

JUDICIARY AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill makes clarifying changes to specific statutes.

Highlighted Provisions:

This bill:

- ▶ changes a three-year requirement to two to bring a provision concerning protective orders into line with another statute;
- ▶ adds a definition of "claimant" to the Unclaimed Property Act;
- ▶ adds a new clarification of "abandoned" or "unclaimed" property;
- ▶ clarifies credit for good behavior for minors in detention; and
- ▶ clarifies the process for petitioning the court to confirm an award when the matter is not the subject of current litigation.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-6-4.2, as last amended by Chapter 68, Laws of Utah 2003

67-4a-102, as last amended by Chapter 92, Laws of Utah 2004

67-4a-201, as enacted by Chapter 198, Laws of Utah 1995

78-3a-504, as last amended by Chapter 171, Laws of Utah 2003



28 **78-31a-123**, as enacted by Chapter 326, Laws of Utah 2002

29 **78-32-12.2**, as last amended by Chapter 255, Laws of Utah 2001



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

32 Section 1. Section **30-6-4.2** is amended to read:

33 **30-6-4.2. Protective orders -- Ex parte protective orders -- Modification of orders**
34 **-- Service of process -- Duties of the court.**

35 (1) If it appears from a petition for an order for protection or a petition to modify an
36 order for protection that domestic violence or abuse has occurred or a modification of an order
37 for protection is required, a court may:

38 (a) without notice, immediately issue an order for protection ex parte or modify an
39 order for protection ex parte as it considers necessary to protect the petitioner and all parties
40 named to be protected in the petition; or

41 (b) upon notice, issue an order for protection or modify an order after a hearing,
42 whether or not the respondent appears.

43 (2) A court may grant the following relief without notice in an order for protection or a
44 modification issued ex parte:

45 (a) enjoin the respondent from threatening to commit or committing domestic violence
46 or abuse against the petitioner and any designated family or household member;

47 (b) prohibit the respondent from harassing, telephoning, contacting, or otherwise
48 communicating with the petitioner, directly or indirectly;

49 (c) order that the respondent is excluded from the petitioner's residence and its
50 premises, and order the respondent to stay away from the residence, school, or place of
51 employment of the petitioner, and the premises of any of these, or any specified place
52 frequented by the petitioner and any designated family or household member;

53 (d) upon finding that the respondent's use or possession of a weapon may pose a
54 serious threat of harm to the petitioner, prohibit the respondent from purchasing, using, or
55 possessing a firearm or other weapon specified by the court;

56 (e) order possession and use of an automobile and other essential personal effects, and
57 direct the appropriate law enforcement officer to accompany the petitioner to the residence of
58 the parties to ensure that the petitioner is safely restored to possession of the residence,

59 automobile, and other essential personal effects, or to supervise the petitioner's or respondent's
60 removal of personal belongings;

61 (f) grant to the petitioner temporary custody of any minor children of the parties;

62 (g) order any further relief that the court considers necessary to provide for the safety
63 and welfare of the petitioner and any designated family or household member; and

64 (h) if the petition requests child support or spousal support, at the hearing on the
65 petition order both parties to provide verification of current income, including year-to-date pay
66 stubs or employer statements of year-to-date or other period of earnings, as specified by the
67 court, and complete copies of tax returns from at least the most recent year.

68 (3) A court may grant the following relief in an order for protection or a modification
69 of an order after notice and hearing, whether or not the respondent appears:

70 (a) grant the relief described in Subsection (2); and

71 (b) specify arrangements for parent-time of any minor child by the respondent and
72 require supervision of that parent-time by a third party or deny parent-time if necessary to
73 protect the safety of the petitioner or child.

74 (4) Following the protective order hearing, the court shall:

75 (a) as soon as possible, deliver the order to the county sheriff for service of process;

76 (b) make reasonable efforts to ensure that the order for protection is understood by the
77 petitioner, and the respondent, if present;

78 (c) transmit, by the end of the next business day after the order is issued, a copy of the
79 order for protection to the local law enforcement agency or agencies designated by the
80 petitioner; and

81 (d) transmit a copy of the order to the statewide domestic violence network described
82 in Section 30-6-8.

