

274 77-32b-102.

275 (5) "Criminal conduct" means:

276 (a) any misdemeanor or felony offense of which the defendant is convicted; or

277 (b) any other criminal behavior for which the defendant admits responsibility to the
278 court with or without an admission of committing the criminal behavior.

279 (6) "Deceased victim" means an individual whose death is proximately caused by the
280 criminal conduct of the defendant.

281 [~~(6)~~] (7) (a) "Defendant" means an individual who has been convicted of, or entered
282 into a plea disposition for, criminal conduct.

283 (b) "Defendant" does not include a minor, as defined in Section 80-1-102, who is
284 adjudicated, or enters into a nonjudicial adjustment, for any offense under Title 80, Chapter 6,
285 Juvenile Justice.

286 [~~(7)~~] (8) "Department" means the Department of Corrections.

287 (9) (a) "Dependent" means an individual for whom a deceased victim, or a permanently
288 impaired victim, had a legal obligation to provide dependent support at the time of the criminal
289 conduct by the defendant.

290 (b) "Dependent" includes:

291 (i) a child:

292 (A) who is younger than 18 years old; and

293 (B) for whom a deceased victim, or a permanently impaired victim, is the adoptive or
294 biological parent or legal guardian;

295 (ii) an unborn child who has a parent-child relationship with a deceased victim, or a
296 permanently impaired victim, in accordance with Title 78B, Chapter 15, Utah Uniform
297 Parentage Act; or

298 (iii) an incapacitated individual for whom a deceased victim, or a permanently
299 impaired victim, is the adoptive or biological parent or the legal guardian.

300 (10) "Dependent support" means the financial obligation of an individual to provide for
301 the ~~§~~→ routine ←~~§~~ needs of a dependent, including food, clothing, health care, safety, or shelter.

302 [~~(8)~~] (11) "Diversion agreement" means an agreement entered into by the prosecuting
303 attorney and the defendant that suspends criminal proceedings before conviction on the
304 condition that a defendant agree to participate in a rehabilitation program, pay restitution to the

398 a defendant, as part of the sentence imposed under Section 76-3-201, to pay restitution to all
399 victims:

400 (i) in accordance with the terms of any plea agreement in the case; or

401 (ii) for the entire amount of pecuniary damages that are proximately caused to each
402 victim by the criminal conduct of the defendant.

403 (b) If a court enters a plea in abeyance or a diversion agreement for a defendant that
404 includes an agreement to pay restitution, the court shall order the defendant to pay restitution to
405 all victims:

406 (i) in accordance with the terms of the plea in abeyance or the diversion agreement; or

407 (ii) if the terms of the plea in abeyance include an agreement between the parties that
408 restitution will be determined by the court as described in Section 77-2a-3, for the entire
409 amount of pecuniary damages that are proximately caused to each victim by the criminal
410 conduct of the defendant.

411 ~~[(c)]~~ ~~(2)~~ (a) ~~§~~→ ~~[In]~~ **Except as provided in Subsection (2)(b), in** ←~~§~~ determining the
411a amount of pecuniary damages under Subsection

412 (1)(a)(ii) or (b)(ii), the court shall consider all relevant facts to establish an amount that fully
413 compensates a victim for all pecuniary damages proximately caused by the criminal conduct of
414 the defendant.

415 (b) If the court determines that the defendant owes pecuniary damages to a dependent
416 for dependent support ~~§~~→ ~~[under Subsection (2)(a)]~~ ←~~§~~ , the court shall establish the amount of
417 dependent support owed to the dependent as described in Section 77-38b-206.

417a ~~§~~→ **(c) Subsection (2)(b) does not prohibit the court from also ordering restitution for a victim**
417b **under Subsection (2)(a) that is not dependent support.** ←~~§~~

418 ~~[(d)]~~ ~~(3)~~ The court shall enter the determination of the amount of restitution under
419 Subsection (1)(a)(ii) or (b)(ii) as a finding on the record.

420 ~~[(2)]~~ ~~(4)~~ Upon an order for a defendant to pay restitution under Subsection (1), the
421 court shall:

422 (a) enter an order to establish a criminal accounts receivable as described in Section
423 77-32b-103; and

424 (b) establish a payment schedule for the criminal accounts receivable as described in
425 Section 77-32b-103.

426 ~~[(3)]~~ ~~(5)~~ If the defendant objects to a request for restitution, the court shall allow the
427 defendant to have a hearing on the issue, unless the issue is addressed at the sentencing hearing
428 for the defendant.