

BENEFITS WHILE A PRISONER

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad R. Wilson

Senate Sponsor: Todd Weiler

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

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;



- 28 (b) the offender;
- 29 (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 [~~serving a~~
- 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.

Legislative Review Note
as of 2-4-13 12:33 PM

Office of Legislative Research and General Counsel