1	LAW ENFORCEMENT REVOLVING ACCOUNT
2	2002 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Peter C. Knudson
5	This act modifies the Criminal Code by creating a Criminal Prosecution Revolving Account
6	for monies received from actions initiated by the state attorney general. The act specifies
7	uses for the monies and allows the attorney general to transfer monies between this revolving
8	account and the existing Antitrust Revolving Account. The act also amends provisions
9	regarding payments from the Antitrust Revolving Account.
10	This act affects sections of Utah Code Annotated 1953 as follows:
11	AMENDS:
12	76-10-922, as enacted by Chapter 79, Laws of Utah 1979
13	Be it enacted by the Legislature of the state of Utah:
14	Section 1. Section <b>76-10-922</b> is amended to read:
15	76-10-922. Antitrust and criminal prosecution revolving account.
16	(1) (a) There is created within the General Fund an account [to be] known as the "Antitrust
17	Revolving Account" for the purpose of providing funds to pay for any costs and expenses incurred
18	by the state attorney general in relation to actions under state or federal antitrust laws[, which].
19	This account [shall lapse] lapses only [to the extent that] if it exceeds the sum of [one million
20	<del>dollars</del> ] <u>\$1,000,000</u> .
21	[(2)] (b) All monies received by the state or its agencies by reason of any judgment,
22	settlement, or compromise as the result of any [such] action commenced, investigated, or
23	prosecuted by the attorney general, after payment of any fines, restitution, payments, costs, or fees
24	allocated by the court, shall be deposited to the Antitrust Revolving Account except as otherwise
25	provided in this section.
26	[(3)] (c) The Legislature may make annual appropriations to the attorney general from the
27	Antitrust Revolving Account or from the General Fund, to [such] the extent [as may be] required

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28 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.

31 [(4)] (d) (i) Any monies recovered by the attorney general based on an expenditure or loss
 32 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] the credit or payment, any expenses advanced by the attorney general in any of the above
 actions shall be credited to the Antitrust Revolving Account.

37 (2) (a) There is created within the General Fund an account known as the "Criminal

38 <u>Litigation Revolving Account</u>" for the purpose of providing funds to pay for any costs and

39 expenses incurred by the state attorney general in relation to actions under state and federal

40 criminal laws other than antitrust laws. This account lapses only if it exceeds the sum of

#### 41 <u>\$1,000,000.</u>

42 (b) All monies received by the state or its agencies by reason of any judgment, settlement,

43 or compromise as the result of any action commenced, investigated, or prosecuted by the attorney

44 general, after payment of any fines, restitution, payments, costs, or fees allocated by the court, shall

45 <u>be deposited to the Criminal Litigation Revolving Account, except as otherwise provided in this</u>

46 <u>section.</u>

47 (c) The attorney general may expend monies from the criminal litigation revolving account
 48 for the purposes in Subsection (2)(a).

49 (d) (i) Any monies recovered by the attorney general based on an expenditure or loss from
 50 a specific cash fund shall be credited to that fund to the extent of the expenditure or loss.

51 (ii) Any monies recovered by the attorney general on behalf of any private person or public

52 body other than the states shall be paid to those persons or bodies. However, prior to the credit or

- 53 payment, any expenses advanced by the attorney general in any of these actions shall be credited
- 54 to the Criminal Litigation Revolving Account.
- 55 (3) The attorney general may transfer funds between the Antitrust Revolving Account and
  56 the Criminal Litigation Revolving Account.

## Legislative Review Note as of 2-5-02 5:55 PM

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

Office of Legislative Research and General Counsel