

1 **DOCUMENT FRAUD - ESTABLISHING LEGAL**
2 **STATUS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Karen W. Morgan**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill prohibits a person from knowingly, intentionally, or recklessly forging,
11 counterfeiting, altering, or falsely making or providing a document that unlawfully
12 establishes legal status.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ prohibits a person or entity from forging, counterfeiting, altering, or falsely making
16 or providing a document to unlawfully establish legal status and subjects a violator
17 to a civil penalty of up to \$75,000;

18 ▶ provides that the Office of the Attorney General may bring a civil action against an
19 individual who makes or provides a fraudulent document to unlawfully establish
20 legal status; and

21 ▶ provides that money collected in the civil action by the Office of the Attorney
22 General shall be deposited in the Attorney General Litigation Fund to be used first
23 for costs incurred in bringing these civil actions and then to be applied to individual
24 victims.

25 **Monies Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **76-10-922**, as last amended by Laws of Utah 2002, Chapters 256, and 328

32 ENACTS:

33 **67-5-26**, Utah Code Annotated 1953



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

36 Section 1. Section **67-5-26** is enacted to read:

37 **67-5-26. Document fraud -- Penalties.**

38 (1) As used in this section, "intentionally, knowingly, and recklessly" means the same
39 as defined in Section 76-2-103.

40 (2) A person or entity may not knowingly, intentionally, or recklessly forge,
41 counterfeit, alter, or falsely make or provide a document listed in 8 C.F.R. 274a.2(b)(1)(v) for
42 the purpose of unlawfully establishing legal status.

43 (3) (a) A person or entity that violates Subsection (2) is subject to a civil penalty of up
44 to \$75,000 recoverable, with attorney fees and costs, in a civil action that may be brought by
45 the Office of the Attorney General for each document subject to the violation.

46 (b) Moneys collected under Subsection (3)(a) shall be deposited in the Attorney
47 General Litigation Fund created in Section 76-10-922:

48 (i) to be used for costs incurred for actions brought under this section; and

49 (ii) then to be applied to individual victims of the actions prohibited by this section in
50 accordance with Subsection 76-10-922(2)(b)(ii).

51 (4) The penalties in this section are in addition to, and not in lieu of, the penalties in
52 Title 76, Chapter 6, Part 5, Fraud, and Part 11, Identity Fraud Act.

53 Section 2. Section **76-10-922** is amended to read:

54 **76-10-922. Attorney General Litigation Fund.**

55 (1) (a) (i) There is created a special revenue fund known as the Attorney General
56 Litigation Fund for the purpose of providing funds to pay for any costs and expenses incurred
57 by the state attorney general in relation to actions under state or federal antitrust, document
58 fraud, or criminal laws.

59 (ii) These funds are in addition to other funds as may be appropriated by the
60 Legislature to the attorney general for the administration and enforcement of the laws of this
61 state.

62 (b) At the close of any fiscal year, any balance in the fund in excess of [~~\$2,000,000~~]
63 \$3,000,000 shall be transferred to the General Fund.

64 (c) The attorney general may expend monies from the Attorney General Litigation
65 Fund for the purposes in Subsection (1)(a).

66 (2) (a) All monies received by the state or its agencies by reason of [~~any~~] a judgment,
67 settlement, or compromise as the result of [~~any~~] an action commenced, investigated, or
68 prosecuted by the attorney general, after payment of any fines, restitution, payments, costs, or
69 fees allocated by the court, shall be deposited in the Attorney General Litigation Fund, except
70 as provided in Subsection (2)(b).

71 (b) (i) Any expenses advanced by the attorney general in [~~any of the actions~~] an action
72 under Subsection (1)(a) shall be credited to the Attorney General Litigation Fund.

73 (ii) Any monies recovered by the attorney general on behalf of [~~any~~] a private person or
74 public body other than the state shall be paid to [~~those persons or bodies~~] that person or public
75 body from funds remaining after payment of expenses under Subsection (2)(b)(i).

76 [~~(3) The Division of Finance shall transfer any monies remaining in the Antitrust~~
77 ~~Revolving Account on July 1, 2002, to the Attorney General Litigation Fund created in~~
78 ~~Subsection (1).~~]

Legislative Review Note
as of 12-3-07 10:36 AM

Office of Legislative Research and General Counsel