties.

- (1)
 - (a) For purposes of this section, "business entity" means a corporation, partnership, association, limited liability company, or similar entity.
 - (b) In addition to the penalties provided in Title 76, Chapter 3, Punishments, this section applies.
- (2) Upon a defendant's conviction of an offense defined in this title, the court may order the defendant to make restitution or pay costs in accordance with Title 77, Chapter 32a, Defense Costs.
- (3)
 - (a) Upon a business entity's conviction of an offense defined in this title, and a failure of the business entity to pay a fine imposed upon it:
 - (i) if it is a domestic business entity, the powers, rights, and privileges of the business entity may be suspended or revoked; and
 - (ii) if it is a foreign business entity, it forfeits its right to do intrastate business in this state.
 - (b) The department shall transmit the name of a business entity described in Subsection (3)(a) to the Division of Corporations and Commercial Code. Upon receipt of the information, the Division of Corporations and Commercial Code shall immediately record the action in a manner that makes the information available to the public.
 - (c) A suspension, revocation, or forfeiture under this Subsection (3) is effective from the day on which the Division of Corporations and Commercial Code records the information.
 - (d) A certificate of the Division of Corporations and Commercial Code is prima facie evidence of a suspension, revocation, or forfeiture.
 - (e) This section may not be construed as affecting, limiting, or restricting a proceeding that otherwise may be taken for the imposition of any other punishment or the modes of enforcement or recovery of fines or penalties.
- (4)
 - (a) Upon the conviction of a business entity required to have a business license to operate its business activities, or upon the conviction of any of its staff of any offense defined in this title, with the knowledge, consent, or acquiescence of the business entity, the department shall forward a copy of the judgment of conviction to the appropriate governmental entity responsible for issuing and revoking the business license.
 - (b) A governmental entity that receives a copy of a judgment under this Subsection (4) may institute appropriate proceedings to revoke the business license.
 - (c) Upon revocation under this Subsection (4), a governmental entity may not issue a business license to the business entity for at least one year from the date of revocation.
 - (d) Upon the conviction for a second or other offense, the governmental entity may not issue a business license for at least two years from the date of revocation.
- (5)
 - (a) Upon conviction of one of the following of an offense defined in this title, the department shall forward a certified copy of the judgment of conviction to the Division of Occupational and Professional Licensing:
 - (i) a health care practitioner; or
 - (ii) an individual licensed as a veterinarian under Title 58, Chapter 28, Veterinary Practice Act.
 - (b) The Division of Occupational and Professional Licensing may bring a proceeding in accordance with Title 58, Occupations and Professions, to revoke the license issued under Title 58, Occupations and Professions, of an individual described in Subsection (5)(a).
 - (c) Upon revocation of a license under Subsection (5)(b):

- (i) the Division of Occupational and Professional Licensing may not issue a license to the individual under Title 58, Occupations and Professions, for at least one year from the date of revocation; and
- (ii) if the individual is convicted of a second or subsequent offense, the Division of Occupational and Professional Licensing may not issue a license to the individual under Title 58, Occupations and Professions, for at least two years from the date of revocation.

Enacted by Chapter 276, 2010 General Session