

243 the criminal accounts receivable to the Office of State Debt Collection; and

244 (b) for all other cases:

245 (i) retain the responsibility for receiving, processing, and distributing payments for the  
246 criminal accounts receivable until the court enters a civil accounts receivable or civil judgment  
247 of restitution on the civil judgment docket under Subsection 77-18-114(1) or (2); and

248 (ii) record each payment by the defendant on the case docket.

249 (c) For a criminal accounts receivable that a court retains responsibility for receiving,  
250 processing, and distributing payments under Subsection (2)(b)(i), the Judicial Council may  
251 establish rules to require a defendant to pay the cost, or a portion of the cost, for an electronic  
252 payment ~~↳~~ fee ~~←~~ that is charged by a financial institution for the use of a credit or debit card [by  
252a the  
253 defendant] to make payments towards the criminal accounts receivable.

254 (3) (a) Upon entering an order for a criminal accounts receivable, the court shall  
255 establish a payment schedule for the defendant to make payments towards the criminal  
256 accounts receivable.

257 (b) In establishing the payment schedule for the defendant, the court shall consider:

258 (i) the needs of the victim if the criminal accounts receivable includes an order for  
259 restitution under Section 77-38b-205;

260 (ii) the financial resources of the defendant, as disclosed in the financial declaration  
261 under Section 77-38b-204;

262 (iii) the burden that the payment schedule will impose on the defendant regarding the  
263 other reasonable obligations of the defendant;

264 (iv) the ability of the defendant to pay restitution on an installment basis or on other  
265 conditions fixed by the court;

266 (v) the rehabilitative effect on the defendant of the payment of restitution and method  
267 of payment; and

268 (vi) any other circumstance that the court determines is relevant.

269 (4) A payment schedule for a criminal accounts receivable does not limit the ability of  
270 a judgment creditor to pursue collection by any means allowable by law.

271 (5) If the court orders restitution under Section 77-38b-205, or makes another financial  
272 decision, after sentencing that increases the total amount owed in a defendant's case, the  
273 defendant's criminal accounts receivable balance shall be adjusted to include any new amount

367 damages is conclusively determined as to the defendant if the issue is involved in a subsequent  
 368 civil action.

369 ~~§→ [(c) If a defendant is convicted of a misdemeanor or felony offense and the conviction is~~  
 370 ~~not a plea of no contest,] (c) (i) Except as provided in Subsection (2)(c)(ii), if a defendant is~~  
 370a ~~convicted of a misdemeanor or felony offense, ←§ the defendant is precluded from subsequently~~  
 370b ~~denying the essential~~  
 371 ~~allegations of the offense in a subsequent civil action brought against the defendant for the~~  
 372 ~~criminal conduct underlying the offense. §→ (ii) Subsection (2)(c)(i) does not apply if the offense~~  
 372a ~~is a class C misdemeanor under Title 41, Chapter 6a, Traffic Code, or the defendant entered a~~  
 372b ~~plea of no contest for the offense. ←§~~

373 [(2)] (3) (a) The sentencing court shall credit any payment in favor of the victim in a  
 374 civil action for the defendant's criminal conduct toward the amount of restitution owed by the  
 375 defendant to the victim.

376 (b) In a civil action, a court shall credit any restitution paid by the defendant to a victim  
 377 for the defendant's criminal conduct towards the victim against any judgment that is in favor of  
 378 the victim for the civil action.

379 (c) If a victim receives payment from the defendant for the civil action, the victim shall  
 380 provide notice to the sentencing court and the court in the civil action of the payment within 30  
 381 days after the day on which the victim receives the payment.

382 (d) Nothing in this section shall prevent a defendant from providing proof of payment  
 383 to the court or the office.

384 [(3)] (4) (a) If a victim prevails in a civil action against a defendant, the court shall  
 385 award reasonable attorney fees and costs to the victim.

386 (b) If the defendant prevails in the civil action, the court shall award reasonable costs to  
 387 the defendant if the court finds that the victim brought the civil action for an improper purpose,  
 388 including to harass the defendant or to cause unnecessary delay or needless increase in the cost  
 389 of litigation.