



## UTAH STATE SENATE

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February 20, 2004

Mr. President:

The Education Committee reports a favorable recommendation on **S.B. 201, PUNITIVE DAMAGES AMENDMENTS**, by Senator L. Hillyard, with the following amendments:

1. *Page 2, Lines 44 through 51:*

44           (3) (a) In any ~~[[ judgment ]]~~ case where punitive damages are awarded [~~and~~  
45           paid], the judgment shall providethat 50% of the  
46           amount of the punitive damages in excess of \$20,000 shall, ~~[[ by order of the trial~~  
47           court ]] after an  
48           allowable deduction for the payment of attorneys' fees and costs, be remitted by the  
49           debtor to the state treasurer for deposit into the General Fund.  
50           (b) For the purposes of this Subsection (3), an "allowable deduction for the payment  
51           of  
52           attorneys' fees and costs" shall equal the amount of actual and reasonable attorneys' fees  
53           and  
54           costs incurred by the judgment creditor ~~[[ , as determined by an order of the court, ]]~~  
55           minus the  
56           amount of any separate judgment awarding attorneys' fees and costs to the judgment  
57           creditor.

2. *Page 2, Line 55 through Page 3, Line 62:*

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55           (d) Unless all affected parties, including the state, expressly agree otherwise or the  
56           application is contrary to the terms of the judgment, any payment on the judgment by or  
              on  
57           behalf of any judgment debtor, whether voluntary or by execution or otherwise, shall be  
58           applied in the following order:  
59           (i) compensatory damages **, and any applicable attorneys fees and costs** ;  
60           [[~~(ii) applicable attorney fees and costs;~~]]  
61           [[~~(iii)~~]] **(ii)** the initial \$20,000 punitive damages; and finally  
62           [[~~(iv)~~]] **(iii)** the balance of the punitive damages.

Respectfully,

Bill Wright  
Committee Chair

Voting: 4-0-4

3 SB0201.SCI.WPD csteffen/CCS ECM/JDH 2/20/04 9:30 am

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