

Senator David L. Gladwell proposes the following substitute bill:

COURT FEE ADJUSTMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Gladwell

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:

- ▶ adds juvenile court security to the contract responsibility for the state court administrator;
- ▶ 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



26 ▶ \$900,000 from the Justice Court Technology, Security, and Training Account for
27 fiscal year 2004-05 only.

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **17-22-27**, as last amended by Chapter 282, Laws of Utah 1998

33 **63-63c-102**, as enacted by Chapter 340, Laws of Utah 2003

34 ENACTS:

35 **78-5-116.5**, Utah Code Annotated 1953

36 **78-5-116.7**, Utah Code Annotated 1953



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

39 Section 1. Section **17-22-27** is amended to read:

40 **17-22-27. Sheriff -- Assignment of court bailiffs -- Contract and costs.**

41 (1) The sheriff shall assign law enforcement officers or special function officers, as
42 defined under Sections 53-13-103 and 53-13-105, to serve as court bailiffs and security officers
43 in the courts of record and county justice courts as required by the rules of the Judicial
44 Council.

45 (2) (a) The state court administrator shall enter into a contract with the county sheriff
46 for bailiffs and building security officers for the district and juvenile courts within the county.
47 The contract shall not exceed amounts appropriated by the Legislature for that purpose. The
48 county shall assume costs related to security administration, supervision, travel, equipment, and
49 training of bailiffs.

50 (b) The contract shall specify the agreed services, costs of services, and terms of
51 payment.

52 (c) If the court is located in the same facility as a state or local law enforcement agency
53 and the county sheriff's office is not in close proximity to the court, the State Court
54 Administrator in consultation with the sheriff may enter into a contract with the state or local
55 law enforcement agency for bailiff and security services subject to meeting all other
56 requirements of this section. If the services are provided by another agency, the county sheriff

57 shall have no responsibility for the services under this section.

58 (3) (a) At the request of the court, the sheriff may appoint as a law clerk bailiff
59 graduates of a law school accredited by the American Bar Association to provide security and
60 legal research assistance. Any law clerk who is also a bailiff shall meet the requirements of
61 Subsection (1) of this section.

62 (b) The sheriff may appoint a law clerk bailiff by contract for a period not to exceed
63 two years, who shall be exempt from the deputy sheriff merit service commission.

64 Section 2. Section **63-63c-102** is amended to read:

65 **63-63c-102. Court Security Account established -- Funding -- Uses.**

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

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

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

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

71 and (v)[-]; and

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

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

76 Section 3. Section **78-5-116.5** is enacted to read:

77 **78-5-116.5. Security surcharge -- Application -- Deposit in restricted accounts.**

78 (1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge
79 of \$32 shall be assessed on all convictions for offenses listed in the uniform bail schedule
80 adopted by the Judicial Council and moving traffic violations.

81 (2) The security surcharge shall be collected and distributed pro rata with any fine
82 collected. A fine that would otherwise have been charged may not be reduced due to the
83 imposition of the security surcharge.

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

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

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

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

88 amount is located:

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

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

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

94 Section 4. Section **78-5-116.7** is enacted to read:

95 **78-5-116.7. Justice Court Technology, Security, and Training Account established**

96 **-- Funding -- Uses.**

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

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

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

104 Section 5. **Appropriation.**

105 (1) There is appropriated \$1,800,000 from the Court Security Account for fiscal year
106 2004-05 only, to the Administrative Office of the Courts to be used only for juvenile court
107 security needs throughout the state.

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