83 (5) (a) Each protective order shall include two separate portions, one for provisions, the
84 violation of which are criminal offenses, and one for provisions, the violation of which are civil
85 violations, as follows:

86 (i) criminal offenses are those under Subsections (2)(a) through (e), and under
87 Subsection (3)(a) as it refers to Subsections (2)(a) through (e); and

88 (ii) civil offenses are those under Subsections (2)(f) through (h), and Subsection (3)(a)
89 as it refers to Subsections (2)(f) through (h).

90 (b) The criminal provision portion shall include a statement that violation of any
91 criminal provision is a class A misdemeanor.

92 (c) The civil provision portion shall include a notice that violation of or failure to
93 comply with a civil provision is subject to contempt proceedings.

94 (6) The protective order shall include:

95 (a) a designation of a specific date, determined by the court, when the civil portion of
96 the protective order either expires or is scheduled for review by the court, which date may not
97 exceed 150 days after the date the order is issued, unless the court indicates on the record the
98 reason for setting a date beyond 150 days;

99 (b) information the petitioner is able to provide to facilitate identification of the
100 respondent, such as Social Security number, driver license number, date of birth, address,
101 telephone number, and physical description; and

102 (c) a statement advising the petitioner that:

103 (i) after [~~three~~] two years from the date of issuance of the protective order, a hearing
104 may be held to dismiss the criminal portion of the protective order;

105 (ii) the petitioner should, within the 30 days prior to the end of the [~~three-year~~]
106 two-year period, advise the court of the petitioner's current address for notice of any hearing;
107 and

108 (iii) the address provided by the petitioner will not be made available to the respondent.

109 (7) Child support and spouse support orders issued as part of a protective order are
110 subject to mandatory income withholding under Title 62A, Chapter 11, Part 4, Income
111 Withholding in IV-D Cases, and Title 62A, Chapter 11, Part 5, Income Withholding in Non
112 IV-D Cases, except when the protective order is issued ex parte.

113 (8) (a) The county sheriff that receives the order from the court, pursuant to Subsection
114 (5)(a), shall provide expedited service for orders for protection issued in accordance with this
115 chapter, and shall transmit verification of service of process, when the order has been served, to
116 the statewide domestic violence network described in Section 30-6-8.

117 (b) This section does not prohibit any law enforcement agency from providing service
118 of process if that law enforcement agency:

119 (i) has contact with the respondent and service by that law enforcement agency is
120 possible; or

121 (ii) determines that under the circumstances, providing service of process on the
122 respondent is in the best interests of the petitioner.

123 (9) (a) When an order is served on a respondent in a jail or other holding facility, the
124 law enforcement agency managing the facility shall make a reasonable effort to provide notice
125 to the petitioner at the time the respondent is released from incarceration.

126 (b) Notification of the petitioner shall consist of a good faith reasonable effort to
127 provide notification, including mailing a copy of the notification to the last-known address of
128 the victim.

129 (10) A court may modify or vacate an order of protection or any provisions in the order
130 after notice and hearing, except that the criminal provisions of a protective order may not be
131 vacated within two years of issuance unless the petitioner:

132 (a) is personally served with notice of the hearing as provided in Rules 4 and 5, Utah
133 Rules of Civil Procedure, and the petitioner personally appears before the court and gives
134 specific consent to the vacation of the criminal provisions of the protective order; or

135 (b) submits a verified affidavit, stating agreement to the vacation of the criminal
136 provisions of the protective order.

137 (11) A protective order may be modified without a showing of substantial and material
138 change in circumstances.

139 (12) Insofar as the provisions of this chapter are more specific than the Utah Rules of
140 Civil Procedure, regarding protective orders, the provisions of this chapter govern.

141 Section 2. Section **67-4a-102** is amended to read:

142 **67-4a-102. Definitions.**

143 As used in this chapter:

144 (1) "Administrator" means the deputy state treasurer assigned by the state treasurer to
145 administer the law governing unclaimed property in Utah.

146 (2) "Apparent owner" means the person whose name appears on the records of the
147 holder as the person entitled to property held, issued, or owing by the holder.

148 (3) (a) "Bank draft" means a check, draft, or similar instrument on which a banking or
149 financial organization is directly liable.

