

Representative M. Susan Lawrence proposes the following substitute bill:

**JUDICIARY AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: M. Susan Lawrence**

**This act modifies the Code of Criminal Procedures by allowing bail to be posted by credit and debit card at the discretion of the judge or bail commissioner in addition to cash and written undertakings.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**77-20-4**, as last amended by Chapter 293, Laws of Utah 1998

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **77-20-4** is amended to read:

**77-20-4. Bail to be posted in cash, by credit or debit card, or written undertaking.**

(1) Bail may be posted:

(a) in cash [or];

(b) by written undertaking with or without sureties at the discretion of the magistrate[-  
Written]; or

(c) by credit or debit card, at the discretion of the judge or bail commissioner.

(2) A written undertaking shall substantially conform to any form approved by the Supreme Court.

~~(2)~~ (3) A bail bond may not be accepted without receiving in writing at the time the bail is posted the current mailing address and telephone number of the surety.

**h (3) BAIL POSTED BY DEBIT OR CREDIT CARD, LESS THE FEE CHARGED BY THE FINANCIAL INSTITUTION, SHALL BE TENDERED TO THE COURTS § [AS-PAYMENT-IN-FULL] § .**

**(4) BAIL REFUNDED BY THE COURT MAY BE REFUNDED BY CREDIT TO THE DEBIT OR CREDIT CARD, OR CASH. h § THE AMOUNT REFUNDED SHALL BE THE FULL AMOUNT RECEIVED BY THE COURT UNDER SUBSECTION (3), WHICH MAY BE LESS THAN THE FULL AMOUNT OF THE BAIL SET BY THE COURT. §**



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**Fiscal Note**  
**Bill Number HB0201s1**

**Judiciary Amendments**

*12-Feb-03*

*11:32 AM*

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**State Impact**

No significant fiscal impact; the bill reflects current practice.

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**Individual and Business Impact**

There could be a savings in time and money for those having sufficient resources to use credit cards or debit cards to pay bail. Some transactions may be able to be done over the telephone thereby saving time as well. The cost could increase to those posting bail if the transaction fee is passed to the consumer.

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**Office of the Legislative Fiscal Analyst**