



UTAH BOARD OF PARDONS & PAROLE

PROSECUTOR'S ASSISTANCE / DUTIES

VICTIM NOTICE, HEARING ATTENDANCE, RESTITUTION

- 1- Victims have the right to be notified of, and attend, hearings before the Board. (See Utah Code Ann. §§ 77-27-9.5, 77-37-3).
- 2- Victims have the right to have restitution determined and imposed as part of sentencing. (See Utah Code Ann. §§77-37-3, 77-38a-301).
- 3- Board has power to determine and impose restitution. (See Utah Code Ann. §§ 77-27-5(1)(a), 77-27-6).

4- TO CARRY OUT THESE DUTIES – BOARD NEEDS INFORMATION!!

- 5- Prosecutors' Duties – Utah Code Ann. §77-27-13:

(4) Law enforcement officials responsible for the offender's arrest, conviction, and sentence shall furnish all pertinent data requested by the board.

(5) (a) In all cases where an indeterminate sentence is imposed, the judge imposing the sentence may within 30 days from the date of the sentence, mail to the chief executive of the board a statement in writing setting out the term for which, in his opinion, the offender sentenced should be imprisoned, and any information he may have regarding the character of the offender or any mitigating or aggravating circumstances connected with the offense for which the offender has been convicted. In addition, the prosecutor shall in all cases, within 30 days from the date of sentence, forward in writing to the chief executive of the board a full and complete description of the crime, a written record of any plea bargain entered into, a statement of the mitigating or aggravating circumstances or both, all investigative reports, a victim impact statement referring to physical, mental, or economic loss suffered, and any other information the prosecutor believes will be relevant to the board. These statements shall be preserved in the files of the board.

- 6- Prosecutors' Duties – Utah Code Ann. §77-38a-202:

1) At the time of entry of a conviction or entry of any plea disposition of a felony or class A misdemeanor, the attorney general, county attorney, municipal attorney, or district attorney shall provide to the district court:

(a) the names of all victims, including third parties, asserting claims for restitution;



UTAH BOARD OF PARDONS & PAROLE

PROSECUTOR'S ASSISTANCE / DUTIES

(b) the actual or estimated amount of restitution determined at that time; and
(c) whether or not the defendant has agreed to pay the restitution specified as part of the plea disposition.

(2) In computing actual or estimated restitution, the attorney general, county attorney, municipal attorney, or district attorney shall:

(a) use the criteria set forth in Section 77-38a-302 for establishing restitution amounts; and

(b) in cases involving multiple victims, incorporate into any conviction or plea disposition all claims for restitution arising out of the investigation for which the defendant is charged.

(3) If charges are not to be prosecuted as part of a plea disposition, restitution claims from victims of those crimes shall also be provided to the court.

CONTACT BOPP:

Address: 448 East Winchester Street
Suite 300
Murray, Utah 84107

Telephone: (801) 261-6464

FAX: (801) 261-6481

E-Mail: bopinfo@utah.gov

Web: www.bop.utah.gov

Administrative Coordinator:	Greg Johnson
Senior Hearing Officer:	Kent Jones
Administrative Secretary:	Julie K. Brown