

HB0485S02 compared with HB0485S01

~~{deleted text}~~ shows text that was in HB0485S01 but was deleted in HB0485S02.

inserted text shows text that was not in HB0485S01 but was inserted into HB0485S02.

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 Joel Ferry}~~Senator Jacob L. Anderegg proposes the following substitute bill:

AMENDMENTS RELATED TO SURCHARGE FEES

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel Ferry

Senate Sponsor: ~~{~~Jacob L. Anderegg

LONG TITLE

General Description:

This bill modifies provisions related to the allocation of funds from surcharges.

Highlighted Provisions:

This bill:

- ▶ reroutes the criminal conviction surcharge collections to the General Fund;
- ▶ repeals statutory language connecting the criminal conviction surcharge allocations to restricted accounts;
- ▶ repeals certain restricted accounts and addresses remaining funds in the restricted accounts;
- ▶ repeals funding and programming related to certain restricted accounts being repealed;

HB0485S02 compared with HB0485S01

- ▶ raises the amounts of ~~the~~ certain surcharges and fees;
- ▶ revises and relocates statutory language due to the repealing of restricted accounts;
and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2021:

- ▶ to the Office of the Attorney General -- Prosecution Council:
 - from the General Fund, \$492,000
 - from Public Safety Support Account (\$551,500)
- ▶ to the Courts -- Administration:
 - from the General Fund, \$410,000
 - from Substance Abuse Prevention Account (\$571,700)
- ▶ to the Courts -- Guardian Ad Litem:
 - from the General Fund, \$287,000
 - from Guardian Ad Litem Services Account (\$397,500)
- ▶ to the Department of Health -- Family Health and Preparedness:
 - from the General Fund, \$2,296,200
 - from Dedicated Credits (\$2,296,200)
- ▶ to the Department of Human Services -- Division of Child and Family Services:
 - from the General Fund, \$731,000
 - from Victims of Domestic Violence Service Account (\$732,100)
- ▶ to the Department of Human Services -- Division of Substance Abuse and Mental Health:
 - from the General Fund, \$1,230,100
 - from Intoxicated Driver Rehabilitation Account (\$1,500,000)
- ▶ to the Department of Public Safety -- Bureau of Criminal Identification:
 - from the General Fund, \$250,000
 - from Statewide Warrants Operations Account (\$596,300)
- ▶ to the Department of Public Safety -- Peace Officers Standards and Training:
 - from the General Fund, \$3,034,300
 - from Public Safety Support Account (\$4,111,600)

HB0485S02 compared with HB0485S01

- ▶ to the Courts -- Administration
 - from General Fund (\$502,600)
- ▶ to the Office of the Governor -- Commission on Criminal and Juvenile Justice:
 - from the General Fund, \$1,971,000
 - from Crime Victim Reparations Fund (\$1,971,100)
- ▶ to the Office of the Governor -- Commission on Criminal and Juvenile Justice:
 - from the General Fund, \$1,360,200
 - from Law Enforcement Operations Account (\$1,531,300)
- ▶ to the Office of the Governor -- Commission on Criminal and Juvenile Justice:
 - from Law Enforcement Services Account (\$617,900)
- ▶ to the Office of the Governor -- Crime Victims Reparations:
 - from the General Fund, \$3,769,400
 - from Dedicated Credits (\$3,769,400)
- ▶ to the State Board of Education -- State Administrative Office:
 - from the General Fund, \$410,000
 - from Substance Abuse Prevention Account (\$512,600)

Other Special Clauses:

This bill provides a special effective date.

[This bill provides a coordination clause.](#)

Utah Code Sections Affected:

AMENDS:

10-1-203.5, as last amended by Laws of Utah 2017, Chapter 136

26-8a-207, as last amended by Laws of Utah 2011, Chapters 297 and 303

51-9-401, as last amended by Laws of Utah 2010, Chapter 402

51-9-402, as last amended by Laws of Utah 2011, Chapter 342

51-9-412, as last amended by Laws of Utah 2016, Chapter 191

62A-15-503, as last amended by Laws of Utah 2010, Chapter 278

63I-1-263, as last amended by Laws of Utah 2019, Chapters 89, 246, 311, 414, 468, 469, 482 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 246

63I-2-263, as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370,

HB0485S02 compared with HB0485S01

and 483

63J-1-602.1, as last amended by Laws of Utah 2019, Chapters 89, 136, 213, 215, 244, 326, 342, and 482

63J-1-602.2, as last amended by Laws of Utah 2019, Chapters 136, 326, 468, and 469

63M-7-204, as last amended by Laws of Utah 2019, Chapter 435

63M-7-502, as last amended by Laws of Utah 2019, Chapter 297

67-5a-8, as last amended by Laws of Utah 2011, Chapter 340

77-38-302, as last amended by Laws of Utah 2013, Chapter 278

78A-2-301, as last amended by Laws of Utah 2018, Chapter 25

78A-2-601, as last amended by Laws of Utah 2015, Chapter 99

78A-6-117, as last amended by Laws of Utah 2019, Chapters 162 and 335

78A-7-120, as last amended by Laws of Utah 2017, Chapters 144, 150, and 186

78A-7-122, as last amended by Laws of Utah 2014, Chapter 168

ENACTS:

53E-3-521, Utah Code Annotated 1953

63M-7-526, Utah Code Annotated 1953

78A-6-903, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

63M-7-213, (Renumbered from 51-9-411, as last amended by Laws of Utah 2016, Chapter 191)

REPEALS:

51-9-403, as renumbered and amended by Laws of Utah 2008, Chapter 382

51-9-404, as last amended by Laws of Utah 2014, Chapter 56

51-9-405, as last amended by Laws of Utah 2019, Chapter 335

51-9-406, as last amended by Laws of Utah 2018, Chapter 353

51-9-407, as last amended by Laws of Utah 2010, Chapter 278

51-9-409, as last amended by Laws of Utah 2011, Chapter 303

51-9-410, as renumbered and amended by Laws of Utah 2008, Chapter 382

62A-15-502.5, as enacted by Laws of Utah 2010, Chapter 278

Utah Code Sections Affected by Coordination Clause:

26-8a-207, as last amended by Laws of Utah 2011, Chapters 297 and 303

HB0485S02 compared with HB0485S01

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

Section 1. Section **10-1-203.5** is amended to read:

10-1-203.5. Disproportionate rental fee -- Good landlord training program -- Fee reduction.

(1) As used in this section:

(a) "Business" means the rental of one or more residential units within a municipality.

(b) "Disproportionate rental fee" means a fee adopted by a municipality to recover its disproportionate costs of providing municipal services to residential rental units compared to similarly-situated owner-occupied housing.

(c) "Disproportionate rental fee reduction" means a reduction of a disproportionate rental fee as a condition of complying with the requirements of a good landlord training program.

(d) "Exempt business" means the rental of a residential unit within a single structure that contains:

(i) no more than four residential units; and

(ii) one unit occupied by the owner.

(e) "Exempt landlord" means a residential landlord who demonstrates to a municipality:

(i) completion of any live good landlord training program offered by any other Utah city that offers a good landlord program;

(ii) that the residential landlord has a current professional designation of "property manager"; or

(iii) compliance with a requirement described in Subsection (6).

(f) "Good landlord training program" means a program offered by a municipality to encourage business practices that are designed to reduce the disproportionate cost of municipal services to residential rental units by offering a disproportionate rental fee reduction for any residential landlord who:

(i) (A) completes a landlord training program provided by the municipality; or

(B) is an exempt landlord;

(ii) implements measures to reduce crime in rental housing as specified in a municipal

HB0485S02 compared with HB0485S01

ordinance or policy; and

(iii) operates and manages rental housing in accordance with an applicable municipal ordinance.

(g) "Municipal services" means:

- (i) public utilities;
- (ii) police;
- (iii) fire;
- (iv) code enforcement;
- (v) storm water runoff;
- (vi) traffic control;
- (vii) parking;
- (viii) transportation;
- (ix) beautification; or
- (x) snow removal.

(h) "Municipal services study" means a study of the cost of all municipal services to rental housing that:

- (i) are reasonably attributable to the rental housing; and
- (ii) exceed the municipality's cost to serve similarly-situated, owner-occupied housing.

(i) "Residential landlord" means:

(i) the owner of record of residential real property that is leased or rented to another; or
(ii) a third-party provider that has an agreement with the owner of record to manage the owner's real property.

(2) The legislative body of a municipality may charge and collect a disproportionate rental fee on a business that causes disproportionate costs to municipal services if the municipality:

(a) has performed a municipal services study; and
(b) adopts a disproportionate rental fee that does not exceed the amount that is justified by the municipal services study on a per residential rental unit basis.

(3) A municipality may not:

- (a) impose a disproportionate rental fee on an exempt business;
- (b) require a residential landlord to deny tenancy to an individual based on the

HB0485S02 compared with HB0485S01

individual's criminal history [~~unless a halfway house, as that term is defined in Section 51-9-412,~~], unless a facility that houses parolees upon release from prison or houses probationers who have violated the terms of their probation is located within the municipality;

(c) without cause and notice, require a residential landlord to submit to a random building inspection;

(d) unless agreed to by a residential landlord and in compliance with state and federal law, collect from a residential landlord or retain:

(i) a tenant's consumer report, as defined in 15 U.S.C. Sec. 1681a, in violation of 15 U.S.C. Sec. 1681b as amended;

(ii) a tenant's criminal history record information in violation of Section 53-10-108; or

(iii) a copy of an agreement between the residential landlord and a tenant regarding the tenant's term of occupancy, rent, or any other condition of occupancy;

(e) require that any documents required from the landlord be notarized; or

(f) prohibit a residential landlord from passing on to the tenant the license or disproportionate fee.

(4) Nothing in this section shall limit:

(a) a municipality's right to audit and inspect an exempt residential landlord's records to ensure compliance with a disproportionate rental fee reduction program; or

(b) the right of a municipality with a short-term or vacation rental ordinance to review an owner's rental agreement to verify compliance with the municipality's ordinance.

(5) Notwithstanding Section 10-11-2, a residential landlord may provide the name and address of a person to whom all correspondence regarding the property shall be sent. If the landlord provides the name and address in writing, the municipality shall provide all further correspondence regarding the property to the designated person. The municipality may also provide copies of notices to the residential landlord.

(6) In addition to a requirement or qualification described in Subsection (1)(e), a municipality may recognize a good landlord training program described in its ordinance.

(7) (a) If a municipality adopts a good landlord program, the municipality shall provide an appeal procedure affording due process of law to a residential landlord who is denied a disproportionate rental fee reduction.

(b) A municipality may not adopt a new disproportionate rental fee unless the

HB0485S02 compared with HB0485S01

municipality provides a disproportionate rental fee reduction.

(8) A property manager who represents an owner of property that qualifies for a municipal disproportionate rental fee may not be restricted from simultaneously representing another owner of property that does not qualify for a municipal disproportionate rental fee.

Section 2. Section **26-8a-207** is amended to read:

26-8a-207. Emergency Medical Services Grant Program.

~~[(1)(a) The department shall receive as dedicated credits the amount established in Section 51-9-403. That amount shall be transferred to the department by the Division of Finance from funds generated by the surcharge imposed under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation.]~~

~~[(b)] (1) Funds [transferred] appropriated to the department [under this section] for the Emergency Medical Services Grant Program shall be used for improvement of delivery of emergency medical services and administrative costs as described in Subsection (2)(a). [Appropriations to the department for the purposes enumerated in this section shall be made from those dedicated credits.]~~

(2) (a) The department may use the funds [transferred to it] under Subsection (1):

(i) to provide staff support; and

(ii) for other expenses incurred in:

(A) administration of grant funds; and

(B) other department administrative costs under this chapter.

(b) After funding staff support, administrative expenses, and trauma system development, the department and the committee shall make emergency medical services grants from the remaining funds ~~[received as dedicated credits]~~ under Subsection (1). A recipient of a grant under this Subsection (2)(b) shall actively provide emergency medical services within the state.

(c) The department shall distribute not less than 25% of the funds appropriated for the Emergency Medical Services Grant Program, with the percentage being authorized by a majority vote of the committee, as per capita block grants for use specifically related to the provision of emergency medical services to nonprofit prehospital emergency medical services providers that are either licensed or designated and to emergency medical services that are the primary emergency medical services for a service area. The department shall determine the

HB0485S02 compared with HB0485S01

grant amounts by prorating available funds on a per capita basis by county as described in department rule.

