{deleted text} shows text that was in SB0252 but was deleted in SB0252S01.

Inserted text shows text that was not in SB0252 but was inserted into SB0252S01.

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.

Senator Daniel McCay proposes the following substitute bill:

#### FINES AND FEES AMENDMENTS

2019 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Daniel McCay
House Sponsor:

#### **LONG TITLE**

## **General Description:**

This bill modifies provisions related to fines { and prohibits arrest warrants for certain fines}.

### **Highlighted Provisions:**

This bill:

- ► clarifies when a fine for an individual may apply;
- prohibits the issuance of an arrest warrant for certain fines;} and
- makes technical changes.

#### **Money Appropriated in this Bill:**

None

#### **Other Special Clauses:**

This bill provides a special effective date.

#### **Utah Code Sections Affected:**

#### AMENDS:

76-3-301 (Effective 07/01/19), as last amended by Laws of Utah 2018, Chapter 234

77-32a-104, as enacted by Laws of Utah 2017, Chapter 304

78B-6-317, as enacted by Laws of Utah 2017, Chapter 304

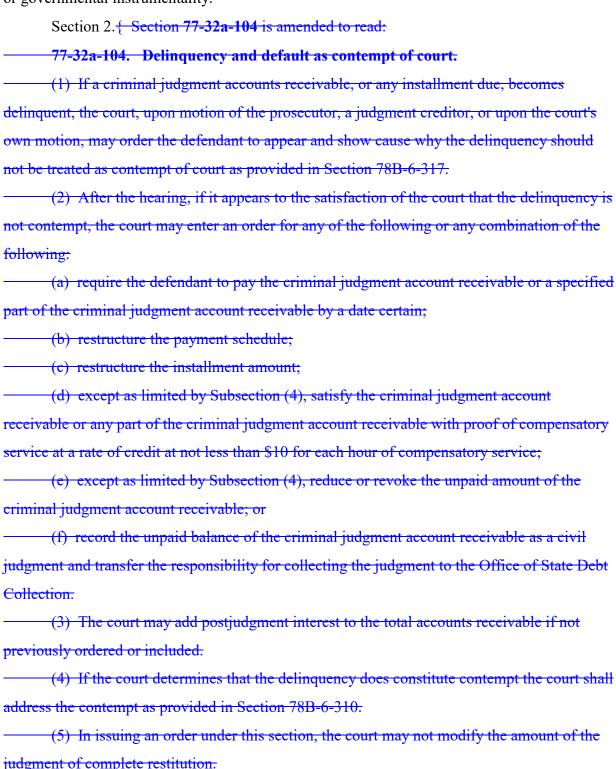
*Be it enacted by the Legislature of the state of Utah:* 

Section 1. Section 76-3-301 (Effective 07/01/19) is amended to read:

## **76-3-301** (Effective **07/01/19**). Fines of individuals.

- (1) 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 by a court:
- (i) notwithstanding Section 15-1-4, interest on the judgment that in the aggregate is more than 25% of the initial fine; or
- (ii) [by a court] that issues an order to show cause under Section 78B-6-317 for failure to pay the fine, interest that is more than 25% of the initial fine.
- (b) An individual convicted of an infraction and sentenced to pay a fine may not be charged:
- (i) by the Office of State Debt Collection, late fees and interest that in the aggregate are more than 25% of the initial fine; or
- (ii) by a third-party debt [collector, late fees and interest in the aggregate that are more than 25% of the initial fine] contractor of the Office of State Debt Collection, additional fees.
  - (3) Subsection (2) does not apply to [an offense] a case that includes:
  - (a) victim restitution; or

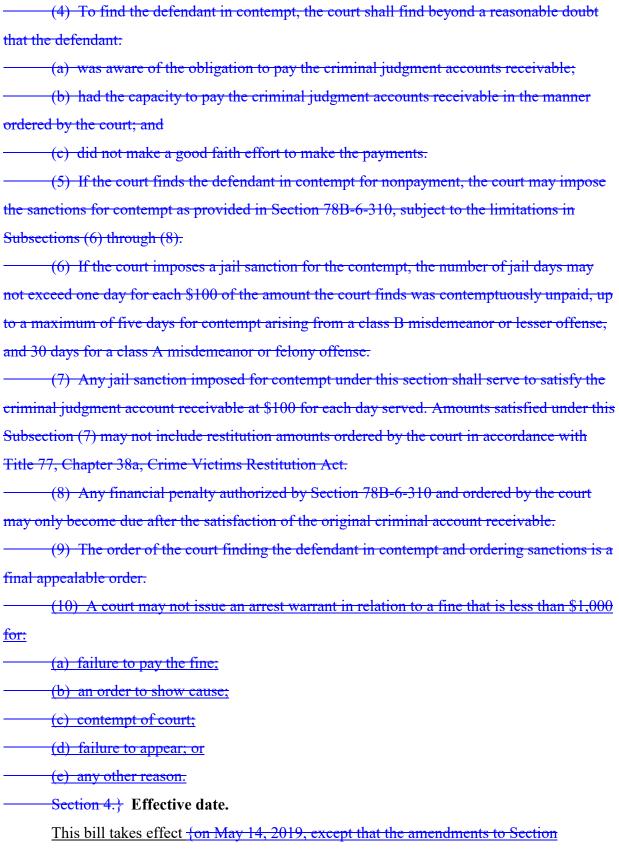
- (b) a felony conviction, even if that felony conviction is later reduced.
- (4) This section does not apply to a corporation, association, partnership, government, or governmental instrumentality.



(6) If the defendant is a corporation or unincorporated association, any contempt

proceeding authorized by this section shall cite the person authorized to make disbursement

from the assets of the corporation or association. (7) A court may not issue an arrest warrant in relation to a fine that is less than \$1,000 for: (a) failure to pay the fine; (b) an order to show cause; (c) contempt of court; (d) failure to appear; or (e) any other reason. Section 3. Section 78B-6-317 is amended to read: 78B-6-317. Willful failure to pay criminal judgment accounts receivable. (1) If a criminal judgment accounts receivable has become delinquent as defined in Section 77-32a-101, the court, by motion of the prosecutor, a judgment creditor, the Office of State Debt Collection, or on the court's own motion, may order the defendant to appear and show cause why the delinquency should not be treated as contempt of court, as provided in this section. (2) (a) The moving party or a court clerk shall provide a declaration outlining the nature of the debt and the delinquency. (b) Upon receipt of that declaration, the court shall set the matter for a hearing and provide notice of the hearing to the defendant by mailing notice of the hearing to the defendant's last known address and by any other means the court finds likely to provide defendant notice of the hearing. (i) If it appears to the court that the defendant is not likely to appear at the hearing, the court may issue an arrest warrant with a bail amount reasonably likely to guarantee the defendant's appearance. (ii) If the defendant is a corporation or an unincorporated association, the court shall cite the person authorized to make disbursement from the assets of the corporation or association to appear to answer for the alleged contempt. (3) At the hearing the defendant is entitled to be represented by counsel and, if the court is considering a period of incarceration as a potential sanction, appointed counsel if the defendant is indigent.



76-3-301 (Effective 07/01/19) takes effect on }July 1, 2019.