

Representative Daniel McCay proposes the following substitute bill:

FINE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: Howard A. Stephenson

LONG TITLE

General Description:

This bill modifies provisions relating to fines.

Highlighted Provisions:

This bill:

▶ imposes limits on penalties for failure to pay fines when due for misdemeanors and infractions; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-3-301, as last amended by Laws of Utah 1995, Chapter 291

78B-6-310, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **76-3-301** is amended to read:



26 **76-3-301. Fines of individuals.**

27 (1) ~~[A person]~~ An individual convicted of an offense may be sentenced to pay a fine,
 28 not exceeding:

29 (a) \$10,000 for a felony conviction of the first degree or second degree;

30 (b) \$5,000 for a felony conviction of the third degree;

31 (c) \$2,500 for a class A misdemeanor conviction;

32 (d) \$1,000 for a class B misdemeanor conviction;

33 (e) \$750 for a class C misdemeanor conviction or infraction conviction; and

34 (f) any greater amounts specifically authorized by statute.

35 (2) An individual convicted of a misdemeanor or infraction and sentenced to pay a fine
 36 may not be charged:

37 (a) by the original jurisdiction that imposes the fine, late fees and interest in the
 38 aggregate that are more than 25% of the ~~H~~→ **initial** ←~~H~~ fine;

39 (b) notwithstanding Section 15-1-4, interest on the judgment that in the aggregate is
 40 more than 25% of the ~~H~~→ **initial** ←~~H~~ fine;

41 (c) by a court that issues an order to show cause under Section 78B-6-317 for failure to
 42 pay the fine, a fine, under Section 78B-6-310 for contempt for failure to pay the ~~H~~→ **initial** ←~~H~~ fine
 42a ~~H~~→ [originally
 43 imposed] ←~~H~~ , which in the aggregate with ~~H~~→ [late] ←~~H~~ fees and interest are more than 25% of
 43a the ~~H~~→ **initial** ←~~H~~ fine
 44 ~~H~~→ [originally imposed] ←~~H~~ ;

45 (d) by the Office of State Debt Collection, late fees and interest that in the aggregate
 46 are more than 25% of the ~~H~~→ **initial** ←~~H~~ fine; or

47 (e) by a third-party debt collector, late fees and interest in the aggregate that are more
 48 than 25% of the ~~H~~→ **initial** ←~~H~~ fine.

49 [(2)] (3) This section does not apply to a corporation, association, partnership,
 50 government, or governmental instrumentality.

50a ~~H~~→ **(4) Subsection (2) does not apply to:**

50b **(a) an order of victim restitution; or**

50c **(b) an offense that includes a felony conviction.** ←~~H~~

51 Section 2. Section 78B-6-310 is amended to read:

52 **78B-6-310. Contempt -- Action by court.**

53 (1) The court shall determine whether the person proceeded against is guilty of the
 54 contempt charged. If the court finds the person is guilty of the contempt, the court may impose
 55 a fine not exceeding \$1,000, order the person incarcerated in the county jail not exceeding 30
 56 days, or both. However, a justice court judge or court commissioner may punish for contempt

57 by a fine not to exceed \$500 or by incarceration for five days or both.

58 (2) A fine imposed under this section is subject to the limitations of Subsection

59 [76-3-301\(2\)](#).