(d) The committee shall award the remaining funds as competitive grants for use specifically related to the provision of emergency medical services based upon rules established by the committee.

Section 3. Section **51-9-401** is amended to read:

51-9-401. Surcharge -- Application.

(1) (a) A surcharge shall be paid on all criminal fines, penalties, and forfeitures imposed by the courts.

(b) The surcharge shall be:

(i) 90% upon conviction of a:

(A) felony;

(B) class A misdemeanor;

(C) violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; or

(D) class B misdemeanor not classified within Title 41, Motor Vehicles, including violation of comparable county or municipal ordinances; or

(ii) 35% upon conviction of any other offense, including violation of county or municipal ordinances not subject to the 90% surcharge.

~~[(c) The Division of Finance shall allocate the collected 90% surcharge in Subsection (1)(b)(i) in the following order:]~~

~~[(i) the first \$30,000 to the General Fund;]~~

~~[(ii) the next 4.5% to the Law Enforcement Services Account established in Section 51-9-412; and]~~

~~[(iii) the remainder as prescribed in Sections 51-9-403 through 51-9-411.]~~

(c) The Division of Finance shall deposit into the General Fund an amount equal to the amount that the state retains under Section 51-9-402.

(2) The surcharge may not be imposed:

(a) upon nonmoving traffic violations;

(b) upon court orders when the offender is ordered to perform compensatory service work in lieu of paying a fine; and

HB0485S02 compared with HB0485S01

(c) upon penalties assessed by the juvenile court as part of the nonjudicial adjustment of a case under Section 78A-6-602.

(3) (a) The surcharge and the exceptions under Subsections (1) and (2) [~~also~~] apply to all fines, penalties, and forfeitures imposed on juveniles for conduct that would be criminal if committed by an adult.

(b) [~~However~~] Notwithstanding Subsection (3)(a), the surcharge does not include amounts assessed or collected separately by juvenile courts for the Juvenile Restitution Account, which is independent of this part and does not affect the imposition or collection of the surcharge.

(4) The surcharge under this section shall be imposed in addition to the fine charged for a civil or criminal offense, and no reduction may be made in the fine charged due to the surcharge imposition.

(5) Fees, assessments, and surcharges related to criminal or traffic offenses shall be authorized and managed by this part rather than attached to particular offenses.

Section 4. Section **51-9-402** is amended to read:

51-9-402. Division of collected money retained by state treasurer and local governmental collecting entity.

(1) The amount of the surcharge imposed under this part by courts of record shall be collected before any fine and deposited with the state treasurer.

(2) The amount of the surcharge and the amount of criminal fines, penalties, and forfeitures imposed under this part by courts not of record shall be collected concurrently.

(a) As money is collected on criminal fines, penalties, and forfeitures subject to the 90% surcharge, the money shall be divided pro rata so that the local governmental collecting entity retains 53% of the collected money and the state retains 47% of the collected money.

(b) As money is collected on criminal fines, penalties, and forfeitures subject to the 35% surcharge, the money shall be divided pro rata so that the local governmental collecting entity retains 74% of the collected money and the state retains 26% of the collected money.

(c) The court shall deposit with the state treasurer the surcharge portion of all money as it is collected.

(3) Courts of record, courts not of record, and administrative traffic proceedings shall collect financial information to determine:

HB0485S02 compared with HB0485S01

- (a) the total number of cases in which:
 - (i) a final judgment has been rendered;
 - (ii) surcharges and fines are paid by partial or installment payment; and
 - (iii) the judgment is fulfilled by an alternative method upon the court's order; and
- (b) the total dollar amounts of surcharges owed to the state and fines owed to the state

and county or municipality, including:

- (i) waived surcharges;
- (ii) uncollected surcharges; and
- (iii) collected surcharges.

(4) The courts of record, courts not of record, and administrative traffic proceedings shall report all collected financial information monthly to the Administrative Office of the Courts. The collected information shall be categorized by cases subject to the 90% and 35% surcharge.

~~[(5) The purpose of the surcharge is to finance the trust funds and support accounts as provided in this part.]~~

~~[(6) (a) From the surcharge, the Division of Finance shall allocate in the manner and for the purposes described in Sections 51-9-403 through 51-9-411.]~~

~~[(b) Allocations shall be made on a fiscal year basis.]~~

~~[(7)]~~ (5) The provisions of this section and Section 51-9-401 may not impact the distribution and allocation of fines and forfeitures imposed in accordance with Sections 23-14-13, 78A-5-110, and 78A-7-120.

Section 5. Section **51-9-412** is amended to read:

51-9-412. Halfway house funding -- Uses.

(1) As used in this section:

~~[(a) "Account" means the Law Enforcement Services Account.]~~

~~[(b)]~~ (a) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

~~[(c)]~~ (b) "Halfway house" means a facility that houses parolees upon release from prison or houses probationers who have violated the terms of their probation.

~~[(d)]~~ (c) "Law enforcement agency" means a local law enforcement agency.

~~[(e)]~~ (d) "Parole violator center" means a facility that houses parolees who have

HB0485S02 compared with HB0485S01

violated the conditions of their parole agreement.

~~[(2) There is created a restricted account within the General Fund known as the "Law Enforcement Services Account."]~~

~~[(3) (a) The Division of Finance shall allocate funds from the collected surcharge in accordance with Subsection 51-9-401(1)(c) to the account, but not to exceed the amount appropriated by the Legislature.]~~

~~[(b) Money in the account shall be appropriated to the commission to administer and distribute to law enforcement agencies providing services directly to areas with halfway houses or parole violator centers, or both.]~~

~~[(4)] (2) The commission shall allocate funds [from the account] appropriated by the Legislature to local law enforcement agencies on a pro-rata basis determined by:~~

~~(a) the average daily number of occupied beds in a halfway house in each agency's jurisdiction for increased enforcement in areas with halfway houses;~~

~~(b) the average daily number of occupied beds in a parole violator center in each agency's jurisdiction; or~~

~~(c) both Subsections ~~[(4)] (2)~~(a) and (b).~~

~~[(5)] (3) A law enforcement agency may use funds received under this section only for the purposes stated in this section.~~

~~[(6)] (4) For each fiscal year, any law enforcement agency that receives funds from the commission under this section shall prepare, and file with the commission and the state auditor, a report in a form specified by the commission. The report shall include the following:~~

~~(a) the agency's name;~~

~~(b) the amount received;~~

~~(c) how the funds were used, including the impact on crime reduction efforts in areas with halfway houses or parole violator centers, or both; and~~

~~(d) a statement signed by both the agency's or political subdivision's executive officer or designee and by the agency's legal counsel that all funds were used for law enforcement operations related to reducing criminal activity in areas with halfway houses or parole violator centers, or both.~~

Section 6. Section **53E-3-521** is enacted to read:

53E-3-521. Substance abuse prevention in public school programs -- Funds

HB0485S02 compared with HB0485S01

allocated.

The state board shall provide for:

- (1) substance abuse prevention and education;
- (2) substance abuse prevention training for teachers and administrators; and
- (3) district and school programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities.

Section 7. Section **62A-15-503** is amended to read:

62A-15-503. Assessments for DUI -- Use of money for rehabilitation programs, including victim impact panels -- Rulemaking power granted.

(1) (a) Assessments imposed under Section 62A-15-502 may, pursuant to court order[; either]:

~~[(a)]~~ (i) be collected by the clerk of the court in which the person was convicted; or
~~[(b)]~~ (ii) be paid directly to the licensed alcohol or drug treatment program. [~~Those assessments~~]

(b) Assessments collected by the court [~~shall either be: (i) forwarded to the state treasurer for credit to the Intoxicated Driver Rehabilitation Account created by Section 62A-15-502.5; or (ii)~~] under Subsection (1)(a)(i) shall be forwarded to a special nonlapsing account created by the county treasurer of the county in which the fee is collected.

(2) [~~Proceeds of the accounts described in~~] Assessments under Subsection (1) shall be used exclusively for the operation of licensed alcohol or drug rehabilitation programs and education, assessment, supervision, and other activities related to and supporting the rehabilitation of persons convicted of driving while under the influence of intoxicating liquor or drugs. A requirement of the rehabilitation program shall be participation with a victim impact panel or program providing a forum for victims of alcohol or drug related offenses and defendants to share experiences on the impact of alcohol or drug related incidents in their lives. The Division of Substance Abuse and Mental Health shall establish guidelines to implement victim impact panels where, in the judgment of the licensed alcohol or drug program, appropriate victims are available, and shall establish guidelines for other programs where such victims are not available.

(3) None of the assessments shall be maintained for administrative costs by the division.

HB0485S02 compared with HB0485S01

Section 8. Section **63I-1-263** is amended to read:

63I-1-263. Repeal dates, Titles 63A to 63N.

(1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

(a) Subsection 63A-1-201(1) is repealed;

(b) Subsection 63A-1-202(2)(c), the language that states "using criteria established by the board" is repealed;

(c) Section 63A-1-203 is repealed;

(d) Subsections 63A-1-204(1) and (2), the language that states "After consultation with the board, and" is repealed; and

(e) Subsection 63A-1-204(1)(b), the language that states "using the standards provided in Subsection 63A-1-203(3)(c)" is repealed.

(2) Subsection 63A-5-228(2)(h), relating to prioritizing and allocating capital improvement funding, is repealed on July 1, 2024.

(3) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

(4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

(5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

(6) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1, 2020.

(7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2021.

(8) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1, 2023.

(9) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2025.

(10) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2020.

(11) In relation to the State Fair Corporation Board of Directors, on January 1, 2025:

(a) Subsection 63H-6-104(2)(c), related to a Senate appointment, is repealed;

(b) Subsection 63H-6-104(2)(d), related to a House appointment, is repealed;

HB0485S02 compared with HB0485S01

(c) in Subsection 63H-6-104(2)(e), the language that states ", of whom only one may be a legislator, in accordance with Subsection (3)(e)," is repealed;

(d) Subsection 63H-6-104(3)(a)(i) is amended to read:

"(3)(a)(i) Except as provided in Subsection (3)(a)(ii), a board member appointed under Subsection (2)(e) or (f) shall serve a term that expires on the December 1 four years after the year that the board member was appointed.";

(e) in Subsections 63H-6-104(3)(a)(ii), (c)(ii), and (d), the language that states "the president of the Senate, the speaker of the House, the governor," is repealed and replaced with "the governor"; and

(f) Subsection 63H-6-104(3)(e), related to limits on the number of legislators, is repealed.

(12) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

(13) Section 63M-7-212 is repealed on December 31, 2019.

(14) On July 1, 2025:

(a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource Development Coordinating Committee," is repealed;

(b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed sites for the transplant of species to local government officials having jurisdiction over areas that may be affected by a transplant.";

(c) in Subsection 23-14-21(3), the language that states "and the Resource Development Coordinating Committee" is repealed;

(d) in Subsection 23-21-2.3(1), the language that states "the Resource Development Coordinating Committee created in Section 63J-4-501 and" is repealed;

(e) in Subsection 23-21-2.3(2), the language that states "the Resource Development Coordinating Committee and" is repealed;

(f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered accordingly;

(g) Subsections 63J-4-401(5)(a) and (c) are repealed;

(h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the word "and" is inserted immediately after the semicolon;

(i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

HB0485S02 compared with HB0485S01

(j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;
and

(k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are renumbered accordingly.

(15) Subsection 63J-1-602.1[~~(13)~~](12), Nurse Home Visiting Restricted Account is repealed July 1, 2026.

(16) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

(17) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed July 1, 2022.

(18) (a) Subsection 63J-1-602.1[~~(53)~~](52), relating to the Utah Statewide Radio System Restricted Account, is repealed July 1, 2022.

(b) When repealing Subsection 63J-1-602.1[~~(53)~~](52), the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

(19) Subsection 63J-1-602.2[~~(23)~~](25), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.

(20) Subsection 63J-4-708(1), in relation to the Talent Ready Utah Board, on January 1, 2023, is amended to read:

"(1) On or before October 1, the board shall provide an annual written report to the Social Services Appropriations Subcommittee and the Economic Development and Workforce Services Interim Committee."

