

PROFITS FROM SALE OF CRIME

MEMORABILIA

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Scott Daniels

LONG TITLE

General Description:

This bill requires that profits gained from the sale of crime memorabilia shall be deposited in the Crime Victim Reparation Fund.

Highlighted Provisions:

This bill:

- ▶ defines memorabilia as an item owned by a person convicted of a first degree or capital felony, if the item's value is enhanced by the nature of the offense;
- ▶ defines profit as the proceeds from the transaction of a crime memorabilia item which exceed the fair market value of the item;
- ▶ requires that a person selling or transferring memorabilia remit to the Crime Victim Reparation Fund the profit regarding the memorabilia; and
- ▶ provides that a person who fails to remit the profit is subject to a civil penalty of \$1,000 per item or three times the profit of the item, whichever is greater.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78-61-101, Utah Code Annotated 1953

78-61-102, Utah Code Annotated 1953

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

Section 1. Section **78-61-101** is enacted to read:

CHAPTER 61. PROFITS FROM CRIME MEMORABILIA

78-61-101. Definitions.

As used in this chapter:

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

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

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

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

Section 2. Section **78-61-102** is enacted to read:

78-61-102. Profit from sale of memorabilia -- Deposit in Crime Victim Reparation Fund -- Penalty.

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

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

(i) a description of each item sold;

(ii) the amount received for each item;

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

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

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

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

