

Representative David L. Hogue proposes the following substitute bill:

COURT SECURITY FEE

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Hogue

This act increases court fees to fund the creation of a Court Security Account. The fund is to be used to contract for security at courts across the state, and appropriates funds to the Administrative Office of the Courts for that purpose. This act takes effect on April 1, 2003.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

17-22-27, as last amended by Chapter 282, Laws of Utah 1998

78-7-35, as last amended by Chapters 250 and 329, Laws of Utah 2002

ENACTS:

63-63c-101, Utah Code Annotated 1953

63-63c-102, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-22-27** is amended to read:

17-22-27. Sheriff -- Assignment of court bailiffs -- Contract and costs.

(1) The sheriff shall assign law enforcement officers or special function officers, as defined under Sections 53-13-103 and 53-13-105, to serve as court bailiffs and security officers in the courts of record and county justice courts as required by the rules of the Judicial Council.

(2) (a) The state court administrator shall enter into a contract with the county sheriff for bailiffs and building security officers for ~~the district~~ courts of record within the county. The contract shall not exceed amounts appropriated by the Legislature for that purpose. The



26 county shall assume costs related to security administration, supervision, travel, equipment, and
27 training of bailiffs.

28 (b) The contract shall specify the agreed services, costs of services, and terms of
29 payment.

30 (c) If the court is located in the same facility as a state or local law enforcement agency
31 and the county sheriff's office is not in close proximity to the court, the State Court
32 Administrator in consultation with the sheriff may enter into a contract with the state or local
33 law enforcement agency for bailiff and security services subject to meeting all other
34 requirements of this section. If the services are provided by another agency, the county sheriff
35 shall have no responsibility for the services under this section.

36 (3) (a) At the request of the court, the sheriff may appoint as a law clerk bailiff
37 graduates of a law school accredited by the American Bar Association to provide security and
38 legal research assistance. Any law clerk who is also a bailiff shall meet the requirements of
39 Subsection (1) of this section.

40 (b) The sheriff may appoint a law clerk bailiff by contract for a period not to exceed
41 two years, who shall be exempt from the deputy sheriff merit service commission.

42 Section 2. Section **63-63c-101** is enacted to read:

43 **CHAPTER 63c. COURT SECURITY**

44 **63-63c-101. Security surcharge -- Application and exemptions -- Deposit in**
45 **restricted account.**

46 (1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge
47 of \$26 shall be assessed on all criminal convictions, penalties assessed by the juvenile court as
48 part of the nonjudicial adjustment of a case under Section 78-3a-502, and juvenile delinquency
49 judgments in a court of record.

50 (2) The security surcharge may not be imposed upon:

51 (a) nonmoving traffic violations; and

52 (b) community service.

53 (3) The security surcharge shall be collected after the surcharge under Section
54 63-63a-1, but before any fine, and deposited with the state treasurer.

55 (4) The state treasurer shall deposit the collected security surcharge in the restricted
56 account, Court Security Account, as provided in Section 63-63a-102.

57 Section 3. Section **63-63c-102** is enacted to read:

58 **63-63c-102. Court Security Account established -- Funding -- Uses.**

59 (1) There is created a restricted account in the General Fund known as the Court
60 Security Account.

61 (2) The state treasurer shall deposit in the Court Security Account collected monies
62 from the surcharge established in Section 63-63c-101 and from the portion of filing fees
63 established in Subsection 78-7-35(1)(j)(iv).

64 (3) The Administrative Office of the Courts shall use the allocation to contract for
65 court security.

66 Section 4. Section **78-7-35** is amended to read:

67 **78-7-35. Civil fees of the courts of record -- Courts complex design.**

68 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a
69 court of record not governed by another subsection is [~~\$140~~] \$153.

70 (b) The fee for filing a complaint or petition is:

71 (i) [~~\$45~~] \$59 if the claim for damages or amount in interpleader exclusive of court
72 costs, interest, and attorney fees is \$2,000 or less;

73 (ii) [~~\$90~~] \$104 if the claim for damages or amount in interpleader exclusive of court
74 costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;

75 (iii) [~~\$140~~] \$154 if the claim for damages or amount in interpleader is \$10,000 or
76 more; and

77 (iv) [~~\$80~~] \$94 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30,
78 Chapter 4, Separate Maintenance.

79 (c) The fee for filing a small claims affidavit is:

80 (i) \$45 if the claim for damages or amount in interpleader exclusive of court costs,
81 interest, and attorney fees is \$2,000 or less; and

82 (ii) \$70 if the claim for damages or amount in interpleader exclusive of court costs,
83 interest, and attorney fees is greater than \$2,000.

84 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
85 complaint, or other claim for relief against an existing or joined party other than the original
86 complaint or petition is:

87 (i) [~~\$45~~] \$59 if the claim for relief exclusive of court costs, interest, and attorney fees

88 is \$2,000 or less;

89 (ii) [~~\$70~~] \$84 if the claim for relief exclusive of court costs, interest, and attorney fees
90 is greater than \$2,000 and less than \$10,000;

91 (iii) [~~\$90~~] \$104 if the original petition is filed under Subsection (1)(a), the claim for
92 relief is \$10,000 or more, or the party seeks relief other than monetary damages; and

93 (iv) [~~\$70~~] \$84 if the original petition is filed under Title 30, Chapter 3, Divorce, or
94 Title 30, Chapter 4, Separate Maintenance.