(21) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2023:

(a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;

(b) Section 63M-7-305, the language that states "council" is replaced with "commission";

(c) Subsection 63M-7-305(1) is repealed and replaced with:

"(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

(d) Subsection 63M-7-305(2) is repealed and replaced with:

HB0485S02 compared with HB0485S01

"(2) The commission shall:

(a) provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act; and

(b) coordinate the implementation of Section 77-18-1.1 and related provisions in Subsections 77-18-1(5)(b)(iii) and (iv)."

(22) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2027.

(23) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

(24) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed on January 1, 2023.

(25) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

(26) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is repealed January 1, 2021.

(b) Subject to Subsection (26)(c), Sections 59-7-610 and 59-10-1007 regarding tax credits for certain persons in recycling market development zones, are repealed for taxable years beginning on or after January 1, 2021.

(c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

(i) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

(ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if the expenditure is made on or after January 1, 2021.

(d) Notwithstanding Subsections (26)(b) and (c), a person may carry forward a tax credit in accordance with Section 59-7-610 or 59-10-1007 if:

(i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

(ii) (A) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31, 2020; or

(B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the expenditure is made on or before December 31, 2020.

(27) Section 63N-2-512 is repealed on July 1, 2021.

(28) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed

HB0485S02 compared with HB0485S01

January 1, 2021.

(b) Section 59-9-107 regarding tax credits against premium taxes is repealed for calendar years beginning on or after January 1, 2021.

(c) Notwithstanding Subsection (28)(b), an entity may carry forward a tax credit in accordance with Section 59-9-107 if:

(i) the person is entitled to a tax credit under Section 59-9-107 on or before December 31, 2020; and

(ii) the qualified equity investment that is the basis of the tax credit is certified under Section 63N-2-603 on or before December 31, 2023.

(29) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.

(30) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2023.

(31) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2023.

(32) In relation to the Pete Suazo Utah Athletic Commission, on January 1, 2021:

(a) Subsection 63N-10-201(2)(a) is amended to read:

"(2) (a) The governor shall appoint five commission members with the advice and consent of the Senate.";

(b) Subsection 63N-10-201(2)(b), related to legislative appointments, is repealed;

(c) in Subsection 63N-10-201(3)(a), the language that states ", president, or speaker, respectively," is repealed; and

(d) Subsection 63N-10-201(3)(d) is amended to read:

"(d) The governor may remove a commission member for any reason and replace the commission member in accordance with this section."

(33) In relation to the Talent Ready Utah Board, on January 1, 2023:

(a) Subsection 9-22-102(16) is repealed;

(b) in Subsection 9-22-114(2), the language that states "Talent Ready Utah," is repealed; and

(c) in Subsection 9-22-114(5), the language that states "representatives of Talent Ready Utah," is repealed.

(34) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,

HB0485S02 compared with HB0485S01

2023.

Section 9. Section **63I-2-263** is amended to read:

63I-2-263. Repeal dates, Title 63A to Title 63N.

(1) On July 1, 2020:

(a) Subsection 63A-1-203(5)(a)(i) is repealed; and

(b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after May 8, 2018," is repealed.

(2) Sections 63C-4a-307 and 63C-4a-309 are repealed January 1, 2020.

(3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2020.

(4) The following sections regarding the World War II Memorial Commission are repealed on July 1, 2020:

(a) Section 63G-1-801;

(b) Section 63G-1-802;

(c) Section 63G-1-803; and

(d) Section 63G-1-804.

(5) In relation to the State Fair Park Committee, on January 1, 2021:

(a) Section 63H-6-104.5 is repealed; and

(b) Subsections 63H-6-104(8) and (9) are repealed.

(6) Section 63H-7a-303 is repealed on July 1, 2022.

(7) In relation to the Employability to Careers Program Board, on July 1, 2022:

(a) Subsection 63J-1-602.1[~~(52)~~](51) is repealed;

(b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;

and

(c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

(8) Section 63J-4-708 is repealed January 1, 2023.

Section 10. Section **63J-1-602.1** is amended to read:

63J-1-602.1. List of nonlapsing appropriations from accounts and funds.

Appropriations made from the following accounts or funds are nonlapsing:

(1) The Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account created in Section 4-42-102.

HB0485S02 compared with HB0485S01

(2) The Native American Repatriation Restricted Account created in Section 9-9-407.

(3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102.

(4) The National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102.

(5) Funds collected for directing and administering the C-PACE district created in Section 11-42a-302.

(6) The "Support for State-Owned Shooting Ranges Restricted Account" created in Section 23-14-13.5.

(7) Award money under the State Asset Forfeiture Grant Program, as provided under Section 24-4-117.

(8) Funds collected from the program fund for local health department expenses incurred in responding to a local health emergency under Section 26-1-38.

~~[(9) Funds collected from the emergency medical services grant program, as provided in Section 26-8a-207.]~~

~~[(10)]~~ (9) The Children with Cancer Support Restricted Account created in Section 26-21a-304.

~~[(11)]~~ (10) State funds for matching federal funds in the Children's Health Insurance Program as provided in Section 26-40-108.

~~[(12)]~~ (11) The Children with Heart Disease Support Restricted Account created in Section 26-58-102.

~~[(13)]~~ (12) The Nurse Home Visiting Restricted Account created in Section 26-63-601.

~~[(14)]~~ (13) The Technology Development Restricted Account created in Section 31A-3-104.

~~[(15)]~~ (14) The Criminal Background Check Restricted Account created in Section 31A-3-105.

~~[(16)]~~ (15) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.

~~[(17)]~~ (16) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.

HB0485S02 compared with HB0485S01

~~[(18)]~~ (17) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.

~~[(19)]~~ (18) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.

~~[(20)]~~ (19) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.

~~[(21)]~~ (20) The School Readiness Restricted Account created in Section 35A-15-203.

~~[(22)]~~ (21) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202.

~~[(23)]~~ (22) The Oil and Gas Conservation Account created in Section 40-6-14.5.

~~[(24)]~~ (23) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor Vehicle Division.

~~[(25)]~~ (24) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.

~~[(26)]~~ (25) The Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120.

~~[(27)]~~ (26) The State Disaster Recovery Restricted Account to the Division of Emergency Management, as provided in Section 53-2a-603.

~~[(28)]~~ (27) The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.

~~[(29)]~~ (28) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

~~[(30)]~~ (29) The DNA Specimen Restricted Account created in Section 53-10-407.

~~[(31)]~~ (30) The Canine Body Armor Restricted Account created in Section 53-16-201.

~~[(32)]~~ (31) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

~~[(33)]~~ (32) The Higher Education Capital Projects Fund created in Section 53B-22-202.

~~[(34)]~~ (33) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

~~[(35)]~~ (34) The Public Utility Regulatory Restricted Account created in Section

HB0485S02 compared with HB0485S01

54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

~~[(36)]~~ (35) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-3a-105.

~~[(37)]~~ (36) Certain fines collected by the Division of Occupational and Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.

~~[(38)]~~ (37) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-22-104.

~~[(39)]~~ (38) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-55-106.

~~[(40)]~~ (39) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-56-3.5.

~~[(41)]~~ (40) Certain fines collected by the Division of Occupational and Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.

~~[(42)]~~ (41) The Relative Value Study Restricted Account created in Section 59-9-105.

~~[(43)]~~ (42) The Cigarette Tax Restricted Account created in Section 59-14-204.

~~[(44)]~~ (43) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.

~~[(45)]~~ (44) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.

~~[(46)]~~ (45) Certain funds donated to the Department of Human Services, as provided in Section 62A-1-111.

~~[(47)]~~ (46) The National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202.

~~[(48)]~~ (47) Certain funds donated to the Division of Child and Family Services, as provided in Section 62A-4a-110.

~~[(49)]~~ (48) The Choose Life Adoption Support Restricted Account created in Section 62A-4a-608.

~~[(50)]~~ (49) Funds collected by the Office of Administrative Rules for publishing, as

HB0485S02 compared with HB0485S01

provided in Section 63G-3-402.

~~[(51)]~~ (50) The Immigration Act Restricted Account created in Section 63G-12-103.

~~[(52)]~~ (51) Money received by the military installation development authority, as provided in Section 63H-1-504.

~~[(53)]~~ (52) The Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.

~~[(54)]~~ (53) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.

~~[(55)]~~ (54) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.

~~[(56)]~~ (55) The Employability to Careers Program Restricted Account created in Section 63J-4-703.

~~[(57)]~~ (56) The Motion Picture Incentive Account created in Section 63N-8-103.

~~[(58)]~~ (57) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as provided under Section 63N-10-301.

~~[(59)]~~ (58) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).

~~[(60)]~~ (59) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.

~~[(61)]~~ (60) The Transportation of Veterans to Memorials Support Restricted Account created in Section 71-14-102.

~~[(62)]~~ (61) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.

~~[(63)]~~ (62) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.

~~[(64)]~~ (63) The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.

~~[(65)]~~ (64) Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).

~~[(66)]~~ (65) Fees for certificate of admission created under Section 78A-9-102.

~~[(67)]~~ (66) Funds collected for adoption document access as provided in Sections

HB0485S02 compared with HB0485S01

78B-6-141, 78B-6-144, and 78B-6-144.5.

~~[(68)]~~ (67) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

~~[(69)]~~ (68) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, Jordan River State Park, and Green River State Park, as provided under Section 79-4-403.

~~[(70)]~~ (69) Certain funds received by the Division of Parks and Recreation from the sale or disposal of buffalo, as provided under Section 79-4-1001.

Section 11. Section **63J-1-602.2** is amended to read:

63J-1-602.2. List of nonlapsing appropriations to programs.

Appropriations made to the following programs are nonlapsing:

- (1) The Legislature and ~~[its]~~ the Legislature's committees.
- (2) The Percent-for-Art Program created in Section 9-6-404.
- (3) The LeRay McAllister Critical Land Conservation Program created in Section 11-38-301.
- (4) Dedicated credits accrued to the Utah Marriage Commission as provided under Subsection 17-16-21(2)(d)(ii).
- (5) The Trip Reduction Program created in Section 19-2a-104.
- (6) The Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

(7) The emergency medical services grant program in Section 26-8a-207.

~~[(7)]~~ (8) The primary care grant program created in Section 26-10b-102.

~~[(8)]~~ (9) Sanctions collected as dedicated credits from Medicaid provider under Subsection 26-18-3(7).

~~[(9)]~~ (10) The Utah Health Care Workforce Financial Assistance Program created in Section 26-46-102.

~~[(10)]~~ (11) The Rural Physician Loan Repayment Program created in Section 26-46a-103.

~~[(11)]~~ (12) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.

~~[(12)]~~ (13) Funds that the Department of Alcoholic Beverage Control retains in accordance with Subsection 32B-2-301(7)(a) or (b).

HB0485S02 compared with HB0485S01

~~[(13)]~~ (14) The General Assistance program administered by the Department of Workforce Services, as provided in Section 35A-3-401.

~~[(14)]~~ (15) A new program or agency that is designated as nonlapsing under Section 36-24-101.

~~[(15)]~~ (16) The Utah National Guard, created in Title 39, Militia and Armories.

~~[(16)]~~ (17) The State Tax Commission under Section 41-1a-1201 for the:

(a) purchase and distribution of license plates and decals; and

(b) administration and enforcement of motor vehicle registration requirements.

~~[(17)]~~ (18) The Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.

~~[(18)]~~ (19) The Motorcycle Rider Education Program, as provided in Section 53-3-905.

~~[(19)]~~ (20) The State Board of Regents for teacher preparation programs, as provided in Section 53B-6-104.

~~[(20)]~~ (21) The Medical Education Program administered by the Medical Education Council, as provided in Section 53B-24-202.

~~[(21)]~~ (22) The State Board of Education, as provided in Section 53F-2-205.

~~[(22)]~~ (23) The Division of Services for People with Disabilities, as provided in Section 62A-5-102.

~~[(23)]~~ (24) The Division of Fleet Operations for the purpose of upgrading underground storage tanks under Section 63A-9-401.

~~[(24)]~~ (25) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.

~~[(25)]~~ (26) Appropriations to the Department of Technology Services for technology innovation as provided under Section 63F-4-202.

~~[(26)]~~ (27) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

~~[(27)]~~ (28) The Utah Science Technology and Research Initiative created in Section 63M-2-301.

~~[(28)]~~ (29) The Governor's Office of Economic Development to fund the Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

~~[(29)]~~ (30) Appropriations to fund the Governor's Office of Economic Development's Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural

HB0485S02 compared with HB0485S01

Employment Expansion Program.

