

## **Part 3**

### **Fines and Special Sanctions**

#### **76-3-301 Fines of individuals.**

- (1) An individual convicted of an offense may be sentenced to pay a fine, not exceeding:
  - (a) \$10,000 for a felony conviction of the first degree or second degree;
  - (b) \$5,000 for a felony conviction of the third degree;
  - (c) \$2,500 for a class A misdemeanor conviction;
  - (d) \$1,000 for a class B misdemeanor conviction;
  - (e) \$750 for a class C misdemeanor conviction or infraction conviction; and
  - (f) any greater amounts specifically authorized by statute.
- (2)
  - (a) An individual convicted of a misdemeanor or infraction and sentenced to pay a fine may not be charged by a court:
    - (i) notwithstanding Section 15-1-4, interest on the judgment that in the aggregate is more than 25% of the initial fine; or
    - (ii) that issues an order to show cause under Section 78B-6-317 for failure to pay the fine, interest that is more than 25% of the initial fine.
  - (b) An individual convicted only of an infraction and sentenced to pay a fine may not be charged:
    - (i) by the Office of State Debt Collection, late fees and interest that in the aggregate are more than 25% of the initial fine; or
    - (ii) by a third-party debt contractor of the Office of State Debt Collection, additional fees.
- (3) Subsection (2) does not apply to a case that includes:
  - (a) victim restitution; or
  - (b) a felony conviction, even if that felony conviction is later reduced.
- (4) This section does not apply to a corporation, association, partnership, government, or governmental instrumentality.

Amended by Chapter 113, 2023 General Session

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

- (1) The Judicial Council shall establish a uniform recommended fine schedule for each offense under Subsection 76-3-301(1).
  - (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.
  - (b) The schedule shall be reviewed annually by the Judicial Council.
  - (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.
- (2) The schedule shall incorporate:
  - (a) criteria for determining aggravating and mitigating circumstances; and
  - (b) guidelines for enhancement or reduction of the fine, based on aggravating or mitigating circumstances.
- (3) Presentence investigation reports shall include documentation of aggravating and mitigating circumstances as determined under the criteria, and a recommended fine under the schedule.
- (4) The Judicial Council shall also establish a separate uniform recommended fine schedule for the juvenile court and by rule provide for its implementation.

- (5) 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.

Amended by Chapter 260, 2021 General Session

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

- (1) As used in this section:
- (a) "Compensatory service" means service or unpaid work performed by a person, in lieu of the payment of a criminal fine, for:
    - (i) a state or local government agency;
    - (ii) an entity that is approved as a nonprofit organization under Section 501(c) of the Internal Revenue Code; or
    - (iii) any other entity or organization if prior approval is obtained from the court.
  - (b) "Eligible offense" means a criminal conviction, including a traffic offense.
- (2) When a defendant is sentenced to pay a fine for an eligible offense, 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 eligible offense 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 \$12 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)
      - (A) is signed by an authorized representative of the organization; or
      - (B) 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.

Amended by Chapter 259, 2025 General Session

Amended by Chapter 331, 2025 General Session

**76-3-302 Fines of corporations, associations, partnerships, or government instrumentalities.**

A corporation, association, partnership, or governmental instrumentality shall pay a fine for an offense defined in this code for which no special corporate fine is specified. The fine shall not exceed:

- (1) \$20,000 for a felony conviction;
- (2) \$10,000 for a class A misdemeanor conviction;
- (3) \$5,000 for a class B misdemeanor conviction; and
- (4) \$1,000 for a class C misdemeanor conviction or for an infraction conviction.

Amended by Chapter 291, 1995 General Session

**76-3-303 Additional sanctions against corporation or association -- Advertising of conviction -- Disqualification of officer.**

- (1) When a corporation or association is convicted of an offense, the court may, in addition to or in lieu of imposing other authorized sanctions, require the corporation or association to give appropriate publicity of the conviction by notice to the class or classes of persons or section of the public interested in or affected by the conviction, by advertising in designated areas, or by designated media or otherwise.
- (2) When an executive or high managerial officer of a corporation or association is convicted of an offense committed in furtherance of the affairs of the corporation or association, the court may include in the sentence an order disqualifying the executive or high managerial officer from exercising similar functions in the same or other corporations or associations for a period of not exceeding five years if the court finds the scope or willfulness of the illegal actions make it dangerous or inadvisable for such functions to be entrusted to the executive or high managerial officer.

Amended by Chapter 302, 2025 General Session