

**RESTITUTION FUND ACCOUNT**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel R. Liljenquist**

House Sponsor: Paul Ray

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**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

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

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



28 **77-38a-202. Restitution determination -- Prosecution duties and responsibilities.**

29 (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 deposit restitution collected on behalf of crime victims into an interest bearing account,  
47 pending distribution of the funds.

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

- 51 (i) distribute any interest that accrues in the account to each crime victim on a pro rata  
52 basis; and
- 53 (ii) if all crime victims have been made whole and funds remain, distribute any  
54 remaining funds to the state Division of Finance for deposit to the Office of Crime Victims  
55 Reparations.

56 (c) Any interest bearing accounts used under this section must be non-speculative, fully  
57 insured, simple interest bearing accounts.

58 (d) This section does not prevent an independent judicial authority from collecting,

59 holding, and distributing restitution.

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**Legislative Review Note**  
as of 1-16-09 10:08 AM

**Office of Legislative Research and General Counsel**

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**S.B. 51 - Restitution Fund Account**

**Fiscal Note**

2009 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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