

- 19k **h** (iv) \$80 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter 4,
 19l **Separate Maintenance[-];**
- 19m **(v) \$50 IF THE PETITION IS FOR A TEMPORARY STALKING INJUNCTION UNDER TITLE 77,**
 19n **CHAPTER 3a, STALKING INJUNCTIONS;**
- 19o **(vi) \$30 IF THE PETITION IS AN APPLICATION TO RENEW A TEMPORARY STALKING**
 19p **INJUNCTION; AND**
- 19q **(vii) \$50 IF THE PETITION IS AN APPLICATION TO MODIFY A TEMPORARY STALKING**
 19r **INJUNCTION TO A PERMANENT STALKING INJUNCTION.**
- 19s (c) The fee for filing a small claims affidavit is:
- 19t (i) \$37 if the claim for damages or amount in interpleader exclusive of court costs, interest,
 19u and attorney fees is \$2,000 or less; and
- 19v (ii) \$60 if the claim for damages or amount in interpleader exclusive of court costs, interest,
 19w and attorney fees is greater than \$2,000.
- 19x (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
 19y complaint, or other claim for relief against an existing or joined party other than the original
 19z complaint or petition is:
- 19aa (i) \$45 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or
 19ab less;
- 19ac (ii) \$60 if the claim for relief exclusive of court costs, interest, and attorney fees is greater
 19ad than \$2,000 and less than \$10,000;
- 19ae (iii) \$90 if the original petition is filed under Subsection (1)(a) or when the claim for relief is
 19af \$10,000 or more; and
- 19ag (iv) \$60 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter 4,
 19ah **Separate Maintenance.**
- 19ai (e) The fee for filing a small claims counter affidavit is:
- 19aj (i) \$35 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or
 19ak less; and
- 19al (ii) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is greater
 19am than \$2,000.
- 19an (f) The fee for depositing funds under Section 57-1-29 when not associated with an action
 19ao already before the court is determined under Subsection (1)(b) based on the amount deposited.
- 19ap (g) The fee for filing a petition for trial de novo of an adjudication of the justice court or of the
 19aq small claims department is \$70.
- 19ar (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
 19as petition for writ of certiorari is \$190.
- 19at (i) (i) Except for a petition filed under Subsection 77-18-10(2), the fee for filing a petition
 19au for expungement is \$50.
- 19av (ii) There is no fee for a petition filed under Subsection 77-18-10(2).
- 19aw (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
 19ax allocated to the Judges' Retirement Trust Fund, as provided in Title 49, Chapter 6, Judges' **h**

19ay **h Retirement Act.**

19az (ii) Two dollars of the fees established by Subsections (1)(a) through (i) shall be allocated by
19ba the state treasurer to be deposited in the restricted account, Children's Legal Defense Account, as
19bb provided in Section 63-63a-8.

19bc (iii) One dollar of the fees established under Subsections (1)(a) through (e), (1)(g), and (1)(r)
19bd shall be allocated to and deposited with the Dispute Resolution Fund as provided in Section
19be 78-31b-9.

19bf (k) The fee for filing a judgment, order, or decree of a court of another state or of the United
19bg States is \$25.

19bh (l) The fee for filing probate or child custody documents from another state is \$25.

19bi (m) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the Utah
19bj State Tax Commission is \$30.

19bk (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state or a
19bl judgment, order, or decree of an administrative agency, commission, board, council, or hearing
19bm officer of this state or of its political subdivisions other than the Utah State Tax Commission, is \$40.

19bn (n) The fee for filing a judgment by confession without action under Section 78-22-3 is \$25.

19bo (o) The fee for filing an award of arbitration for confirmation, modification, or vacation under
19bp Title 78, Chapter 31a, Utah Arbitration Act, that is not part of an action before the court is \$25.

19bq (p) The fee for filing a petition or counter-petition to modify a decree of divorce is \$30.

19br (q) The fee for filing any accounting required by law is:

19bs (i) \$10 for an estate valued at \$50,000 or less;

19bt (ii) \$20 for an estate valued at \$75,000 or less but more than \$50,000;

19bu (iii) \$40 for an estate valued at \$112,000 or less but more than \$75,000;

19bv (iv) \$80 for an estate valued at \$168,000 or less but more than \$112,000; and

19bw (v) \$150 for an estate valued at more than \$168,000.

