

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: _____

7

LONG TITLE

8 **General Description:**

9
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 or misdemeanor
- 16 with the option to perform compensatory service in lieu of paying a fine; and
- 17 ▶ limits the amount of hours a person may be ordered to perform compensatory
- 18 service.

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

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

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

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

(a) a fine[;];

(b) forfeiture[;and];

(c) disqualification[;];

(d) compensatory service; or

(e) any combination of the above.

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

~~[(2)]~~ (3) Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.

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

76-3-301.7. Compensatory service.

(1) As used in this section, "compensatory service" means service or unpaid work required of a person convicted of a misdemeanor or infraction in lieu of the payment of a fine.

(2) A defendant convicted of an infraction or misdemeanor shall, before sentencing, be provided the option of compensatory service. If the defendant chooses to perform compensatory service, the court shall set the number of hours required.

(3) Compensatory service may be performed for an organization and shall be considered eligible if the service is performed for:

(a) a state or local government agency; or

(b) an entity that is approved as a nonprofit organization under Section 501(c) of the Internal Revenue Code, provided the work does not primarily:

(i) benefit the members of an organization with membership limits; or

(ii) involve any political activity.

(4) The defendant shall report compensatory service hours to the court in a letter that:

(a) is on the nonprofit organization's official letterhead;

(b) specifies the number of hours for which the defendant provided service through the organization, with a brief description of what the service involved; and

59 (c) is signed by an authorized representative of the organization.

60 (5) The court shall set a completion date that provides the defendant with a reasonable
61 amount of time to complete the service.

62 (6) Compensatory service hours ordered by the court may not exceed the number of
63 hours necessary to equal the possible fine as calculated at the rate of \$10 per hour.

Legislative Review Note
Office of Legislative Research and General Counsel