

Representative M. Susan Lawrence proposes the following substitute bill:

PLEA IN ABEYANCE FEE

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: M. Susan Lawrence

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill describes fines and fees for pleas in abeyance.

Highlighted Provisions:

This bill:

- ▶ requires that fines for pleas in abeyance adhere to the Uniform Bail Schedule; and
- ▶ allows courts to charge an administrative fee for pleas in abeyance of not more than \$25.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-2-4.2, as last amended by Chapter 2, Laws of Utah 2005

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

Section 1. Section **77-2-4.2** is amended to read:

77-2-4.2. Compromise of traffic charges -- Limitations.



26 (1) As used in this section:

27 (a) "Compromise" means referral of a person charged with a traffic violation to traffic
28 school or other school, class, or remedial or rehabilitative program.

29 (b) "Traffic violation" means any charge for which bail may be forfeited in lieu of
30 appearance, by citation or information, of a violation of:

31 (i) Title 41, Chapter 6a, Traffic Code, amounting to:

32 (A) a class B misdemeanor;

33 (B) a class C misdemeanor; or

34 (C) an infraction; or

35 (ii) any local traffic ordinance.

36 (2) Any compromise of a traffic violation shall be done pursuant to a plea in abeyance
37 agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:

38 (a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or

39 (b) when there is a plea by the defendant to and entry of a judgment by a court for the
40 offense originally charged or for an amended charge.

41 (3) In all cases which are compromised pursuant to the provisions of Subsection (2):

42 (a) the court, taking into consideration the offense charged, shall collect a plea in
43 abeyance fee which shall:

44 (i) be subject to the same surcharge as if imposed on a criminal fine; [~~and~~]

45 (ii) be allocated subject to the surcharge as if paid as a criminal fine under Section
46 78-3-14.5 and a surcharge under Title 63, Chapter 63a, Crime Victim Reparation Trust, Public
47 Safety Support Funds, Substance Abuse Prevention Account, and Services for Victims of
48 Domestic Violence Account; [~~or~~] and

49 (iii) be not more than \$25 greater than the bail designated in the Uniform Bail
50 Schedule ~~H~~→ [~~, unless the judge makes a case specific written finding or docket entry justifying the~~
51 variation] ←~~H~~ ; or

52 (b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the traffic
53 school or other school, class, or rehabilitative program shall be collected, which surcharge
54 shall:

55 (i) be computed, assessed, collected, and remitted in the same manner as if the traffic
56 school fee and surcharge had been imposed as a criminal fine and surcharge; and

57 (ii) be subject to the financial requirements contained in Title 63, Chapter 63a, Crime
58 Victim Reparation Trust, Public Safety Support Funds, Substance Abuse Prevention Account,
59 and Services for Victims of Domestic Violence Account.

60 (4) ~~It~~ **If a written plea in abeyance agreement is provided, or the** ~~defendant~~
60a ~~in all cases compromised under this section shall receive~~ **requests a written accounting,** ~~the~~
60b **an itemized**

61 **statement of** ~~the~~ **[the following] all** ~~amounts~~ ~~to be collected~~ **assessed** ~~by the court~~
61a **shall be provided, including** ~~the~~ :

- 62 (a) ~~the amount of the fine from~~ ~~the~~ the Uniform Bail Schedule ~~amount~~ ~~the~~ ;
- 63 (b) the amount of any surcharges being assessed: and
- 64 (c) the amount of the plea in abeyance fee.

Fiscal Note
Bill Number HB0247S01

Plea in Abeyance Fee

27-Jan-06

5:00 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst