

SB0148S01 compared with SB0148

{Omitted text} shows text that was in SB0148 but was omitted in SB0148S01

inserted text shows text that was not in SB0148 but was inserted into SB0148S01

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Court Fees and Administration Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:

LONG TITLE

General Description:

This bill modifies provisions related to fees and various administrative procedures of the Utah court system.

Highlighted Provisions:

This bill:

- removes unused provisions;
- modifies language addressing bail to conform with recent statutory changes;
- increases the filing fee surcharge for cases filed using the online court assistance program;
- updates terminology;and
- {~~clarifies~~} provides that a request for a protective order does not have a filing fee surcharge under the online court assistance program{;}

▸ {~~permits the courts to use a portion of the funds in the Online Court Assistance Account for security costs in courts of record; and~~}

- {~~provides that Court Security Account funds may be used for all courts of record.~~}

Money Appropriated in this Bill:

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16 None

17 None

20 AMENDS:

21 **17-22-27** , as last amended by Laws of Utah 2011, Chapter 297 , as last amended by Laws of Utah
2011, Chapter 297

22 **76-3-301.5** , as last amended by Laws of Utah 2021, Chapter 260 , as last amended by Laws of Utah
2021, Chapter 260

23 **76-3-301.7** , as enacted by Laws of Utah 2018, Chapter 214 , as enacted by Laws of Utah 2018,
Chapter 214

24 **77-2a-3** , as last amended by Laws of Utah 2024, Chapter 180 , as last amended by Laws of Utah
2024, Chapter 180

25 **78A-2-501** , as last amended by Laws of Utah 2019, Chapter 246 , as last amended by Laws of Utah
2019, Chapter 246

26 **78A-2-602** , as last amended by Laws of Utah 2018, Chapter 167 , as last amended by Laws of Utah
2018, Chapter 167

27 **78A-7-122** , as last amended by Laws of Utah 2020, Chapter 230 , as last amended by Laws of Utah
2020, Chapter 230

28

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

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

31 **17-22-27. Sheriff -- Assignment of court bailiffs -- Contract and costs.**

35 (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.

39 (2)

. (a) The state court administrator shall enter into a contract with the county sheriff for bailiffs and
building security officers for the district and juvenile courts within the county. The contract may
not exceed amounts appropriated by the Legislature for that purpose. The county shall assume costs
related to security administration, supervision, travel, equipment, and training of bailiffs.

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

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

52 [(3)

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

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

55 Section 2. Section **76-3-301.5** is amended to read:

56 **76-3-301.5. Uniform fine schedule -- Judicial Council.**

60 (1) The Judicial Council shall establish a uniform recommended fine schedule for each offense under Subsection 76-3-301(1).

62 (a) The fine for each offense shall proportionally reflect the seriousness of the offense and other factors as determined in writing by the Judicial Council.

64 (b) The schedule shall be reviewed annually by the Judicial Council.

65 (c) The fines shall be collected as part of a criminal accounts receivable, as defined in Section 77-32b-102, that is established under Section 77-32b-103.

67 (2) The schedule shall incorporate:

68 (a) criteria for determining aggravating and mitigating circumstances; and

69 (b) guidelines for enhancement or reduction of the fine, based on aggravating or mitigating circumstances.

71 (3) Presentence investigation reports shall include documentation of aggravating and mitigating circumstances as determined under the criteria, and a recommended fine under the schedule.

74 [(4) ~~The Judicial Council shall also establish a separate uniform recommended fine schedule for the juvenile court and by rule provide for its implementation.]~~

76 [(5)] (4) This section does not prohibit the court from in its discretion imposing no fine, or a fine in any amount up to and including the maximum fine, for the offense.

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

76 **76-3-301.7. Compensatory service.**

80 (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:

82 (a) a state or local government agency;

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

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

86 (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.

90 (3) A defendant who intends to [~~forfeit bail~~] voluntarily remit the fine 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.

94 (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.

97 (5)

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

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

100 (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.

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

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

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

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

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

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

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

111 (a) completed prior to the date of sentencing;

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- 112 (b) that has been submitted to another court for credit; or
113 (c) completed at an agency or organization or is a type of service that is specifically prohibited by the
court.

112 Section 4. Section **77-2a-3** is amended to read:

113 **77-2a-3. Manner of entry of plea -- Powers of court -- Expungement.**

117 (1)

