

28 of a case under Section 78-3a-502.

29 (3) The peace officer retirement surcharge does not include amounts assessed or
30 collected separately by juvenile courts for the Juvenile Restitution Account, which is
31 independent of this chapter and does not affect the imposition or collection of the peace officer
32 retirement surcharge.

33 (4) The peace officer retirement surcharge under this section shall be imposed in
34 addition to the fine charged for a criminal offense, and no reduction may be made in the fine
35 charged due to the imposition of the peace officer retirement surcharge.

36 Section 2. Section **63-63c-102** is enacted to read:

37 **63-63c-102. Distribution of collected monies -- Purpose of peace officer retirement**
38 **surcharge -- Allocation of collections -- Recordkeeping.**

39 (1) The amount of the peace officer retirement surcharge imposed in Section
40 63-63c-101 by courts of record shall be collected after the surcharge under Section 63-63a-1,
41 but before any fine, and deposited with the state treasurer.

42 (2) (a) The amount of the peace officer retirement surcharge and the amount of
43 criminal fines, penalties, and forfeitures imposed under Section 63-63c-101 by courts not of
44 record shall be collected concurrently.

45 (b) As monies are collected on criminal fines, penalties, and forfeitures subject to the
46 peace officer retirement surcharge, the local governmental collecting entity shall remit the
47 peace officer retirement surcharge to the state treasurer.

48 (3) Courts of record and not of record shall collect financial information to determine:

49 (a) the total number of cases in which:

50 (i) a final judgment has been rendered;

51 (ii) peace officer retirement surcharges and fines are paid by partial or installment
52 payment; and

53 (iii) the judgment is fulfilled by an alternative method upon the court's order;

54 (b) the total dollar amounts of peace officer retirement surcharges owed, including:

55 (i) waived peace officer retirement surcharges;

56 (ii) uncollected peace officer retirement surcharges; and

57 (iii) collected peace officer retirement surcharges.

58 (4) The courts of record and not of record shall report all collected financial

59 information monthly to the Administrative Office of the Courts for cases subject to the peace
60 officer retirement surcharge.

61 (5) (a) The Division of Finance shall remit the monies from the peace officer
62 retirement surcharge to the Utah State Retirement Board to be deposited in the Public Safety
63 Contributory Retirement Trust Fund and the Public Safety Noncontributory Retirement Trust
64 Fund created under Section 49-15-104.

65 (b) The Utah State Retirement Board shall divide the money described under
66 Subsection (5)(a) between the trust funds based upon the respective membership and liabilities
67 of the Public Safety Contributory Retirement System and the Public Safety Noncontributory
68 Retirement System.

69 (6) The provisions of this section and Section 63-63c-101 may not impact the
70 distribution and allocation of fines and forfeitures imposed in accordance with Sections
71 23-14-13, 78-3-14.5, and 78-5-116.

72 **Section 3. Effective date.**

73 This act takes effect on July 1, 2003.

Legislative Review Note
as of 2-17-03 9:38 AM

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

Office of Legislative Research and General Counsel