

**77-2-4.3 Compromise of boating violations -- Limitations.**

- (1) As used in this section:
  - (a) "Compromise" means referral of a person charged with a boating violation to a boating safety course approved by the Division of Parks and Recreation.
  - (b) "Boating violation" means any charge for which bail may be forfeited in lieu of appearance, by citation or information, of a violation of Title 73, Chapter 18, State Boating Act, amounting to:
    - (i) a class B misdemeanor;
    - (ii) a class C misdemeanor; or
    - (iii) an infraction.
- (2) Any compromise of a boating 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 boating safety course shall be collected, which surcharge shall:
    - (i) be computed, assessed, collected, and remitted in the same manner as if the boating safety course 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.

Enacted by Chapter 386, 2011 General Session