

SB0148S01 compared with SB0148S02

19 **Other Special Clauses:**

20 None

22 AMENDS:

23 **17-22-27** , as last amended by Laws of Utah 2011, Chapter 297 , as last amended by Laws of Utah
2011, Chapter 297

24 **76-3-301.5** , as last amended by Laws of Utah 2021, Chapter 260 , as last amended by Laws of Utah
2021, Chapter 260

25 **76-3-301.7** , as enacted by Laws of Utah 2018, Chapter 214 , as enacted by Laws of Utah 2018,
Chapter 214

26 **77-2a-3** , as last amended by Laws of Utah 2024, Chapter 180 , as last amended by Laws of Utah
2024, Chapter 180

27 **78A-2-301** , as last amended by Laws of Utah 2024, Chapter 366 , as last amended by Laws
of Utah 2024, Chapter 366

28 **78A-2-301.5** , as last amended by Laws of Utah 2022, Chapter 384 , as last amended by Laws
of Utah 2022, Chapter 384

29 **78A-2-501** , as last amended by Laws of Utah 2019, Chapter 246 , as last amended by Laws of Utah
2019, Chapter 246

30 **78A-2-602** , as last amended by Laws of Utah 2018, Chapter 167 , as last amended by Laws of Utah
2018, Chapter 167

31 **78A-7-122** , as last amended by Laws of Utah 2020, Chapter 230 , as last amended by Laws of Utah
2020, Chapter 230

32

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

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

35 **17-22-27. Sheriff -- Assignment of court bailiffs -- Contract and costs.**

32 (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.

36 (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

SB0148S01 compared with SB0148S02

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.

- 41 (b) The contract shall specify the agreed services, costs of services, and terms of payment.
- 43 (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.

49 ~~(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.]~~

53 ~~[(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.]~~

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

60 **76-3-301.5. Uniform fine schedule -- Judicial Council.**

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

59 (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.

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

62 (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.

64 (2) The schedule shall incorporate:

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

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

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

71

SB0148S01 compared with SB0148S02

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

73 [(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.

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

80 **76-3-301.7. Compensatory service.**

77 (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:

79 (a) a state or local government agency;

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

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

83 (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.

87 (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.

91 (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.

94 (5)

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

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

97 (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.

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

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

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

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

SB0148S01 compared with SB0148S02

- 105 (iv) is signed by an authorized representative of the organization; or
106 (v) is in a form otherwise acceptable to the court.
- 107 (6) The court may refuse to accept compensatory service:
108 (a) completed prior to the date of sentencing;
109 (b) that has been submitted to another court for credit; or
110 (c) completed at an agency or organization or is a type of service that is specifically prohibited by the
court.
- 116 Section 4. Section **77-2a-3** is amended to read:
117 **77-2a-3. Manner of entry of plea -- Powers of court -- Expungement.**
- 114 (1)
115 (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.
116 (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.
- 119 (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:
121 (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;
123 (b) allow withdrawal of the defendant's plea and order the dismissal of the case; or
124 (c) issue an order of expungement for all records of the offense if:
125 (i) the defendant successfully completes a problem solving court program that is certified by the
Judicial Council; and
127 (ii) the court allows the withdrawal of the defendant's plea and orders the dismissal of the case.
- 129 (3)
130 (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 :
132 (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;
134 (ii) allow withdrawal of the defendant's plea and order the dismissal of the case; or
135 (iii) issue an order of expungement for all records of the offense if:

SB0148S01 compared with SB0148S02

- 136 (A) the defendant successfully completes a problem solving court program that is certified by the
Judicial Council; and
- 138 (B) the court allows the withdrawal of the defendant's plea and orders the dismissal of the case.
- 140 (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.
- 143 (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.
- 146 (5) The terms of a plea in abeyance agreement may include:
- 147 (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;
- 154 (b) an order that the defendant pay the costs of any remedial or rehabilitative program required by the
terms of the agreement; and
- 156 (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.
- 159 (6)
- (a) The terms of a plea in abeyance shall include:
- 160 (i) a specific amount of restitution that the defendant will pay, as agreed to by the defendant and the
prosecuting attorney;
- 162 (ii) a certification from the prosecuting attorney that:
- 163 (A) the prosecuting attorney has consulted with all victims, including the Utah Office for Victims of
Crime; and
- 165 (B) all victims, including the Utah Office for Victims of Crime, are not seeking restitution; or
- 167 (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.
- 169 (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.

