

Representative David L. Hogue proposes the following substitute bill:

COURT SECURITY FEE

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Hogue

This act increases court fees to fund the creation of a Court Security Account. The fund is to be used to contract for security at courts across the state, and appropriates funds to the Administrative Office of the Courts for that purpose only. This act takes effect on April 1, 2003.

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

AMENDS:

78-7-35, as last amended by Chapters 250 and 329, Laws of Utah 2002

ENACTS:

63-63c-101, Utah Code Annotated 1953

63-63c-102, Utah Code Annotated 1953

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

Section 1. Section **63-63c-101** is enacted to read:

CHAPTER 63c. COURT SECURITY

63-63c-101. Security surcharge -- Application and exemptions -- Deposit in restricted account.

(1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge of \$ ~~h~~ [f] \$30 [f] [\$25] h § shall be assessed in all courts of record on all criminal convictions and juvenile delinquency judgments.

(2) The security surcharge may not be imposed upon:

(a) nonmoving traffic violations;

(b) community service; and



LEGISLATIVE GENERAL COUNSEL
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26 (c) penalties assessed by the juvenile court as part of the nonjudicial adjustment of a
27 case under Section 78-3a-502.

28 (3) The security surcharge shall be collected after the surcharge under Section
29 63-63a-1, but before any fine, and deposited with the state treasurer. A fine that would
30 otherwise have been charged may not be reduced due to the imposition of the security
31 surcharge.

32 (4) The state treasurer shall deposit the collected security surcharge in the restricted
33 account, Court Security Account, as provided in Section 63-63a-102.

34 Section 2. Section **63-63c-102** is enacted to read:

35 **63-63c-102. Court Security Account established -- Funding -- Uses.**

36 (1) There is created a restricted account in the General Fund known as the Court
37 Security Account.

38 (2) The state treasurer shall deposit in the Court Security Account collected monies
39 from the surcharge established in Section 63-63c-101 and from the portion of filing fees
40 established in Subsections 78-7-35(1)(j)(iv) and (v).

41 (3) The Administrative Office of the Courts shall use the allocation only to contract for
42 court security.

43 Section 3. Section **78-7-35** is amended to read:

44 **78-7-35. Civil fees of the courts of record -- Courts complex design.**

45 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a
46 court of record not governed by another subsection is [~~\$140~~] \$155.

47 (b) The fee for filing a complaint or petition is:

48 (i) \$45 if the claim for damages or amount in interpleader exclusive of court costs,
49 interest, and attorney fees is \$2,000 or less;

50 (ii) [~~\$90~~] \$95 if the claim for damages or amount in interpleader exclusive of court
51 costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;

52 (iii) [~~\$140~~] \$155 if the claim for damages or amount in interpleader is \$10,000 or
53 more; and

54 (iv) [~~\$80~~] \$95 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30,
55 Chapter 4, Separate Maintenance.

56 (c) The fee for filing a small claims affidavit is:



57 (i) \$45 if the claim for damages or amount in interpleader exclusive of court costs,
58 interest, and attorney fees is \$2,000 or less; and

59 (ii) \$70 if the claim for damages or amount in interpleader exclusive of court costs,
60 interest, and attorney fees is greater than \$2,000.

61 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
62 complaint, or other claim for relief against an existing or joined party other than the original
63 complaint or petition is:

64 (i) \$45 if the claim for relief exclusive of court costs, interest, and attorney fees is
65 \$2,000 or less;

66 (ii) ~~[\$70]~~ \$75 if the claim for relief exclusive of court costs, interest, and attorney fees
67 is greater than \$2,000 and less than \$10,000;

68 (iii) ~~[\$90]~~ \$105 if the original petition is filed under Subsection (1)(a), the claim for
69 relief is \$10,000 or more, or the party seeks relief other than monetary damages; and

70 (iv) ~~[\$70]~~ \$85 if the original petition is filed under Title 30, Chapter 3, Divorce, or
71 Title 30, Chapter 4, Separate Maintenance.