- . (a) Acceptance of any plea in anticipation of a plea in abeyance agreement shall be done in full
compliance with the Utah Rules of Criminal Procedure, Rule 11.
- 119 (b) In cases charging offenses for which [~~bail may be forfeited~~] a fine may be voluntarily remitted under
Section 77-7-21, a plea in abeyance agreement may be entered into without a personal appearance
before a magistrate.
- 122 (2) A plea in abeyance agreement may provide that the court may, upon finding that the defendant has
successfully completed the terms of the agreement:
- 124 (a) reduce the degree of the offense, enter a judgment of conviction for the lower degree of the offense,
and impose a sentence for the lower degree of the offense;
- 126 (b) allow withdrawal of the defendant's plea and order the dismissal of the case; or
- 127 (c) issue an order of expungement for all records of the offense if:
- 128 (i) the defendant successfully completes a problem solving court program that is certified by the
Judicial Council; and
- 130 (ii) the court allows the withdrawal of the defendant's plea and orders the dismissal of the case.
- 132 (3)
- . (a) Upon finding that a defendant has successfully completed the terms of a plea in abeyance agreement
and only as provided in the plea in abeyance agreement or as agreed to by all parties, the court may :
- 135 (i) reduce the degree of the offense, enter a judgment of conviction for the lower degree of the
offense, and impose a sentence for the lower degree of the offense;
- 137 (ii) allow withdrawal of the defendant's plea and order the dismissal of the case; or
- 138 (iii) issue an order of expungement for all records of the offense if:
- 139 (A) the defendant successfully completes a problem solving court program that is certified by the
Judicial Council; and
- 141 (B) the court allows the withdrawal of the defendant's plea and orders the dismissal of the case.
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- (b) Upon sentencing a defendant for any lesser offense in accordance with a plea in abeyance agreement, the court may not invoke Section 76-3-402 to further reduce the degree of the offense.
- 146 (4) The court may require the Department of Corrections to assist in the administration of the plea in abeyance agreement as if the defendant were on probation to the court under Section 77-18-105.
- 149 (5) The terms of a plea in abeyance agreement may include:
- 150 (a) an order that the defendant pay a nonrefundable plea in abeyance fee, with a surcharge based on the amount of the plea in abeyance fee, both of which shall be allocated in the same manner as if paid as a fine for a criminal conviction under Section 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation, and which may not exceed in amount the maximum fine and surcharge which could have been imposed upon conviction and sentencing for the same offense;
- 157 (b) an order that the defendant pay the costs of any remedial or rehabilitative program required by the terms of the agreement; and
- 159 (c) an order that the defendant comply with any other conditions that could have been imposed as conditions of probation upon conviction and sentencing for the same offense.
- 162 (6)
- . (a) The terms of a plea in abeyance shall include:
- 163 (i) a specific amount of restitution that the defendant will pay, as agreed to by the defendant and the prosecuting attorney;
- 165 (ii) a certification from the prosecuting attorney that:
- 166 (A) the prosecuting attorney has consulted with all victims, including the Utah Office for Victims of Crime; and
- 168 (B) all victims, including the Utah Office for Victims of Crime, are not seeking restitution; or
- 170 (iii) an agreement between the parties that restitution will be determined by the court at a subsequent hearing in accordance with Section 77-38b-205.
- 172 (b) At a subsequent hearing described in Subsection (6)(a)(iii), the court shall order the defendant, as a modified term of the plea in abeyance, to pay restitution to all victims for the entire amount of pecuniary damages that are proximately caused by the criminal conduct of the defendant.
- 176 (c) The court shall collect, receive, process, and distribute payments for restitution to the victim, unless otherwise provided by law or by the plea in abeyance agreement.

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(d) If the defendant does not successfully complete the terms of the plea in abeyance, the court shall enter an order for restitution, in accordance with Chapter 38b, Crime Victims Restitution Act, upon entering a sentence for the defendant.

181 (7)

(a) A court may not hold a plea in abeyance without the consent of both the prosecuting attorney and the defendant.

183 (b) A decision by a prosecuting attorney not to agree to a plea in abeyance is final.

184 (8) No plea may be held in abeyance in any case involving:

185 (a) a sexual offense against an individual who is under 14 years old; or

186 (b) a driving under the influence violation under Section 41-6a-502, 41-6a-502.5, 41-6a-517, 41-6a-520, 41-6a-520.1, 41-6a-521.1, 76-5-102.1, or 76-5-207.

188 (9)

(a) If the terms of a plea in abeyance agreement allow a court to issue an order of expungement as described in Subsection (2)(c), the prosecuting attorney shall make a reasonable effort to provide notice to any victim of the offense of the terms of the plea in abeyance agreement.

192 (b) The notice under Subsection (9)(a) shall:

193 (i) state that the victim has a right to object to the expungement; and

194 (ii) provide instructions for registering an objection with the court.

195 (c) If there is a victim of the offense, the victim may file an objection with the court before the court makes a finding as to whether the defendant successfully completed the terms of the plea in abeyance agreement as described in Subsection (3).

198 (d) The defendant may respond, in writing, to any objection filed by the victim within 14 days after the day on which the objection is received by the court.

200 (10) If the court issues an order of expungement under Subsection (3)(a)(iii), the court shall:

201 (a) expunge all records of the case as described in Section 77-40a-401; and

202 (b) notify the Bureau of Criminal Identification of the order of expungement.

203 (11)

(a) Upon receiving notice from the court of an expungement order as described in Subsection (10), the Bureau of Criminal Identification shall notify any agency, as defined in Section 77-40a-101, affected by the expungement order.

