

1                                   **COMPENSATORY SERVICE IN LIEU OF FINE**

2   **AMENDMENTS**

3   2018 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Brian S. King**

6   Senate Sponsor: Deidre M. Henderson

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8   **LONG TITLE**

9   **General Description:**

10           This bill allows a defendant the option of performing compensatory service in lieu of a  
11 fine for a conviction of an infraction or misdemeanor.

12   **Highlighted Provisions:**

13           This bill:

- 14           ▶ defines "compensatory service";
- 15           ▶ requires that a court provide a person convicted of an infraction, class B, or class C  
16 misdemeanor with the option to perform compensatory service in lieu of paying a  
17 fine; and
- 18           ▶ sets reporting requirements.

19   **Money Appropriated in this Bill:**

20           None

21   **Other Special Clauses:**

22           None

23   **Utah Code Sections Affected:**

24   AMENDS:

25           **76-3-205**, as enacted by Laws of Utah 1973, Chapter 196

26   ENACTS:

27           **76-3-301.7**, Utah Code Annotated 1953

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

30 Section 1. Section **76-3-205** is amended to read:

31 **76-3-205. Infraction conviction -- Fine, forfeiture, and disqualification.**

32 (1) A person convicted of an infraction may not be imprisoned but may be subject to:

33 (a) a fine, which may include compensatory service as a method to satisfy the fine;

34 (b) forfeiture~~[-and]~~;

35 (c) disqualification~~[-]~~; or

36 (d) any combination of the above.

37 (2) Compensatory service shall be considered in accordance with Section [76-3-301.7](#).

38 ~~[(2)]~~ (3) Whenever a person is convicted of an infraction and no punishment is

39 specified, the person may be fined as for a class C misdemeanor.

40 Section 2. Section **76-3-301.7** is enacted to read:

41 **76-3-301.7. Compensatory service.**

42 (1) As used in this section, "compensatory service" means service or unpaid work

43 performed by a person, in lieu of the payment of a criminal fine, for:

44 (a) a state or local government agency;

45 (b) an entity that is approved as a nonprofit organization under Section 501(c) of the

46 Internal Revenue Code; or

47 (c) any other entity or organization if prior approval is obtained from the court.

48 (2) When a defendant is sentenced to pay a fine for an infraction, class C or class B

49 misdemeanor, the court shall consider allowing the defendant to complete compensatory

50 service in lieu of the payment of the fine or account receivable, exclusive of any victim

51 restitution imposed.

52 (3) A defendant who intends to forfeit bail or who is ordered to pay a fine by the court

53 for an infraction, class C or class B misdemeanor, shall be informed by the court of the

54 opportunity to perform compensatory service in lieu of the fine or bail amount.

55 (4) The court shall credit timely completed compensatory service reported in

56 accordance with Subsection (5) against the fine or bail amount at the rate of \$10 per hour and

57 shall allow the defendant a reasonable amount of time to complete the service.

58           (5) (a) The court shall provide the defendant with instructions that inform the  
59 organization:  
60           (i) about the requirements in Subsection (5)(b); and  
61           (ii) that making a written false statement to the court about the defendant's  
62 compensatory service is punishable as a class B misdemeanor pursuant to Section [76-8-504](#).  
63           (b) The defendant shall report compensatory service hours to the court in a letter that:  
64           (i) is on the organization's official letterhead and includes contact information for the  
65 organization's representative;  
66           (ii) specifies the number of hours for which the defendant provided service;  
67           (iii) contains a brief description of what the service involved; and  
68           (iv) is signed by an authorized representative of the organization; or  
69           (v) is in a form otherwise acceptable to the court.  
70           (6) The court may refuse to accept compensatory service:  
71           (a) completed prior to the date of sentencing;  
72           (b) that has been submitted to another court for credit; or  
73           (c) completed at an agency or organization or is a type of service that is specifically  
74 prohibited by the court.