SB0148S01 compared with SB0148S02

- 173 (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.
- 175 (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.
- 178 (7)
- (a) A court may not hold a plea in abeyance without the consent of both the prosecuting attorney and
the defendant.
- 180 (b) A decision by a prosecuting attorney not to agree to a plea in abeyance is final.
- 181 (8) No plea may be held in abeyance in any case involving:
- 182 (a) a sexual offense against an individual who is under 14 years old; or
- 183 (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.
- 185 (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.
- 189 (b) The notice under Subsection (9)(a) shall:
- 190 (i) state that the victim has a right to object to the expungement; and
- 191 (ii) provide instructions for registering an objection with the court.
- 192 (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).
- 195 (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.
- 197 (10) If the court issues an order of expungement under Subsection (3)(a)(iii), the court shall:
- 198 (a) expunge all records of the case as described in Section 77-40a-401; and
- 199 (b) notify the Bureau of Criminal Identification of the order of expungement.
- 200 (11)

SB0148S01 compared with SB0148S02

- (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.
- 203 (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:
- 206 (i) sentenced to prison in this state; or
- 207 (ii) under the jurisdiction of the Board of Pardons and Parole.
- 208 (c) The Bureau of Criminal Identification shall forward a copy of the expungement order to the Federal Bureau of Investigation.
- 210 (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.
- 212 (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.

218 Section 5. Section 78A-2-301 is amended to read:

219 **78A-2-301. Civil fees of the courts of record -- Courts complex design.**

- 220 (1)
- (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court of record not governed by another subsection is \$375.
- 222 (b) The fee for filing a complaint or petition is:
- 223 (i) \$90 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$2,000 or less;
- 225 (ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;
- 227 (iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;
- 228 (iv) except as provided in Subsection (1)(b)(v), \$325 if the petition is filed for an action described in Title 81, Chapter 4, Dissolution of Marriage;
- 230 (v) \$35 for a petition for temporary separation described in Section 81-4-104;
- 231 (vi) \$125 if the petition is for removal from the The Sex, Kidnap, and Child Abuse Offender Registry under Section 77-41-112; and
- 233 (vii) \$35 if the petition is for guardianship and the prospective ward is the biological or adoptive child of the petitioner.

SB0148S01 compared with SB0148S02

- 235 (c) The fee for filing a small claims affidavit is:
- 236 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney
fees is \$2,000 or less;
- 238 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs, interest, and
attorney fees is greater than \$2,000, but less than \$7,500; and
- 240 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs, interest, and
attorney fees is \$7,500 or more.
- 242 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party complaint, or
other claim for relief against an existing or joined party other than the original complaint or petition
is:
- 245 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or less;
- 247 (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than \$2,000
and less than \$10,000;
- 249 (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is \$10,000 or more,
or the party seeks relief other than monetary damages; and
- 251 (iv) \$130 if the original petition is filed for an action described in Title 81, Chapter 4, Dissolution of
Marriage.
- 253 (e) The fee for filing a small claims counter affidavit is:
- 254 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or less;
- 256 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than \$2,000,
but less than \$7,500; and
- 258 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is \$7,500 or more.
- 260 (f) The fee for depositing funds under Section 57-1-29 when not associated with an action already
before the court is determined under Subsection (1)(b) based on the amount deposited.
- 263 (g) The fee for filing a petition is:
- 264 (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims department; and
- 266 (ii) \$80 for an appeal of a municipal administrative determination in accordance with Section
10-3-703.7.
- 268 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or petition for writ
of certiorari is \$240.
- 270 (i) The fee for filing a petition for expungement is \$150.

SB0148S01 compared with SB0148S02

- 271 (j)
- (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges' Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges' Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement Act.
- 276 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be allocated by the state treasurer to be deposited into the restricted account, Children's Legal Defense Account, as provided in Section 51-9-408.
- 279 (iii) Five dollars of the fees established under Subsections (1)(a) through (e), (1)(g), and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided in Section 78B-6-209.
- 282 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv), (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be deposited into the restricted account, Court Security Account, as provided in Section 78A-2-602.
- 286 (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and (1)(g)(i) shall be allocated by the state treasurer to be deposited into the restricted account, Court Security Account, as provided in Section 78A-2-602.
- 289 (k) The fee for filing a judgment, order, or decree of a court of another state or of the United States is \$35.
- 291 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is 50% of the fee for filing an original action seeking the same relief.
- 293 (m) The fee for filing probate or child custody documents from another state is \$35.
- 294 (n)
- (i) The fee for filing an abstract or transcript of judgment, order, or decree of the State Tax Commission is \$30.
- 296 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state or a judgment, order, or decree of an administrative agency, commission, board, council, or hearing officer of this state or of its political subdivisions other than the State Tax Commission, is \$50.
- 300 (o) The fee for filing a judgment by confession without action under Section 78B-5-205 is \$35.
- 302 (p) The fee for filing an award of arbitration for confirmation, modification, or vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an action before the court is \$35.
- 305

