

**Effective 7/1/2021**

**Superseded 9/1/2021**

**77-38b-102 Definitions.**

As used in this chapter:

- (1)
  - (a) "Conviction" means:
    - (i) a plea of:
      - (A) guilty;
      - (B) guilty with a mental illness; or
      - (C) no contest; or
    - (ii) a judgment of:
      - (A) guilty; or
      - (B) guilty with a mental illness.
  - (b) "Conviction" does not include:
    - (i) a plea in abeyance until a conviction is entered for the plea in abeyance;
    - (ii) a diversion agreement; or
    - (iii) an adjudication of a minor for an offense under Section 78A-6-117.
- (2) "Criminal conduct" means:
  - (a) any misdemeanor or felony offense of which the defendant is convicted; or
  - (b) any other criminal behavior for which the defendant admits responsibility to the sentencing court with or without an admission of committing the criminal behavior.
- (3)
  - (a) "Defendant" means an individual who has been convicted of, or entered into a plea disposition for, criminal conduct.
  - (b) "Defendant" does not include a minor, as defined in Section 78A-6-105, who is adjudicated, or enters into a nonjudicial adjustment, for any offense under Title 78A, Chapter 6, Juvenile Court Act.
- (4) "Department" means the Department of Corrections.
- (5) "Diversion agreement" means an agreement entered into by the prosecuting attorney and the defendant that suspends criminal proceedings before conviction on the condition that a defendant agree to participate in a rehabilitation program, pay restitution to the victim, or fulfill some other condition.
- (6) "Office" means the Office of State Debt Collection created in Section 63A-3-502.
- (7) "Party" means the prosecuting attorney, the defendant, or the department involved in a prosecution.
- (8) "Payment schedule" means the same as that term is defined in Section 77-32b-102.
- (9)
  - (a) "Pecuniary damages" means all demonstrable economic injury, losses, and expenses regardless of whether the economic injury, losses, and expenses have yet been incurred.
  - (b) "Pecuniary damages" does not include punitive damages or pain and suffering damages.
- (10) "Plea agreement" means an agreement entered between the prosecuting attorney and the defendant setting forth the special terms and conditions and criminal charges upon which the defendant will enter a plea of guilty or no contest.
- (11) "Plea disposition" means an agreement entered into between the prosecuting attorney and the defendant including a diversion agreement, a plea agreement, a plea in abeyance agreement, or any agreement by which the defendant may enter a plea in any other jurisdiction or where charges are dismissed without a plea.

- (12) "Plea in abeyance" means an order by a court, upon motion of the prosecuting attorney and the defendant, accepting a plea of guilty or of no contest from the defendant but not, at that time, entering judgment of conviction against the defendant nor imposing sentence upon the defendant on condition that the defendant comply with specific conditions as set forth in a plea in abeyance agreement.
- (13) "Plea in abeyance agreement" means an agreement entered into between the prosecuting attorney and the defendant setting forth the specific terms and conditions upon which, following acceptance of the agreement by the court, a plea may be held in abeyance.
- (14) "Restitution" means the payment of pecuniary damages to a victim.
- (15)
  - (a) "Victim" means any person who has suffered pecuniary damages that are proximately caused by the criminal conduct of the defendant.
  - (b) "Victim" includes:
    - (i) the Utah Office for Victims of Crime if the Utah Office for Victims of Crime makes a payment to a victim under Section 63M-7-519;
    - (ii) the estate of a deceased victim; and
    - (iii) a parent, spouse, or sibling of a victim.
  - (c) "Victim" does not include a codefendant or accomplice.