

COURT SECURITY RESTRICTED ACCOUNT

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: Jon J. Greiner

LONG TITLE

General Description:

This bill amends the Court Security Account.

Highlighted Provisions:

This bill:

▶ increases the security surcharge in courts of record for criminal convictions and juvenile delinquency judgments;

▶ increases the security surcharge on all convictions for moving violations and allocates the increase to the Court Security Account created in Section 78A-2-602; and

▶ allows the Administrative Office of the Courts to use the security surcharge for perimeter security at all court locations.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-2-601, as last amended by Laws of Utah 2008, Chapter 382 and renumbered and amended by Laws of Utah 2008, Chapter 3

78A-2-602, as renumbered and amended by Laws of Utah 2008, Chapter 3



28 78A-7-122, as renumbered and amended by Laws of Utah 2008, Chapter 3



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

31 Section 1. Section 78A-2-601 is amended to read:

32 **78A-2-601. Security surcharge -- Application and exemptions -- Deposit in**
33 **restricted account.**

34 (1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge
35 of [~~\$25~~] \$33 shall be assessed in all courts of record on all criminal convictions and juvenile
36 delinquency judgments.

37 (2) The security surcharge may not be imposed upon:

38 (a) nonmoving traffic violations;

39 (b) community service; and

40 (c) penalties assessed by the juvenile court as part of the nonjudicial adjustment of a
41 case under Section 78A-6-602.

42 (3) The security surcharge shall be collected after the surcharge under Section
43 51-9-401, but before any fine, and deposited with the state treasurer. A fine that would
44 otherwise have been charged may not be reduced due to the imposition of the security
45 surcharge.

46 (4) The state treasurer shall deposit the collected security surcharge in the restricted
47 account, Court Security Account, as provided in Section 78A-2-602.

48 Section 2. Section 78A-2-602 is amended to read:

49 **78A-2-602. Court Security Account established -- Funding -- Uses.**

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

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

53 (a) collected monies from the surcharge established in Section 78A-2-601;

54 (b) monies from the portion of filing fees established in Subsections
55 78A-2-301(1)(j)(iv) and (v); and

56 (c) amounts designated by Subsection 78A-7-122(3)(b)(ii).

57 (3) The Administrative Office of the Courts shall use the allocation [~~only~~] to contract
58 for court security at all district and juvenile courts[~~, including perimeter security at stand alone~~]

59 juvenile courts,] throughout the state.

60 Section 3. Section 78A-7-122 is amended to read:

61 **78A-7-122. Security surcharge -- Application -- Deposit in restricted accounts.**

62 (1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge
63 of [~~\$32~~] \$40 shall be assessed on all convictions for offenses listed in the uniform bail schedule
64 adopted by the Judicial Council and moving traffic violations.

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

68 (3) Eight dollars of the security surcharge shall be remitted to the state treasurer and
69 distributed to the Court Security Account created in Section 78A-2-602.

70 [~~(3) The~~] (4) Thirty-two dollars of the security surcharge shall be allocated as follows:

71 (a) the assessing court shall retain 20% of the amount collected for deposit into the
72 general fund of the governmental entity; and

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

74 (i) 62.5% to the treasurer of the county in which the justice court which remitted the
75 amount is located;

76 (ii) 25% to the Court Security Account created in Section 78A-2-602; and

77 (iii) 12.5% to the Justice Court Technology, Security, and Training Account created in
78 Section 78A-7-301.

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

Legislative Review Note
as of 2-5-09 10:14 AM

Office of Legislative Research and General Counsel

H.B. 455 - Court Security Restricted Account

Fiscal Note

2009 General Session
State of Utah

State Impact

Enactment of this bill will increase the court security fee by \$8. This will increase revenue to the General Fund Restricted Court Security account by approximately \$2.8 million annually. Courts will use the funds to contract for security services at juvenile and district courts. For the rest of FY 2009, the bill will require one-time revenue and appropriations of \$350,000.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund Restricted	\$350,000	\$2,800,000	\$2,800,000	\$350,000	\$2,800,000	\$2,800,000
Total	\$350,000	\$2,800,000	\$2,800,000	\$350,000	\$2,800,000	\$2,800,000

Individual, Business and/or Local Impact

Enactment of this bill will increase fees paid by individuals convicted in criminal and juvenile delinquency cases.