19bx (r) The fee for filing a demand for a civil jury is \$50.

19by (s) The fee for filing a notice of deposition in this state concerning an action pending in
19bz another state under Utah Rule of Civil Procedure 26 is \$25.

19ca (t) The fee for filing documents that require judicial approval but are not part of an action
19cb before the court is \$25.

19cc (u) The fee for a petition to open a sealed record is \$25.

19cd (v) The fee for a writ of replevin, attachment, execution, or garnishment is \$20 in addition to
19ce any fee for a complaint or petition.

19cf (w) The fee for a petition for authorization for a minor to marry required by Section 30-1-9 is
19cg \$5.

19ch (x) The fee for a certificate issued under Section 26-2-25 is \$2.

19ci (y) The fee for a certified copy of a document is \$2 per document plus 50 cents per page.

19cj (z) The fee for an exemplified copy of a document is \$4 per document plus 50 cents per page.

19ck (aa) The Judicial Council shall by rule establish a schedule of fees for copies of documents
19cl and forms and for the search and retrieval of records under Title 63, Chapter 2, Government **h**

19cm **h** Records Access and Management Act. Fees under this subsection shall be credited to the court
19cn as a reimbursement of expenditures.

19co (bb) There is no fee for services or the filing of documents not listed in this section or
19cp otherwise provided by law.

19cq (cc) Except as provided in this section, all fees collected under this section are paid to the
19cr General Fund. Except as provided in this section, all fees shall be paid at the time the clerk accepts
19cs the pleading for filing or performs the requested service.

19ct (dd) The filing fees under this section may not be charged to the state, its agencies, or
19cu political subdivisions filing or defending any action. In judgments awarded in favor of the state, its
19cv agencies, or political subdivisions, except the Office of Recovery Services, the court shall order the
19cw filing fees and collection costs to be paid by the judgment debtor. The sums collected under this
19cx subsection shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other
19cy penalty and costs permitted by law.

19cz (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts shall
19da transfer all revenues representing the difference between the fees in effect after May 2, 1994, and the
19db fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities Construction
19dc and Management Capital Projects Fund.

19dd (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities Construction
19de and Management shall use up to \$3,750,000 of the revenue deposited in the Capital Projects Fund
19df under this Subsection (2)(a) to design and take other actions necessary to initiate the development of
19dg a courts complex in Salt Lake City.

19dh (B) If the Legislature approves funding for construction of a courts complex in Salt Lake City
19di in the 1995 Annual General Session, the Division of Facilities Construction and Management shall
19dj use the revenue deposited in the Capital Projects Fund under Subsection (2)(a)(ii) to construct a
19dk courts complex in Salt Lake City.

19dl (iii) The Division of Facilities Construction and Management may enter into agreements
19dm and make expenditures related to this project before the receipt of revenues provided for under this
19dn subsection.

19do (iv) The Division of Facilities Construction and Management shall:

19dp (A) make those expenditures from unexpended and unencumbered building funds already
19dq appropriated to the Capital Projects Fund; and

19dr (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for under this
19ds Subsection (2).

19dt (b) After June 30, 1998, the administrator of the courts shall ensure that all revenues
19du representing the difference between the fees in effect after May 2, 1994, and the fees in effect before
19dv February 1, 1994, are transferred to the Division of Finance for deposit in the restricted account.

19dw (c) The Division of Finance shall deposit all revenues received from the court administrator
19dx into the restricted account created by this section.

19dy (d) (i) From May 1, 1995 until June 30, 1998, the administrator of the courts shall transfer \$7
19dz of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of **h**

19ea ~~h~~ record to the Division of Facilities Construction and Management Capital Projects Fund. The
19eb division of money pursuant to Section 78-3-14.5 shall be calculated on the balance of the fine or bail
19ec forfeiture paid.

19ed (ii) After June 30, 1998, the administrator of the courts shall transfer \$7 of the amount of a
19ee fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the Division
19ef of Finance for deposit in the restricted account created by this section. The division of money
19eg pursuant to Section 78-3-14.5 shall be calculated on the balance of the fine or bail forfeiture paid.

