

## HB0336S01 compared with HB0336

~~{deleted text}~~ shows text that was in HB0336 but was deleted in HB0336S01.

Inserted text shows text that was not in HB0336 but was inserted into HB0336S01.

**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 Daniel McCay proposes the following substitute bill:

### FINE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill modifies provisions ~~{related}~~relating to fines.

##### Highlighted Provisions:

This bill:

- ▶ imposes limits on penalties for failure to pay fines when due for misdemeanors and infractions; and
- ▶ makes technical changes.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

None

##### Utah Code Sections Affected:

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AMENDS:

**76-3-301**, as last amended by Laws of Utah 1995, Chapter 291

**78B-6-310**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **76-3-301** is amended to read:

**76-3-301. Fines of individuals.**

(1) ~~[A person]~~ An individual convicted of an offense may be sentenced to pay a fine, not exceeding:

- (a) \$10,000 for a felony conviction of the first degree or second degree;
- (b) \$5,000 for a felony conviction of the third degree;
- (c) \$2,500 for a class A misdemeanor conviction;
- (d) \$1,000 for a class B misdemeanor conviction;
- (e) \$750 for a class C misdemeanor conviction or infraction conviction; and
- (f) any greater amounts specifically authorized by statute.

(2) ~~{(a)}~~ An individual convicted of a misdemeanor or infraction and sentenced to pay a fine may not **be charged**:

~~{(i) be charged a penalty}~~ **a) by the original jurisdiction that imposes the fine, late fees and interest in the aggregate that are more than 25% of the fine;**

**(b) notwithstanding Section 15-1-4, interest on the judgment that in the aggregate is more than 25% of the fine;**

**(c) by a court that issues an order to show cause under Section 78B-6-317 for failure to pay the fine, a fine, under Section 78B-6-310 for contempt for failure to pay the fine ~~when due if the total amount of penalties charged the individual for failure to pay the fine exceeds 50% of the fine the individual is sentenced to pay; or~~**

~~(ii) have a penalty imposed for failure to pay the fine more frequently than every 30 days from the day on which the fine is due;~~

~~(b) For interest imposed on a fine, the total amount of interest that may be charged is 50% of the combined fine and penalties}~~ **originally imposed, which in the aggregate with late fees and interest are more than 25% of the fine originally imposed;**

**(d) by the Office of State Debt Collection, late fees and interest that in the aggregate**

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are more than 25% of the fine; or

(e) by a third-party debt collector, late fees and interest in the aggregate that are more than 25% of the fine.

~~[(2)]~~ (3) This section does not apply to a corporation, association, partnership, government, or governmental instrumentality.

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### Legislative Review Note

~~Office of Legislative Research and General Counsel;~~ Section 2. Section 78B-6-310 is amended to read:

#### 78B-6-310. Contempt -- Action by court.

(1) The court shall determine whether the person proceeded against is guilty of the contempt charged. If the court finds the person is guilty of the contempt, the court may impose a fine not exceeding \$1,000, order the person incarcerated in the county jail not exceeding 30 days, or both. However, a justice court judge or court commissioner may punish for contempt by a fine not to exceed \$500 or by incarceration for five days or both.

(2) A fine imposed under this section is subject to the limitations of Subsection 76-3-301(2).