150 (b) "Bank draft" includes:

151 (i) cashier's checks; and

- 152 (ii) certified checks.
- 153 (c) "Bank draft" does not include:
- 154 (i) traveler's checks; or
- 155 (ii) money orders.
- 156 (4) "Banking organization" means:
- 157 (a) a bank;
- 158 (b) an industrial bank;
- 159 (c) a trust company;
- 160 (d) a savings bank; or
- 161 (e) any organization defined by other law as a bank or banking organization.
- 162 (5) "Business association" means a nonpublic corporation, joint stock company,
- 163 investment company, business trust, partnership, or association for business purposes of two or
- 164 more individuals, whether or not for profit, including:
- 165 (a) a banking organization;
- 166 (b) a financial organization;
- 167 (c) an insurance company; or
- 168 (d) a utility.
- 169 (6) "Cashier's check" means a check drawn by a banking organization on itself, signed
- 170 by an officer of the banking organization, authorizing payment of the amount shown on its face
- 171 to the payee.
- 172 (7) "Claimant" means a person whose name appears on the records of the court as
- 173 having an unadjudicated claim to the property held, issued, or owing by the court.
- 174 [~~(7)~~] (8) "Class action" means a legal action:
- 175 (a) certified by the court as a class action; or
- 176 (b) treated by the court as a class action without being formally certified as a class
- 177 action.
- 178 [~~(8)~~] (9) (a) "Deposit in a financial institution" means a demand, savings, or matured
- 179 time deposit with a banking or financial organization.
- 180 (b) "Deposit in a financial institution" includes:
- 181 (i) any interest or dividends on a deposit; and
- 182 (ii) a deposit that is automatically renewable.

183 [~~(9)~~] (10) "Domicile" means the state of incorporation of a corporation and the state of
184 the principal place of business of an unincorporated person.

185 [~~(10)~~] (11) "Financial organization" means:

186 (a) a savings and loan association; or

187 (b) a credit union.

188 [~~(11)~~] (12) "Government entity" means:

189 (a) the state;

190 (b) any administrative unit of the state;

191 (c) any political subdivision of the state;

192 (d) any administrative unit of a political subdivision of the state; or

193 (e) any officer or employee of an entity described in Subsections [~~(11)~~] (12)(a) through

194 (d).

195 [~~(12)~~] (13) "Holder" means a person, wherever organized or domiciled, who is:

196 (a) in possession of property belonging to another;

197 (b) a trustee;

198 (c) indebted to another on an obligation; or

199 (d) charged with the duty of paying or delivering intangible property under Section
200 67-4a-302.

201 [~~(13)~~] (14) "Insurance company" means an association, corporation, fraternal or mutual
202 benefit organization, whether or not for profit, that is engaged in providing insurance coverage,
203 including:

204 (a) accident insurance;

205 (b) burial insurance;

206 (c) casualty insurance;

207 (d) credit life insurance;

208 (e) contract performance insurance;

209 (f) dental insurance;

210 (g) fidelity insurance;

211 (h) fire insurance;

212 (i) health insurance;

213 (j) hospitalization insurance;

- 214 (k) illness insurance;
- 215 (l) life insurance, including endowments and annuities;
- 216 (m) malpractice insurance;
- 217 (n) marine insurance;
- 218 (o) mortgage insurance;
- 219 (p) surety insurance; and
- 220 (q) wage protection insurance.
- 221 [~~(14)~~] (15) (a) "Intangible property" includes:
- 222 (i) monies, checks, drafts, deposits in a financial institution, interest, dividends, and
- 223 income;
- 224 (ii) credit balances, customer overpayments, gift certificates over \$25, security
- 225 deposits, refunds, credit memos, unpaid wages, unused airline tickets, and unidentified
- 226 remittances;
- 227 (iii) stocks, mutual funds, and other intangible ownership interests in business
- 228 associations;
- 229 (iv) monies deposited to redeem stocks, bonds, coupons, and other securities or to
- 230 make distributions;
- 231 (v) bonds, notes, and any other debt obligations;
- 232 (vi) amounts due and payable under the terms of insurance policies;
- 233 (vii) amounts distributable from a trust or custodial fund established under a plan to
- 234 provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit
- 235 sharing, employee savings, supplemental unemployment insurance or similar benefits; and
- 236 (viii) amounts distributable from a mineral interest in land.
- 237 (b) "Intangible property" does not include patronage capital of electric, telephone, and
- 238 agricultural cooperatives.
- 239 [~~(15)~~] (16) "Last-known address" means a description of the location of the apparent
- 240 owner sufficient for the purpose of the delivery of mail.
- 241 [~~(16)~~] (17) "Mineral" means oil, gas, uranium, sulphur, lignite, coal, and any other
- 242 substance that is ordinarily and naturally considered a mineral, regardless of the depth at which
- 243 the oil, gas, uranium, sulphur, lignite, coal, or other substance is found.
- 244 [~~(17)~~] (18) "Mineral proceeds" includes:

