

**Effective 5/13/2014**

**78B-6-311 Damages to party aggrieved.**

- (1) If an actual loss or injury to a party in an action or special proceeding is caused by the contempt, the court, in lieu of or in addition to the fine or imprisonment imposed for the contempt, may order the person proceeded against to pay the party aggrieved a sum of money sufficient to indemnify and satisfy the aggrieved party's costs and expenses. The court may order that any bail posted by the person proceeded against be used to satisfy all or part of the money ordered to be paid to the aggrieved party. The order and the acceptance of money under it is a bar to an action by the aggrieved party for the loss and injury.
- (2) A judgment creditor may request that the court pay bail posted by a judgment debtor to the judgment creditor if:
  - (a) the judgment debtor owes the judgment creditor funds pursuant to a court-ordered judgment;
  - (b) the judgment creditor provides the court with a copy of the valid judgment; and
  - (c) bail was posted in cash, or by credit or debit card.
- (3) Upon receipt of a request by a judgment creditor, the court shall require the judgment debtor to provide either proof of payment or good cause why the court should not order the forfeiture of bail to then be paid to the judgment creditor. The court shall find that good cause exists if the judgment debtor provides admissible evidence that the bail was paid by a third party.
- (4) The court may, in its discretion, order all or a portion of the funds deposited with the court as bail to be paid to the judgment creditor towards the amount of the judgment. If the amount paid to the court exceeds the amount of the judgment, the court shall refund the excess to the judgment debtor.
- (5) Within seven days of the receipt of funds, the judgment creditor shall provide to the judgment debtor an accounting of amounts received and the balance still due, if any.

Amended by Chapter 268, 2014 General Session