

Effective 5/12/2015

76-3-201.1 Collection of criminal judgment accounts receivable.

- (1) As used in this section:
 - (a) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures, surcharges, costs, interest, penalties, restitution to victims, third party claims, claims, reimbursement of a reward, and damages.
 - (b) "Criminal judgment accounts receivable" means any amount due the state arising from a criminal judgment for which payment has not been received by the state agency that is servicing the debt.
- (2)
 - (a) A criminal judgment account receivable ordered by the court as a result of prosecution for a criminal offense may be collected by any means authorized by law for the collection of a civil judgment.
 - (b)
 - (i) The court may permit a defendant to pay a criminal judgment account receivable in installments.
 - (ii) In the district court, if the criminal judgment account receivable is paid in installments, the total amount due shall include all fines, surcharges, postjudgment interest, and fees.
 - (c) Upon default in the payment of a criminal judgment account receivable or upon default in the payment of any installment of that receivable, the criminal judgment account receivable may be collected as provided in this section or Subsection 77-18-1(9) or (10), and by any means authorized by law for the collection of a civil judgment.
- (3) When a defendant defaults in the payment of a criminal judgment account receivable or any installment of that receivable, the court, on motion of the prosecution, victim, or upon its own motion may:
 - (a) order the defendant to appear and show cause why the default should not be treated as contempt of court; or
 - (b) issue a warrant of arrest.
- (4)
 - (a) Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure to make a good faith effort to make the payment, the court may find that the default constitutes contempt.
 - (b) Upon a finding of contempt, the court may order the defendant committed until the criminal judgment account receivable, or a specified part of it, is paid.
- (5) If it appears to the satisfaction of the court that the default is not contempt, the court may enter an order for any of the following or any combination of the following:
 - (a) require the defendant to pay the criminal judgment account receivable or a specified part of it by a date certain;
 - (b) restructure the payment schedule;
 - (c) restructure the installment amount;
 - (d) except as provided in Section 77-18-8, execute the original sentence of imprisonment;
 - (e) start the period of probation anew;
 - (f) except as limited by Subsection (6), convert the criminal judgment account receivable or any part of it to compensatory service;
 - (g) except as limited by Subsection (6), reduce or revoke the unpaid amount of the criminal judgment account receivable; or

- (h) in the court, record the unpaid balance of the criminal judgment account receivable as a civil judgment and transfer the responsibility for collecting the judgment to the Office of State Debt Collection.
- (6) In issuing an order under this section, the court may not modify the amount of the judgment of complete restitution.
- (7) Whether or not a default constitutes contempt, the court may add to the amount owed the fees established under Subsection 63A-3-502(4)(g) and postjudgment interest.
- (8)
 - (a)
 - (i) If a criminal judgment account receivable is past due in a case supervised by the Department of Corrections, the judge shall determine whether to record the unpaid balance of the account receivable as a civil judgment.
 - (ii) If the judge records the unpaid balance of the account receivable as a civil judgment, the judge shall transfer the responsibility for collecting the judgment to the Office of State Debt Collection.
 - (b) If a criminal judgment account receivable in a case not supervised by the Department of Corrections is past due, the court may, without a motion or hearing, record the unpaid balance of the criminal judgment account receivable as a civil judgment and transfer the responsibility for collecting the account receivable to the Office of State Debt Collection.
 - (c) If a criminal judgment account receivable in a case not supervised by the Department of Corrections is more than 90 days past due, the district court shall, without a motion or hearing, record the unpaid balance of the criminal judgment account receivable as a civil judgment and transfer the responsibility for collecting the criminal judgment account receivable to the Office of State Debt Collection.
- (9)
 - (a) When a fine, forfeiture, surcharge, cost permitted by statute, fee, or an order of restitution is imposed on a corporation or unincorporated association, the person authorized to make disbursement from the assets of the corporation or association shall pay the obligation from those assets.
 - (b) Failure to pay the obligation may be held to be contempt under Subsection (3).
- (10) The prosecuting attorney may collect restitution on behalf of a victim.
- (11)
 - (a) Criminal judgment accounts receivable are not subject to civil statutes of limitations and expire only upon payment in full.
 - (b) This Subsection (11) applies to all criminal judgment accounts receivable not paid in full on or before May 12, 2015.

Amended by Chapter 434, 2015 General Session