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- (b) For purposes of Subsection (11)(a), the Bureau of Criminal Identification may not notify the Board of Pardons and Parole of an expungement order if the individual has never been:
- 209 (i) sentenced to prison in this state; or
- 210 (ii) under the jurisdiction of the Board of Pardons and Parole.
- 211 (c) The Bureau of Criminal Identification shall forward a copy of the expungement order to the Federal Bureau of Investigation.
- 213 (12) The defendant may deliver copies of the expungement to any agency, as defined in Section 77-40a-101, affected by the order of expungement.
- 215 (13) If an agency receives an expungement order under this part, the agency shall expunge all records for the case in accordance with Section 77-40a-401.
- 214 Section 5. Section **78A-2-501** is amended to read:
- 215 **78A-2-501. Definitions -- Online Court Assistance Program -- Purpose of program -- Online Court Assistance Account -- User's fee -- Use of fund.**
- 220 (1) As used in this part:
- 221 (a) "Account" means the Online Court Assistance Account created in this section.
- 222 (b) "Program" means the Online Court Assistance Program created in this section.
- 223 (2) There is created the "Online Court Assistance Program" administered by the Administrative Office of the Courts to provide the public with information about civil procedures and to assist the public in preparing and filing civil pleadings and other papers in:
- 227 (a) uncontested divorces;
- 228 (b) enforcement of orders in the divorce decree;
- 229 (c) landlord and tenant actions;
- 230 (d) guardianship actions; and
- 231 (e) other types of proceedings approved by the board.
- 232 (3) The purpose of the program shall be to:
- 233 (a) minimize the costs of civil litigation;
- 234 (b) improve access to the courts; and
- 235 (c) provide for informed use of the courts and the law by pro se litigants.
- 236 (4)
- . (a) An additional [~~\$20~~] \$60 shall be added to the filing fee established by Sections 78A-2-301 and 78A-2-301.5 if a person files a complaint, petition, [~~answer, or response~~] counterclaim, or

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counterpetition prepared through the program. There shall be no fee for using the program or for papers filed subsequent to the initial pleading or for preparing a request for a protective order.

- 241 (b) There is created within the General Fund a restricted account known as the Online Court Assistance Account.
- 243 (5) ~~[-]~~The fees collected under ~~[this-]~~Subsection (4) shall be deposited in the restricted account and appropriated by the Legislature to the Administrative Office of the Courts to ~~{f{}} {:}~~
- 245 ~~{(a)}~~ develop, operate, and maintain the program ~~{f and to {}} {:}~~
- 246 ~~{(b)}~~ support the use of the program through education of the public ~~{f.{} } ;and}~~
- 247 ~~{(c) assist with costs of security in courts of record.}~~
- 248 ~~{(5)}~~ (6) The Administrative Office of the Courts shall provide on the front page of the program website a listing of all forms and proceedings available to all pro se litigants within the program.

247 Section 6. Section **78A-2-602** is amended to read:

248 **78A-2-602. Court Security Account -- Creation -- Funding -- Uses.**

- 253 (1) There is created a restricted account in the General Fund known as the "Court Security Account."
- 255 (2) The state treasurer shall deposit in the Court Security Account money from:
- 256 (a) the surcharge established in Section 78A-2-601;
- 257 (b) the portions of filing fees allocated under Subsections 78A-2-301(1)(j)(iv) and (v); and
- 259 (c) the portions of a surcharge allocated under Subsections 78A-7-122(3) and (4)(b)(ii).
- 260 (3) The Court Security Account consists of money:
- 261 (a) deposited by the state treasurer under Subsection (2); and
- 262 (b) appropriated by the Legislature.
- 263 (4) Subject to appropriation, the Administrative Office of the Courts shall use the allocation to contract for court security at all ~~[district and juvenile-]~~courts of record throughout the state.

262 Section 7. Section **78A-7-122** is amended to read:

263 **78A-7-122. Security surcharge -- Application -- Deposit in restricted accounts.**

- 268 (1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge of \$60 shall be assessed on all convictions for offenses listed in the uniform ~~[bail]~~ fine schedule adopted by the Judicial Council and moving traffic violations.
- 271 (2) The security surcharge shall be collected and distributed pro rata with any fine collected. A fine that would otherwise have been charged may not be reduced due to the imposition of the security surcharge.

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- 274 (3) Twenty-eight dollars of the security surcharge shall be remitted to the state treasurer and distributed
to the Court Security Account created in Section 78A-2-602.
- 276 (4) Thirty-two dollars of the security surcharge shall be allocated as follows:
- 277 (a) the assessing court shall retain 20% of the amount collected for deposit into the general fund of the
governmental entity; and
- 279 (b) 80% shall be remitted to the state treasurer to be distributed as follows:
- 280 (i) 62.5% to the treasurer of the county in which the justice court which remitted the amount is located;
- 282 (ii) 25% to the Court Security Account created in Section 78A-2-602; and
- 283 (iii) 12.5% to the Justice Court Technology, Security, and Training Account created in Section
78A-7-301.
- 285 (5) The court shall remit money collected in accordance with Title 51, Chapter 7, State Money
Management Act.

283 Section 8. **Effective date.**

This bill takes effect on May 7, 2025.

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