~~[(30)]~~ (31) The Department of Human Resource Management user training program, as provided in Section 67-19-6.

~~[(31)]~~ (32) A public safety answering point's emergency telecommunications service fund, as provided in Section 69-2-301.

~~[(32)]~~ (33) The Traffic Noise Abatement Program created in Section 72-6-112.

~~[(33)]~~ (34) The Judicial Council for compensation for special prosecutors, as provided in Section 77-10a-19.

~~[(34)]~~ (35) A state rehabilitative employment program, as provided in Section 78A-6-210.

~~[(35)]~~ (36) The Utah Geological Survey, as provided in Section 79-3-401.

~~[(36)]~~ (37) The Bonneville Shoreline Trail Program created under Section 79-5-503.

~~[(37)]~~ (38) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

~~[(38)]~~ (39) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

~~[(39)]~~ (40) The program established by the Division of Facilities Construction and Management under Subsection 63A-5-228(3) under which state agencies receive an appropriation and pay lease payments for the use and occupancy of buildings owned by the Division of Facilities Construction and Management.

Section 12. Section **63M-7-204** is amended to read:

63M-7-204. Duties of commission.

(1) The State Commission on Criminal and Juvenile Justice administration shall:

(a) promote the commission's purposes as enumerated in Section 63M-7-201;

(b) promote the communication and coordination of all criminal and juvenile justice agencies;

(c) study, evaluate, and report on the status of crime in the state and on the effectiveness of criminal justice policies, procedures, and programs that are directed toward the reduction of crime in the state;

(d) study, evaluate, and report on programs initiated by state and local agencies to address reducing recidivism, including changes in penalties and sentencing guidelines intended

HB0485S02 compared with HB0485S01

to reduce recidivism, costs savings associated with the reduction in the number of inmates, and evaluation of expenses and resources needed to meet goals regarding the use of treatment as an alternative to incarceration, as resources allow;

(e) study, evaluate, and report on policies, procedures, and programs of other jurisdictions which have effectively reduced crime;

(f) identify and promote the implementation of specific policies and programs the commission determines will significantly reduce crime in Utah;

(g) provide analysis and recommendations on all criminal and juvenile justice legislation, state budget, and facility requests, including program and fiscal impact on all components of the criminal and juvenile justice system;

(h) provide analysis, accountability, recommendations, and supervision for state and federal criminal justice grant money;

(i) provide public information on the criminal and juvenile justice system and give technical assistance to agencies or local units of government on methods to promote public awareness;

(j) promote research and program evaluation as an integral part of the criminal and juvenile justice system;

(k) provide a comprehensive criminal justice plan annually;

(l) review agency forecasts regarding future demands on the criminal and juvenile justice systems, including specific projections for secure bed space;

(m) promote the development of criminal and juvenile justice information systems that are consistent with common standards for data storage and are capable of appropriately sharing information with other criminal justice information systems by:

(i) developing and maintaining common data standards for use by all state criminal justice agencies;

(ii) annually performing audits of criminal history record information maintained by state criminal justice agencies to assess their accuracy, completeness, and adherence to standards;

(iii) defining and developing state and local programs and projects associated with the improvement of information management for law enforcement and the administration of justice; and

HB0485S02 compared with HB0485S01

(iv) establishing general policies concerning criminal and juvenile justice information systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this Subsection (1)(m);

(n) allocate and administer grants, from money made available, for approved education programs to help prevent the sexual exploitation of children;

(o) allocate and administer grants [~~funded from money from the Law Enforcement Operations Account created in Section 51-9-411~~] for law enforcement operations and programs related to reducing illegal drug activity and related criminal activity;

(p) request, receive, and evaluate data and recommendations collected and reported by agencies and contractors related to policies recommended by the commission regarding recidivism reduction;

(q) establish and administer a performance incentive grant program that allocates funds appropriated by the Legislature to programs and practices implemented by counties that reduce recidivism and reduce the number of offenders per capita who are incarcerated;

(r) oversee or designate an entity to oversee the implementation of juvenile justice reforms;

(s) make rules and administer the juvenile holding room standards and juvenile jail standards to align with the Juvenile Justice and Delinquency Prevention Act requirements pursuant to 42 U.S.C. Sec. 5633;

(t) allocate and administer grants, from money made available, for pilot qualifying education programs;

(u) oversee the trauma-informed justice program described in Section 63M-7-209; and

(v) administer the Child Welfare Parental Defense Program in accordance with Sections 63M-7-211, 63M-7-211.1, and 63M-7-211.2.

(2) If the commission designates an entity under Subsection (1)(r), the commission shall ensure that the membership of the entity includes representation from the three branches of government and, as determined by the commission, representation from relevant stakeholder groups across all parts of the juvenile justice system, including county representation.

Section 13. Section **63M-7-213**, which is renumbered from Section 51-9-411 is renumbered and amended to read:

~~[51-9-411].~~ **63M-7-213. Commission on Criminal and Juvenile Justice --**

HB0485S02 compared with HB0485S01

Grants.

(1) As used in this section:

~~[(a) "Account" means the Law Enforcement Operations Account.]~~

~~[(b)]~~ (a) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

~~[(c)]~~ (b) "Law enforcement agency" means a state or local law enforcement agency.

~~[(d)]~~ (c) "Other appropriate agency" means a state or local government agency, or a nonprofit organization, that works to prevent illegal drug activity and enforce laws regarding illegal drug activity and related criminal activity by:

- (i) programs, including education, prevention, treatment, and research programs; and
- (ii) enforcement of laws regarding illegal drugs.

~~[(2) There is created a restricted account within the General Fund known as the Law Enforcement Operations Account.]~~

~~[(3)(a) The Division of Finance shall allocate the balance of the collected surcharge under Section 51-9-401 that is not allocated under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation, to the account, to be appropriated by the Legislature.]~~

~~[(b) Money in the account shall be appropriated to the commission for implementing law enforcement operations and programs related to reducing illegal drug activity and related criminal activity as listed in Subsection (5).]~~

~~[(c) The state treasurer shall invest money in the account according to Title 51, Chapter 7, State Money Management Act.]~~

~~[(d) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.]~~

~~[(4)(a) The commission shall allocate grants of funds from the account for the purposes under Subsection (5) to state, local, or multijurisdictional law enforcement agencies and other appropriate agencies.]~~

~~[(b) The grants shall be made by an application process established by the commission in accordance with Subsection (6).]~~

(2) The commission shall implement law enforcement operations and programs related to reducing illegal drug activity as listed in Subsection (3).

~~[(5)]~~ (3) (a) The first priority of the commission is to annually allocate not more than

HB0485S02 compared with HB0485S01

\$2,500,000, depending upon funding available from other sources, to directly fund the operational costs of state and local law enforcement agencies' drug or crime task forces, including multijurisdictional task forces.

(b) The second priority of the commission is to allocate grants for specified law enforcement agency functions and other agency functions as the commission finds appropriate to more effectively reduce illegal drug activity and related criminal activity, including providing education, prevention, treatment, and research programs.

~~[(6)]~~ (4) (a) In allocating grants and determining the amount of the grants, the commission shall consider:

(i) the demonstrated ability of the agency to appropriately use the grant to implement the proposed functions and how this function or task force will add to the law enforcement agency's current efforts to reduce illegal drug activity and related criminal activity; and

(ii) the agency's cooperation with other state and local agencies and task forces.

(b) Agencies qualify for a grant only if they demonstrate compliance with all reporting and policy requirements applicable under this section and under Title 63M, Chapter 7, Criminal Justice and Substance Abuse, in order to qualify as a potential grant recipient.

~~[(7)]~~ (5) Recipient agencies may only use grant money after approval or appropriation by the agency's governing body, and a determination that the grant money is nonlapsing.

~~[(8)]~~ (6) A recipient law enforcement agency may use funds granted under this section only for the purposes stated by the commission in the grant.

~~[(9)]~~ (7) (a) For each fiscal year, any law enforcement agency that receives a grant from the commission under this section shall prepare~~;~~ and file with the commission and the state auditor~~;~~ a report in a form specified by the commission.

(b) The report shall include the following regarding each grant:

~~[(a)]~~ (i) the agency's name;

~~[(b)]~~ (ii) the amount of the grant;

~~[(c)]~~ (iii) the date of the grant;

~~[(d)]~~ (iv) how the grant has been used; and

~~[(e)]~~ (v) a statement signed by both the agency's or political subdivision's executive officer or designee and by the agency's legal counsel, that all grant funds were used for law enforcement operations and programs approved by the commission and that relate to reducing

HB0485S02 compared with HB0485S01

illegal drug activity and related criminal activity, as specified in the grant.

Section 14. Section **63M-7-502** is amended to read:

63M-7-502. Definitions.

As used in this chapter:

- (1) "Accomplice" means a person who has engaged in criminal conduct as defined in Section 76-2-202.
- (2) "Board" means the Crime Victim Reparations and Assistance Board created under Section 63M-7-504.
- (3) "Bodily injury" means physical pain, illness, or any impairment of physical condition.
- (4) "Claim" means:
 - (a) the victim's application or request for a reparations award; and
 - (b) the formal action taken by a victim to apply for reparations pursuant to this chapter.
- (5) "Claimant" means any of the following claiming reparations under this chapter:
 - (a) a victim;
 - (b) a dependent of a deceased victim;
 - (c) a representative other than a collateral source; or
 - (d) the person or representative who files a claim on behalf of a victim.
- (6) "Child" means an unemancipated person who is under 18 years ~~[of age]~~ old.
- (7) "Collateral source" means the definition as provided in Section 63M-7-513.
- (8) "Contested case" means a case which the claimant contests, claiming the award was either inadequate or denied, or which a county attorney, a district attorney, a law enforcement officer, or other individual related to the criminal investigation proffers reasonable evidence of the claimant's lack of cooperation in the prosecution of a case after an award has already been given.
- (9) (a) "Criminally injurious conduct" other than acts of war declared or not declared means conduct that:
 - (i) is or would be subject to prosecution in this state under Section 76-1-201;
 - (ii) occurs or is attempted;
 - (iii) causes, or poses a substantial threat of causing, bodily injury or death;
 - (iv) is punishable by fine, imprisonment, or death if the person engaging in the conduct

HB0485S02 compared with HB0485S01

possessed the capacity to commit the conduct; and

(v) does not arise out of the ownership, maintenance, or use of a motor vehicle, aircraft, or water craft, unless the conduct is intended to cause bodily injury or death, or is conduct which is or would be punishable under Title 76, Chapter 5, Offenses Against the Person, or as any offense chargeable as driving under the influence of alcohol or drugs.

(b) "Criminally injurious conduct" includes an act of terrorism, as defined in 18 U.S.C. Sec. 2331 committed outside of the United States against a resident of this state. "Terrorism" does not include an "act of war" as defined in 18 U.S.C. Sec. 2331.

(c) "Criminally injurious conduct" includes a felony violation of Section 76-7-101 and other conduct leading to the psychological injury of a person resulting from living in a setting that involves a bigamous relationship.

(10) "Dependent" means a natural person to whom the victim is wholly or partially legally responsible for care or support and includes a child of the victim born after the victim's death.

(11) "Dependent's economic loss" means loss after the victim's death of contributions of things of economic value to the victim's dependent, not including services the dependent would have received from the victim if the victim had not suffered the fatal injury, less expenses of the dependent avoided by reason of victim's death.

(12) "Dependent's replacement services loss" means loss reasonably and necessarily incurred by the dependent after the victim's death in obtaining services in lieu of those the decedent would have performed for the victim's benefit if the victim had not suffered the fatal injury, less expenses of the dependent avoided by reason of the victim's death and not subtracted in calculating the dependent's economic loss.

(13) "Director" means the director of the Utah Office for Victims of Crime.

(14) "Disposition" means the sentencing or determination of penalty or punishment to be imposed upon a person:

(a) convicted of a crime;

(b) found delinquent; or

(c) against whom a finding of sufficient facts for conviction or finding of delinquency is made.

(15) "Economic loss" means economic detriment consisting only of allowable expense,

HB0485S02 compared with HB0485S01

work loss, replacement services loss, and if injury causes death, dependent's economic loss and dependent's replacement service loss. Noneconomic detriment is not loss, but economic detriment is loss although caused by pain and suffering or physical impairment.

(16) "Elderly victim" means a person 60 years [~~of age~~] old or older who is a victim.

