

1 **PROFITS FROM SALE OF CRIME**

2 **MEMORABILIA**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Scott Daniels**

6 **This act creates a new chapter in the Judicial Code requiring that all profits reaped from**
7 **the sale of crime memorabilia go into the Crime Victim Reparation Fund.**

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

9 ENACTS:

10 **78-60-101**, Utah Code Annotated 1953

11 **78-60-102**, Utah Code Annotated 1953

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

13 Section 1. Section **78-60-101** is enacted to read:

14 **CHAPTER 60. PROFITS FROM CRIME MEMORABILIA**

15 **78-60-101. Definitions.**

16 As used in this chapter:

17 (1) "Conviction" means an adjudication by a federal or state court resulting from a trial
18 or plea, including a plea of no contest, nolo contendere, a finding of not guilty due to insanity,
19 or not guilty but mentally ill regardless of whether the sentence was imposed or suspended.

20 (2) "Fund" means the Crime Victim Reparation Fund created in Section 63-63a-4.

21 (3) "Memorabilia" means any tangible property of a person convicted of a first degree
22 or capital felony the value of which is enhanced by the notoriety gained from the conviction.

23 (4) "Profit" means any income or benefit over and above the fair market value of the
24 property received upon the sale or transfer of memorabilia.

25 Section 2. Section **78-60-102** is enacted to read:

26 **78-60-102. Profit from sale of memorabilia -- Deposit in Crime Victim Fund --**
27 **Penalty.**



28 (1) Any person who receives a profit from the sale or transfer of memorabilia shall
29 remit to the fund:

30 (a) a complete, itemized accounting of the transaction, including:

31 (i) a description of each item sold;

32 (ii) the amount received for each item;

33 (iii) the estimated fair market value of each item; and

34 (iv) the name and address of the purchaser of each item; and

35 (b) a check or money order for the amount of the profit, which shall be the difference
36 between the amount received for the item and the estimated fair market value of the item.

37 (2) Any person who willfully violates Subsection (1) may be assessed a civil fine of up
38 to \$1,000 per item sold or three times the amount of the unremitted profit, whichever is more.

Legislative Review Note

as of 2-10-03 11:02 AM

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

Office of Legislative Research and General Counsel