

Effective 5/12/2020

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63M-7-502 Definitions.

As used in this part:

- (1) "Accomplice" means an individual who has engaged in criminal conduct as described in Section 76-2-202.
- (2) "Board" means the Crime Victim Reparations and Assistance Board created under Section 63M-7-504.
- (3) "Bodily injury" means physical pain, illness, or any impairment of physical condition.
- (4) "Claimant" means any of the following claiming a reparations award under this part:
 - (a) a victim;
 - (b) a dependent of a deceased victim; or
 - (c) an individual or representative who files a reparations claim on behalf of a victim.
- (5) "Child" means an unemancipated individual who is under 18 years of age.
- (6) "Collateral source" means any source of benefits or advantages for economic loss otherwise reparable under this part which the victim or claimant has received, or which is readily available to the victim from:
 - (a) the offender;
 - (b) the insurance of the offender or the victim;
 - (c) the United States government or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, except in the case on nonobligatory state-funded programs;
 - (d) social security, Medicare, and Medicaid;
 - (e) state-required temporary nonoccupational income replacement insurance or disability income insurance;
 - (f) workers' compensation;
 - (g) wage continuation programs of any employer;
 - (h) proceeds of a contract of insurance payable to the victim for the loss the victim sustained because of the criminally injurious conduct;
 - (i) a contract providing prepaid hospital and other health care services or benefits for disability; or
 - (j) veteran's benefits, including veteran's hospitalization benefits.
- (7)
 - (a) "Criminally injurious conduct" other than acts of war declared or not declared means conduct that:
 - (i) is or would be subject to prosecution in this state under Section 76-1-201;
 - (ii) occurs or is attempted;
 - (iii) causes, or poses a substantial threat of causing, bodily injury or death;
 - (iv) is punishable by fine, imprisonment, or death if the individual engaging in the conduct possessed the capacity to commit the conduct; and
 - (v) does not arise out of the ownership, maintenance, or use of a motor vehicle, aircraft, or water craft, unless the conduct is intended to cause bodily injury or death, or is conduct which is or would be punishable under Title 76, Chapter 5, Offenses Against the Person, or as any offense chargeable as driving under the influence of alcohol or drugs.
 - (b) "Criminally injurious conduct" includes an act of terrorism, as defined in 18 U.S.C. Sec. 2331 committed outside of the United States against a resident of this state. "Terrorism" does not include an "act of war" as defined in 18 U.S.C. Sec. 2331.

- (c) "Criminally injurious conduct" includes a felony violation of Section 76-7-101 and other conduct leading to the psychological injury of an individual resulting from living in a setting that involves a bigamous relationship.
- (8) "Dependent" means a natural person to whom the victim is wholly or partially legally responsible for care or support and includes a child of the victim born after the victim's death.
- (9) "Dependent's economic loss" means loss after the victim's death of contributions of things of economic value to the victim's dependent, not including services the dependent would have received from the victim if the victim had not suffered the fatal injury, less expenses of the dependent avoided by reason of victim's death.
- (10) "Dependent's replacement services loss" means loss reasonably and necessarily incurred by the dependent after the victim's death in obtaining services in lieu of those the decedent would have performed for the victim's benefit if the victim had not suffered the fatal injury, less expenses of the dependent avoided by reason of the victim's death and not subtracted in calculating the dependent's economic loss.
- (11) "Director" means the director of the office.
- (12) "Disposition" means the sentencing or determination of penalty or punishment to be imposed upon an individual:
 - (a) convicted of a crime;
 - (b) found delinquent; or
 - (c) against whom a finding of sufficient facts for conviction or finding of delinquency is made.
- (13)
 - (a) "Economic loss" means economic detriment consisting only of allowable expense, work loss, replacement services loss, and if injury causes death, dependent's economic loss and dependent's replacement service loss.
 - (b) "Economic loss" includes economic detriment even if caused by pain and suffering or physical impairment.
 - (c) "Economic loss" does not include noneconomic detriment.
- (14) "Elderly victim" means an individual 60 years of age or older who is a victim.
- (15) "Fraudulent claim" means a reparations claim based on material misrepresentation of fact and intended to deceive the reparations staff for the purpose of obtaining reparation funds for which the claimant is not eligible.
- (16) "Fund" means the Crime Victim Reparations Fund created in Section 51-9-404.
- (17) "Law enforcement officer" means a law enforcement officer as defined in Section 53-13-103.
- (18) "Medical examination" means a physical examination necessary to document criminally injurious conduct but does not include mental health evaluations for the prosecution and investigation of a crime.
- (19) "Mental health counseling" means outpatient and inpatient counseling necessitated as a result of criminally injurious conduct, subject to rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (20) "Misconduct" as provided in Subsection 63M-7-512(1)(b) means conduct by the victim which was attributable to the injury or death of the victim as provided by rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (21) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment, and other nonpecuniary damage, except as provided in this part.
- (22) "Pecuniary loss" does not include loss attributable to pain and suffering except as otherwise provided in this part.
- (23) "Offender" means an individual who has violated the Utah Criminal Code through criminally injurious conduct regardless of whether the individual is arrested, prosecuted, or convicted.

- (24) "Offense" means a violation of the Utah Criminal Code.
- (25) "Office" means the director, the reparations and assistance officers, and any other staff employed for the purpose of carrying out the provisions of this part.
- (26) "Perpetrator" means the individual who actually participated in the criminally injurious conduct.
- (27) "Reparations award" means money or other benefits provided to a claimant or to another on behalf of a claimant after the day on which a reparations claim is approved by the office.
- (28) "Reparations claim" means a claimant's request or application made to the office for a reparations award.
- (29) "Reparations officer" means an individual employed by the office to investigate claims of victims and award reparations under this part, and includes the director when the director is acting as a reparations officer.
- (30) "Replacement service loss" means expenses reasonably and necessarily incurred in obtaining ordinary and necessary services in lieu of those the injured individual would have performed, not for income but the benefit of the injured individual or the injured individual's dependents if the injured individual had not been injured.
- (31) "Representative" means the victim, immediate family member, legal guardian, attorney, conservator, executor, or an heir of an individual but does not include a service provider or collateral source.
- (32) "Restitution" means money or services an appropriate authority orders an offender to pay or render to a victim of the offender's conduct.
- (33) "Secondary victim" means an individual who is traumatically affected by the criminally injurious conduct subject to rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (34) "Service provider" means an individual or agency who provides a service to crime victims for a monetary fee except attorneys as provided in Section 63M-7-524.
- (35) "Serious bodily injury" means the same as that term is defined in Section 76-1-601.
- (36) "Substantial bodily injury" means the same as that term is defined in Section 76-1-601.
- (37)
 - (a) "Victim" means an individual who suffers bodily or psychological injury or death as a direct result of criminally injurious conduct or of the production of pornography in violation of Section 76-5b-201 if the individual is a minor.
 - (b) "Victim" does not include an individual who participated in or observed the judicial proceedings against an offender unless otherwise provided by statute or rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (c) "Victim" includes a resident of this state who is injured or killed by an act of terrorism, as defined in 18 U.S.C. Sec. 2331, committed outside of the United States.
- (38) "Work loss" means loss of income from work the injured victim would have performed if the injured victim had not been injured and expenses reasonably incurred by the injured victim in obtaining services in lieu of those the injured victim would have performed for income, reduced by any income from substitute work the injured victim was capable of performing but unreasonably failed to undertake.