19eh (3) (a) There is created within the General Fund a restricted account known as the State
19ei Courts Complex Account.

19ej (b) The Legislature may appropriate monies from the restricted account to the administrator
19ek of the courts for the following purposes only:

19el (i) to repay costs associated with the construction of the court complex that were funded
19em from sources other than revenues provided for under this subsection; and

19en (ii) to cover operations and maintenance costs on the court complex. ~~h~~

20 Section ~~h [1.] 2.~~ ~~h~~ Section 77-3-1 is amended to read:

21 **77-3-1. Threatened offense -- Complaint.**

22 A complaint that a person has threatened to commit an offense against the person or
23 property of another, except in the case of stalking, may be made before any magistrate. Petitions
24 alleging the commission of stalking shall be handled pursuant to Title 77, Chapter 3a, Stalking
25 Injunctions.

26 Section ~~h [2.] 3.~~ ~~h~~ Section 77-3a-101 is enacted to read:

27 **CHAPTER 3a. STALKING INJUNCTIONS**

28 **77-3a-101. Temporary stalking injunction -- Petition.**

29 (1) As used in this chapter, "stalking" means the crime of stalking as defined in Section
30 76-5-106.5. **STALKING INJUNCTIONS MAY NOT BE OBTAINED AGAINST LAW ENFORCEMENT**
30a **OFFICERS, GOVERNMENTAL INVESTIGATORS, OR LICENSED PRIVATE INVESTIGATORS, ACTING**
30b **IN THEIR OFFICIAL CAPACITY.** ^h

31 (2) Any person who believes that they are the victim of stalking may file a petition with
32 the district court in the district in which the petitioner resides or in which any of the events
33 occurred for a temporary injunction against the alleged stalker. A minor may file a petition on
34 their own, or a parent, guardian, or custodian may file a petition on the minor's behalf.

35 (3) The petition shall state:

36 (a) the name of the petitioner; however, the petitioner's address shall be disclosed to the
37 court for purposes of service, but, on request of the petitioner, the address may not be listed on the
38 petition, and shall be protected and maintained in a separate document or automated database, not
39 subject to release, disclosure, or any form of public access except as ordered by the court for good
40 cause shown;

41 (b) the name and address, if known, of the respondent;

42 (c) specific events and dates of the actions constituting the alleged stalking; and

43 (d) if there is a prior court order concerning the same conduct, the name of the court in
44 which the order was rendered.

45 (4) If the court determines that there is reason to believe that an offense of stalking has
46 occurred, an ex parte temporary injunction may be issued by the court that includes any of the
47 following:

48 (a) either or both parties may be enjoined from committing stalking;

49 (b) either or both parties may be restrained from coming near the residence, place of
50 employment, or school of the other party or specifically designated locations or persons; or

51 (c) relief necessary or convenient for the protection of the petitioner and other specifically
52 designated persons under the circumstances.

53 (5) Any time during the period in which the temporary stalking injunction is in effect, the
54 respondent is entitled to one hearing upon written request.

55 (a) A hearing requested by the respondent shall be held within ten days from the date the
56 request is filed with the court unless the court finds compelling reasons to continue the hearing.

57 The hearing shall then be held at the earliest possible time.

58 (b) An ex parte temporary stalking injunction issued under this section shall state on its

59 face:

60 (i) that the respondent is entitled to a hearing upon written request; and

61 (ii) the name and address of the district court where the request may be filed.

62 (c) At the hearing, the court may modify, revoke, or continue the injunction.

63 (6) The temporary stalking injunction shall include the following statement: "Warning.

64 This is an official court order. If you disobey this order, the court may find you in contempt. You
65 may also be arrested and prosecuted for the crime of stalking and any other crime you may have
66 committed in disobeying this order."

67 (7) The temporary stalking injunction shall be served on the respondent within one year
68 from the date it is signed. A temporary stalking injunction is effective upon service and expires,
69 unless renewed, six months after service of the original temporary stalking injunction.

70 (8) Within 24 hours after the affidavit or acceptance of service has been returned,
71 excluding weekends and holidays, the clerk of the court from which the temporary stalking
72 injunction was issued shall enter a copy of the temporary stalking injunction and proof of service
73 or acceptance of service in the statewide network for warrants or a similar system.

