

PROBATION AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Schultz

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions of the criminal procedure code.

Highlighted Provisions:

This bill:

▶ ~~H→ [—limits the time in which a court may terminate probation;]~~ ←H

▶ provides for notification to certain parties regarding the termination of probation H→ [;

and

~~→ requires the department to notify the sentencing court when the department requests the termination of probation]~~ ←H .

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-18-1, as last amended by Laws of Utah 2014, Chapters 120 and 170

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

Section 1. Section **77-18-1** is amended to read:

77-18-1. Suspension of sentence -- Pleas held in abeyance -- Probation --

H.B. 353



121 (x) comply with other terms and conditions the court considers appropriate; and

122 (b) if convicted on or after May 5, 1997:

123 (i) complete high school classwork and obtain a high school graduation diploma, a
 124 GED certificate, or a vocational certificate at the defendant's own expense if the defendant has
 125 not received the diploma, GED certificate, or vocational certificate prior to being placed on
 126 probation; or

127 (ii) provide documentation of the inability to obtain one of the items listed in
 128 Subsection (8)(b)(i) because of:

129 (A) a diagnosed learning disability; or

130 (B) other justified cause.

131 (9) The department shall collect and disburse the account receivable as defined by
 132 Section 76-3-201.1, with interest and any other costs assessed under Section 64-13-21 during:

133 (a) the parole period and any extension of that period in accordance with Subsection
 134 77-27-6(4); and

135 (b) the probation period in cases for which the court orders supervised probation and
 136 any extension of that period by the department in accordance with Subsection (10).

137 (10) (a) (i) Probation may be terminated ~~H→~~ [f] **at any time** [f] ~~←H~~ at the discretion of
 137a the court ~~H→~~ [**no**

138 ~~sooner than 30 days after notice to the prosecutor~~ [**, the victim, and the department**] ~~←H~~
 138a or upon

139 completion without violation of 36 months probation in felony or class A misdemeanor cases,
 140 or 12 months in cases of class B or C misdemeanors or infractions.

141 (ii) (A) If, upon expiration or termination of the probation period under Subsection
 142 (10)(a)(i), there remains an unpaid balance upon the account receivable as defined in Section
 143 76-3-201.1, the court may retain jurisdiction of the case and continue the defendant on bench
 144 probation for the limited purpose of enforcing the payment of the account receivable. If the
 145 court retains jurisdiction for this limited purpose, the court may order the defendant to pay to
 146 the court the costs associated with continued probation under this Subsection (10).

147 (B) In accordance with Section 77-18-6, the court shall record in the registry of civil
 148 judgments any unpaid balance not already recorded and immediately transfer responsibility to
 149 collect the account to the Office of State Debt Collection.

150 (iii) Upon motion of the Office of State Debt Collection, prosecutor, victim, or upon its
 151 own motion, the court may require the defendant to show cause why the defendant's failure to