

VICTIM RESTITUTION

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen D. Clark

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill requires the court to order that victims owed restitution be paid within 60 days of receipt of payments by the court or department.

Highlighted Provisions:

This bill:

- clarifies when a victim is to be paid restitution.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-38a-404, as last amended by Chapters 278 and 280, Laws of Utah 2003

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

Section 1. Section **77-38a-404** is amended to read:

77-38a-404. Priority.

(1) Restitution payments made pursuant to a court order shall be disbursed to victims within 60 days of receipt from the defendant by the court or department:

(a) provided the victim has complied with Subsection 77-38a-203(1)(b); and

(b) if the defendant has tendered a negotiable instrument, funds from the financial institution are actually received.

30 ~~[(1)]~~ (2) If restitution to more than one person, agency, or entity is set at the same time,
31 the department shall establish the following priorities of payment, except as provided in
32 Subsection ~~[(3)]~~ (4):

- 33 (a) the crime victim;
- 34 (b) the Office of Crime Victim Reparations;
- 35 (c) any other government agency which has provided reimbursement to the victim as a
36 result of the offender's criminal conduct;
- 37 (d) the person, entity, or governmental agency that has offered and paid a reward under
38 Section 76-3-201.1 or 78-3a-118;
- 39 (e) any insurance company which has provided reimbursement to the victim as a result
40 of the offender's criminal conduct; and
- 41 (f) any county correctional facility to which the court has ordered the defendant to pay
42 restitution under Subsection 76-3-201(6).

43 ~~[(2)]~~ (3) Restitution ordered under Subsection ~~[(1)]~~ (2)(f) is paid after criminal fines
44 and surcharges are paid.

45 ~~[(3)]~~ (4) If the offender is required under Section 53-10-404 to reimburse the
46 department for the cost of obtaining the offender's DNA specimen, this reimbursement is the
47 next priority after restitution to the crime victim under Subsection ~~[(1)]~~ (2)(a).

48 ~~[(4)]~~ (5) All money collected for court-ordered obligations from offenders by the
49 department will be applied:

50 (a) first, to victim restitution, except the current and past due amount of \$30 per month
51 required to be collected by the department under Section 64-13-21, if applicable; and

52 (b) second, if applicable, to the cost of obtaining a DNA specimen under Subsection
53 ~~[(3)]~~ (4).

54 (6) Restitution owed to more than one victim shall be disbursed to each victim
55 according to the percentage of each victim's share of the total restitution order.