

1 **CRIMINAL RESTITUTION**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: D. Edgar Allen**

5 AN ACT RELATING TO CRIMINAL LAW AND JUDICIARY; DIRECTING THE
6 COMMISSION ON CRIMINAL AND JUVENILE JUSTICE TO STUDY SPECIFIED ISSUES
7 REGARDING PAYMENT OF RESTITUTION TO VICTIMS; AND REQUIRING THE
8 COMMISSION TO REPORT TO THE LEGISLATURE.

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

10 AMENDS:

11 **63-25a-104**, as last amended by Chapter 102, Laws of Utah 1998

12 ENACTS:

13 **63-25a-104.3**, Utah Code Annotated 1953

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

15 Section 1. Section **63-25a-104** is amended to read:

16 **63-25a-104. Duties of commission.**

17 The state commission on criminal and juvenile justice administration shall:

18 (1) promote the communication and coordination of all criminal and juvenile justice
19 agencies, including coordination by those agencies in their implementation and operation of
20 programs and other efforts to reduce crime;

21 (2) promote the commission's purposes as enumerated in Section 63-25a-101;

22 (3) study, evaluate, and report on the status of crime in the state and on the effectiveness
23 of criminal justice policies, procedures, and programs that are directed toward the reduction of
24 crime in the state;

25 (4) study, evaluate, and report on policies, procedures, and programs of other jurisdictions
26 which have effectively reduced crime rates and victimization;

27 (5) identify and promote the implementation of specific policies and programs the

28 commission determines will significantly reduce crime and victimization in Utah;

29 (6) publish the recommendations made under Section 63-25a-104.5;

30 (7) provide analysis and recommendations on all criminal and juvenile justice legislation,
31 state budget, and facility requests, including program and fiscal impact on all components of the
32 criminal and juvenile justice system;

33 (8) provide analysis, accountability, recommendations, and supervision for federal criminal
34 justice grant monies;

35 (9) provide public information on the criminal and juvenile justice system and give
36 technical assistance to agencies or local units of government on methods to promote public
37 awareness;

38 (10) promote research and program evaluation as an integral part of the criminal and
39 juvenile justice system;

40 (11) provide a comprehensive criminal justice plan annually, that includes a strategic plan
41 for the efficient management of information resources;

42 (12) review agency forecasts regarding future demands on the criminal and juvenile justice
43 systems, including specific projections for secure bed space; [and]

44 (13) promote the development of criminal and juvenile justice information systems that
45 are consistent with common standards for data storage and are capable of appropriately sharing
46 information with other criminal justice information systems by:

47 (a) developing and maintaining common data standards for use by all state criminal justice
48 agencies;

49 (b) annually performing audits of criminal history record information maintained by state
50 criminal justice agencies to assess their accuracy, completeness, and adherence to standards;

51 (c) defining and developing state and local programs and projects associated with the
52 improvement of information management for law enforcement and the administration of justice;
53 and

54 (d) establishing general policies concerning criminal justice information systems and
55 making rules as necessary to carry out the duties under this Subsection (13) and Subsection (11)[-];
56 and

57 (14) study issues regarding ensuring the effective ordering, payment, and collection of
58 restitution in criminal cases, including:

59 (a) facilitating the Board of Pardons' ability to arrange schedules for the payment of
60 court-ordered restitution by convicted persons within its jurisdiction;
61 (b) guidance to the state's courts regarding effectively ordering and collecting restitution;
62 and
63 (c) clarifying the prosecutors' obligations in obtaining and enforcing orders for restitution.
64 Section 2. Section **63-25a-104.3** is enacted to read:
65 **63-25a-104.3. Report to the Legislature and the Judiciary.**
66 The commission shall report its findings and recommendations under Subsection
67 63-25a-104(14) to the Legislature and the Judiciary on or before October 1, 1999. The report may
68 be a part of the report required under Section 63-25a-104.5.

Legislative Review Note
as of 1-19-99 5:18 PM

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

Office of Legislative Research and General Counsel