

Representative Elizabeth Weight proposes the following substitute bill:

CRIMINAL JUDGMENT ACCOUNT RECEIVABLE

AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Elizabeth Weight

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill requires the court to accept payment of a criminal judgment account receivable on the day of sentencing.

Highlighted Provisions:

This bill:

- requires the court to accept any amount tendered against a criminal judgment account receivable on the day of sentencing before converting an unpaid account to a civil judgment.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-32a-102, as enacted by Laws of Utah 2017, Chapter 304

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



26 Section 1. Section 77-32a-102 is amended to read:

27 **77-32a-102. Creation of criminal judgment account receivable.**

28 (1) At the time of sentencing or acceptance of a plea in abeyance, the court shall
29 establish the criminal accounts receivable, as determined in this chapter including all amounts
30 then owing, including, as applicable, fines, fees, surcharges, costs, restitution, and interest.

31 (2) After creating the account receivable, the court:

32 (a) shall, [~~in the case of felonies where~~] when a prison sentence is imposed and not
33 suspended, accept any payment on the criminal judgment account receivable tendered on the
34 date of sentencing, enter any remaining unpaid criminal judgment account receivable as a civil
35 judgment and transfer the responsibility for collecting the judgment to the Office of State Debt
36 Collection;

37 (b) may, in other cases, permit a defendant to pay the criminal judgment account
38 receivable by a date certain or in installments; or

39 (c) may, in other cases where the court finds that collection of the account by the court
40 would not be feasible, enter any unpaid criminal judgment account receivable as a civil
41 judgment and transfer the responsibility for collecting the judgement to the Office of State Debt
42 Collection.

43 (3) A court allowing installment payments does not limit the ability of a judgment
44 creditor to pursue collection by any means allowable by law.

45 (4) If the court makes restitution or another financial decision at a time after sentencing
46 that increases the total amount owed in a case, the criminal accounts receivable balance shall
47 be adjusted to include the new amounts determined by the court.

48 (5) The court may modify the amount and number of any installment payments, as
49 justice requires, at any time before the time for default as outlined in Subsection
50 77-32a-103(2).

51 (6) In the district court, delinquent accounts may incur post judgment interest.