95 (e) The fee for filing a small claims counter affidavit is:

96 (i) \$35 if the claim for relief exclusive of court costs, interest, and attorney fees is
97 \$2,000 or less; and

98 (ii) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
99 greater than \$2,000.

100 (f) The fee for depositing funds under Section 57-1-29 when not associated with an
101 action already before the court is determined under Subsection (1)(b) based on the amount
102 deposited.

103 (g) The fee for filing a petition is:

104 (i) [~~\$70~~] \$83 for trial de novo of an adjudication of the justice court or of the small
105 claims department; and

106 (ii) [~~\$40~~] \$53 for an appeal of a municipal administrative determination in accordance
107 with Section 10-3-703.7.

108 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
109 petition for writ of certiorari is [~~\$190~~] \$204.

110 (i) (i) Except for a petition filed under Subsection 77-18-10(2), the fee for filing a
111 petition for expungement is [~~\$50~~] \$64.

112 (ii) There is no fee for a petition filed under Subsection 77-18-10(2).

113 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
114 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'
115 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'
116 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement
117 Act.

118 (ii) Two dollars of the fees established by Subsections (1)(a) through (i) shall be

119 allocated by the state treasurer to be deposited in the restricted account, Children's Legal
120 Defense Account, as provided in Section 63-63a-8.

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

124 (iv) Fourteen dollars of the fees established by Subsections (1)(a), (1)(b), (1)(d), (1)(f),
125 (1)(g), (1)(h), and (1)(i) shall be allocated by the state treasurer to be deposited in the restricted
126 account, Court Security Account, as provided in Section 63-63c-102.

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

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

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

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

136 (n) The fee for filing a judgment by confession without action under Section 78-22-3 is
137 \$25.

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

141 (p) The fee for filing a petition or counter-petition to modify a decree of divorce is \$40.

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

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

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

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

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

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

148 (r) The fee for filing a demand for a civil jury is \$75.

149 (s) The fee for filing a notice of deposition in this state concerning an action pending in

150 another state under Utah Rule of Civil Procedure 26 is \$25.

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

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

154 (v) The fee for a writ of replevin, attachment, execution, or garnishment is \$35 in
155 addition to any fee for a complaint or petition.

156 (w) The fee for a petition for authorization for a minor to marry required by Section
157 30-1-9 is \$5.

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

159 (y) The fee for a certified copy of a document is \$4 per document plus 50 cents per
160 page.

161 (z) The fee for an exemplified copy of a document is \$6 per document plus 50 cents
162 per page.

163 (aa) The Judicial Council shall by rule establish a schedule of fees for copies of
164 documents and forms and for the search and retrieval of records under Title 63, Chapter 2,
165 Government Records Access and Management Act. Fees under this subsection shall be
166 credited to the court as a reimbursement of expenditures.

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

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

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

178 (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts
179 shall transfer all revenues representing the difference between the fees in effect after May 2,
180 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of

181 Facilities Construction and Management Capital Projects Fund.

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

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

190 (C) After the courts complex is completed and all bills connected with its construction
191 have been paid, the Division of Facilities Construction and Management shall use any monies
192 remaining in the Capital Projects Fund under Subsection (2)(a)(ii) to fund the Vernal District
193 Court building.

194 (iii) The Division of Facilities Construction and Management may enter into
195 agreements and make expenditures related to this project before the receipt of revenues
196 provided for under this Subsection (2)(a)(iii).

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

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

200 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for
201 under this Subsection (2).

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

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

208 (d) (i) From May 1, 1995 until June 30, 1998, the administrator of the courts shall
209 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor
210 Vehicles, in a court of record to the Division of Facilities Construction and Management
211 Capital Projects Fund. The division of money pursuant to Section 78-3-14.5 shall be calculated

212 on the balance of the fine or bail forfeiture paid.

213 (ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer
214 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in
215 a court of record or an administrative traffic proceeding in accordance with Section 10-3-703.5
216 to the Division of Finance for deposit in the restricted account created by this section. The
217 division of money pursuant to Section 78-3-14.5 shall be calculated on the balance of the fine
218 or bail forfeiture paid.

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

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

- 223 (i) to repay costs associated with the construction of the court complex that were
224 funded from sources other than revenues provided for under this Subsection (3)(b)(i); and
225 (ii) to cover operations and maintenance costs on the court complex.

226 Section 5. **Appropriation.**

227 (1) There is appropriated from the Court Security Account for fiscal year 2002-2003,
228 \$700,000 to the Administrative Office of the Courts.

229 (2) There is appropriated from the Court Security Account for fiscal year 2003-2004,
230 \$2,800,000 to the Administrative Office of the Courts.

231 Section 6. **Effective date.**

232 If approved by two-thirds of all members elected to each house, this act takes effect on
233 April 1, 2003.