SB0148S01 compared with SB0148S02

- (q) The fee for filing a petition or counter-petition to modify a domestic relations order other than a protective order or stalking injunction is \$100.
- 307 (r) The fee for filing any accounting required by law is:
- 308 (i) \$15 for an estate valued at \$50,000 or less;
- 309 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;
- 310 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;
- 311 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and
- 312 (v) \$175 for an estate valued at more than \$168,000.
- 313 (s) The fee for filing a demand for a civil jury is \$250.
- 314 (t) The fee for filing a notice of deposition in this state concerning an action pending in another state under Utah Rules of Civil Procedure, Rule 30 is \$35.
- 316 (u) The fee for filing documents that require judicial approval but are not part of an action before the court is \$35.
- 318 (v) The fee for a petition to open a sealed record is \$35.
- 319 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in addition to any fee for a complaint or petition.
- 321 (x)
- (i) The fee for a petition for authorization for a minor to marry required by Section 81-2-304 is \$5.
- 323 (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7, Emancipation, is \$50.
- 325 (y) The fee for a certificate issued under Section 26B-8-128 is \$8.
- 326 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.
- 327 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per page.
- 329 (bb) The Judicial Council shall, by rule, establish a schedule of fees for copies of documents and forms and for the search and retrieval of records under Title 63G, Chapter 2, Government Records Access and Management Act. Fees under Subsection (1)(bb) and (cc) shall be credited to the court as a reimbursement of expenditures.
- 334 (cc) The Judicial Council may, by rule, establish a reasonable fee to allow members of the public to conduct a limited amount of searches on the Xchange database without having to pay a monthly subscription fee.

337

SB0148S01 compared with SB0148S02

- (dd) There is no fee for services or the filing of documents not listed in this section or otherwise provided by law.
- 339 (ee) Except as provided in this section, all fees collected under this section are paid to the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk accepts the pleading for filing or performs the requested service.
- 342 (ff) The [~~filing~~]-fees under this section may not be charged to the state, the state's agencies, or political subdivisions filing or defending any action. In judgments awarded in favor of the state, its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and collection costs to be paid by the judgment debtor. The sums collected under this Subsection (1)(ff) shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.
- 349 (2)
- (a)
- (i) From March 17, 1994, until June 30, 1998, the state court administrator shall transfer all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities Construction and Management Capital Projects Fund.
- 353 (ii)
- (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities Construction and Management shall use up to \$3,750,000 of the revenue deposited into the Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to initiate the development of a courts complex in Salt Lake City.
- 358 (B) If the Legislature approves funding for construction of a courts complex in Salt Lake City in the 1995 Annual General Session, the Division of Facilities Construction and Management shall use the revenue deposited into the Capital Projects Fund under this Subsection (2)(a)(ii) to construct a courts complex in Salt Lake City.
- 363 (C) After the courts complex is completed and all bills connected with its construction have been paid, the Division of Facilities Construction and Management shall use any money remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal District Court building.
- 367

SB0148S01 compared with SB0148S02

- (iii) The Division of Facilities Construction and Management may enter into agreements and make expenditures related to this project before the receipt of revenues provided for under this Subsection (2)(a)(iii).
- 370 (iv) The Division of Facilities Construction and Management shall:
- 371 (A) make those expenditures from unexpended and unencumbered building funds already appropriated to the Capital Projects Fund; and
- 373 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for under this Subsection (2).
- 375 (b) After June 30, 1998, the state court administrator shall ensure that all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted account.
- 379 (c) The Division of Finance shall deposit all revenues received from the state court administrator into the restricted account created by this section.
- 381 (d)
- (i) From May 1, 1995, until June 30, 1998, the state court administrator shall transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the Division of Facilities Construction and Management Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture paid.
- 387 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the Division of Finance for deposit in the restricted account created by this section. The division of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture paid.
- 393 (3)
- (a) There is created within the General Fund a restricted account known as the State Courts Complex Account.
- 395 (b) The Legislature may appropriate money from the restricted account to the state court administrator for the following purposes only:
- 397 (i) to repay costs associated with the construction of the court complex that were funded from sources other than revenues provided for under this Subsection (3)(b)(i); and
- 400 (ii) to cover operations and maintenance costs on the court complex.