72 (e) The fee for filing a small claims counter affidavit is:

73 (i) \$35 if the claim for relief exclusive of court costs, interest, and attorney fees is
74 \$2,000 or less; and

75 (ii) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
76 greater than \$2,000.

77 (f) The fee for depositing funds under Section 57-1-29 when not associated with an
78 action already before the court is determined under Subsection (1)(b) based on the amount
79 deposited.

80 (g) The fee for filing a petition is:

81 (i) ~~[\$70]~~ \$75 for trial de novo of an adjudication of the justice court or of the small
82 claims department; and

83 (ii) ~~[\$40]~~ \$55 for an appeal of a municipal administrative determination in accordance
84 with Section 10-3-703.7.

85 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
86 petition for writ of certiorari is ~~[\$190]~~ \$205.

87 (i) (i) Except for a petition filed under Subsection 77-18-10(2), the fee for filing a

88 petition for expungement is [~~\$50~~] \$65.

89 (ii) There is no fee for a petition filed under Subsection 77-18-10(2).

90 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
91 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'
92 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'
93 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement
94 Act.

95 (ii) Two dollars of the fees established by Subsections (1)(a) through (i) shall be
96 allocated by the state treasurer to be deposited in the restricted account, Children's Legal
97 Defense Account, as provided in Section 63-63a-8.

98 (iii) One dollar of the fees established under Subsections (1)(a) through (e), (1)(g), and
99 (1)(r) shall be allocated to and deposited with the Dispute Resolution Fund as provided in
100 Section 78-31b-9.

101 (iv) Fifteen dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
102 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be
103 deposited in the restricted account, Court Security Account, as provided in Section 63-63c-102.

104 (v) Five dollars of the fees established by Subsection (1)(b)(ii), (1)(d)(ii) and (1)(g)(i)
105 shall be allocated by the state treasurer to be deposited in the restricted account, Court Security
106 Account, as provided in Section 63-63c-102.

107 (k) The fee for filing a judgment, order, or decree of a court of another state or of the
108 United States is \$25.

109 (l) The fee for filing probate or child custody documents from another state is \$25.

110 (m) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the
111 Utah State Tax Commission is \$30.

112 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state
113 or a judgment, order, or decree of an administrative agency, commission, board, council, or
114 hearing officer of this state or of its political subdivisions other than the Utah State Tax
115 Commission, is \$40.

116 (n) The fee for filing a judgment by confession without action under Section 78-22-3 is
117 \$25.

118 (o) The fee for filing an award of arbitration for confirmation, modification, or

119 vacation under Title 78, Chapter 31a, Utah Arbitration Act, that is not part of an action before
120 the court is \$25.

121 (p) The fee for filing a petition or counter-petition to modify a decree of divorce is \$40.

122 (q) The fee for filing any accounting required by law is:

123 (i) \$10 for an estate valued at \$50,000 or less;

124 (ii) \$20 for an estate valued at \$75,000 or less but more than \$50,000;

125 (iii) \$40 for an estate valued at \$112,000 or less but more than \$75,000;

126 (iv) \$80 for an estate valued at \$168,000 or less but more than \$112,000; and

127 (v) \$150 for an estate valued at more than \$168,000.

128 (r) The fee for filing a demand for a civil jury is \$75.

129 (s) The fee for filing a notice of deposition in this state concerning an action pending in
130 another state under Utah Rule of Civil Procedure 26 is \$25.

131 (t) The fee for filing documents that require judicial approval but are not part of an
132 action before the court is \$25.

133 (u) The fee for a petition to open a sealed record is \$25.

134 (v) The fee for a writ of replevin, attachment, execution, or garnishment is \$35 in
135 addition to any fee for a complaint or petition.

136 (w) The fee for a petition for authorization for a minor to marry required by Section
137 30-1-9 is \$5.

138 (x) The fee for a certificate issued under Section 26-2-25 is \$2.

139 (y) The fee for a certified copy of a document is \$4 per document plus 50 cents per
140 page.

141 (z) The fee for an exemplified copy of a document is \$6 per document plus 50 cents
142 per page.

