

Superseded 10/1/2022

77-2-4.2 Compromise of traffic charges -- Limitations.

- (1) As used in this section:
 - (a) "Compromise" means referral of a person charged with a traffic violation to traffic school or other school, class, or remedial or rehabilitative program.
 - (b) "Traffic violation" means any charge for which bail may be forfeited in lieu of appearance, by citation or information, of a violation of:
 - (i) Title 41, Chapter 6a, Traffic Code, amounting to:
 - (A) a class B misdemeanor;
 - (B) a class C misdemeanor; or
 - (C) an infraction; or
 - (ii) any local traffic ordinance.
- (2) Any compromise of a traffic violation shall be done pursuant to a plea in abeyance agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:
 - (a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or
 - (b) when there is a plea by the defendant to and entry of a judgment by a court for the offense originally charged or for an amended charge.
- (3) In all cases which are compromised pursuant to the provisions of Subsection (2):
 - (a) the court, taking into consideration the offense charged, shall collect a plea in abeyance fee which shall:
 - (i) be subject to the same surcharge as if imposed on a criminal fine;
 - (ii) be allocated subject to the surcharge as if paid as a criminal fine under Section 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation; and
 - (iii) be not more than \$25 greater than the bail designated in the Uniform Bail Schedule; or
 - (b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the traffic school or other school, class, or rehabilitative program shall be collected, which surcharge shall:
 - (i) be computed, assessed, collected, and remitted in the same manner as if the traffic school fee and surcharge had been imposed as a criminal fine and surcharge; and
 - (ii) be subject to the financial requirements contained in Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation.
- (4) If a written plea in abeyance agreement is provided, or the defendant requests a written accounting, an itemized statement of all amounts assessed by the court shall be provided, including:
 - (a) the Uniform Bail Schedule amount;
 - (b) the amount of any surcharges being assessed; and
 - (c) the amount of the plea in abeyance fee.