

1 **CRIME VICTIMS RESTITUTION AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mike K. McKell**

5 Senate Sponsor: Deidre M. Henderson

7 **LONG TITLE**

8 **General Description:**

9 This bill allows a designated representative of a victim to pursue restitution claims.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ allows for a person who claims pecuniary damages as a result of a defendant's
13 criminal activities to seek restitution individually through a representative.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **77-38-9**, as last amended by Laws of Utah 1995, Chapter 352

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

23 Section 1. Section **77-38-9** is amended to read:

24 **77-38-9. Representative of victim -- Court designation -- Representation in cases**
25 **involving minors -- Photographs in homicide cases.**

26 (1) (a) A victim of a crime may designate, with the approval of the court, a
27 representative who may exercise the same rights that the victim is entitled to exercise under
28 this chapter, including pursuing restitution.

29 (b) Except as otherwise provided in this section, the victim may revoke the designation

30 at any time.

31 (c) In cases where the designation is in question, the court may require that the
32 designation of the representative be made in writing by the victim.

33 (2) In cases in which the victim is deceased or incapacitated, upon request from the
34 victim's spouse, parent, child, or close friend, the court shall designate a representative or
35 representatives of the victim to exercise the rights of a victim under this chapter on behalf of
36 the victim. The responsible prosecuting agency may request a designation to the court.

37 (3) (a) If the victim is a minor, the court in its discretion may allow the minor to
38 exercise the rights of a victim under this chapter or may allow the victim's parent or other
39 immediate family member to act as a representative of the victim.

40 (b) The court may also, in its discretion, designate a person who is not a member of the
41 immediate family to represent the interests of the minor.

42 (4) The representative of a victim of a crime shall not be:

43 (a) the accused or a person who appears to be accountable or otherwise criminally
44 responsible for or criminally involved in the crime or conduct, a related crime or conduct, or a
45 crime or act arising from the same conduct, criminal episode, or plan as the crime or conduct is
46 defined under the laws of this state;

47 (b) a person in the custody of or under detention of federal, state, or local authorities;

48 or

49 (c) a person whom the court in its discretion considers to be otherwise inappropriate.

50 (5) Any notices that are to be provided to a victim pursuant to this chapter shall be sent
51 to the victim or the victim's lawful representative.

52 (6) On behalf of the victim, the prosecutor may assert any right to which the victim is
53 entitled under this chapter, unless the victim requests otherwise or exercises his own rights.

54 (7) In any homicide prosecution, the prosecution may introduce a photograph of the
55 victim taken before the homicide to establish that the victim was a human being, the identity of
56 the victim, and for other relevant purposes.