

63M-7-513 Collateral sources.

- (1) Collateral source shall include any source of benefits or advantages for economic loss otherwise reparable under this chapter 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;
 - (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.
- (2)
 - (a) An order of restitution shall not be considered readily available as a collateral source.
 - (b) Receipt of an award of reparations under this chapter shall be considered an assignment of the victim's rights to restitution from the offender.
- (3) The victim shall not discharge a claim against a person or entity without the state's written permission and shall fully cooperate with the state in pursuing its right of reimbursement, including providing the state with any evidence in the victim's possession.
- (4) The state's right of reimbursement applies regardless of whether the victim has been fully compensated for the victim's losses.
- (5) Notwithstanding the collateral source provisions in Subsection (1) and Subsection 63M-7-512(1)(a), a victim of a sexual offense who requests testing of himself may be reimbursed for the costs of the HIV test only as provided in Subsection 76-5-503(4).

Renumbered and Amended by Chapter 382, 2008 General Session