

26 reimbursement; and  
27       ▶ makes technical corrections.

28 **Money Appropriated in this Bill:**

29       None

30 **Other Special Clauses:**

31       None

32 **Utah Code Sections Affected:**

33 AMENDS:

34       10-3-920, as last amended by Laws of Utah 2003, Chapter 292

35       17-32-1, as last amended by Laws of Utah 1993, Chapter 227

36 ~~§→ [30-3-11.4, as last amended by Laws of Utah 2014, Chapter 347] ←§~~

37       77-20-1, as last amended by Laws of Utah 2013, Chapter 240

38       77-22-2.5, as last amended by Laws of Utah 2014, Chapter 47

39       78A-2-301, as last amended by Laws of Utah 2014, Chapters 189 and 263

40       78A-2-601, as last amended by Laws of Utah 2009, Chapter 200

41       78A-7-118, as last amended by Laws of Utah 2012, Chapters 205 and 380

42       78A-7-202, as last amended by Laws of Utah 2012, Chapter 205

43       78B-1-122, as renumbered and amended by Laws of Utah 2008, Chapter 3



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

46       Section 1. Section 10-3-920 is amended to read:

47       **10-3-920. Bail commissioner -- Powers and duties.**

48       (1) With the advice and consent of the city council and the board of commissioners in  
49 other cities, the mayor of a city of the third, fourth, or fifth class may appoint from among the  
50 officers and members of the police department of the city one or more discreet persons as a bail  
51 commissioner.

52       (2) A bail commissioner shall have authority to fix and receive bail for a person  
53 arrested within the corporate limits of the city in accordance with the uniform bail schedule  
54 adopted by the Judicial Council or a reasonable bail for city ordinances not contained in the  
55 schedule for:

56       (a) misdemeanors under the laws of the state; or

88 appropriate court within three days of receipt of the money or bond.

89 (5) The court may review the amount of bail ordered by a bail commissioner and may  
90 modify the amount of bail required for good cause.

91 **§→ [Section 3. Section 30-3-11.4 is amended to read:**

92 ~~———— 30-3-11.4. Mandatory orientation course for divorcing parties — Purpose —~~  
93 ~~Curriculum — Exceptions:~~

94 ~~———— (1) There is established a mandatory divorce orientation course for all parties with~~  
95 ~~minor children who file a petition for temporary separation or for a divorce. A couple with no~~  
96 ~~minor children are not required, but may choose to attend the course. The purpose of the~~  
97 ~~course shall be to educate parties about the divorce process and reasonable alternatives.~~

98 ~~———— (2) A petitioner shall attend a divorce orientation course no more than 60 days after~~  
99 ~~filing a petition for divorce.~~

100 ~~———— (3) With the exception of temporary restraining orders pursuant to Rule 65, Utah Rules~~  
101 ~~of Civil Procedures, a party may file, but the court may not hear, temporary orders until the~~  
102 ~~party seeking temporary orders has completed the divorce orientation course.~~

103 ~~———— (4) The respondent shall attend the divorce orientation course no more than 30 days~~  
104 ~~after being served with a petition for divorce.~~

105 ~~———— (5) The clerk of the court shall provide notice to a petitioner of the requirement for the~~  
106 ~~course, and information regarding the course shall be included with the petition or motion,~~  
107 ~~when served on the respondent.~~

108 ~~———— (6) The divorce orientation course shall be neutral, unbiased, at least one hour in~~  
109 ~~duration, and include:~~

110 ~~———— (a) options available as alternatives to divorce;~~

111 ~~———— (b) resources available from courts and administrative agencies for resolving custody~~  
112 ~~and support issues without filing for divorce;~~

113 ~~———— (c) resources available to improve or strengthen the marriage;~~

114 ~~———— (d) a discussion of the positive and negative consequences of divorce;~~

