

59 ~~H~~→ [~~63M-7-508.5, Utah Code Annotated 1953~~] ←~~H~~

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

62 Section 1. Section **51-9-404** is amended to read:

63 **51-9-404. Distribution of surcharge amounts.**

64 (1) In this section:

65 (a) "Reparation fund" means the Crime Victim Reparations Fund.

66 (b) "Safety account" means the Public Safety Support Account.

67 (2) (a) There is created a restricted special revenue fund known as the "Crime Victim
68 Reparations Fund" to be administered and distributed as provided in this part by the Utah
69 Office for Victims of Crime [~~Victim Reparations~~] under Title 63M, Chapter 7, Part 5, Utah
70 Office for Victims of Crime [~~Victim Reparations Act~~], in cooperation with the Division of
71 Finance.

72 (b) Monies deposited in this fund are for victim reparations, criminal justice and
73 substance abuse, other victim services, and, as appropriated, for administrative costs of the
74 Commission on Criminal and Juvenile Justice under Title 63M, Chapter 7, Criminal Justice
75 and Substance Abuse.

76 (3) (a) There is created a restricted account in the General Fund known as the "Public
77 Safety Support Account" to be administered and distributed by the Department of Public Safety
78 in cooperation with the Division of Finance as provided in this part.

79 (b) Monies deposited in this account shall be appropriated to:

80 (i) the Division of Peace Officer Standards and Training (POST) as described in Title
81 53, Chapter 6, Peace Officer Standards and Training Act; and

82 (ii) the Office of the Attorney General for the support of the Utah Prosecution Council
83 established in Title 67, Chapter 5a, and the fulfillment of the council's duties.

84 (4) The Division of Finance shall allocate from the collected surcharge established in
85 Section 51-9-401:

86 (a) 35% to the Crime Victim Reparations Fund;

87 (b) 18.5% to the safety account for POST, but not to exceed the amount appropriated
88 by the Legislature; and

89 (c) 3% to the safety account for support of the Utah Prosecution Council, but not to

152 7, Part 5, Utah Office for Victims of Crime [~~Victim Reparations Act~~], to the division, funds for
 153 training of law enforcement officers in the state.

154 (2) The department shall make an annual report to the Legislature, which includes the
 155 amount received during the previous fiscal year.

156 Section 4. Section **63A-9-801** is amended to read:

157 **63A-9-801. State surplus property program -- Definitions -- Administration.**

158 (1) As used in this section:

159 (a) "Agency" means:

160 (i) the Utah Departments of Administrative Services, Agriculture, Alcoholic Beverage
 161 Control, Commerce, Community and Culture, Corrections, Workforce Services, Health,
 162 Human Resource Management, Human Services, Insurance, Natural Resources, Public Safety,
 163 Technology Services, and Transportation and the Labor Commission;

164 (ii) the Utah Offices of the Auditor, Attorney General, Court Administrator, Utah
 165 Office for Victims of Crime [~~Victim Reparations~~], Rehabilitation, and Treasurer;

166 (iii) the Public Service Commission and State Tax Commission;

167 (iv) the State Boards of Education, Pardons and Parole, and Regents;

168 (v) the Career Service Review ~~H~~→ [Board] Office ←~~H~~ ;

169 (vi) other state agencies designated by the governor;

170 (vii) the legislative branch, the judicial branch, and the State Board of Regents; and

171 (viii) an institution of higher education, its president, and its board of trustees for
 172 purposes of Section 63A-9-802.

173 (b) "Division" means the Division of Fleet Operations.

174 (c) "Information technology equipment" means any equipment that is designed to
 175 electronically manipulate, store, or transfer any form of data.

176 (d) "Inventory property" means property in the possession of the division that is
 177 available for purchase by an agency or the public.

178 (e) "Judicial district" means the geographic districts established by Section 78A-1-102.

179 (f) (i) "Surplus property" means property purchased by, seized by, or donated to, an
 180 agency that the agency wishes to dispose of.

181 (ii) "Surplus property" does not mean real property.

182 (g) "Transfer" means transfer of surplus property without cash consideration.

214 amount established by the division by rule to pay the costs of administering the surplus
215 property program.

216 (4) Unless specifically exempted from this chapter by explicit reference to this chapter,
217 each state agency shall dispose of and acquire surplus property only by participating in the
218 division's program.

219 Section 5. Section **63M-7-501** is amended to read:

220 **Part 5. Utah Office for Victims of Crime**

221 **63M-7-501. Title.**

222 This part is known as the [~~"Crime Victim Reparations Act"~~] "Utah Office for Victims
223 of Crime" and may be abbreviated as the [~~"CVRA."~~] "UOVC."

224 Section 6. Section **63M-7-502** is amended to read:

225 **63M-7-502. Definitions.**

226 As used in this chapter:

227 (1) "Accomplice" means a person who has engaged in criminal conduct as defined in
228 Section 76-2-202.

229 (2) "Assistance officer" means the victim services program coordinator, grant analysts,
230 and other staff employed by the office to perform the duties and functions provided in
231 63M-7-508.5.