(17) "Fraudulent claim" means a filed claim based on material misrepresentation of fact and intended to deceive the reparations staff for the purpose of obtaining reparation funds for which the claimant is not eligible as provided in Section 63M-7-510.

(18) "Fund" means the Crime Victim Reparations Fund created in Section [~~51-9-404~~] 63M-7-526.

(19) "Law enforcement officer" means a law enforcement officer as defined in Section 53-13-103.

(20) "Medical examination" means a physical examination necessary to document criminally injurious conduct but does not include mental health evaluations for the prosecution and investigation of a crime.

(21) "Mental health counseling" means outpatient and inpatient counseling necessitated as a result of criminally injurious conduct. The definition of mental health counseling is subject to rules promulgated by the board pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(22) "Misconduct" as provided in Subsection 63M-7-512(1)(b) means conduct by the victim which was attributable to the injury or death of the victim as provided by rules promulgated by the board pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(23) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment, and other nonpecuniary damage, except as provided in this chapter.

(24) "Pecuniary loss" does not include loss attributable to pain and suffering except as otherwise provided in this chapter.

(25) "Offender" means a person who has violated the criminal code through criminally injurious conduct regardless of whether the person is arrested, prosecuted, or convicted.

(26) "Offense" means a violation of the criminal code.

(27) "Perpetrator" means the person who actually participated in the criminally injurious conduct.

HB0485S02 compared with HB0485S01

(28) "Reparations officer" means a person employed by the office to investigate claims of victims and award reparations under this chapter, and includes the director when the director is acting as a reparations officer.

(29) "Replacement service loss" means expenses reasonably and necessarily incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income but the benefit of the injured person or the injured person's dependents if the injured person had not been injured.

(30) "Representative" means the victim, immediate family member, legal guardian, attorney, conservator, executor, or an heir of a person but does not include service providers.

(31) "Restitution" means money or services an appropriate authority orders an offender to pay or render to a victim of the offender's conduct.

(32) "Secondary victim" means a person who is traumatically affected by the criminally injurious conduct subject to rules promulgated by the board pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(33) "Service provider" means a person or agency who provides a service to crime victims for a monetary fee except attorneys as provided in Section 63M-7-524.

(34) "Utah Office for Victims of Crime" or "office" means the director, the reparations and assistance officers, and any other staff employed for the purpose of carrying out the provisions of this chapter.

(35) (a) "Victim" means a person who suffers bodily or psychological injury or death as a direct result of criminally injurious conduct or of the production of pornography in violation of Section 76-5b-201 if the person is a minor.

(b) "Victim" does not include a person who participated in or observed the judicial proceedings against an offender unless otherwise provided by statute or rule.

(c) "Victim" includes a resident of this state who is injured or killed by an act of terrorism, as defined in 18 U.S.C. Sec. 2331, committed outside of the United States.

(36) "Work loss" means loss of income from work the injured victim would have performed if the injured victim had not been injured and expenses reasonably incurred by the injured victim in obtaining services in lieu of those the injured victim would have performed for income, reduced by any income from substitute work the injured victim was capable of performing but unreasonably failed to undertake.

HB0485S02 compared with HB0485S01

Section 15. Section **63M-7-526** is enacted to read:

63M-7-526. Crime Victims Reparations Fund.

(1) (a) There is created an expendable special revenue fund known as the "Crime Victim Reparations Fund" to be administered and distributed as provided in this section by the office in cooperation with the Division of Finance.

(b) The fund shall consist of:

(i) appropriations by the Legislature; and

(ii) funds collected under Subsections (2) and (3).

(c) Money deposited in this fund is for victim reparations, other victim services, and, as appropriated, for administrative costs of the office.

(2) (a) A percentage of the income earned by inmates working for correctional industries in a federally certified private sector/prison industries enhancement program shall be deposited in the fund.

(b) The percentage of income deducted from inmate pay under Subsection (2)(a) shall be determined by the executive director of the Department of Corrections in accordance with the requirements of the private sector/prison industries enhancement program.

(3) (a) Judges are encouraged to, and may in their discretion, impose additional reparations to be paid into the fund by convicted criminals.

(b) The additional discretionary reparations may not exceed the statutory maximum fine permitted by Title 76, Utah Criminal Code, for that offense.

Section 16. Section **67-5a-8** is amended to read:

67-5a-8. Administration.

~~[(1)(a) The administration costs of this chapter, including council staff compensation, shall be funded from appropriations made by the Legislature to the Office of the Attorney General for the support of the council from the Public Safety Support Account established in Section 51-9-404.]~~

~~[(b) Funds available from other sources may also be appropriated by the Legislature to the Office of the Attorney General for the administration of this chapter.]~~

~~[(2)]~~ (1) In exercising ~~[its]~~ the council's duties in the administration of this chapter, the council shall minimize costs of administration and utilize existing training facilities and resources where possible so the greatest portion of the funds available are expended for

HB0485S02 compared with HB0485S01

training prosecuting attorneys.

~~[(3)]~~ (2) Council staff may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 17. Section ~~77-38-302~~ is amended to read:

77-38-302. Definitions.

As used in this part:

(1) "Convicted person" means a person who has been convicted of a crime.

(2) "Conviction" means an adjudication by a federal or state court resulting from a trial or plea, including a plea of no contest, nolo contendere, a finding of not guilty due to insanity, or not guilty but having a mental illness regardless of whether the sentence was imposed or suspended.

(3) "Fund" means the Crime Victim Reparations Fund created in Section ~~[51-9-404]~~ 63M-7-526.

(4) "Memorabilia" means any tangible property of a convicted person or a representative or assignee of a convicted person, the value of which is enhanced by the notoriety gained from the criminal activity for which the person was convicted.

(5) "Notoriety of crimes contract" means a contract or other agreement with a convicted person, or a representative or assignee of a convicted person, with respect to:

(a) the reenactment of a crime in any manner including a movie, book, magazine article, Internet website, recording, phonograph record, radio or television presentation, or live entertainment of any kind;

(b) the expression of the convicted person's thoughts, feelings, opinions, or emotions regarding a crime involving or causing personal injury, death, or property loss as a direct result of the crime; or

(c) the payment or exchange of any money or other consideration or the proceeds or profits that directly or indirectly result from the notoriety of the crime.

(6) "Office" means the Utah Office for Victims of Crime.

(7) "Profit" means any income or benefit:

HB0485S02 compared with HB0485S01

(a) over and above the fair market value of tangible property that is received upon the sale or transfer of memorabilia; or

(b) any money, negotiable instruments, securities, or other consideration received or contracted for gain which is traceable to a notoriety of crimes contract.

Section 18. Section **78A-2-301** is amended to read:

78A-2-301. Civil fees of the courts of record -- Courts complex design.

(1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court of record not governed by another subsection is [~~\$360~~] \$375.

(b) The fee for filing a complaint or petition is:

(i) [~~\$75~~] \$90 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$2,000 or less;

(ii) [~~\$185~~] \$200 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;

(iii) [~~\$360~~] \$375 if the claim for damages or amount in interpleader is \$10,000 or more;

(iv) [~~\$310~~] \$325 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter 4, Separate Maintenance;

(v) \$35 for a motion for temporary separation order filed under Section 30-3-4.5;

(vi) \$125 if the petition is for removal from the Sex Offender and Kidnap Offender Registry under Section 77-41-112; and

(vii) \$35 if the petition is for guardianship and the prospective ward is the biological or adoptive child of the petitioner.

(c) The fee for filing a small claims affidavit is:

(i) \$60 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$2,000 or less;

(ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is greater than \$2,000, but less than \$7,500; and

(iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$7,500 or more.

(d) The fee for filing a counter claim, cross claim, complaint in intervention, third party complaint, or other claim for relief against an existing or joined party other than the original

HB0485S02 compared with HB0485S01

complaint or petition is:

(i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or less;

(ii) [~~\$150~~] \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;

(iii) [~~\$155~~] \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is \$10,000 or more, or the party seeks relief other than monetary damages; and

(iv) [~~\$115~~] \$130 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter 4, Separate Maintenance.

(e) The fee for filing a small claims counter affidavit is:

(i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or less;

(ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than \$2,000, but less than \$7,500; and

(iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is \$7,500 or more.

(f) The fee for depositing funds under Section 57-1-29 when not associated with an action already before the court is determined under Subsection (1)(b) based on the amount deposited.

(g) The fee for filing a petition is:

(i) [~~\$225~~] \$240 for trial de novo of an adjudication of the justice court or of the small claims department; and

(ii) [~~\$65~~] \$80 for an appeal of a municipal administrative determination in accordance with Section 10-3-703.7.

(h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or petition for writ of certiorari is [~~\$225~~] \$240.

(i) The fee for filing a petition for expungement is [~~\$135~~] \$150.

(j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges' Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges' Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement

HB0485S02 compared with HB0485S01

Act.

(ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be allocated by the state treasurer to be deposited in the restricted account, Children's Legal Defense Account, as provided in Section 51-9-408.

(iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g), and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided in Section 78B-6-209.

(iv) [~~Fifteen~~] Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv), (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be deposited in the restricted account, Court Security Account, as provided in Section 78A-2-602.

(v) [~~Five~~] Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and (1)(g)(i) shall be allocated by the state treasurer to be deposited in the restricted account, Court Security Account, as provided in Section 78A-2-602.

(k) The fee for filing a judgment, order, or decree of a court of another state or of the United States is \$35.

(l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is 50% of the fee for filing an original action seeking the same relief.

(m) The fee for filing probate or child custody documents from another state is \$35.

(n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the [~~Utah~~] State Tax Commission is \$30.

(ii) The fee for filing an abstract or transcript of judgment of a court of law of this state or a judgment, order, or decree of an administrative agency, commission, board, council, or hearing officer of this state or of its political subdivisions other than the [~~Utah~~] State Tax Commission, is \$50.

(o) The fee for filing a judgment by confession without action under Section 78B-5-205 is \$35.

(p) The fee for filing an award of arbitration for confirmation, modification, or vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an action before the court is \$35.

(q) The fee for filing a petition or counter-petition to modify a domestic relations order other than a protective order or stalking injunction is \$100.

HB0485S02 compared with HB0485S01

(r) The fee for filing any accounting required by law is:

(i) \$15 for an estate valued at \$50,000 or less;

(ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;

(iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;

(iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and

(v) \$175 for an estate valued at more than \$168,000.

(s) The fee for filing a demand for a civil jury is \$250.

(t) The fee for filing a notice of deposition in this state concerning an action pending in another state under Utah Rules of Civil Procedure, Rule 30 is \$35.

(u) The fee for filing documents that require judicial approval but are not part of an action before the court is \$35.

(v) The fee for a petition to open a sealed record is \$35.

(w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in addition to any fee for a complaint or petition.

(x) (i) The fee for a petition for authorization for a minor to marry required by Section 30-1-9 is \$5.

(ii) The fee for a petition for emancipation of a minor provided in Title 78A, Chapter 6, Part 8, Emancipation, is \$50.

(y) The fee for a certificate issued under Section 26-2-25 is \$8.

(z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.

(aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per page.

(bb) The Judicial Council shall by rule establish a schedule of fees for copies of documents and forms and for the search and retrieval of records under Title 63G, Chapter 2, Government Records Access and Management Act. Fees under this Subsection (1)(bb) shall be credited to the court as a reimbursement of expenditures.

(cc) There is no fee for services or the filing of documents not listed in this section or otherwise provided by law.

(dd) Except as provided in this section, all fees collected under this section are paid to the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk

HB0485S02 compared with HB0485S01

accepts the pleading for filing or performs the requested service.

(ee) The filing fees under this section may not be charged to the state, its agencies, or political subdivisions filing or defending any action. In judgments awarded in favor of the state, its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and collection costs to be paid by the judgment debtor. The sums collected under this Subsection (1)(ee) shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

(2) (a) (i) From March 17, 1994, until June 30, 1998, the state court administrator shall transfer all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities Construction and Management Capital Projects Fund.

(ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities Construction and Management shall use up to \$3,750,000 of the revenue deposited in the Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to initiate the development of a courts complex in Salt Lake City.

(B) If the Legislature approves funding for construction of a courts complex in Salt Lake City in the 1995 Annual General Session, the Division of Facilities Construction and Management shall use the revenue deposited in the Capital Projects Fund under this Subsection (2)(a)(ii) to construct a courts complex in Salt Lake City.

