

Court Fine Amendments
2025 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Grant Amjad Miller
Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill modifies provisions related to compensatory service and credits toward criminal fines.

Highlighted Provisions:

This bill:

- permits a judge to order that the cost of any court-ordered treatment or course be credited toward payment of criminal fines if the treatment or course is completed; and
- permits credit for the cost of a court-ordered treatment or course to also be issued by means of a judge's order on a petition for remittance.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-3-301.7, as enacted by Laws of Utah 2018, Chapter 214

77-32b-105, as enacted by Laws of Utah 2021, Chapter 260

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

Section 1. Section **76-3-301.7** is amended to read:

76-3-301.7 . Compensatory service -- Credit for cost of court-ordered treatment or course.

(1) As used in this section, "compensatory service" means service or unpaid work performed by a person, in lieu of the payment of a criminal fine, for:

- (a) a state or local government agency;

(b) an entity that is approved as a nonprofit organization under Section 501(c) of the Internal Revenue Code; or

(c) any other entity or organization if prior approval is obtained from the court.

(2) When a defendant is sentenced to pay a fine for an infraction, class C or class B misdemeanor, the court shall consider allowing the defendant to complete compensatory service in lieu of the payment of the fine or account receivable, exclusive of any victim restitution imposed.

(3) A defendant who intends to forfeit bail or who is ordered to pay a fine by the court for an infraction, class C or class B misdemeanor, shall be informed by the court of the opportunity to perform compensatory service in lieu of the fine or bail amount.

(4) The court shall credit timely completed compensatory service reported in accordance with Subsection (5) against the fine or bail amount at the rate of \$10 per hour and shall allow the defendant a reasonable amount of time to complete the service.

(5)(a) The court shall provide the defendant with instructions that inform the organization:

(i) about the requirements in Subsection (5)(b); and

(ii) that making a written false statement to the court about the defendant's compensatory service is punishable as a class B misdemeanor pursuant to Section 76-8-504.

(b) The defendant shall report compensatory service hours to the court in a letter that:

(i) is on the organization's official letterhead and includes contact information for the organization's representative;

(ii) specifies the number of hours for which the defendant provided service;

(iii) contains a brief description of what the service involved; and

(iv) is signed by an authorized representative of the organization; or

(v) is in a form otherwise acceptable to the court.

(6) The court may refuse to accept compensatory service:

(a) completed prior to the date of sentencing;

(b) that has been submitted to another court for credit; or

(c) completed at an agency or organization or is a type of service that is specifically prohibited by the court.

(7) In addition to any other provision of this section, a court may order that the unpaid amount of the criminal accounts receivable, that is not the principal or interest amount owed for restitution, be reduced in the amount of the cost of any treatment or course if:

- (a) the treatment or course was ordered by the court as part of the case;
- (b) the defendant has completed the court's requirements related to the treatment or course;
- (c) the defendant provides proof that the defendant completed the court's requirements and paid the cost of the treatment or course; and
- (d) the court finds that payment of an unpaid amount of a criminal accounts receivable will impose manifest hardship on the defendant or the defendant's family.

Section 2. Section **77-32b-105** is amended to read:

77-32b-105 . Petition for remittance or modification of a criminal accounts receivable before termination of a sentence.

- (1) At any time before a defendant's sentence terminates, the defendant may petition the sentencing court to:
 - (a) correct an error in a criminal accounts receivable;
 - (b) modify the payment schedule for the defendant's criminal accounts receivable in accordance with this section if the defendant is not under the jurisdiction of the board; or
 - (c) remit, in whole or in part, an unpaid amount of the defendant's criminal accounts receivable that is not the principal or interest amount owed for restitution in accordance with this section.
- (2) If a defendant files a petition under Subsection (1), and it appears to the satisfaction of the sentencing court that payment of an unpaid amount of a criminal accounts receivable will impose manifest hardship on the defendant, or the defendant's family, the court may:
 - (a) if the criminal accounts receivable is not delinquent or in default, remit, in whole or in part, the unpaid amount of the criminal accounts receivable that is not the principal or interest amount owed for restitution; or
 - (b) regardless of whether the criminal accounts receivable is delinquent or in default:
 - (i) require the defendant to pay the criminal accounts receivable, or a specified amount of the criminal accounts receivable, by a certain date;
 - (ii) modify the payment schedule for the criminal accounts receivable in accordance with the factors described in Subsection 77-32b-103(3)(b) if the defendant has demonstrated that the criminal accounts receivable will impose a manifest hardship due to changed circumstances or new evidence that justifies modifying the payment schedule; or
 - (iii)(A) allow the defendant to satisfy an unpaid amount of the criminal accounts

receivable, that is not the principal or interest amount owed for restitution, with proof of compensatory service completed by the defendant at a rate of credit not less than \$10 for each hour of compensatory service[-] ; and

(B) allow the defendant to reduce the unpaid amount of the criminal accounts receivable, that is not the principal or interest amount owed for restitution, in the amount of the cost of any treatment or course if:

(I) the treatment or course was ordered by the court as part of the case;

(II) the defendant has completed the court's requirements related to the treatment or course; and

(III) the defendant provides proof that the defendant completed the court's requirements and paid the cost of the treatment or course.

(3)(a) If a defendant is under the jurisdiction of the board, the defendant may petition the board, at any time before the defendant's sentence terminates, to modify the payment schedule for the defendant's criminal accounts receivable.

(b) If a defendant files a petition under Subsection (3)(a), the board may modify the payment schedule for the criminal accounts receivable in accordance with the factors described in Subsection 77-32b-103(3)(b) if the defendant has demonstrated that the criminal accounts receivable will impose a manifest hardship to the defendant, or the defendant's family, due to changed circumstances or new evidence that justifies modifying the payment schedule.

Section 3. **Effective Date.**

This bill takes effect on May 7, 2025.