232 [~~(2)~~] (3) "Board" means the Crime Victim Reparations ~~Board~~ **and Assistance** Board
232a created under Section
233 63M-7-504.

234 [~~(3)~~] (4) "Bodily injury" means physical pain, illness, or any impairment of physical
235 condition.

236 [~~(4)~~] (5) "Claim" means:

237 (a) the victim's application or request for a reparations award; and

238 (b) the formal action taken by a victim to apply for reparations pursuant to [~~Sections~~
239 ~~63M-7-501 through 63M-7-525~~] this chapter.

240 [~~(5)~~] (6) "Claimant" means any of the following claiming reparations under this
241 chapter:

242 (a) a victim;

243 (b) a dependent of a deceased victim;

244 (c) a representative other than a collateral source; or

338 Chapter 3, Utah Administrative Rulemaking Act.

339 ~~[(35)]~~ (34) "Service provider" means a person or agency who provides a service to
 340 crime victims for a monetary fee except attorneys as provided in Section 63M-7-524.

341 (35) "Utah Office for Victims of Crime" or "office" means the director, the reparations
 342 and assistance officers, and any other staff employed for the purpose of carrying out the
 343 provisions of this chapter.

344 (36) (a) "Victim" means a person who suffers bodily or psychological injury or death as
 345 a direct result of criminally injurious conduct or of the production of pornography in violation
 346 of Sections 76-5a-1 through 76-5a-4 if the person is a minor.

347 (b) "Victim" does not include a person who participated in or observed the judicial
 348 proceedings against an offender unless otherwise provided by statute or rule.

349 (c) "Victim" includes a resident of this state who is injured or killed by an act of
 350 terrorism, as defined in 18 U.S.C. 2331, committed outside of the United States.

351 (37) "Work loss" means loss of income from work the injured victim would have
 352 performed if the injured victim had not been injured and expenses reasonably incurred by the
 353 injured victim in obtaining services in lieu of those the injured victim would have performed
 354 for income, reduced by any income from substitute work the injured victim was capable of
 355 performing but unreasonably failed to undertake.

356 Section 7. Section **63M-7-503** is amended to read:

357 **63M-7-503. Restitution -- Reparations not to supplant restitution -- Assignment**
 358 **of claim for restitution judgment to Reparations Office.**

359 (1) A reparations award may not supplant restitution as established under Title 77,
 360 Chapter 38a, Crime Victims Restitution Act, or as established by any other provisions.

361 (2) The court may not reduce an order of restitution based on a reparations award.

362 (3) If, due to reparation payments to a victim, the Utah Office for Victims of Crime
 363 [Victim Reparations] is assigned under Section 63M-7-519 a claim for the victim's judgment
 364 for restitution or a portion of the restitution, the office may file with the sentencing court a
 365 notice of the assignment. The notice of assignment shall be signed by the victim and a
 366 reparations officer and shall ~~H→~~ **[state the amount of the claim assigned] contain an affidavit**
 366a **detailing the specific amounts of pecuniary damages paid on behalf of the victim. A copy of the**
 366b **notice of assignment and affidavit shall be mailed by certified mail to the defendant at his last**
 366c **known address 20 days prior to sentencing, entry of any judgment or order of restitution, or**
 366d **modification of any existing judgment or order of restitution. Any objection by the defendant**
 366e **to the imposition or amount of restitution shall be made at the time of sentencing or in**

366f writing within 20 days of the receipt of notice, to be filed with the court and a copy mailed to
366g the office. Upon the filing of the objection, the court shall allow the defendant a full hearing on
366h the issue as provided by Subsection 77-38a-302(4) ←Ĥ .

367 (4) ~~Ĥ→~~ [Upon] If no objection is made or filed by the defendant, then upon ←Ĥ
367a conviction and sentencing [~~of the defendant~~], the court shall enter a [civil]
368 judgment for complete restitution [~~as provided in Section 77-38a-401~~] pursuant to the

493 (3) as determined necessary by the reparations officers, hold hearings, administer oaths
 494 or affirmations, examine any person under oath or affirmation, issue subpoenas requiring the
 495 attendance and giving of testimony of witnesses, require the production of any books, papers,
 496 documents, or other evidence which may contribute to the reparations officer's ability to
 497 determine particular reparation awards;

498 (4) determine who is a victim or dependent;

499 (5) award reparations or other benefits determined to be due under this chapter and the
 500 rules of the board;

501 (6) take notice of judicially recognized facts and general, technical, and scientific facts
 502 within their specialized knowledge;

503 (7) advise and assist the board in developing policies recognizing the rights, needs, and
 504 interests of crime victims;

505 (8) render periodic reports as requested by the board concerning:

506 (a) the officers' activities; and

507 (b) the manner in which the rights, needs, and interests of crime victims are being
 508 addressed by the state's criminal justice system;

509 (9) establish priorities for assisting elderly victims of crime or those victims facing
 510 extraordinary hardships;

511 (10) cooperate with the Commission on Criminal and Juvenile Justice to develop
 512 information regarding crime victims' problems and programs; and

513 (11) assist the director in publicizing the provisions of the [~~Crime Victim Reparations~~
 514 ~~Act~~] Utah Office for Victims of Crime, including the procedures for obtaining reparation, and
 515 in encouraging law enforcement agencies, health providers, and other related officials to take
 516 reasonable care to ensure that victims are informed about the provisions of this chapter and the
 517 procedure for applying for reparation.

