

**BENEFITS WHILE A PRISONER**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad R. Wilson**

Senate Sponsor: Todd Weiler

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**LONG TITLE**

**General Description:**

This bill modifies the Utah Code regarding persons who are ineligible to receive an award of reparations.

**Highlighted Provisions:**

This bill:

- ▶ prohibits a person from receiving an award of reparations for injuries sustained as a result of criminally injurious conduct while that person is incarcerated.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63M-7-510**, as last amended by Laws of Utah 2010, Chapter 193

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

Section 1. Section **63M-7-510** is amended to read:

**63M-7-510. Ineligible persons -- Fraudulent claims -- Penalties.**

(1) The following individuals are not eligible to receive an award of reparations:

- (a) persons who do not meet all of the provisions set forth in Section 63M-7-509;
- (b) the offender;
- (c) an accomplice of the offender;

30 (d) any person whose receipt of an award would unjustly benefit the offender,  
31 accomplice, or other person reasonably suspected of participating in the offense;

32 (e) the victim of a motor vehicle injury who was the owner or operator of the motor  
33 vehicle and was not at the time of the injury in compliance with the state motor vehicle  
34 insurance laws;

35 (f) any convicted offender serving a sentence of imprisonment in any prison or jail or  
36 residing in any other correctional facility;

37 (g) all persons who are on probation or parole if the circumstances surrounding the  
38 offense of which they are victims constitute a violation of their parole or probation; and

39 (h) any person whose injuries are the result of criminally injurious conduct [~~which~~ that  
40 occurred in a prison, jail, or any other correctional facility while the person was [~~serv~~  
41 ~~sentence of imprisonment~~] incarcerated.

42 (2) A person who knowingly submits a fraudulent claim for reparations or who  
43 knowingly misrepresents material facts in making a claim, and who receives an award based on  
44 that claim, is guilty of an offense, based on the following award amounts:

45 (a) for value under \$500, a class B misdemeanor;

46 (b) for value equal to or greater than \$500, but less than \$1,500, a class A  
47 misdemeanor;

48 (c) for value equal to or greater than \$1,500, but less than \$5,000, a third degree felony;  
49 and

50 (d) for value equal to or greater than \$5,000, a second degree felony.

51 (3) A person who submits a claim described in Subsection (2) but receives no award  
52 based on that claim is guilty of a class B misdemeanor.

53 (4) The state attorney general may prosecute violations under this section or may make  
54 arrangements with county attorneys for the prosecution of violations under this section when  
55 the attorney general cannot conveniently prosecute.

56 (5) The state may also bring a civil action against a claimant who receives reparation  
57 payments that are later found to be unjustified and who does not return to the Crime Victim

58    Reparations Fund the unjustified amount.