

**CRIMINAL SURCHARGE AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends Title 51, Chapter 9, Funds and Accounts Act, in relation to the distribution of criminal surcharges.

**Highlighted Provisions:**

This bill:

▶ amends the pro rata division of money collected on criminal fines, penalties, and forfeitures subject to a 90% surcharge, so that the local governmental collecting entity retains 5% more and the state retains 5% less; and

▶ amends the pro rata division of money collected on criminal fines, penalties, and forfeitures subject to a 35% surcharge, so that the local governmental collecting entity retains 5% more and the state retains 5% less.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**51-9-402**, as last amended by Laws of Utah 2011, Chapter 342

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

28 Section 1. Section **51-9-402** is amended to read:

29 **51-9-402. Division of collected money retained by state treasurer and local**  
30 **governmental collecting entity -- Purpose of surcharge -- Allocation of collections --**  
31 **Financial information.**

32 (1) The amount of the surcharge imposed under this part by courts of record shall be  
33 collected before any fine and deposited with the state treasurer.

34 (2) The amount of the surcharge and the amount of criminal fines, penalties, and  
35 forfeitures imposed under this part by courts not of record shall be collected concurrently.

36 (a) As money is collected on criminal fines, penalties, and forfeitures subject to the  
37 90% surcharge, the money shall be divided pro rata so that the local governmental collecting  
38 entity retains [~~53%~~] 58% of the collected money and the state retains [~~47%~~] 42% of the  
39 collected money.

40 (b) As money is collected on criminal fines, penalties, and forfeitures subject to the  
41 35% surcharge, the money shall be divided pro rata so that the local governmental collecting  
42 entity retains [~~74%~~] 79% of the collected money and the state retains [~~26%~~] 21% of the  
43 collected money.

44 (c) The court shall deposit with the state treasurer the surcharge portion of all money  
45 as it is collected.

46 (3) Courts of record, courts not of record, and administrative traffic proceedings shall  
47 collect financial information to determine:

48 (a) the total number of cases in which:

49 (i) a final judgment has been rendered;

50 (ii) surcharges and fines are paid by partial or installment payment; and

51 (iii) the judgment is fulfilled by an alternative method upon the court's order; and

52 (b) the total dollar amounts of surcharges owed to the state and fines owed to the  
53 state and county or municipality, including:

54 (i) waived surcharges;

55 (ii) uncollected surcharges; and

56 (iii) collected surcharges.

57 (4) The courts of record, courts not of record, and administrative traffic proceedings  
58 shall report all collected financial information monthly to the Administrative Office of the  
59 Courts. The collected information shall be categorized by cases subject to the 90% and 35%  
60 surcharge.

61 (5) The purpose of the surcharge is to finance the trust funds and support accounts as  
62 provided in this part.

63 (6) (a) From the surcharge, the Division of Finance shall allocate in the manner and  
64 for the purposes described in Sections 51-9-403 through 51-9-411.

65 (b) Allocations shall be made on a fiscal year basis.

66 (7) The provisions of this section and Section 51-9-401 may not impact the  
67 distribution and allocation of fines and forfeitures imposed in accordance with Sections  
68 23-14-13, 78A-5-110, and 78A-7-120.

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**Legislative Review Note**  
as of 1-27-14 10:16 AM

**Office of Legislative Research and General Counsel**