

Representative Brian S. King proposes the following substitute bill:

COMPENSATORY SERVICE IN LIEU OF FINE

AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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



26 ENACTS:

27 76-3-301.7, Utah Code Annotated 1953

28

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.