(C) After the courts complex is completed and all bills connected with its construction have been paid, the Division of Facilities Construction and Management shall use any money remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal District Court building.

(iii) The Division of Facilities Construction and Management may enter into agreements and make expenditures related to this project before the receipt of revenues provided for under this Subsection (2)(a)(iii).

(iv) The Division of Facilities Construction and Management shall:

(A) make those expenditures from unexpended and unencumbered building funds already appropriated to the Capital Projects Fund; and

(B) reimburse the Capital Projects Fund upon receipt of the revenues provided for under this Subsection (2).

HB0485S02 compared with HB0485S01

(b) After June 30, 1998, the state court administrator shall ensure that all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted account.

(c) The Division of Finance shall deposit all revenues received from the state court administrator into the restricted account created by this section.

(d) (i) From May 1, 1995, until June 30, 1998, the state court administrator shall transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the Division of Facilities Construction and Management Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture paid.

(ii) After June 30, 1998, the state court administrator or a municipality shall transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the Division of Finance for deposit in the restricted account created by this section. The division of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture paid.

(3) (a) There is created within the General Fund a restricted account known as the State Courts Complex Account.

(b) The Legislature may appropriate money from the restricted account to the state court administrator for the following purposes only:

(i) to repay costs associated with the construction of the court complex that were funded from sources other than revenues provided for under this Subsection (3)(b)(i); and

(ii) to cover operations and maintenance costs on the court complex.

Section 19. Section **78A-2-601** is amended to read:

78A-2-601. Security surcharge -- Application and exemptions -- Deposit in restricted account.

(1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge of [~~\$43~~] \$53 shall be assessed in all courts of record on all criminal convictions and juvenile delinquency judgments.

(2) The security surcharge may not be imposed upon:

(a) nonmoving traffic violations;

HB0485S02 compared with HB0485S01

(b) community service; and

(c) penalties assessed by the juvenile court as part of the nonjudicial adjustment of a case under Section 78A-6-602.

(3) The security surcharge shall be collected after the surcharge under Section 51-9-401, but before any fine, and deposited with the state treasurer. A fine that would otherwise have been charged may not be reduced due to the imposition of the security surcharge.

(4) The state treasurer shall deposit the collected security surcharge in the restricted account, Court Security Account, as provided in Section 78A-2-602.

Section 20. Section **78A-6-117** is amended to read:

78A-6-117. Adjudication of jurisdiction of juvenile court -- Disposition of cases -- Enumeration of possible court orders -- Considerations of court.

(1) (a) Except as provided in Subsection (1)(b), when a minor is found to come within Section 78A-6-103, the court shall adjudicate the case and make findings of fact upon which the court bases the court's jurisdiction over the minor.

(b) For a case described in Subsection 78A-6-103(1), findings of fact are not necessary.

(c) If the court adjudicates a minor for a crime of violence or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the court shall order that notice of the adjudication be provided to the school superintendent of the district in which the minor resides or attends school. Notice shall be made to the district superintendent within three days of the adjudication and shall include:

(i) the specific offenses for which the minor was adjudicated; and

(ii) if available, whether the victim:

(A) resides in the same school district as the minor; or

(B) attends the same school as the minor.

(d) An adjudicated minor shall undergo a risk screening or, if indicated, a validated risk and needs assessment. Results of the screening or assessment shall be used to inform disposition decisions and case planning. Assessment results, if available, may not be shared with the court before adjudication.

(2) Upon adjudication the court may make the following dispositions by court order:

(a) (i) the court may place the minor on probation or under protective supervision in

HB0485S02 compared with HB0485S01

the minor's own home and upon conditions determined by the court, including community or compensatory service;

(ii) a condition ordered by the court under Subsection (2)(a)(i):

(A) shall be individualized and address a specific risk or need;

(B) shall be based on information provided to the court, including the results of a validated risk and needs assessment conducted under Subsection (1)(d);

(C) if the court orders treatment, shall be based on a validated risk and needs assessment conducted under Subsection (1)(d); and

(D) if the court orders protective supervision, may not designate the division as the provider of protective supervision unless there is a petition regarding abuse, neglect, or dependency before the court requesting that the division provide protective supervision;

(iii) a court may not issue a standard order that contains control-oriented conditions;

(iv) prohibitions on weapon possession, where appropriate, shall be specific to the minor and not the minor's family;

(v) if the court orders probation, the court may direct that notice of the court's order be provided to designated individuals in the local law enforcement agency and the school or transferee school, if applicable, that the minor attends. The designated individuals may receive the information for purposes of the minor's supervision and student safety; and

(vi) an employee of the local law enforcement agency and the school that the minor attends who discloses the court's order of probation is not:

(A) civilly liable except when the disclosure constitutes fraud or willful misconduct as provided in Section 63G-7-202; and

(B) civilly or criminally liable except when the disclosure constitutes a knowing violation of Section 63G-2-801.

(b) The court may place the minor in the legal custody of a relative or other suitable individual, with or without probation or other court-specified child welfare services, but the juvenile court may not assume the function of developing foster home services.

(c) The court shall only vest legal custody of the minor in the Division of Juvenile Justice Services and order the Division of Juvenile Justice Services to provide dispositional recommendations and services if:

(i) nonresidential treatment options have been exhausted or nonresidential treatment

HB0485S02 compared with HB0485S01

options are not appropriate; and

(ii) the minor is adjudicated under this section for a felony offense, a misdemeanor when the minor has five prior misdemeanors or felony adjudications arising from separate criminal episodes, or a misdemeanor involving the use of a dangerous weapon as defined in Section 76-1-601.

(d) (i) The court may not vest legal custody of a minor in the Division of Juvenile Justice Services for:

- (A) contempt of court except to the extent permitted under Section 78A-6-1101;
- (B) a violation of probation;
- (C) failure to pay a fine, fee, restitution, or other financial obligation;
- (D) unfinished compensatory or community service hours;
- (E) an infraction; or
- (F) a status offense.

(ii) (A) A minor who is 18 years old or older, but younger than 21 years old, may petition the court to express the minor's desire to be removed from the jurisdiction of the juvenile court and from the custody of the Division of Child and Family Services if the minor is in the division's custody on grounds of abuse, neglect, or dependency.

(B) If the minor's parent's rights have not been terminated in accordance with Part 5, Termination of Parental Rights Act, the minor's petition shall contain a statement from the minor's parent or guardian agreeing that the minor should be removed from the custody of the Division of Child and Family Services.

(C) The minor and the minor's parent or guardian shall sign the petition.

(D) The court shall review the petition within 14 days.

(E) The court shall remove the minor from the custody of the Division of Child and Family Services if the minor and the minor's parent or guardian have met the requirements described in Subsections (2)(d)(ii)(B) and (C) and if the court finds, based on input from the Division of Child and Family Services, the minor's guardian ad litem, and the Office of the Attorney General, that the minor does not pose an imminent threat to self or others.

(F) A minor removed from custody under Subsection (2)(d)(ii)(E) may, within 90 days of the date of removal, petition the court to re-enter custody of the Division of Child and Family Services.

HB0485S02 compared with HB0485S01

(G) Upon receiving a petition under Subsection (2)(d)(ii)(F), the court shall order the Division of Child and Family Services to take custody of the minor based on the findings the court entered when the court originally vested custody in the Division of Child and Family Services.

(e) The court shall only commit a minor to the Division of Juvenile Justice Services for secure confinement if the court finds that the minor poses a risk of harm to others and is adjudicated under this section for:

(i) a felony offense;

(ii) a misdemeanor if the minor has five prior misdemeanor or felony adjudications arising from separate criminal episodes; or

(iii) a misdemeanor involving use of a dangerous weapon as defined in Section 76-1-601.

(f) (i) A minor under the jurisdiction of the court solely on the ground of abuse, neglect, or dependency under Subsection 78A-6-103(1)(b) may not be committed to the Division of Juvenile Justice Services.

(ii) The court may not commit a minor to the Division of Juvenile Justice Services for secure confinement for:

(A) contempt of court;

(B) a violation of probation;

(C) failure to pay a fine, fee, restitution, or other financial obligation;

(D) unfinished compensatory or community service hours;

(E) an infraction; or

(F) a status offense.

(g) The court may order nonresidential, diagnostic assessment, including substance use disorder, mental health, psychological, or sexual behavior risk assessment.

(h) (i) The court may commit a minor to a place of detention or an alternative to detention for a period not to exceed 30 cumulative days per adjudication subject to the court retaining continuing jurisdiction over the minor. This commitment may not be suspended upon conditions ordered by the court.

(ii) This Subsection (2)(h) applies only to a minor adjudicated for:

(A) an act which if committed by an adult would be a criminal offense; or

HB0485S02 compared with HB0485S01

(B) contempt of court under Section 78A-6-1101.

(iii) The court may not commit a minor to a place of detention for:

(A) contempt of court except to the extent allowed under Section 78A-6-1101;

(B) a violation of probation;

(C) failure to pay a fine, fee, restitution, or other financial obligation;

(D) unfinished compensatory or community service hours;

(E) an infraction; or

(F) a status offense.

(iv) (A) Time spent in detention pre-adjudication shall be credited toward the 30 cumulative days eligible as a disposition under Subsection (2)(h)(i). If the minor spent more than 30 days in a place of detention before disposition, the court may not commit a minor to detention under this section.

(B) Notwithstanding Subsection (2)(h)(iv)(A), the court may commit a minor for a maximum of seven days while a minor is awaiting placement under Subsection (2)(c). Only the seven days under this Subsection (2)(h)(iv)(B) may be combined with a nonsecure placement.

(v) Notwithstanding Subsection (2)(v), no more than seven days of detention may be ordered in combination with an order under Subsection (2)(c).

(i) The court may vest legal custody of an abused, neglected, or dependent minor in the Division of Child and Family Services or any other appropriate person in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

(j) (i) The court may order a minor to repair, replace, or otherwise make restitution for material loss caused by the minor's wrongful act or for conduct for which the minor agrees to make restitution.

(ii) A victim, as defined in Subsection 77-38a-102(14), of an offense that involves as an element a scheme, a conspiracy, or a pattern of criminal activity, includes any person directly harmed by the minor's delinquency conduct in the course of the scheme, conspiracy, or pattern.

(iii) If the victim and the minor agree to participate, the court may refer the case to a restorative justice program such as victim offender mediation to address how loss resulting from the adjudicated act may be addressed.

(iv) For the purpose of determining whether and how much restitution is appropriate,

HB0485S02 compared with HB0485S01

the court shall consider the following:

(A) restitution shall only be ordered for the victim's material loss;

(B) restitution may not be ordered if the court finds that the minor is unable to pay or acquire the means to pay;

(C) any amount paid by the minor to the victim in civil penalty shall be credited against restitution owed; and

(D) the length of the presumptive term of supervision shall be taken into account in determining the minor's ability to satisfy the restitution order within the presumptive term.

(v) Any amount paid to the victim in restitution shall be credited against liability in a civil suit.

(vi) The court may also require a minor to reimburse an individual, entity, or governmental agency who offered and paid a reward to a person or persons for providing information resulting in a court adjudication that the minor is within the jurisdiction of the juvenile court due to the commission of a criminal offense.

(vii) If a minor is returned to this state under the Interstate Compact on Juveniles, the court may order the minor to make restitution for costs expended by any governmental entity for the return.

(viii) The prosecutor shall submit a request for restitution to the court at the time of disposition, if feasible, otherwise within three months after disposition.

(ix) A financial disposition ordered shall prioritize the payment of restitution.

(k) The court may issue orders necessary for the collection of restitution and fines ordered by the court, including garnishments, wage withholdings, and executions, except for an order that changes the custody of the minor, including detention or other secure or nonsecure residential placements.

(l) (i) The court may through the court's probation department encourage the development of nonresidential employment or work programs to enable a minor to fulfill the minor's obligations under Subsection (2)(j) and for other purposes considered desirable by the court.

(ii) Consistent with the order of the court, the probation officer may permit a minor found to be within the jurisdiction of the court to participate in a program of work restitution or compensatory service in lieu of paying part or all of the fine imposed by the court.

HB0485S02 compared with HB0485S01

(iii) The court may order the minor to:

(A) pay a fine, fee, restitution, or other cost; or

(B) complete service hours.