518 ~~H→ [Section 13. Section 63M-7-508.5 is enacted to read:~~

519 ~~63M-7-508.5. Assistance officers duties and functions:~~

520 ~~Assistance officers shall, in addition to assignments made by the director and under the~~
 521 ~~supervision of the victim services program coordinator:~~

522 ~~(1) apply for grant funds made available by the United States, the state, foundations,~~
 523 ~~corporations, and other businesses and agencies, or individuals;~~

524 ~~—— (2) monitor, account for, and prepare all reports required by statute or rule by the grant~~
 525 ~~525 funding entity;~~
 526 ~~—— (3) advise and assist the program coordinator and board in developing policies and~~
 527 ~~527 procedures for screening, awarding contracts, and disbursing of grant funds to subgrantees for~~
 528 ~~528 the development and administration of victim service programs statewide;~~
 529 ~~—— (4) render periodic reports as requested by the board concerning;~~
 530 ~~—— (a) the status, development, and implementation of victim assistance programs~~
 531 ~~531 statewide; and~~
 532 ~~—— (b) quarterly financial reports as to grant fund balances and disbursements;~~
 533 ~~—— (5) engage in periodic financial and programmatic site reviews and audits of~~
 534 ~~534 subgrantee victim assistance programs;~~
 535 ~~—— (6) provide, coordinate, and assist in the development of statewide training of victim~~
 536 ~~536 service providers and associated criminal justice agencies; and~~
 537 ~~—— (7) assist the director and board in performing any other acts necessary for the office or~~
 538 ~~538 board to successfully fulfill its statutory duties or objectives.] ←H~~

539 Section 14. Section **63M-7-514** is amended to read:

540 **63M-7-514. Notification of claimant -- Suspension of proceedings.**

541 (1) The Utah Office for Victims of Crime [~~Victim Reparations~~] shall immediately
 542 notify the claimant in writing of any award and shall forward to the Division of Finance a
 543 certified copy of the award and a warrant request for the amount of the award. The Division of
 544 Finance shall pay the claimant the amount submitted to the division, out of the fund. If monies
 545 in the fund are temporarily depleted, claimants approved to receive awards shall be placed on a
 546 waiting list and shall receive their awards as funds are available in the order in which their
 547 awards were approved.

548 (2) The reparations officer may suspend the proceedings pending disposition of a
 549 criminal prosecution that has been commenced or is imminent.

550 Section 15. Section **63M-7-515** is amended to read:

551 **63M-7-515. Rules for contested claims -- Exemption from Administrative**
 552 **Procedures Act.**

553 (1) Rules for procedures for contested determinations by a reparations officer shall be
 554 adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

- 648 (c) to probation unless otherwise specifically provided by law;
 649 (d) to imprisonment;
 650 (e) on or after April 27, 1992, to life in prison without parole; or
 651 (f) to death.

652 (3) (a) This chapter does not deprive a court of authority conferred by law to:

- 653 (i) forfeit property;
 654 (ii) dissolve a corporation;
 655 (iii) suspend or cancel a license;
 656 (iv) permit removal of a person from office;
 657 (v) cite for contempt; or
 658 (vi) impose any other civil penalty.
 659 (b) A civil penalty may be included in a sentence.

660 (4) (a) When a person is convicted of criminal activity that has resulted in pecuniary
 661 damages, in addition to any other sentence it may impose, the court shall order that the
 662 defendant make restitution to the victims, or for conduct for which the defendant has agreed to
 663 make restitution as part of a plea agreement.

664 (b) In determining whether restitution is appropriate, the court shall follow the criteria
 665 and procedures as provided in Title 77, Chapter 38a, Crime Victims Restitution Act.

666 (c) In addition to any other sentence the court may impose, the court, pursuant to the
 667 provisions of Sections 63M-7-503 and ~~H→ [77-38-a-401]~~ 77-38a-401 ←H, shall enter:

668 (i) a civil judgment for complete restitution for the full amount of expenses paid on
 669 behalf of the victim by the Utah Office for Victims of Crime; and

670 (ii) an order of restitution for restitution payable to the Utah Office for Victims of
 671 Crime in the same amount unless otherwise ordered by the court pursuant to Subsection (4)(d).

672 (d) In determining whether to order that the restitution required under Subsection (4)(c)
 673 be reduced or that the defendant be exempted from the restitution, the court shall consider the
 674 criteria under Subsections 77-38a-302(5)(c)(i) through (iv) and provide ~~H→ [written]~~ ←H
 674a findings of its
 675 decision on the record.

676 (5) (a) In addition to any other sentence the court may impose, and unless otherwise
 677 ordered by the court, the defendant shall pay restitution of governmental transportation
 678 expenses if the defendant was: