

1 **PLEA IN ABEYANCE FEE**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: M. Susan Lawrence**

5 Senate Sponsor: Lyle W. Hillyard

7 **LONG TITLE**

8 **General Description:**

9 This bill describes fines and fees for pleas in abeyance.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ requires that fines for pleas in abeyance adhere to the Uniform Bail Schedule; and
 - 13 ▶ allows courts to charge an administrative fee for pleas in abeyance of not more than
- 14 \$25.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **77-2-4.2**, as last amended by Chapter 2, Laws of Utah 2005

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

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

25 **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; or

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

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

56 (ii) be subject to the financial requirements contained in Title 63, Chapter 63a, Crime
57 Victim Reparation Trust, Public Safety Support Funds, Substance Abuse Prevention Account,

58 and Services for Victims of Domestic Violence Account.

59 (4) If a written plea in abeyance agreement is provided, or the defendant requests a
60 written accounting, an itemized statement of all amounts assessed by the court shall be
61 provided, including:

62 (a) the Uniform Bail Schedule amount;

63 (b) the amount of any surcharges being assessed; and

64 (c) the amount of the plea in abeyance fee.