

1 **FORFEITURE REGARDING SEXUAL**
2 **OFFENSES AGAINST CHILDREN**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Perry L. Buckner**

6 AN ACT RELATING TO CRIMINAL CONDUCT; PROVIDING FOR THE FORFEITURE OF
7 COMPUTERS, COMPUTER EQUIPMENT, AND PERSONAL PROPERTY USED IN THE
8 SEXUAL EXPLOITATION OR ABUSE OF A MINOR.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **53A-16-101**, as last amended by Chapter 38, Laws of Utah 1997

12 ENACTS:

13 **76-3-502**, Utah Code Annotated 1953

14 *Be it enacted by the Legislature of the state of Utah:*

15 Section 1. Section **53A-16-101** is amended to read:

16 **53A-16-101. Uniform School Fund -- Sources enumerated.**

17 The Uniform School Fund established by Utah Constitution, Article X, Section 5, consists
18 of money received in the state treasury from the following sources:

19 (1) interest on the State School Fund;

20 (2) escheats and forfeitures and proceeds from the sale or other disposition of property that
21 may accrue to the state by escheat or forfeiture, except under Section 58-37-13, regarding
22 controlled substances, [~~and Section~~] Sections 41-6-13.7 and 76-3-501, regarding vehicles
23 [~~involved in police pursuits~~]; and Section 76-3-502, regarding computers and personal property
24 used in sexual offenses involving minors;

25 (3) unclaimed shares and proceeds from the sale or other disposition of those shares and
26 unclaimed dividends of any corporation incorporated under Utah law;

27 (4) all revenues derived from renewable resources on school and state lands, other than

28 those granted for specific purposes;

29 (5) the proceeds derived from the leasing or renting of school lands and other state lands,
30 including all forfeitures, penalties, and grazing and other fees received in connection with the
31 leases and rentals;

32 (6) money received from leases or rentals of land acquired by the state through foreclosure
33 of mortgages securing common school funds or through deeds from mortgagors or owners of those
34 lands; and

35 (7) all other constitutional or legislative allocations to the fund, including revenues
36 received under Utah Constitution, Article XIII, Section 12(3), from taxes on income or intangible
37 property, except for those income tax revenues appropriated to the state's higher education system.

38 Section 2. Section **76-3-502** is enacted to read:

39 **76-3-502. Forfeiture of computer and computer equipment used in sexual offenses**
40 **involving minors.**

41 (1) Any computer or computer equipment as described in Subsection (2) are subject to
42 forfeiture and no property right exists in them, if used or intended for use in the violation of:

43 (a) Section 76-5a-3, sexual exploitation of a minor;

44 (b) Section 76-5-404.1, sexual abuse of a child and aggravated sexual abuse of a child;

45 (c) Section 76-10-1206, dealing in harmful material to a minor;

46 (d) Section 76-5-402.1, rape of a child; or

47 (e) Section 76-5-403.1, sodomy on a child.

48 (2) The following property is subject to forfeiture under this section:

49 (a) computers;

50 (b) computer equipment or devices of any kind;

51 (c) computer software; and

52 (d) any personal property used to facilitate commission of an offense under Subsection (1).

53 (3) Forfeiture proceedings shall be in accordance with applicable provisions of Section
54 76-3-501, except that net proceeds from the forfeiture shall be deposited in the General Fund.

Legislative Review Note

as of 1-19-99 11:54 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel