

SURETY BOND PENALTY

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: Scott K. Jenkins

LONG TITLE

General Description:

This bill clarifies that providing false information on a surety bond affidavit is a third degree felony.

Highlighted Provisions:

This bill:

► clarifies that providing false information on a surety bond affidavit is a third degree felony.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

52-1-13, Utah Code Annotated 1953

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

Section 1. Section **52-1-13** is amended to read:

52-1-13. Sureties -- Approval -- Personal surety bond -- Requirements.

(1) In all cases where a bond is required of any public officer in this state, either a corporate surety bond or a personal surety bond may be given. [~~Such~~] The bonds shall be subject to approval as provided by law. [~~No~~] A personal surety bond [~~shall~~] may not be approved except with two or more sureties [~~and each such~~].

30 (2) Each surety shall first make and file an affidavit [~~setting forth~~] declaring that [~~he~~
31 the individual] is a resident [~~and freeholder within~~] of the state of Utah and is worth the sum
32 specified in the undertaking, over and above all of [~~his just~~] the individual's debts and liabilities
33 and exclusive of property exempt from execution [~~and~~]. The individual shall include in [~~such~~]
34 the affidavit a detailed statement of all of [~~his~~] the individual's assets and liabilities[~~; and the~~
35 ~~making of any~~].

36 (3) Any person who makes a material false statement [~~in~~] with respect [~~thereto shall~~
37 ~~constitute a~~] to Subsection (2) is guilty of a third degree felony[~~; provided further, that when~~].

38 (4) If there are more than two sureties [~~thereon~~], they may express in their affidavits
39 that they are [~~severally~~] worth amounts less than that expressed in the bond if the whole
40 amount of all sureties is equivalent to double the penalty of the bond.

41 (5) No premium on any surety bond with personal sureties [~~shall~~] may be paid from
42 any public funds.

43 (6) The several boards, courts, or officers authorized by law to approve surety bonds
44 [~~herein referred to~~] may require sureties on personal surety bonds to justify annually [~~and, in~~].
45 In the case of failure to [~~so~~] justify, [~~such~~] the boards or officers may require additional sureties
46 or a new bond. In case of failure of any public officer to have [~~his~~] the public officer's sureties
47 justify when [~~so~~] required or to furnish additional sureties when required, [~~as herein provided,~~]
48 the board or officer charged with the duty of approving the bond of [~~such~~] the officer shall
49 declare [~~such~~] the office vacant within 60 days after notice personally served upon the officer[
50 ~~and at~~]. At the expiration of [~~said~~] the 60-day period [~~such~~], the office shall become vacant
51 unless [~~such~~] the sureties justify or additional qualified sureties [~~be~~] are furnished within [~~said~~]
52 the period.