

28 (ii) In the district court, if the criminal judgment account receivable is paid in
29 installments, the total amount due shall include all fines, surcharges, postjudgment interest, and
30 fees.

31 (c) Upon default in the payment of a criminal judgment account receivable or upon
32 default in the payment of any installment of that receivable, the criminal judgment account
33 receivable may be collected as provided in this section or Subsection 77-18-1(9) or (10), and by
34 any means authorized by law for the collection of a civil judgment.

35 (3) When a defendant defaults in the payment of a criminal judgment account
36 receivable or any installment of that receivable, the court, on motion of the prosecution, victim,
37 or upon its own motion may:

38 (a) order the defendant to appear and show cause why the default should not be treated
39 as contempt of court; or

40 (b) issue a warrant of arrest.

41 (4) (a) Unless the defendant shows that the default was not attributable to an
42 intentional refusal to obey the order of the court or to a failure to make a good faith effort to
43 make the payment, the court may find that the default constitutes contempt.

44 (b) Upon a finding of contempt, the court may order the defendant committed until the
45 criminal judgment account receivable, or a specified part of it, is paid.

46 (5) If it appears to the satisfaction of the court that the default is not contempt, the
47 court may enter an order for any of the following or any combination of the following:

48 (a) require the defendant to pay the criminal judgment account receivable or a specified
49 part of it by a date certain;

50 (b) restructure the payment schedule;

51 (c) restructure the installment amount;

52 (d) except as provided in Section 77-18-8, execute the original sentence of
53 imprisonment;

54 (e) start the period of probation anew;

55 (f) except as limited by Subsection (6), convert the criminal judgment account
56 receivable or any part of it to community service;

57 (g) except as limited by Subsection (6), reduce or revoke the unpaid amount of the
58 criminal judgment account receivable; or

59 (h) in the district court, record the unpaid balance of the criminal judgment account
60 receivable as a civil judgment and transfer the responsibility for collecting the judgment to the
61 Office of State Debt Collection.

62 (6) In issuing an order under this section, the court may not modify the amount of the
63 judgment of complete restitution.

64 (7) Whether or not a default constitutes contempt, the court may add to the amount
65 owed the fees established under Subsection 63A-8-201(4)(g) and postjudgment interest.

66 (8) (a) (i) If a criminal judgment account receivable is past due in a case supervised by
67 the Department of Corrections, the judge shall determine whether or not to record the unpaid
68 balance of the account receivable as a civil judgment.

69 (ii) If the judge records the unpaid balance of the account receivable as a civil
70 judgment, the judge shall transfer the responsibility for collecting the judgment to the Office of
71 State Debt Collection.

72 (b) If a criminal judgment account receivable in a case not supervised by the
73 Department of Corrections is past due, the district court may, without a motion or hearing,
74 record the unpaid balance of the criminal judgment account receivable as a civil judgment and
75 transfer the responsibility for collecting the account receivable to the Office of State Debt
76 Collection.

77 (c) If a criminal judgment account receivable in a case not supervised by the
78 Department of Corrections is more than 90 days past due, the district court shall, without a
79 motion or hearing, record the unpaid balance of the criminal judgment account receivable as a
80 civil judgment and transfer the responsibility for collecting the criminal judgment account
81 receivable to the Office of State Debt Collection.

82 (9) (a) When a fine, forfeiture, surcharge, cost permitted by statute, fee, or an order of
83 restitution is imposed on a corporation or unincorporated association, the person authorized to
84 make disbursement from the assets of the corporation or association shall pay the obligation
85 from those assets.

86 (b) Failure to pay the obligation may be held to be contempt under Subsection (3).

87 (10) The prosecuting attorney may collect restitution in behalf of a victim.

88 Section 2. Section **77-38a-102** is amended to read:

89 **77-38a-102. Definitions.**

90 As used in this chapter:

91 (1) "Conviction" includes a:

92 (a) judgment of guilt;

93 (b) a plea of guilty; or

94 (c) a plea of no contest.

95 (2) "Criminal activities" means any offense of which the defendant is convicted or any
96 other criminal conduct for which the defendant admits responsibility to the sentencing court
97 with or without an admission of committing the criminal conduct.

98 (3) "Department" means the Department of Corrections.

99 (4) "Diversion" means suspending criminal proceedings prior to conviction on the
100 condition that a defendant agree to participate in a rehabilitation program, make restitution to
101 the victim, or fulfill some other condition.

102 (5) "Party" means the prosecutor, defendant, or department involved in a prosecution.

103 (6) "Pecuniary damages" means all special damages, but not general damages, which a
104 person could recover against the defendant in a civil action arising out of the facts or events
105 constituting the defendant's criminal activities and includes the money equivalent of property
106 taken, destroyed, broken, or otherwise harmed, and losses including earnings and medical
107 expenses.

108 (7) "Plea agreement" means an agreement entered between the prosecution and
109 defendant setting forth the special terms and conditions and criminal charges upon which the
110 defendant will enter a plea of guilty or no contest.

111 (8) "Plea in abeyance" means an order by a court, upon motion of the prosecution and
112 the defendant, accepting a plea of guilty or of no contest from the defendant but not, at that
113 time, entering judgment of conviction against him nor imposing sentence upon him on
114 condition that he comply with specific conditions as set forth in a plea in abeyance agreement.

115 (9) "Plea in abeyance agreement" means an agreement entered into between the
116 prosecution and the defendant setting forth the specific terms and conditions upon which,
117 following acceptance of the agreement by the court, a plea may be held in abeyance.

118 (10) "Plea disposition" means an agreement entered into between the prosecution and
119 defendant including diversion, plea agreement, plea in abeyance agreement, or any agreement
120 by which the defendant may enter a plea in any other jurisdiction or where charges are

121 dismissed without a plea.

122 (11) "Restitution" means full, partial, or nominal payment for pecuniary damages to a
123 victim, including prejudgment interest, the accrual of interest from the time of sentencing,
124 insured damages, reimbursement for payment of a reward, and payment for expenses to a
125 governmental entity for extradition or transportation and as may be further defined by law.

126 (12) (a) "Reward" means a sum of money:

127 (i) offered to the public for information leading to the arrest and conviction of an
128 offender; and

129 (ii) that has been paid to a person or persons who provide this information, except that
130 the person receiving the payment may not be a codefendant, an accomplice, or a bounty hunter.

131 (b) "Reward" does not include any amount paid in excess of the sum offered to the
132 public.

133 [~~12~~] (13) "Screening" means the process used by a prosecuting attorney to terminate
134 investigative action, proceed with prosecution, move to dismiss a prosecution that has been
135 commenced, or cause a prosecution to be diverted.

136 [~~13~~] (14) (a) "Victim" means any person whom the court determines has suffered
137 pecuniary damages as a result of the defendant's criminal activities, and includes a person who
138 has offered and paid a reward.

139 (b) "Victim" may not include a codefendant or accomplice.

Legislative Review Note
as of 1-8-03 3:30 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0088

Payment of Reward Upon Arrest and Conviction

27-Jan-03

11:56 AM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

Individuals paying rewards for the arrest and conviction of offenders may be reimbursed.

Office of the Legislative Fiscal Analyst