

77-38a-404 Priority.

- (1) Restitution payments made pursuant to a court order shall be disbursed to victims within 60 days of receipt from the defendant by the court or department provided:
 - (a) the victim has complied with Subsection 77-38a-203(1)(b);
 - (b) if the defendant has tendered a negotiable instrument, funds from the financial institution are actually received; and
 - (c) the payment to the victim is at least \$5, unless the payment is the final payment.
- (2) If restitution to more than one person, agency, or entity is required at the same time, the department shall establish the following priorities of payment, except as provided in Subsection (4):
 - (a) the crime victim;
 - (b) the Utah Office for Victims of Crime;
 - (c) any other government agency which has provided reimbursement to the victim as a result of the offender's criminal conduct;
 - (d) the person, entity, or governmental agency that has offered and paid a reward under Section 76-3-201.1 or 78A-6-117;
 - (e) any insurance company which has provided reimbursement to the victim as a result of the offender's criminal conduct; and
 - (f) any county correctional facility to which the defendant is required to pay restitution under Subsection 76-3-201(6).
- (3) Restitution ordered under Subsection (2)(f) is paid after criminal fines and surcharges are paid.
- (4) If the offender is required under Section 53-10-404 to reimburse the department for the cost of obtaining the offender's DNA specimen, this reimbursement is the next priority after restitution to the crime victim under Subsection (2)(a).
- (5) All money collected for court-ordered obligations from offenders by the department will be applied:
 - (a) first, to victim restitution, except the current and past due amount of \$30 per month required to be collected by the department under Section 64-13-21, if applicable; and
 - (b) second, if applicable, to the cost of obtaining a DNA specimen under Subsection (4).
- (6) Restitution owed to more than one victim shall be disbursed to each victim according to the percentage of each victim's share of the total restitution order.

Amended by Chapter 131, 2011 General Session

Amended by Chapter 208, 2011 General Session