

76-10-1902 Definitions.

As used in this part:

- (1) "Bank" means an agent, agency, or office in this state of a person doing business in any one of the following capacities:
 - (a) a commercial bank or trust company organized under the laws of this state or of the United States;
 - (b) a private bank;
 - (c) a savings and loan association or a building and loan association organized under the laws of the United States;
 - (d) an insured institution as defined in Section 401 of the National Housing Act;
 - (e) a savings bank, industrial bank, or other thrift institution;
 - (f) a credit union organized under the laws of this state or of the United States; or
 - (g) any other organization chartered under Title 7, Financial Institutions Act, and subject to the supervisory authority set forth in that title.
- (2) "Conducts" includes initiating, concluding, or participating in initiating or concluding a transaction.
- (3)
 - (a) "Currency" means the coin and paper money of the United States or of another country that is designated as legal tender, that circulates, and is customarily used and accepted as a medium of exchange in the country of issuance.
 - (b) "Currency" includes United States silver certificates, United States notes, Federal Reserve notes, and foreign bank notes customarily used and accepted as a medium of exchange in a foreign country.
- (4) "Financial institution" means an agent, agency, branch, or office within this state of a person doing business, whether or not on a regular basis or as an organized business concern, in one or more of the following capacities:
 - (a) a bank, except bank credit card systems;
 - (b) a broker or dealer in securities;
 - (c) a currency dealer or exchanger, including a person engaged in the business of check cashing;
 - (d) an issuer, seller, or redeemer of travelers checks or money orders, except as a selling agent exclusively who does not sell more than \$150,000 of the instruments within any 30-day period;
 - (e) a licensed transmitter of funds or other person engaged in the business of transmitting funds;
 - (f) a telegraph company;
 - (g) a person subject to supervision by a state or federal supervisory authority; or
 - (h) the United States Postal Service regarding the sale of money orders.
- (5) "Financial transaction" means a transaction:
 - (a) involving the movement of funds by wire or other means or involving one or more monetary instruments, which in any way or degree affects commerce; or
 - (b) involving the use of a financial institution that is engaged in, or its activities affect commerce in any way or degree.
- (6) The phrase "knows that the property involved represents the proceeds of some form of unlawful activity" means that the person knows or it was represented to the person that the property involved represents proceeds from a form of activity, although the person does not necessarily know which form of activity, that constitutes a crime under state or federal law, regardless of whether or not the activity is specified in Subsection (12).

- (7) "Monetary instruments" means coins or currency of the United States or of another country, travelers checks, personal checks, bank checks, money orders, and investment securities or negotiable instruments in bearer form or in other form so that title passes upon delivery.
- (8) "Person" means an individual, corporation, partnership, trust or estate, joint stock company, association, syndicate, joint venture, or other unincorporated organization or group, and all other entities cognizable as legal personalities.
- (9) "Proceeds" means property acquired or derived directly or indirectly from, produced through, realized through, or caused by an act or omission and includes property of any kind.
- (10) "Property" means anything of value, and includes an interest in property, including a benefit, privilege, land, or right with respect to anything of value, whether real or personal, tangible or intangible.
- (11) "Prosecuting agency" means the office of the attorney general or the office of the county attorney, including an attorney on the staff whether acting in a civil or criminal capacity.
- (12) "Specified unlawful activity" means an unlawful activity defined as an unlawful activity in Section 76-10-1602, except an illegal act under Title 18, Section 1961(1)(B), (C), and (D), United States Code, and includes activity committed outside this state which, if committed within this state, would be unlawful activity.
- (13) "Transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition. With respect to a financial institution, "transaction" includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of a stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected.
- (14) "Transaction in currency" means a transaction involving the physical transfer of currency from one person to another. A transaction that is a transfer of funds by means of bank check, bank draft, wire transfer, or other written order that does not include the physical transfer of currency is not a transaction in currency under this chapter.

Amended by Chapter 73, 2013 General Session