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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
6 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
22	
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

H.B. 247

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31(i) Title 41, Chapter 6a, Traffic Code, amounting to:32(A) a class B misdemeanor;33(B) a class C misdemeanor; or34(C) an infraction; or35(ii) any local traffic ordinance.36(2) Any compromise of a traffic violation shall be done pursuant to a plea in abeyance37agreement 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; or39(b) when there is a plea by the defendant to and entry of a judgment by a court for the40offense 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 in43abeyance 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 Section4678-3-14.5 and a surcharge under Title 63, Chapter 63a, Crime Victim Reparation Trust, Public47Safety Support Funds, Substance Abuse Prevention Account, and Services for Victims of48Domestic Violence Account; [or] and49(iii) be not more than \$25 greater than the bail designated in the Uniform Bail50Schedule; or51(b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the traffic52school or other school, class, or rehabilitative program shall be collected, which surcharge53sh	30	appearance, by citation or information, of a violation of:
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57 Victim Reparation Trust, Public Safety Support Funds, Substance Abuse Prevention Account,	56	(ii) be subject to the financial requirements contained in Title 63, Chapter 63a, Crime
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- 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.