

HB0248S01 compared with HB0248

~~text~~ shows text that was in HB0248 but was deleted in HB0248S01.

Inserted text shows text that was not in HB0248 but was inserted into HB0248S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: _____

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
- ▶ ~~limits the amount of hours a person may be ordered to perform compensatory~~

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~~service}~~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

ENACTS:

76-3-301.7, Utah Code Annotated 1953

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 ~~{f}, {f}~~ which may include compensatory service as a method to satisfy the fine;

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

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

~~(d) compensatory service;~~ or

~~(c)~~ (d) any combination of the above.

(2) Compensatory service shall be ~~ordered~~ considered 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}~~ performed by 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~~

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~~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:~~

~~}{criminal fine, 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) }{code; or~~

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

~~(2) When a defendant is sentenced to pay a fine for an infraction, class C or class B misdemeanor, the court shall consider allowing the defendant to complete compensatory service in lieu of the payment of the fine or account receivable, exclusive of any victim restitution imposed.~~

~~(3) A defendant who intends to forfeit bail or who is ordered to pay a fine by the court for an infraction, class C or class B misdemeanor, shall be informed by the court of the opportunity to perform compensatory service in lieu of the fine or bail amount.~~

~~(4) The court shall credit timely completed compensatory service reported in accordance with Subsection (5) against the fine or bail amount at the rate of \$10 per hour and shall allow the defendant a reasonable amount of time to complete the service.~~

~~(5) (a) The court shall provide the defendant with instructions that inform the organization:~~

~~(i) about the requirements in Subsection (5)(b); and~~

~~(ii) that making a written false statement to the court about the defendant's compensatory service is punishable as a class B misdemeanor pursuant to Section 76-8-504.~~

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

~~(}{a}) is on the }{nonprofit} organization's official letterhead and includes contact information for the organization's representative;~~

~~(}{b}) specifies the number of hours for which the defendant provided service~~}{~~~~

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~~through the organization, with~~;

(iii) contains a brief description of what the service involved; and

~~(c) iv~~ is signed by an authorized representative of the organization; or

(v) is in a form otherwise acceptable to the court.

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

~~(6) Compensatory~~ (6) The court may refuse to accept compensatory service ~~hours~~ ordered by the court may not exceed the number of 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~~;

(a) completed prior to the date of sentencing;

(b) that has been submitted to another court for credit; or

(c) completed at an agency or organization or is a type of service that is specifically prohibited by the court.