- 245 (a) all obligations to pay resulting from the production and sale of minerals, including:
246 (i) net revenue interest;
247 (ii) royalties;
248 (iii) overriding royalties;
249 (iv) production payments; and
250 (v) joint operating agreements; and

- 251 (b) all obligations for the acquisition and retention of a mineral lease, including:
252 (i) bonuses;
253 (ii) delay rentals;
254 (iii) shut-in royalties; and
255 (iv) minimum royalties.

256 [~~18~~] (19) (a) "Money order" means a negotiable draft issued by a business association
257 for which the business association is not directly liable.

258 (b) "Money order" does not mean a cashier's check.

259 [~~19~~] (20) "Net intangible property" means intangible property that is held, issued, or
260 owing in the ordinary course of a holder's business plus any income or increment derived from
261 it and less any lawful charges.

262 [~~20~~] (21) "Owner" means:

- 263 (a) a depositor in the case of a deposit;
264 (b) a beneficiary in the case of a trust other than a deposit in trust;
265 (c) a creditor, claimant, or payee in the case of other intangible property; or
266 (d) a person or that person's legal representative having a legal or equitable interest in
267 property subject to this chapter.

268 [~~21~~] (22) (a) "Ownership purchase funds" means any funds paid toward the purchase
269 of a share, a mutual investment certificate, or any other interest in a banking or financial
270 organization.

271 (b) "Ownership purchase funds" includes any interest or dividends paid on those funds.

272 [~~22~~] (23) "Person" means:

- 273 (a) an individual;
274 (b) a business association;
275 (c) a government entity;

276 (d) a public corporation;

277 (e) a public authority;

278 (f) an estate;

279 (g) a trust;

280 (h) two or more persons having a joint or common interest; or

281 (i) any other legal or commercial entity.

282 [~~(23)~~] (24) "State" means any state, district, commonwealth, territory, insular
283 possession, or any other area subject to the legislative authority of the United States.

284 [~~(24)~~] (25) "Utility" means a person who owns or operates for public use any plant,
285 equipment, property, franchise, or license for:

286 (a) the transmission of communications, including cable television; or

287 (b) the production, storage, transmission, sale, delivery, or furnishing of electricity,
288 water, steam, or gas.

289 Section 3. Section **67-4a-201** is amended to read:

290 **67-4a-201. Abandoned and unclaimed property -- General rules.**

291 (1) (a) Property is considered to be "abandoned" or "unclaimed" when:

292 (i) the property is held, issued, or owing by a holder;

293 (ii) the identity, status, or present location of the apparent owner is unknown; and

294 (iii) the property cannot be paid, distributed, or given to the apparent owner after the
295 stated dormancy period for that type of unclaimed property established in this chapter.

296 (b) Property is considered to be "abandoned" or "unclaimed" when:

297 (i) the property is held, issued, or owing by a court;

298 (ii) the court has notified the claimant that the property is being held subject to the
299 claim; and

300 (iii) no claim is made or property remains after all claims are resolved.

301 [~~(b)~~] (c) Property may not be considered to be "abandoned" or "unclaimed" when:

302 (i) the character or degree of ownership interest of the apparent owner in the property is
303 unsettled or in dispute; and

304 (ii) the holder is notified of this fact.

305 (2) (a) For purposes of this Subsection (2), property is payable or distributable even if
306 the owner has failed to demand the property or to present any instrument or document required

307 to receive payment.

308 (b) Except as otherwise provided by this chapter, net intangible property is considered
309 abandoned if it is not claimed by the owner within five years after it became payable or
310 distributable.

311 Section 4. Section **78-3a-504** is amended to read:

312 **78-3a-504. Minor held in detention -- Credit for good behavior.**

313 (1) ~~[A] The judge may order whether a~~ minor held in detention under Subsection
314 78-3a-118(2)(f) or 78-3a-901(3) ~~[shall] is eligible to~~ receive credit for good behavior against
315 the period of detention ~~[ordered by the court at the]~~. The rate of credit is one day for every
316 three days served [under guidelines established by the]. The Division of Juvenile Justice
317 Services shall, in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
318 establish rules describing good behavior for which credit may be earned.