115 ~~———— (e) a discussion of the process of divorce;~~

116 ~~———— (f) options available for proceeding with a divorce, including:~~

117 ~~———— (i) mediation;~~

118 ~~———— (ii) collaborative law; and ☺~~

119 ——— ~~⊛ (iii) litigation; and~~  
120 ——— ~~(g) a discussion of post-divorce resources.~~  
121 ——— ~~(7) The course may be provided in conjunction with the mandatory course for~~  
122 ~~divorcing parents required by Section 30-3-11.3.~~  
123 ——— ~~(8) The Administrative Office of the Courts shall administer the course pursuant to~~  
124 ~~Title 63G, Chapter 6a, Utah Procurement Code, through private or public contracts.~~  
125 ——— ~~(9) The course may be through live instruction, video instruction, or through an online~~  
126 ~~provider.~~  
127 ——— ~~(10) Each participant shall pay the costs of the course, which may not exceed \$30, to~~  
128 ~~the independent contractor providing the course at the time and place of the course. A~~  
129 ~~petitioner who attends a live instruction course within 30 days [of] before filing may not be~~  
130 ~~charged more than \$15 for the course. A respondent who attends a live instruction course~~  
131 ~~within 30 days of being served with a petition for divorce may not be charged more than \$15~~  
132 ~~for the course.~~  
133 ——— ~~(a) A fee of \$5 shall be collected, as part of the course fee paid by each participant, and~~  
134 ~~deposited in the Children's Legal Defense Account described in Section 51-9-408.~~  
135 ——— ~~(b) A participant who is unable to pay the costs of the course may attend without~~  
136 ~~payment and request an Affidavit of Impecuniosity from the provider to be filed with the~~  
137 ~~petition or motion. The provider shall be reimbursed for its costs by the Administrative Office~~  
138 ~~of the Courts. A petitioner who is later determined not to meet the qualifications for~~  
139 ~~impecuniosity may be ordered to pay the costs of the course.~~  
140 ——— ~~(11) Appropriations from the General Fund to the Administrative Office of the Courts~~  
141 ~~for the divorce orientation course shall be used to pay the costs of an indigent petitioner who is~~  
142 ~~determined to be impecunious as provided in Subsection (10)(b).~~  
143 ——— ~~(12) The Online Court Assistance Program shall include instructions with the forms for~~  
144 ~~divorce which inform the petitioner of the requirement of this section.~~  
145 ——— ~~(13) Both parties shall attend a divorce orientation course before a divorce decree may~~  
146 ~~be entered, unless waived by the court. A certificate of completion constitutes evidence to the~~  
147 ~~court of course completion by the parties.~~  
148 ——— ~~(14) It shall be an affirmative defense in all divorce actions that the divorce orientation~~  
149 ~~requirement was not complied with, and the action may not continue until a party has ⊛~~

150 ~~☛~~ complied:

151 ~~———— (15) The Administrative Office of the Courts shall adopt a program to evaluate the~~  
 152 ~~effectiveness of the mandatory educational course. Progress reports shall be provided if~~  
 153 ~~requested by the Judiciary Interim Committee.] ←§~~

154 Section ~~§~~→ [4] 3 ←~~§~~ . Section 77-20-1 is amended to read:

155 **77-20-1. Right to bail -- Denial of bail -- Hearing.**

156 (1) A person charged with or arrested for a criminal offense shall be admitted to bail as  
 157 a matter of right, except if the person is charged with a:

158 (a) capital felony, when the court finds there is substantial evidence to support the  
 159 charge;

160 (b) felony committed while on probation or parole, or while free on bail awaiting trial  
 161 on a previous felony charge, when the court finds there is substantial evidence to support the  
 162 current felony charge;

163 (c) felony when there is substantial evidence to support the charge and the court finds  
 164 by clear and convincing evidence that the person would constitute a substantial danger to any  
 165 other person or to the community, or is likely to flee the jurisdiction of the court, if released on  
 166 bail; or

167 (d) felony when the court finds there is substantial evidence to support the charge and  
 168 it finds by clear and convincing evidence that the person violated a material condition of  
 169 release while previously on bail.

170 (2) Any person who may be admitted to bail may be released either on the person's own  
 171 recognizance or upon posting bail, on condition that the person appear in court for future court  
 172 proceedings in the case, and on any other conditions imposed in the discretion of the magistrate  
 173 or court that will reasonably:

174 (a) ensure the appearance of the accused;

175 (b) ensure the integrity of the court process;

176 (c) prevent direct or indirect contact with witnesses or victims by the accused, if  
 177 appropriate; and

178 (d) ensure the safety of the public.

179 (3) (a) ~~[The]~~ Except as otherwise provided, the initial order denying or fixing the  
 180 amount of bail shall be issued by the magistrate or court issuing the warrant of arrest ~~[or by the~~