SB0148S01 compared with SB0148S02

- 401 Section 6. Section 78A-2-301.5 is amended to read:
- 402 **78A-2-301.5. Civil fees for justice courts.**
- 403 (1) The fee for filing a small claims affidavit is:
- 404 (a) \$60 if the claim for damages or amount in interpleader exclusive of justice court costs, interest, and
attorney fees is \$2,000 or less;
- 406 (b) \$100 if the claim for damages or amount in interpleader exclusive of justice court costs, interest, and
attorney fees is greater than \$2,000, but less than \$7,500; and
- 408 (c) \$185 if the claim for damages or amount in interpleader exclusive of justice court costs, interest, and
attorney fees is \$7,500 or more.
- 410 (2) The fee for filing a small claims counter affidavit is:
- 411 (a) \$50 if the claim for relief exclusive of justice court costs, interest, and attorney fees is \$2,000 or
less;
- 413 (b) \$70 if the claim for relief exclusive of justice court costs, interest, and attorney fees is greater than
\$2,000, but less than \$7,500; and
- 415 (c) \$120 if the claim for relief exclusive of justice court costs, interest, and attorney fees is \$7,500 or
more.
- 417 (3) The fee for filing a petition for expungement is \$135.
- 418 (4) The fee for a petition to open a sealed record is \$35.
- 419 (5) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in addition to any fee for
a complaint or petition.
- 421 (6) The fee for filing a notice of appeal to a court of record is \$10. This fee covers all services of the
justice court on appeal but does not satisfy the trial de novo filing fee in the court of record.
- 424 (7) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.
- 425 (8) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per page.
- 427 (9) The fee schedule adopted by the Judicial Council for copies of documents and forms and for
the search and retrieval of records under Title 63G, Chapter 2, Government Records Access and
Management Act, shall apply.
- 430 (10) There is no fee for services or the filing of documents not listed in this section or otherwise
provided by law.
- 432 (11) The [~~filing~~]fees under this section may not be charged to the state, its agencies, or political
subdivisions filing or defending any action. In judgments awarded in favor of the state, its agencies,

SB0148S01 compared with SB0148S02

or political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and collection costs to be paid by the judgment debtor. The sums collected under this Subsection (11) shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

438 Section 7. Section **78A-2-501** is amended to read:

439 **78A-2-501. Definitions -- Online Court Assistance Program -- Purpose of program -- Online**
440 **Court Assistance Account -- User's fee -- Use of fund.**

217 (1) As used in this part:

218 (a) "Account" means the Online Court Assistance Account created in this section.

219 (b) "Program" means the Online Court Assistance Program created in this section.

220 (2) There is created the "Online Court Assistance Program" administered by the Administrative Office
221 of the Courts to provide the public with information about civil procedures and to assist the public in
222 preparing and filing civil pleadings and other papers in:

224 (a) uncontested divorces;

225 (b) enforcement of orders in the divorce decree;

226 (c) landlord and tenant actions;

227 (d) guardianship actions; and

228 (e) other types of proceedings approved by the board.

229 (3) The purpose of the program shall be to:

230 (a) minimize the costs of civil litigation;

231 (b) improve access to the courts; and

232 (c) provide for informed use of the courts and the law by pro se litigants.

233 (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
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.

238 (b) There is created within the General Fund a restricted account known as the Online Court Assistance
Account.

240

SB0148S01 compared with SB0148S02

(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 develop, operate, and maintain the program and to support the use of the program through education of the public.

244 [(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.

471 Section 8. Section **78A-2-602** is amended to read:

472 **78A-2-602. Court Security Account -- Creation -- Funding -- Uses.**

249 (1) There is created a restricted account in the General Fund known as the "Court Security Account."

251 (2) The state treasurer shall deposit in the Court Security Account money from:

252 (a) the surcharge established in Section 78A-2-601;

253 (b) the portions of filing fees allocated under Subsections 78A-2-301(1)(j)(iv) and (v); and

255 (c) the portions of a surcharge allocated under Subsections 78A-7-122(3) and (4)(b)(ii).

256 (3) The Court Security Account consists of money:

257 (a) deposited by the state treasurer under Subsection (2); and

258 (b) appropriated by the Legislature.

259 (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.

486 Section 9. Section **78A-7-122** is amended to read:

487 **78A-7-122. Security surcharge -- Application -- Deposit in restricted accounts.**

264 (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.

267 (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.

270 (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.

272 (4) Thirty-two dollars of the security surcharge shall be allocated as follows:

273 (a) the assessing court shall retain 20% of the amount collected for deposit into the general fund of the
governmental entity; and

275 (b) 80% shall be remitted to the state treasurer to be distributed as follows:

SB0148S01 compared with SB0148S02

- 276 (i) 62.5% to the treasurer of the county in which the justice court which remitted the amount is located;
278 (ii) 25% to the Court Security Account created in Section 78A-2-602; and
279 (iii) 12.5% to the Justice Court Technology, Security, and Training Account created in Section
78A-7-301.
- 281 (5) The court shall remit money collected in accordance with Title 51, Chapter 7, State Money
Management Act.

507 Section 10. **Effective date.**

This bill takes effect on May 7, 2025.

2-18-25 12:20 PM