74 (a) The effectiveness of a temporary stalking injunction does not depend upon its entry in
75 the statewide system and, for enforcement purposes, a certified copy of a temporary stalking
76 injunction is presumed to be a valid existing order of the court for a period of six months from the
77 date of service of the temporary stalking injunction on the respondent.

78 (b) Any changes, renewals, or modifications of the temporary stalking injunction are
79 effective on entry by the court and shall be entered into the statewide system within 24 hours of
80 the entry, excluding weekends and holidays.

81 (9) The temporary stalking injunction may be dissolved at any time upon application of
82 the petitioner to the court which granted it.

83 (10) The remedies provided in this chapter for enforcement of the orders of the court are
84 in addition to any other civil and criminal remedies available. The district court shall hear and
85 decide all matters arising pursuant to this section.

86 (11) After a hearing with notice to the affected party, the court may enter an order
87 requiring any party to pay the costs of the action, including reasonable attorney's fees.

88 (12) This chapter does not apply to protective orders or ex parte protective orders issued
89 pursuant to Title 30, Chapter 6, Cohabitant Abuse Act, or to preliminary injunctions issued

90 pursuant to an action for dissolution of marriage or legal separation.

91 Section ~~h [3.]~~ 4. Section **77-3a-102** is enacted to read:

92 **77-3a-102. Renewal procedure.**

93 (1) A person may file an application for ex parte renewal of the temporary stalking
94 injunction with the district court that issued the original injunction. The renewal application shall
95 be filed within 30 days prior to the expiration date of the original injunction.

96 (2) Notice of the renewal of the temporary stalking injunction shall be served on the
97 respondent, and include the following statements:

98 (a) the petitioner has applied for a renewal of the temporary stalking injunction;

99 (b) the respondent has a right to request in writing a hearing on the renewal within ten days
100 of service;

101 (c) the name and address of the district court where the request may be filed; and

102 (d) if the respondent fails to request a hearing in writing within ten days of service, the
103 injunction will be automatically renewed for an additional six months and no further notice will
104 be given to the respondent.

105 (3) If the respondent requests a hearing in writing within ten days of service, the court shall
106 schedule a hearing within ten days of receipt of the request unless the court finds compelling
107 reasons to continue the hearing. The hearing shall then be held at the earliest possible time. At
108 the hearing, the burden is on the respondent to show good cause why the injunction should not be
109 renewed.

110 (4) The renewal notice shall be served on the respondent within six months from the
111 expiration date of the original temporary stalking injunction. A renewal notice that is not served
112 on the respondent within six months automatically expires at the end of the six months.

113 (5) If no hearing is requested by a respondent after service of notice, the temporary stalking
114 injunction is automatically renewed for a period of six months, starting from the tenth day after
115 service on the defendant, without further action of the court.

116 Section ~~h [4.]~~ 5. Section **77-3a-103** is enacted to read:

117 **77-3a-103. Permanent stalking injunction.**

118 (1) A person may apply for a permanent stalking injunction if, after issuance of a
119 temporary stalking injunction, one or more renewals have been granted by the court.

120 (2) An application for a permanent stalking injunction shall consist of a filing for a

121 modification of a temporary stalking injunction to a permanent stalking injunction.

122 (3) Notice of the application shall be served on the respondent and state:

123 (a) that the petitioner has applied for a modification of the temporary stalking injunction
124 to a permanent stalking injunction;

125 (b) that the respondent has a right to request a hearing on the modification within ten days
126 of service;

127 (c) the name and address of the district court where the request may be filed;

128 (d) that if the respondent fails to request a hearing within ten days of service, the temporary
129 stalking injunction is automatically modified to a permanent stalking injunction without further
130 notice to the respondent; and

131 (e) that the respondent can make a written request at any time for a hearing to show cause
132 to dissolve or modify the permanent stalking injunction.

133 (4) The modification for a permanent stalking injunction notice shall be served on the
134 respondent within one year from the expiration date of the last renewal of the original temporary
135 stalking injunction. A modification notice that is not served on the respondent within one year
136 expires.