(iv) If the court orders a minor to pay a fine, fee, restitution, or other cost, or to complete service hours, those dispositions shall be considered collectively to ensure that the order:

(A) is reasonable;

(B) prioritizes restitution; and

(C) takes into account the minor's ability to satisfy the order within the presumptive term of supervision.

(v) If the court orders a minor to pay a fine, fee, or other cost, or complete service hours, the cumulative order shall be limited per criminal episode as follows:

(A) for children under age 16 at adjudication, the court may impose up to [~~\$180~~] \$190 or up to 24 hours of service; and

(B) for minors 16 and older at adjudication, the court may impose up to [~~\$270~~] \$280 or up to 36 hours of service.

(vi) The cumulative order under Subsection (2)(1)(v) does not include restitution.

(vii) If the court converts a fine, fee, or restitution amount to service hours, the rate of conversion shall be no less than the minimum wage.

(m) (i) In violations of traffic laws within the court's jurisdiction, when the court finds that as part of the commission of the violation the minor was in actual physical control of a motor vehicle, the court may, in addition to any other disposition authorized by this section:

(A) restrain the minor from driving for periods of time the court considers necessary; and

(B) take possession of the minor's driver license.

(ii) The court may enter any other eligible disposition under Subsection (2)(m)(i) except for a disposition under Subsection (2)(c), (d), (e), or (f). However, the suspension of driving privileges for an offense under Section 78A-6-606 is governed only by Section 78A-6-606.

(n) (i) The court may order a minor to complete community or compensatory service hours in accordance with Subsections (2)(1)(iv) and (v).

HB0485S02 compared with HB0485S01

(ii) When community service is ordered, the presumptive service order shall include between five and 10 hours of service.

(iii) Satisfactory completion of an approved substance use disorder prevention or treatment program or other court-ordered condition may be credited by the court as compensatory service hours.

(iv) When a minor is found within the jurisdiction of the juvenile court under Section 78A-6-103 because of a violation of Section 76-6-106 or 76-6-206 using graffiti, the court may order the minor to clean up graffiti created by the minor or any other individual at a time and place within the jurisdiction of the court. Compensatory service ordered under this section may be performed in the presence and under the direct supervision of the minor's parent or legal guardian. The parent or legal guardian shall report completion of the order to the court. The court may also require the minor to perform other alternative forms of restitution or repair to the damaged property pursuant to Subsection (2)(j).

(o) (i) Subject to Subsection (2)(o)(iii), the court may order that a minor:

(A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or

(B) receive other special care.

(ii) For purposes of receiving the examination, treatment, or care described in Subsection (2)(o)(i), the court may place the minor in a hospital or other suitable facility that is not a secure facility or secure detention.

(iii) In determining whether to order the examination, treatment, or care described in Subsection (2)(o)(i), the court shall consider:

(A) the desires of the minor;

(B) if the minor is under the age of 18, the desires of the parents or guardian of the minor; and

(C) whether the potential benefits of the examination, treatment, or care outweigh the potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain function impairment, or emotional or physical harm resulting from the compulsory nature of the examination, treatment, or care.

(iv) The Division of Child and Family Services shall take reasonable measures to notify a parent or guardian of any non-emergency health treatment or care scheduled for a child, shall include the parent or guardian as fully as possible in making health care decisions

HB0485S02 compared with HB0485S01

for the child, and shall defer to the parent's or guardian's reasonable and informed decisions regarding the child's health care to the extent that the child's health and well being are not unreasonably compromised by the parent's or guardian's decision.

(v) The Division of Child and Family Services shall notify the parent or guardian of a child within five business days after a child in the custody of the Division of Child and Family Services receives emergency health care or treatment.

(vi) The Division of Child and Family Services shall use the least restrictive means to accomplish a compelling interest in the care and treatment of a child described in this Subsection (2)(o).

(p) (i) The court may appoint a guardian for the minor if it appears necessary in the interest of the minor, and may appoint as guardian a public or private institution or agency, but not a nonsecure residential placement provider, in which legal custody of the minor is vested.

(ii) In placing a minor under the guardianship or legal custody of an individual or of a private agency or institution, the court shall give primary consideration to the welfare of the minor. When practicable, the court may take into consideration the religious preferences of the minor and of a child's parents.

(q) (i) In support of a decree under Section 78A-6-103, the court may order reasonable conditions to be complied with by a minor's parents or guardian, a minor's custodian, or any other person who has been made a party to the proceedings. Conditions may include:

- (A) parent-time by the parents or one parent;
- (B) restrictions on the minor's associates;
- (C) restrictions on the minor's occupation and other activities; and
- (D) requirements to be observed by the parents or custodian.

(ii) A minor whose parents or guardians successfully complete a family or other counseling program may be credited by the court for detention, confinement, or probation time.

(r) The court may order the child to be committed to the physical custody of a local mental health authority, in accordance with the procedures and requirements of Title 62A, Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.

(s) (i) The court may make an order committing a minor within the court's jurisdiction to the Utah State Developmental Center if the minor has an intellectual disability in accordance

HB0485S02 compared with HB0485S01

with Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility for People with an Intellectual Disability.

(ii) The court shall follow the procedure applicable in the district courts with respect to judicial commitments to the Utah State Developmental Center when ordering a commitment under Subsection (2)(s)(i).

(t) The court may terminate all parental rights upon a finding of compliance with Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act.

(u) The court may make other reasonable orders for the best interest of the minor and as required for the protection of the public, except that a child may not be committed to jail, prison, secure detention, or the custody of the Division of Juvenile Justice Services under Subsections (2)(c), (d), (e), and (f).

(v) The court may combine the dispositions listed in this section if it is permissible and they are compatible.

(w) Before depriving any parent of custody, the court shall give due consideration to the rights of parents concerning their child. The court may transfer custody of a minor to another individual, agency, or institution in accordance with the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

(x) Except as provided in Subsection (2)(z)(i), an order under this section for probation or placement of a minor with an individual or an agency shall include a date certain for a review and presumptive termination of the case by the court in accordance with Subsection (6) and Section 62A-7-404. A new date shall be set upon each review.

(y) In reviewing foster home placements, special attention shall be given to making adoptable children available for adoption without delay.

(z) (i) The juvenile court may enter an order of permanent custody and guardianship with an individual or relative of a child where the court has previously acquired jurisdiction as a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an order for child support on behalf of the child against the natural or adoptive parents of the child.

(ii) Orders under Subsection (2)(z)(i):

(A) shall remain in effect until the child reaches majority;

(B) are not subject to review under Section 78A-6-118; and

HB0485S02 compared with HB0485S01

(C) may be modified by petition or motion as provided in Section 78A-6-1103.

(iii) Orders permanently terminating the rights of a parent, guardian, or custodian and permanent orders of custody and guardianship do not expire with a termination of jurisdiction of the juvenile court.

(3) In addition to the dispositions described in Subsection (2), when a minor comes within the court's jurisdiction, the minor may be given a choice by the court to serve in the National Guard in lieu of other sanctions, provided:

- (a) the minor meets the current entrance qualifications for service in the National Guard as determined by a recruiter, whose determination is final;
- (b) the minor is not under the jurisdiction of the court for any act that:
 - (i) would be a felony if committed by an adult;
 - (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or
 - (iii) was committed with a weapon; and
- (c) the court retains jurisdiction over the minor under conditions set by the court and agreed upon by the recruiter or the unit commander to which the minor is eventually assigned.

(4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by designated employees of the court or, if the minor is in the legal custody of the Division of Juvenile Justice Services, then by designated employees of the division under Subsection 53-10-404(5)(b).

(b) The responsible agency shall ensure that an employee designated to collect the saliva DNA specimens receives appropriate training and that the specimens are obtained in accordance with accepted protocol.

(c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA Specimen Restricted Account created in Section 53-10-407.

(d) Payment of the reimbursement is second in priority to payments the minor is ordered to make for restitution under this section and treatment under Section 78A-6-321.

(5) (a) A disposition made by the court pursuant to this section may not be suspended, except for the following:

(i) If a minor qualifies for commitment to the Division of Juvenile Justice Services under Subsection (2)(c), (d), (e), or (f), the court may suspend a custody order pursuant to

HB0485S02 compared with HB0485S01

Subsection (2)(c), (d), (e), or (f) in lieu of immediate commitment, upon the condition that the minor commit no new misdemeanor or felony offense during the three months following the day of disposition.

(ii) The duration of a suspended custody order made under Subsection (5)(a)(i) may not exceed three months post-disposition and may not be extended under any circumstance.

(iii) The court may only impose a custody order suspended under Subsection (5)(a)(i):

(A) following adjudication of a new misdemeanor or felony offense committed by the minor during the period of suspension set out under Subsection (5)(a)(ii);

(B) if a new assessment or evaluation has been completed and recommends that a higher level of care is needed and nonresidential treatment options have been exhausted or nonresidential treatment options are not appropriate; or

(C) if, after a notice and a hearing, the court finds a new or previous evaluation recommends a higher level of treatment, and the minor willfully failed to comply with a lower level of treatment and has been unsuccessfully discharged from treatment.

(iv) A suspended custody order may not be imposed without notice to the minor, notice to counsel, and a hearing.

(b) The court pursuant to Subsection (5)(a) shall terminate jurisdiction over the minor at the end of the presumptive time frame unless at least one the following circumstances exists:

(i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a program determined to be necessary by the results of a validated risk and needs assessment with completion found by the court after considering the recommendation of a licensed service provider on the basis of the minor completing the goals of the necessary treatment program;

(ii) the minor commits a new misdemeanor or felony offense;

(iii) service hours have not been completed; or

(iv) there is an outstanding fine.

(6) When the court places a minor on probation under Subsection (2)(a) or vests legal custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c) or (d), the court shall do so for a defined period of time pursuant to this section.

(a) For the purposes of placing a minor on probation under Subsection (2)(a), the court shall establish a presumptive term of probation as specified in this Subsection (6):

(i) the presumptive maximum length of intake probation may not exceed three months;

HB0485S02 compared with HB0485S01

and

(ii) the presumptive maximum length of formal probation may not exceed four to six months.

(b) For the purposes of vesting legal custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c) or (d), the court shall establish a maximum term of custody and a maximum term of aftercare as specified in this Subsection (6):

(i) the presumptive maximum length of out-of-home placement may not exceed three to six months; and

(ii) the presumptive maximum length of aftercare supervision, for those previously placed out-of-home, may not exceed three to four months, and minors may serve the term of aftercare in the home of a qualifying relative or guardian or at an independent living program contracted or operated by the Division of Juvenile Justice Services.

(c) The court pursuant to Subsections (6)(a) and (b), and the Youth Parole Authority pursuant to Subsection (6)(b), shall terminate jurisdiction over the minor at the end of the presumptive time frame unless at least one of the following circumstances exists:

(i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a court ordered program determined to be necessary by the results of a validated assessment, with completion found by the court after considering the recommendations of a licensed service provider or facilitator of court ordered treatment or intervention program on the basis of the minor completing the goals of the necessary treatment program;

(ii) termination pursuant to Subsection (6)(a)(i) or (6)(b) would interrupt the completion of a program determined to be necessary by the results of a validated assessment, with completion determined on the basis of whether the minor has regularly and consistently attended the treatment program and completed the goals of the necessary treatment program as determined by the court or Youth Parole Authority after considering the recommendation of a licensed service provider or facilitator of court ordered treatment or intervention program;

(iii) the minor commits a new misdemeanor or felony offense;

(iv) service hours have not been completed;

(v) there is an outstanding fine; or

(vi) there is a failure to pay restitution in full.

(d) (i) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)

HB0485S02 compared with HB0485S01

exists, the court may extend jurisdiction for the time needed to address the specific circumstance.

(ii) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c) exists, and the Youth Parole Authority has jurisdiction, the Youth Parole Authority may extend jurisdiction for the time needed to address the specific circumstance.

(e) If the circumstance under Subsection (6)(c)(iv) exists, the court, or the Youth Parole Authority if the Youth Parole Authority has jurisdiction, may extend jurisdiction one time for up to three months.

(f) Grounds for extension of the presumptive length of supervision or placement and the length of any extension shall be recorded in the court record or records of the Youth Parole Authority if the Youth Parole Authority has jurisdiction, and tracked in the data system used by the Administrative Office of the Courts and the Division of Juvenile Justice Services.

(g) (i) For a minor who is under the supervision of the juvenile court and whose supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be continued under the supervision of intake probation.

