

## **Chapter 32a Defense Costs**

### **77-32a-1 Convicted defendant may be required to pay costs.**

In a criminal action the court may require a convicted defendant to pay costs.

Amended by Chapter 35, 2002 General Session

### **77-32a-2 Costs -- What constitute.**

Costs shall be limited to expenses specially incurred by the state or any political subdivision in investigating, searching for, apprehending, and prosecuting the defendant, including attorney fees of counsel assigned to represent the defendant, interpreter fees, and investigators' fees. Costs cannot include expenses inherent in providing a constitutionally guaranteed trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Costs cannot include attorneys' fees for prosecuting attorneys.

Amended by Chapter 21, 1999 General Session

### **77-32a-3 Ability to pay considered.**

The court shall not include in the judgment a sentence that a defendant pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose and that restitution be the first priority.

Enacted by Chapter 15, 1980 General Session

### **77-32a-4 Petition for remission of payment of costs.**

A defendant who has been sentenced to pay costs and who is not in contumacious default in the payment thereof may at any time petition the court which sentenced him for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or his immediate family, the court may remit all or part of the amount due in costs, or modify the method of payment under Section 77-32a-5.

Enacted by Chapter 15, 1980 General Session

### **77-32a-5 Time and method of payment.**

When a defendant is sentenced to pay costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the costs shall be payable forthwith.

Enacted by Chapter 15, 1980 General Session

### **77-32a-6 Payment as condition of probation or suspended sentence.**

When a defendant sentenced to pay costs is also placed on probation or imposition or execution of sentence is suspended, the court may make payment of costs a condition of probation or suspension of sentence.

Enacted by Chapter 15, 1980 General Session

**77-32a-7 Default in payment as contempt -- Order to show cause -- Warrant of arrest.**

When a defendant sentenced to pay costs defaults in the payment thereof or of any installment, the court on motion of the attorney general or the county attorney or upon its own motion may require him to show cause why his default should not be treated as contempt of court, and may issue an order to show cause or a warrant of arrest for his appearance.

Enacted by Chapter 15, 1980 General Session

**77-32a-8 Default in payment as contempt -- What constitutes contempt -- Imprisonment.**

Unless the defendant shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make the payment, the court may find that his default constitutes contempt and may order him committed until the costs or a specified part thereof, are paid.

Enacted by Chapter 15, 1980 General Session

**77-32a-9 Costs imposed on corporation or association -- Duty to pay -- Contempt.**

When costs are imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the costs from those assets, and his failure to do so may be held to be contempt unless he makes the showing required in Section 77-32a-8 of this act.

Enacted by Chapter 15, 1980 General Session

**77-32a-10 Imprisonment for contempt -- Limitations.**

The term of imprisonment for contempt for nonpayment of costs shall be set forth in the commitment order, and shall not exceed one day for each \$25 of the costs, 30 days if the costs were imposed upon conviction of a misdemeanor, or six months in the case of a felony, whichever is the shorter period. A person committed for nonpayment of costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

Enacted by Chapter 15, 1980 General Session

**77-32a-11 Default not constituting contempt -- Relief allowed.**

If it appears to the satisfaction of the court that the default in the payment of costs is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the costs or the unpaid portion thereof in whole or in part.

Enacted by Chapter 15, 1980 General Session

**77-32a-12 Collection of payment in default -- Execution.**

A default in the payment of costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of costs shall not discharge a defendant committed to imprisonment for contempt until the amount of the costs has actually been collected.

Enacted by Chapter 15, 1980 General Session

**77-32a-13 Docketing judgment for costs.**

A judgment that the defendant pay costs may be docketed in the same manner as a judgment in a civil action.

Enacted by Chapter 15, 1980 General Session

**77-32a-14 Verified statement of time and expenses of counsel for indigent defendants.**

The court may require a verified statement of time and expenses from appointed counsel or the nonprofit legal aid or other association providing counsel to convicted indigent defendants in order to establish the costs, if any, which will be included in the judgment.

Enacted by Chapter 15, 1980 General Session