319 (2) Any disposition including detention under Subsection 78-3a-118(2)(f) or
320 78-3a-901(3) shall be concurrent with any other order of detention.

321 Section 5. Section **78-31a-123** is amended to read:

322 **78-31a-123. Confirmation of award.**

323 After a party to an arbitration proceeding receives notice of an award in a matter not
324 pending before a court, the party may ~~[make a motion to]~~ petition the court for an order
325 confirming the award ~~[at which time the]~~. If the notice of award is in a matter pending before
326 the court, the party may file a motion for an order confirming the award. The court shall issue
327 a confirming order unless the award is modified or corrected pursuant to Section 78-31a-121 or
328 78-31a-125 or is vacated pursuant to Section 78-31a-124.

329 Section 6. Section **78-32-12.2** is amended to read:

330 **78-32-12.2. Definitions -- Sanctions.**

331 (1) For purposes of this section:

332 (a) "Make up parent-time" means parent-time which is:

333 (i) of the same type and duration of parent-time as that which was denied, including
334 parent-time during weekdays, weekends, holidays, and during extended parent-time periods;

335 (ii) to be made up within one year after the court has entered its order of make up
336 parent-time; and

337 (iii) in the manner chosen by the aggrieved parent if it is in the best interest of the

338 child.

339 (b) "Parent-time enforcement order" means an order to enforce compliance with an
340 original parent-time order through the use of sanctions.

341 (c) "Petition" means a petition brought by a parent, a grandparent as provided in
342 Section 30-5-2, by other immediate family members, or upon the court's own motion alleging
343 that a parent is not complying with a parent-time order in a decree of divorce or a subsequent
344 parent-time enforcement order which may be brought at different stages in the alleged pattern
345 of noncompliance:

346 (i) a first petition is a petition to enforce an original order of parent-time or a petition
347 filed after three years from the last parent-time enforcement order;

348 (ii) a second petition is a petition filed within three years following entry of the first
349 parent-time enforcement order; and

350 (iii) a third petition is a petition filed within three years following entry of the second
351 parent-time enforcement order.

352 (d) "Substantial noncompliance" means conduct which:

353 (i) substantially interferes with a court-ordered parent-time schedule; or

354 (ii) interferes with parent's right to frequent, meaningful, and continuing access with
355 his child and which substantially impairs that parent-child relationship.

356 (2) Upon a first petition, the court shall order:

357 (a) if the first petition is uncontested, by default:

358 (i) a permanent injunction enjoining the noncompliance with the court's parent-time
359 order;

360 (ii) make up parent-time for the aggrieved parent and child; and

361 (iii) participation in workshops, classes, or individual counseling to educate the parent
362 about the importance of complying with the court order and providing the child with a
363 continuing relationship with both parents as provided in Subsection 78-32-12.1(1)(b); or

364 (b) if the first petition is contested, the court shall hold a hearing to determine by a
365 preponderance of the evidence whether there has been a substantial noncompliance with the
366 parent-time order.

367 (3) Upon a finding of substantial noncompliance, the court shall order:

368 (a) actual costs including actual attorney fees and court costs to the prevailing party;