143 (aa) The Judicial Council shall by rule establish a schedule of fees for copies of
144 documents and forms and for the search and retrieval of records under Title 63, Chapter 2,
145 Government Records Access and Management Act. Fees under this subsection shall be
146 credited to the court as a reimbursement of expenditures.

147 (bb) There is no fee for services or the filing of documents not listed in this section or
148 otherwise provided by law.

149 (cc) Except as provided in this section, all fees collected under this section are paid to

150 the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk
151 accepts the pleading for filing or performs the requested service.

152 (dd) The filing fees under this section may not be charged to the state, its agencies, or
153 political subdivisions filing or defending any action. In judgments awarded in favor of the
154 state, its agencies, or political subdivisions, except the Office of Recovery Services, the court
155 shall order the filing fees and collection costs to be paid by the judgment debtor. The sums
156 collected under this subsection shall be applied to the fees after credit to the judgment, order,
157 fine, tax, lien, or other penalty and costs permitted by law.

158 (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts
159 shall transfer all revenues representing the difference between the fees in effect after May 2,
160 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of
161 Facilities Construction and Management Capital Projects Fund.

162 (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities
163 Construction and Management shall use up to \$3,750,000 of the revenue deposited in the
164 Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to
165 initiate the development of a courts complex in Salt Lake City.

166 (B) If the Legislature approves funding for construction of a courts complex in Salt
167 Lake City in the 1995 Annual General Session, the Division of Facilities Construction and
168 Management shall use the revenue deposited in the Capital Projects Fund under Subsection
169 (2)(a)(ii) to construct a courts complex in Salt Lake City.

170 (C) After the courts complex is completed and all bills connected with its construction
171 have been paid, the Division of Facilities Construction and Management shall use any monies
172 remaining in the Capital Projects Fund under Subsection (2)(a)(ii) to fund the Vernal District
173 Court building.

174 (iii) The Division of Facilities Construction and Management may enter into
175 agreements and make expenditures related to this project before the receipt of revenues
176 provided for under this Subsection (2)(a)(iii).

177 (iv) The Division of Facilities Construction and Management shall:

178 (A) make those expenditures from unexpended and unencumbered building funds
179 already appropriated to the Capital Projects Fund; and

180 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for

181 under this Subsection (2).

182 (b) After June 30, 1998, the administrator of the courts shall ensure that all revenues
183 representing the difference between the fees in effect after May 2, 1994, and the fees in effect
184 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted
185 account.

186 (c) The Division of Finance shall deposit all revenues received from the court
187 administrator into the restricted account created by this section.

188 (d) (i) From May 1, 1995 until June 30, 1998, the administrator of the courts shall
189 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor
190 Vehicles, in a court of record to the Division of Facilities Construction and Management
191 Capital Projects Fund. The division of money pursuant to Section 78-3-14.5 shall be calculated
192 on the balance of the fine or bail forfeiture paid.

193 (ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer
194 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in
195 a court of record or an administrative traffic proceeding in accordance with Section 10-3-703.5
196 to the Division of Finance for deposit in the restricted account created by this section. The
197 division of money pursuant to Section 78-3-14.5 shall be calculated on the balance of the fine
198 or bail forfeiture paid.

199 (3) (a) There is created within the General Fund a restricted account known as the State
200 Courts Complex Account.

201 (b) The Legislature may appropriate monies from the restricted account to the
202 administrator of the courts for the following purposes only:

203 (i) to repay costs associated with the construction of the court complex that were
204 funded from sources other than revenues provided for under this Subsection (3)(b)(i); and

205 (ii) to cover operations and maintenance costs on the court complex.

206 **Section 4. Appropriation.**

207 (1) There is appropriated from the Court Security Account for fiscal year 2002-03,
208 \$550,000 to the Administrative Office of the Courts, to be used only for court security
209 purposes.

210 (2) There is appropriated from the Court Security Account for fiscal year 2003-04,
211 \$2,200,000 to the Administrative Office of the Courts, to be used only for court security

212 purposes.

213 Section 5. **Effective date.**

214 If approved by two-thirds of all members elected to each house, this act takes effect on

215 April 1, 2003.