137 (5) If a hearing is requested by the respondent within ten days after service, the court shall
138 set a hearing within ten days from the date the request is filed unless the court finds compelling
139 reasons to continue the hearing. The hearing shall be held at the earliest possible time. At the
140 hearing, the burden is on the respondent to show good cause why the injunction should not be
141 modified to a permanent stalking injunction.

142 (6) If no hearing is requested by the respondent or the respondent fails to appear at the
143 hearing, the temporary stalking injunction is automatically modified to a permanent stalking
144 injunction, effective from the tenth day after service on the respondent, without further action of
145 the court.

146 (7) If the respondent requests a hearing after the ten-day period after service, the court shall
147 set a hearing within a reasonable time from the date requested. At the hearing, the burden is on
148 the respondent to show good cause why the permanent injunction should be dissolved or modified.

149 (8) The permanent stalking injunction may be dissolved at any time upon application of
150 the petitioner to the court which granted the order.

151 Section ~~h~~ [5.] ~~h~~ Section 77-3a-104 is enacted to read:

152 77-3a-104. Fees -- Service of process.

153 ~~h [(1) The filing fee for a petition for a temporary stalking injunction under this chapter is~~
154 ~~\$50.~~

155 ~~———— (2) The filing fee for an application for a renewal of the temporary stalking injunction~~
156 ~~under this chapter is \$30.~~

157 ~~———— (3) The filing fee for an application for a modification of the temporary stalking injunction~~
158 ~~to a permanent stalking injunction under this chapter is \$50.]~~

158a (1) THE FILING FEES FOR ALL PETITIONS UNDER THIS CHAPTER SHALL BE AS STATED IN
158b SECTION 21-1-5. h

159 ~~h [(4) Temporary stalking injunctions, notices of renewal, and notices of modification shall~~
160 ~~be served by a sheriff, constable, peace officer, or law enforcement officer in accordance with~~
161 ~~applicable law.]~~

161a ~~h [(4)]~~ (2) h TEMPORARY STALKING INJUNCTIONS, NOTICES OF RENEWAL, AND
161aa NOTICES OF
161b MODIFICATION SHALL BE SERVED BY A SHERIFF, OR CONSTABLE. IN ADDITION, A PEACE
161c OFFICER OR LAW ENFORCEMENT OFFICER MAY SERVE A TEMPORARY STALKING INJUNCTION,
161d NOTICES OF RENEWAL AND NOTICES OF MODIFICATION. ALL SERVICE SHALL BE IN
161e ACCORDANCE WITH APPLICABLE LAW. h

162 ~~h [(5)]~~ (3) h Fees for service shall be in accordance with applicable law.

163 Section ~~h [6.]~~ 7. h Section **77-3a-105** is enacted to read:

164 **77-3a-105. Enforcement.**

165 (1) A peace or law enforcement officer may, with or without a warrant, arrest a person if
166 the peace or law enforcement officer has probable cause to believe that the person has violated a
167 temporary or permanent stalking injunction issued pursuant to this chapter or has violated a
168 permanent criminal stalking injunction issued pursuant to Section 76-5-106.5, whether or not the
169 violation occurred in the presence of the officer.

170 (2) If a peace or law enforcement officer responds to a call alleging that stalking has been
171 or may be committed, the officer shall inform the potential victim in writing of the procedures and
172 resources available for the protection of the victim, including:

173 (a) a stalking injunction pursuant to this chapter;

174 (b) the emergency telephone number for the local police agency; and

175 (c) telephone numbers for emergency services in the local community.

176 (3) A peace or law enforcement officer making an arrest pursuant to this section or
177 enforcing an order of the court under this chapter or under Subsection 76-5-106.5(6) is not civilly
178 or criminally liable for noncompliance with Subsection (2).

179 (4) A violation of a stalking injunction issued pursuant to this chapter constitutes the
180 criminal offense of stalking as defined in Section 76-5-106.5 and is also a violation of the stalking
181 injunction. Violations may be enforced by a civil action initiated by the petitioner, a criminal
182 action initiated by a prosecuting attorney, or both.

183 Section ~~h~~ [7.] ~~g.~~ ~~h~~ **Effective date.**

184 This act takes effect on July 1, 1999.

Legislative Review Note
as of 1-19-99 8:50 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel