Part 4
Criminal Conviction Surcharge Allocation

51-9-401 Surcharge -- Application.

(1)
- (a) A surcharge shall be paid on all criminal fines, penalties, and forfeitures imposed by the courts.
- (b) The surcharge shall be:
  - (i) 90% upon conviction of a:
    - (A) felony;
    - (B) class A misdemeanor;
    - (C) violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; or
    - (D) class B misdemeanor not classified within Title 41, Motor Vehicles, including violation of comparable county or municipal ordinances; or
  - (ii) 35% upon conviction of any other offense, including violation of county or municipal ordinances not subject to the 90% surcharge.
- (c) The Division of Finance shall deposit into the General Fund an amount equal to the amount that the state retains under Section 80-6-304.

(2) The surcharge may not be imposed:
- (a) upon nonmoving traffic violations;
- (b) upon court orders when the offender is ordered to perform compensatory service work in lieu of paying a fine; and
- (c) upon penalties assessed by the juvenile court as part of the nonjudicial adjustment of a case under Section 80-6-304.

(3)
- (a) The surcharge and the exceptions under Subsections (1) and (2) apply to all fines, penalties, and forfeitures imposed on juveniles for conduct that would be criminal if committed by an adult.
- (b) Notwithstanding Subsection (3)(a), the surcharge does not include amounts assessed or collected separately by juvenile courts for the Juvenile Restitution Account, which is independent of this part and does not affect the imposition or collection of the surcharge.

(4) The surcharge under this section shall be imposed in addition to the fine charged for a civil or criminal offense, and no reduction may be made in the fine charged due to the surcharge imposition.

(5) Fees, assessments, and surcharges related to criminal or traffic offenses shall be authorized and managed by this part rather than attached to particular offenses.

Amended by Chapter 262, 2021 General Session

51-9-402 Division of collected money retained by state treasurer and local governmental collecting entity.

(1) The amount of the surcharge imposed under this part by courts of record shall be collected before any fine and deposited with the state treasurer.

(2) The amount of the surcharge and the amount of criminal fines, penalties, and forfeitures imposed under this part by courts not of record shall be collected concurrently.

(a) As money is collected on criminal fines, penalties, and forfeitures subject to the 90% surcharge, the money shall be divided pro rata so that the local governmental collecting entity retains 53% of the collected money and the state retains 47% of the collected money.
(b) As money is collected on criminal fines, penalties, and forfeitures subject to the 35% surcharge, the money shall be divided pro rata so that the local governmental collecting entity retains 74% of the collected money and the state retains 26% of the collected money.
(c) The court shall deposit with the state treasurer the surcharge portion of all money as it is collected.
(3) Courts of record, courts not of record, and administrative traffic proceedings shall collect financial information to determine:
(a) the total number of cases in which:
(i) a final judgment has been rendered;
(ii) surcharges and fines are paid by partial or installment payment; and
(iii) the judgment is fulfilled by an alternative method upon the court's order; and
(b) the total dollar amounts of surcharges owed to the state and fines owed to the state and county or municipality, including:
(i) waived surcharges;
(ii) uncollected surcharges; and
(iii) collected surcharges.
(4) The courts of record, courts not of record, and administrative traffic proceedings shall report all collected financial information monthly to the Administrative Office of the Courts. The collected information shall be categorized by cases subject to the 90% and 35% surcharge.
(5) The provisions of this section and Section 51-9-401 may not impact the distribution and allocation of fines and forfeitures imposed in accordance with Sections 23A-3-201, 78A-5-110, and 78A-7-120.

Amended by Chapter 34, 2023 General Session

51-9-408 Children's Legal Defense Account.
(1) There is created a restricted account within the General Fund known as the Children's Legal Defense Account.
(2) The purpose of the Children's Legal Defense Account is to provide for programs that protect and defend the rights, safety, and quality of life of children.
(3)
(a) The Legislature shall appropriate money from the account for the administrative and related costs of the following programs:
(i) implementing the mandatory courses described in Sections 81-4-105 and 81-9-103 and the mediation program for child custody or parent-time;
(ii) implementing the use of guardians ad litem in accordance with Sections 78A-2-703, 78A-2-705, 78A-2-803, and 78B-3-102;
(iii) the training of attorney guardians ad litem and volunteers as provided in Section 78A-2-803;
(iv) implementing and administering the Expedited Parent-time Enforcement Program as provided in Section 81-9-102; and
(v) implementing and administering the Divorce Education for Children Program.
(b) The Children's Legal Defense Account may not be used to supplant funding for the guardian ad litem program under Section 78A-2-803.
(4) The following withheld fees shall be allocated only to the Children's Legal Defense Account and used only for the purposes provided in Subsections (3)(a)(i) through (v):

(a) the additional $10 fee withheld on every marriage license issued in the state of Utah as provided in Section 17-16-21; and
(b) a fee of $4 shall be withheld from the existing civil filing fee collected on any complaint, affidavit, or petition in a civil, probate, or adoption matter in every court of record.
(5) The Division of Finance shall allocate the money described in Subsection (4) from the General Fund to the Children's Legal Defense Account.
(6) Any funds in excess of $200,000 remaining in the restricted account as of June 30 of any fiscal year shall lapse into the General Fund.

Amended by Chapter 366, 2024 General Session

51-9-412 Halfway house funding -- Uses.
(1) As used in this section:
(a) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
(b) "Halfway house" means a facility that houses parolees upon release from prison or houses probationers who have violated the terms of their probation.
(c) "Law enforcement agency" means a local law enforcement agency.
(d) "Parole violator center" means a facility that houses parolees who have violated the conditions of their parole agreement.
(2) The commission shall allocate funds appropriated by the Legislature to local law enforcement agencies on a pro-rata basis determined by:
(a) the average daily number of occupied beds in a halfway house in each agency's jurisdiction for increased enforcement in areas with halfway houses;
(b) the average daily number of occupied beds in a parole violator center in each agency's jurisdiction; or
(c) both Subsections (2)(a) and (b).
(3) A law enforcement agency may use funds received under this section only for the purposes stated in this section.
(4) For each fiscal year, any law enforcement agency that receives funds from the commission under this section shall prepare, and file with the commission and the state auditor, a report in a form specified by the commission. The report shall include the following:
(a) the agency's name;
(b) the amount received;
(c) how the funds were used, including the impact on crime reduction efforts in areas with halfway houses or parole violator centers, or both; and
(d) a statement signed by both the agency's or political subdivision's executive officer or designee and by the agency's legal counsel that all funds were used for law enforcement operations related to reducing criminal activity in areas with halfway houses or parole violator centers, or both.

Amended by Chapter 230, 2020 General Session