

77-38a-202 Restitution determination -- Prosecution duties and responsibilities.

- (1) At the time of entry of a conviction or entry of any plea disposition of a felony or class A misdemeanor, the attorney general, county attorney, municipal attorney, or district attorney shall provide to the district court:
 - (a) the names of all victims, including third parties, asserting claims for restitution;
 - (b) the actual or estimated amount of restitution determined at that time; and
 - (c) whether or not the defendant has agreed to pay the restitution specified as part of the plea disposition.
- (2) In computing actual or estimated restitution, the attorney general, county attorney, municipal attorney, or district attorney shall:
 - (a) use the criteria set forth in Section 77-38a-302 for establishing restitution amounts; and
 - (b) in cases involving multiple victims, incorporate into any conviction or plea disposition all claims for restitution arising out of the investigation for which the defendant is charged.
- (3) If charges are not to be prosecuted as part of a plea disposition, restitution claims from victims of those crimes shall also be provided to the court.
- (4)
 - (a) The attorney general, county attorney, municipal attorney, or district attorney may be authorized by the appropriate public treasurer to deposit restitution collected on behalf of crime victims into an interest bearing account in accordance with Title 51, Chapter 7, State Money Management Act, pending distribution of the funds.
 - (b) In the event restitution funds are deposited in an interest bearing account as provided under Subsection (4)(a), the attorney general, county attorney, municipal attorney, or district attorney shall:
 - (i) distribute any interest that accrues in the account to each crime victim on a pro rata basis; and
 - (ii) if all crime victims have been made whole and funds remain, distribute any remaining funds to the state Division of Finance for deposit to the Utah Office for Victims of Crime.
 - (c) This section does not prevent an independent judicial authority from collecting, holding, and distributing restitution.

Amended by Chapter 131, 2011 General Session