

**DISPOSITION OF FINES FOR
REGISTRATION VIOLATIONS**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: John W. Hickman

LONG TITLE

General Description:

This bill modifies the Judicial Code by amending disposition of fines and fees provisions.

Highlighted Provisions:

This bill:

▶ until July 1, 2007, requires district courts and justice courts to allocate 50% of the fine collected for a violation of the registration of vehicles after establishing residency provision to the state or local governmental entity which issued the citation to be used for law enforcement purposes and to allocate the remaining 50% of the fine as currently required.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect July 1, 2004.

Utah Code Sections Affected:

AMENDS:

78-3-14.5, as last amended by Chapter 270, Laws of Utah 1998

78-5-116, as last amended by Chapter 270, Laws of Utah 1998

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

Section 1. Section **78-3-14.5** is amended to read:

78-3-14.5. Allocation of district court fees and forfeitures.

(1) Except as provided in this section, district court fines and forfeitures collected for

violation of state statutes shall be paid to the state treasurer.

(2) Fines and forfeitures collected by the court for violation of a state statute or county or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the state treasurer and 1/2 to the treasurer of the ~~[government]~~ state or local governmental entity which prosecutes or which would prosecute the violation.

(3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code of Utah, or Title 73, Chapter 18, State Boating Act, shall be paid to the state treasurer.

(a) For violations of Title 23, the state treasurer shall allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

(b) For violations of Title 73, Chapter 18, the state treasurer shall allocate 85% to the Division of Parks and Recreation and 15% to the General Fund.

(4) Fines and forfeitures collected for violation of Section 72-7-404 or 72-7-406, less fees established by the Judicial Council, shall be paid to the state treasurer for deposit in the B and C road account. Fees established by the Judicial Council shall be deposited in the state General Fund. Money deposited in the class B and C road account is supplemental to the money appropriated under Section 72-2-107 but shall be expended in the same manner as other class B and C road funds.

(5) Until July 1, 2007, fines and forfeitures collected by the court for a violation of Subsection 41-1a-1303(2) related to registration of vehicles after establishing residency shall be remitted:

(a) 50% to the state or local governmental entity which issued the citation for a violation to be used for law enforcement purposes; and

(b) 50% in accordance with Subsection (2).

~~[(5)]~~ (6) Fines and forfeitures collected for any violations not specified in this chapter or otherwise provided for by law shall be paid to the state treasurer.

~~[(6)]~~ (7) Fees collected in connection with civil actions filed in the district court shall be paid to the state treasurer.

~~[(7)]~~ (8) The court shall remit money collected in accordance with Title 51, Chapter 7,

State Money Management Act.

Section 2. Section **78-5-116** is amended to read:

78-5-116. Disposition of fines.

(1) Except as otherwise specified by this section, fines and forfeitures collected by a justice court shall be remitted, [~~one-half~~] 1/2 to the treasurer of the local government responsible for the court and [~~one-half~~] 1/2 to the treasurer of the local government which prosecutes or which would prosecute the violation.

(2) (a) For violation of Title 23, the court shall allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or county government responsible for the justice court.

(b) For violation of Title 73, Chapter 18, the court shall allocate 85% to the Division of Parks and Recreation and 15% to the general fund of the city or county government responsible for the justice court.

(3) The surcharge established by Section 63-63a-1 shall be paid to the state treasurer.

(4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial Council, shall be paid to the state treasurer and distributed to the class B and C road account.

(5) Revenue deposited in the class B and C road account pursuant to Subsection (4) is supplemental to the money appropriated under Section 72-2-107 but shall be expended in the same manner as other class B and C road funds.

(6) Until July 1, 2007, fines and forfeitures collected by the court for a violation of Subsection 41-1a-1303(2) related to registration of vehicles after establishing residency shall be remitted:

(a) 50% to the state or local governmental entity which issued the citation for a violation to be used for law enforcement purposes; and

(b) 50% in accordance with Subsection (1).

Section 3. **Effective date.**

S.B. 72

Enrolled Copy

This bill takes effect July 1, 2004.