

LAW ENFORCEMENT REVOLVING ACCOUNT

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Peter C. Knudson

This act modifies the Criminal Code by amending the Antitrust Revolving Account in order to create the Attorney General Litigation Fund. This act specifies the funds that are to go into the account from state or federal antitrust or criminal actions. This act specifies the purposes for which the state attorney general may use the funds. This act takes effect on July 1, 2002. This act provides a coordination clause.

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

AMENDS:

76-10-922, as enacted by Chapter 79, Laws of Utah 1979

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

Section 1. Section **76-10-922** is amended to read:

76-10-922. Attorney General Litigation Fund.

(1) (a) There is created [~~within the general fund an account to be~~] a special revenue fund known as the ["antitrust revolving account"] Attorney General Litigation Fund for the purpose of providing funds to pay for any costs and expenses incurred by the state attorney general in relation to actions under state or federal antitrust or criminal laws[~~, which account shall lapse only to the extent that it exceeds the sum of one million dollars~~]. These funds are in addition to other funds as may be appropriated by the Legislature to the attorney general for the administration and enforcement of the laws of this state.

(b) At the close of any fiscal year, any balance in the fund in excess of \$2,000,000 shall be transferred to the General Fund.

(c) The attorney general may expend monies from the Attorney General Litigation Fund for the purposes in Subsection (1)(a).

(2) (a) All monies received by the state or its agencies by reason of any judgment, settlement, or compromise as the result of any [~~such~~] action commenced, investigated, or prosecuted by the attorney general, after payment of any finances, restitution, payments, costs, or fees

allocated by the court, shall be deposited [~~to the antitrust revolving account~~] in the Attorney General Litigation Fund, except as [~~otherwise~~] provided in [~~this section.~~] Subsection (2)(b).

(b) (i) Any expenses advanced by the attorney general in any of the actions under Subsection (1)(a) shall be credited to the Attorney General Litigation Fund.

~~[(3) The legislature may make annual appropriations to the attorney general from the antitrust revolving account or from the general fund, to such extent as may be required for the administration and enforcement of the antitrust laws. These funds shall be in addition to such other funds as may be appropriated to the attorney general for the administration and enforcement of the laws of this state.]~~

~~[(4) Any monies recovered by the attorney general based on an expenditure or loss from a specific cash fund shall be credited to that fund to the extent of the expenditure or loss.]~~

(ii) Any monies recovered by the attorney general on behalf of any private person or public body other than the state shall be paid to [such] those persons or bodies[. However, prior to any such credit or payment, any expenses advanced by the attorney general in any of the above actions shall be credited to the antitrust revolving account] from funds remaining after payment of expenses under Subsection (2)(b)(i).

(3) The Division of Finance shall transfer any monies remaining in the Antitrust Revolving Account on July 1, 2002, to the Attorney General Litigation Fund created in Subsection (1).

Section 2. Effective date.

This act takes effect on July 1, 2002.

Section 3. Coordination clause.

If this bill and H. B. 264, Funds Consolidation, Budget Procedures, and Fund Reclassification Amendments, both pass, it is the intent of the Legislature that the amendments to Section 76-10-922 in this bill supersede the amendments to Section 76-10-922 in H.B. 264.