

**COURT FEE ADJUSTMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: David L. Gladwell**

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**LONG TITLE**

**General Description:**

This bill adds a security surcharge to justice court convictions to fund security and technology in juvenile and justice courts.

**Highlighted Provisions:**

This bill:

- ▶ imposes a \$32 security surcharge on criminal convictions and moving violations in justice courts;
- ▶ allows the justice court to retain 20% of the funds collected;
- ▶ distributes 62.5% of the remaining 80% of the funds to the counties in which the justice court which remitted the funds is located;
- ▶ distributes 25% of the remaining 80% of the funds to a restricted account for the Administrative Office of the Courts to use for security needs in juvenile courts; and
- ▶ creates a new restricted account for 12.5% of the remaining 80% of the funds for security and technology needs in justice courts.

**Monies Appropriated in this Bill:**

This bill appropriates to the Administrative Office of the Courts:

- ▶ \$1,800,000 from the Court Security Account for fiscal year 2004-05 only; and
- ▶ \$900,000 from the Justice Court Technology, Security, and Training Account for fiscal year 2004-05 only.

**Other Special Clauses:**

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63-63c-102**, as enacted by Chapter 340, Laws of Utah 2003

31 ENACTS:

32 **78-5-116.5**, Utah Code Annotated 1953

33 **78-5-116.7**, Utah Code Annotated 1953



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

35 Section 1. Section **63-63c-102** is amended to read:

36 **63-63c-102. Court Security Account established -- Funding -- Uses.**

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

39 (2) The state treasurer shall deposit in the Court Security Account:

40 (a) collected monies from the surcharge established in Section 63-63c-101 [~~and~~];

41 (b) monies from the portion of filing fees established in Subsections 78-7-35(1)(j)(iv)

42 and (v)[-]; and

43 (c) amounts designated by Subsection 78-5-116.5(3)(b)(ii).

44 (3) The Administrative Office of the Courts shall use the allocation only to contract for  
45 court security at all district and juvenile courts, including perimeter security at stand alone  
46 juvenile courts, throughout the state.

47 Section 2. Section **78-5-116.5** is enacted to read:

48 **78-5-116.5. Security surcharge -- Application -- Deposit in restricted accounts.**

49 (1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge  
50 of \$32 shall be assessed on all criminal convictions and moving traffic violations.

51 (2) The security surcharge shall be collected before any fine. A fine that would  
52 otherwise have been charged may not be reduced due to the imposition of the security  
53 surcharge.

54 (3) The security surcharge shall be allocated as follows:

55 (a) the assessing court shall be authorized to retain 20% of the amount collected; and

56 (b) 80% shall be remitted to the state treasurer to be distributed as follows:

57 (i) 62.5% to the treasurer of the county in which the justice court which remitted the  
58

59 amount is located;

60 (ii) 25% to the Court Security Account created in Section 63-63c-102; and

61 (iii) 12.5% to the Justice Court Technology, Security, and Training Account created in  
62 Section 78-5-116.7.

63 (4) The court shall remit money collected in accordance with Title 51, Chapter 7, State  
64 Money Management Act.

65 Section 3. Section **78-5-116.7** is enacted to read:

66 **78-5-116.7. Justice Court Technology, Security, and Training Account established**

67 **-- Funding -- Uses.**

68 There is created a restricted account in the General Fund known as the Justice Court  
69 Technology, Security, and Training Account.

70 (1) The state treasurer shall deposit in the account monies collected from the surcharge  
71 established in Subsection 78-5-116.5(3)(b)(iii).

72 (2) Monies shall be appropriated from the account to the Administrative Office of the  
73 Courts to only be used for technology, security, and training needs in justice courts throughout  
74 the state.

75 Section 4. **Appropriation.**

76 (1) There is appropriated \$1,800,000 from the Court Security Account for fiscal year  
77 2004-05 only, to the Administrative Office of the Courts to be used only for juvenile court  
78 security needs throughout the state.

79 (2) There is appropriated \$900,000 from the Justice Court Technology, Security, and  
80 Training Account for fiscal year 2004-05 only, to the Administrative Office of the Courts to be  
81 used only for technology, security, and training needs in justice courts throughout the state.

**Legislative Review Note**  
**as of 2-16-04 4:02 PM**

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

**Office of Legislative Research and General Counsel**

**State Impact**

The bill imposes a \$32 security surcharge on criminal convictions and moving violations in justice courts. It is estimated that the surcharge will increase state revenues by \$2,700,000 annually beginning FY 2005. The bill appropriates to the Administrative Office of the Courts: one time FY 2005 funds of \$1,800,000 from the Court Security Account; and one time FY 2005 funds of \$900,000 from the newly created Justice Court Technology, Security, and Training Account.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
GF Restricted	\$900,000	\$0	\$900,000	\$900,000
GF Restricted	\$1,800,000	\$0	\$1,800,000	\$1,800,000
<b>TOTAL</b>	<b>\$2,700,000</b>	<b>\$0</b>	<b>\$2,700,000</b>	<b>\$2,700,000</b>

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**Individual and Business Impact**

No fiscal impact for individuals who abide by the laws of the state.

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