- 369 (b) make up parent-time for the aggrieved parent and child;
- 370 (c) a minimum of ten hours of compensatory service as provided in Subsection
- 371 78-32-12.1(1)(a); and
- 372 (d) a permanent injunction enjoining the noncompliance with the court's parent-time
- 373 order.
- 374 (4) Upon a finding of substantial noncompliance, the court may order:
- 375 (a) mediation with the requirement to report back to the court on the results of
- 376 mediation within 30 days;
- 377 (b) participation in workshops, classes, or individual counseling to educate the parent
- 378 about the importance of complying with the court order and providing the child with a
- 379 continuing relationship with both parents as provided in Subsection 78-32-12.1(1)(b); or
- 380 (c) a fine or jail sentence or other appropriate sanctions as provided under contempt of
- 381 court in Section 78-32-10.
- 382 (5) Upon a second petition, the court shall order:
- 383 (a) if the second petition is uncontested, by default:
- 384 (i) actual costs including actual attorney fees and court costs;
- 385 (ii) make up parent-time to be provided for the aggrieved parent and child;
- 386 (iii) a minimum of ten hours of compensatory service as provided in Subsection
- 387 78-32-12.1(1)(a); and
- 388 (iv) impose a fine or jail sentence or other appropriate sanctions as provided under
- 389 contempt of court in Section 78-32-10; or
- 390 (b) if the second petition is contested, the court shall hold a hearing to determine by a
- 391 preponderance of the evidence whether there has been a substantial noncompliance with the
- 392 parent-time orders.
- 393 (6) Upon a finding of a substantial noncompliance, the court shall order:
- 394 (a) actual costs including actual attorney fees and court costs to the prevailing party;
- 395 (b) make up parent-time to be provided for the aggrieved party and child at twice the
- 396 amount of time previously wrongfully denied and under the same conditions as provided in
- 397 Subsections 78-32-12.2(3)(a) through (c);
- 398 (c) a minimum of [~~20~~] ten hours of compensatory service as provided in Subsection
- 399 78-32-12.1(1)(a);

400 (d) a contempt order which imposes a fine or jail sentence as provided in Section
401 78-32-10; and

402 (e) the violator to post bond or security in the amount determined by the court to insure
403 future compliance.

404 (7) The court may impose additional sanctions which may include any additional
405 remedies, terms, or conditions which are consistent with the court's previous order.

406 (8) Upon a third petition, the court shall order:

407 (a) if the third petition is uncontested, by default:

408 (i) actual costs including actual attorney fees and court costs;

409 (ii) make up parent-time to be provided for the aggrieved party and child at twice the
410 amount of time previously denied and under the same conditions as provided in Subsections
411 78-32-12.2(3)(a) through (c);

412 (iii) a minimum of ten hours of compensatory service as provided in Subsection
413 78-32-12.1(1)(a); and

414 (iv) impose a fine or jail sentence or other appropriate sanctions as provided under
415 contempt of court in Section 78-32-10; or

416 (b) if the third petition is contested, the court shall hold a hearing to determine by a
417 preponderance of the evidence whether there has been a substantial noncompliance with the
418 parent-time orders.

419 (9) Upon a finding of substantial noncompliance, the court shall order:

420 (a) actual costs including actual attorney fees and court costs to the prevailing party;

421 (b) a finding that there has been a prima facie showing of a substantial change of
422 circumstances which is against the best interest of the child for purposes of modification of
423 custody and order a temporary change of custody for a duration to be determined by the court;
424 and

425 (c) a finding that there has been a probable cause showing of custodial interference as
426 provided in Section 76-5-303 and order the case to be referred to the county attorney for
427 prosecution.

428 (10) The court may decline to issue an order with the alternative sanctions as provided
429 in Subsections 78-32-12.2(2) through (9) although the petitioner has met his burden of proof if
430 the court provides findings on the record explaining why a sanction or sanctions were not

431 imposed.

432 (11) The noncustodial parent shall give the court and the custodial parent written notice
433 of his intention to exercise the make up parent-time at least seven days before the proposed
434 visit if it is to be on a weekday or weekend, and at least 30 days before the proposed visit if it is
435 to be on a holiday or an extended parent-time period.

436 (12) The court shall suspend any proceedings under Section 78-32-12.2 if substantial
437 allegations of child abuse or child sexual abuse are under investigation or a case is pending in
438 the courts on the allegations.

439 (13) The filing of any petition under this section which is found to be without merit
440 and not asserted or defended against in good faith shall be subject to sanctions as determined
441 by the court.

442 [~~14) This section shall be implemented only as a pilot program in the first judicial~~
443 ~~district as provided in Section 78-32-12.3.]~~

Legislative Review Note

as of 1-3-05 10:15 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

Provisions of this bill require an ongoing General Fund appropriation to the Courts of \$93,500. Revenue of \$17,000 to the General Fund could also be generated from filing fees of additional cases. Over the long term, this bill may produce financial savings to the Court system.

Additionally, this bill will enable a portion of the funds currently in Court Trust Accounts to be shifted to Unclaimed Property.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$93,500	\$93,500	\$17,000	\$17,000
TOTAL	\$93,500	\$93,500	\$17,000	\$17,000

Individual and Business Impact

No significant fiscal impact.
