

RESTITUTION FUND ACCOUNT

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel R. Liljenquist

House Sponsor: Paul Ray

LONG TITLE

General Description:

This bill authorizes certain prosecutors to deposit restitution monies into an interest bearing account pending distribution to crime victims.

Highlighted Provisions:

This bill:

- ▶ provides that interest earned be distributed pro rata to each crime victim;
- ▶ requires any leftover monies to be transferred to the Office of Crime Victims

Reparations; and

- ▶ does not prevent an independent judicial authority to collect, hold, or distribute restitution.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-38a-202, as enacted by Laws of Utah 2001, Chapter 137

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

Section 1. Section **77-38a-202** is amended to read:

77-38a-202. Restitution determination -- Prosecution duties and responsibilities.

(1) At the time of entry of a conviction or entry of any plea disposition of a felony or

30 class A misdemeanor, the attorney general, county attorney, municipal attorney, or district
31 attorney shall provide to the district court:

- 32 (a) the names of all victims, including third parties, asserting claims for restitution;
- 33 (b) the actual or estimated amount of restitution determined at that time; and
- 34 (c) whether or not the defendant has agreed to pay the restitution specified as part of
35 the plea disposition.

36 (2) In computing actual or estimated restitution, the attorney general, county attorney,
37 municipal attorney, or district attorney shall:

- 38 (a) use the criteria set forth in Section 77-38a-302 for establishing restitution amounts;
39 and
- 40 (b) in cases involving multiple victims, incorporate into any conviction or plea
41 disposition all claims for restitution arising out of the investigation for which the defendant is
42 charged.

43 (3) If charges are not to be prosecuted as part of a plea disposition, restitution claims
44 from victims of those crimes shall also be provided to the court.

45 (4) (a) The attorney general, county attorney, municipal attorney, or district attorney
46 may be authorized by the appropriate public treasurer to deposit restitution collected on behalf
47 of crime victims into an interest bearing account in accordance with Title 51, Chapter 7, State
48 Money Management Act, pending distribution of the funds.

49 (b) In the event restitution funds are deposited in an interest bearing account as
50 provided under Subsection (4)(a), the attorney general, county attorney, municipal attorney, or
51 district attorney shall:

52 (i) distribute any interest that accrues in the account to each crime victim on a pro rata
53 basis; and

54 (ii) if all crime victims have been made whole and funds remain, distribute any
55 remaining funds to the state Division of Finance for deposit to the Office of Crime Victims
56 Reparations.

57 (c) This section does not prevent an independent judicial authority from collecting.

58 holding, and distributing restitution.