(ii) For a minor who is under the jurisdiction of the Youth Parole Authority whose supervision is extended under Subsection (6)(c)(iv), (v), or (vi), jurisdiction may only be continued on parole and not in secure confinement.

(h) In the event of an unauthorized leave lasting more than 24 hours, the supervision period shall toll until the minor returns.

(7) Subsection (6) does not apply to any minor adjudicated under this section for:

(a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

(b) Section 76-5-202, attempted aggravated murder;

(c) Section 76-5-203, murder or attempted murder;

(d) Section 76-5-302, aggravated kidnapping;

(e) Section 76-5-405, aggravated sexual assault;

(f) a felony violation of Section 76-6-103, aggravated arson;

(g) Section 76-6-203, aggravated burglary;

(h) Section 76-6-302, aggravated robbery;

(i) Section 76-10-508.1, felony discharge of a firearm; or

(j) an offense other than those listed in Subsections (7)(a) through (i) involving the use

HB0485S02 compared with HB0485S01

of a dangerous weapon, as defined in Section 76-1-601, that is a felony, and the minor has been previously adjudicated or convicted of an offense involving the use of a dangerous weapon.

Section 21. Section **78A-6-903** is enacted to read:

78A-6-903. Guardian Ad Litem Services Account established -- Funding -- Uses.

(1) There is created in the General Fund a restricted account known as the Guardian Ad Litem Services Account, for the purpose of funding the Office of Guardian Ad Litem, in accordance with the provisions of Sections 78A-6-901 and 78A-6-902.

(2) The account shall be funded by the donation described in Subsection 41-1a-422(1)(a)(i)(F).

Section 22. Section **78A-7-120** is amended to read:

78A-7-120. Disposition of fines.

(1) Except as otherwise specified by this section, fines and forfeitures collected by a justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the court and 1/2 to the treasurer of the local government which prosecutes or which would prosecute the violation. An interlocal agreement created pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section if the parties agree.

(2) (a) For violation of Title 23, Wildlife Resources Code of Utah, the court shall allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or county government responsible for the justice court.

(b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act, the court shall allocate 85% to the Division of Parks and Recreation and 15% to the general fund of the city or county government responsible for the justice court.

(c) Fines and forfeitures collected by the court for a violation of Section 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic enforcement safety device as described in Section 41-6a-1310 shall be remitted:

(i) 20% to the school district or private school that owns or contracts for the use of the school bus; and

(ii) 80% in accordance with Subsection (1).

(3) The surcharge established by Section 51-9-401 shall be paid to the state treasurer[-] and deposited into the General Fund.

HB0485S02 compared with HB0485S01

(4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial Council, shall be paid to the state treasurer and allocated to the Department of Transportation for class B and class C roads.

(5) Revenue allocated for class B and class C roads pursuant to Subsection (4) is supplemental to the money appropriated under Section 72-2-107 but shall be expended in the same manner as other class B and class C road funds.

(6) (a) Fines and forfeitures collected by the court for a second or subsequent violation under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

- (i) 60% to the state treasurer to be deposited in the Transportation Fund; and
- (ii) 40% in accordance with Subsection (1).

(b) Fines and forfeitures collected by the court for a second or subsequent violation under Subsection 72-7-409(6)(d) shall be remitted:

- (i) 50% to the state treasurer to be deposited in the Transportation Fund; and
- (ii) 50% in accordance with Subsection (1).

Section 23. Section **78A-7-122** is amended to read:

78A-7-122. Security surcharge -- Application -- Deposit in restricted accounts.

(1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge of [~~\$50~~] \$60 shall be assessed on all convictions for offenses listed in the uniform bail schedule adopted by the Judicial Council and moving traffic violations.

(2) The security surcharge shall be collected and distributed pro rata with any fine collected. A fine that would otherwise have been charged may not be reduced due to the imposition of the security surcharge.

(3) [~~Eighteen~~] Twenty-eight dollars of the security surcharge shall be remitted to the state treasurer and distributed to the Court Security Account created in Section 78A-2-602.

(4) Thirty-two dollars of the security surcharge shall be allocated as follows:

(a) the assessing court shall retain 20% of the amount collected for deposit into the general fund of the governmental entity; and

(b) 80% shall be remitted to the state treasurer to be distributed as follows:

(i) 62.5% to the treasurer of the county in which the justice court which remitted the

HB0485S02 compared with HB0485S01

amount is located;

(ii) 25% to the Court Security Account created in Section 78A-2-602; and

(iii) 12.5% to the Justice Court Technology, Security, and Training Account created in Section 78A-7-301.

(5) The court shall remit money collected in accordance with Title 51, Chapter 7, State Money Management Act.

Section 24. **Repealer.**

This bill repeals:

Section 51-9-403, **EMS share of surcharge -- Accounting.**

Section 51-9-404, **Crime Victims Reparations Fund -- Public Safety Support Account -- Distribution of surcharge amounts.**

Section 51-9-405, **Substance Abuse Prevention Account established -- Funding -- Uses.**

Section 51-9-406, **Victims of Domestic Violence Services Account established -- Funding -- Uses.**

Section 51-9-407, **Intoxicated Driver Rehabilitation Account share of surcharge.**

Section 51-9-409, **Guardian Ad Litem Services Account established -- Funding -- Uses.**

Section 51-9-410, **Statewide Warrant Operations Account -- Share of surcharge -- Use.**

Section 62A-15-502.5, **Intoxicated Driver Rehabilitation Account -- Created.**

Section 25. **Appropriation.**

Section 1. **FY 2021 Appropriations.** The following sums of money are appropriated for the fiscal year beginning July 1, 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for fiscal year 2021.

Subsection (1)(a). **Operating and Capital Budgets.** Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Office of the Attorney General -- Prosecution Council

HB0485S02 compared with HB0485S01

<u>From General Fund</u>	<u>492,000</u>
<u>From Public Safety Support Account</u>	<u>(551,500)</u>
<u>Schedule of Programs:</u>	
<u>Prosecution Council</u>	<u>(59,500)</u>

Under Sections 63J-1-602.1 and 63J-1-603, the Legislature intends that any unspent funds remaining in the Public Safety Support Account not lapse at the close of fiscal year 2020. Unused funds are to be used to supplement the costs of the program funded by the Public Safety Support Account.

The Legislature intends that, if the ending fund balance available in the Public Safety Support Account exceeds appropriations from the account in fiscal year 2020, the Division of Finance shall distribute the excess proportionally based on appropriations made from the account.

ITEM 2

To Courts -- Administration

<u>From General Fund</u>	<u>410,000</u>
<u>From Substance Abuse Prevention Account</u>	<u>(571,700)</u>
<u>Schedule of Programs:</u>	
<u>Juvenile Courts</u>	<u>(161,700)</u>

Under Sections 63J-1-602.1 and 63J-1-603, the Legislature intends that any unspent funds remaining in the Substance Abuse Prevention Account not lapse at the close of fiscal year 2020. Unused funds are to be used to supplement the costs of the program funded by the Substance Abuse Prevention Account.

The Legislature intends that, if the ending fund balance available in the Substance Abuse Prevention Account exceeds appropriations from the account in fiscal year 2020, the Division of Finance shall distribute the excess proportionally based on appropriations made from the account.

ITEM 3

To Courts -- Guardian Ad Litem

<u>From General Fund</u>	<u>287,000</u>
<u>From Guardian Ad Litem Services Account</u>	<u>(287,000)</u>
<u>Schedule of Programs:</u>	

HB0485S02 compared with HB0485S01

Guardian Ad Litem (110,500)

ITEM 4

To Department of Health -- Family Health and Preparedness

From General Fund 2,296,200

From Dedicated Credits (2,296,200)

Schedule of Programs:

Emergency Medical Services and
Preparedness (2,296,200)

Emergency Medical Services Grants 2,296,200

ITEM 5

To Department of Human Services -- Division of Child and Family Services

From General Fund 731,000

From Victims of Domestic Violence Service Account (732,100)

Schedule of Programs:

Domestic Violence (1,100)

Under Sections 63J-1-602.1 and 63J-1-603, the Legislature intends that any unspent funds remaining in the Domestic Violence Services Account not lapse at the close of fiscal year 2020. Unused funds are to be used to supplement the costs of the program funded by the Domestic Violence Services Account.

The Legislature intends that, if the ending fund balance available in the Domestic Violence Services Account exceeds appropriations from the account in fiscal year 2020, the Division of Finance shall distribute the excess proportionally based on appropriations made from the account.

ITEM 6

To Department of Human Services -- Division of Substance Abuse and Mental Health

From General Fund 1,230,100

From Intoxicated Driver Rehabilitation Account (1,500,000)

Schedule of Programs:

Driving Under the Influence (DUI) Fines (269,900)

Under Sections 63J-1-602.1 and 63J-1-603, the Legislature intends that any unspent funds remaining in the Intoxicated Driver Rehabilitation Account not lapse at the close of fiscal

HB0485S02 compared with HB0485S01

year 2020. Unused funds are to be used to supplement the costs of the program funded by the Intoxicated Driver Rehabilitation Account.

The Legislature intends that, if the ending fund balance available in the Intoxicated Driver Rehabilitation Account exceeds appropriations from the account in fiscal year 2020, the Division of Finance shall distribute the excess proportionally based on appropriations made from the account.

ITEM 7

To Department of Public Safety -- Bureau of Criminal Identification

From General Fund 250,000

From Statewide Warrants Operations Account (596,300)

Schedule of Programs:

Law Enforcement/Criminal Justice Services (346,300)

Under Sections 63J-1-602.1 and 63J-1-603, the Legislature intends that any unspent funds remaining in the Statewide Warrants Operations Account not lapse at the close of fiscal year 2020. Unused funds are to be used to supplement the costs of the program funded by the Statewide Warrants Operations Account.

The Legislature intends that, if the ending fund balance available in the Statewide Warrants Operations Account exceeds appropriations from the account in fiscal year 2020, the Division of Finance shall distribute the excess proportionally based on appropriations made from the account.

ITEM 8

To Department of Public Safety -- Peace Officers Standards and Training

From General Fund 3,034,300

From Public Safety Support Account (4,111,600)

Schedule of Programs:

Basic Training (456,800)

POST Administration (411,900)

Regional/Inservice Training (208,600)

Under Sections 63J-1-602.1 and 63J-1-603, the Legislature intends that any unspent funds remaining in the Public Safety Support Account not lapse at the close of fiscal year 2020. Unused funds are to be used to supplement the costs of the program funded by the Public

HB0485S02 compared with HB0485S01

Safety Support Account.

The Legislature intends that, if the ending fund balance available in the Public Safety Support Account exceeds appropriations from the account in fiscal year 2020, the Division of Finance shall distribute the excess proportionally based on appropriations made from the account.

ITEM 9

To Governor's Office -- Commission on Criminal and Juvenile Justice

<u>From General Fund</u>	<u>1,971,100</u>
<u>From Crime Victim Reparations Fund</u>	<u>(1,971,100)</u>

ITEM 10

To Governor's Office -- Commission on Criminal and Juvenile Justice

<u>From General Fund</u>	<u>1,360,200</u>
<u>From Law Enforcement Operations Account</u>	<u>(1,531,300)</u>

Schedule of Programs:

<u>State Task Force Grants</u>	<u>(171,100)</u>
--------------------------------	------------------

Under Sections 63J-1-602.1 and 63J-1-603, the Legislature intends that any unspent funds remaining in the Law Enforcement Operations Account not lapse at the close of fiscal year 2020. Unused funds are to be used to supplement the costs of the program funded by the Law Enforcement Operations Account.

The Legislature intends that, if the ending fund balance available in the Law Enforcement Operations Account exceeds appropriations from the account in fiscal year 2020, the Division of Finance shall distribute the excess proportionally based on appropriations made from the account.

ITEM 11

To Governor's Office -- Commission on Criminal and Juvenile Justice

<u>From Law Enforcement Services Account</u>	<u>(617,900)</u>
--	------------------

Schedule of Programs:

<u>Law Enforcement Services Grants</u>	<u>(617,900)</u>
--	------------------

Under Sections 63J-1-602.1 and 63J-1-603, the Legislature intends that any unspent funds remaining in the Law Enforcement Services Account not lapse at the close of fiscal year 2020. Unused funds are to be used to supplement the costs of the program funded by the Law

HB0485S02 compared with HB0485S01

Enforcement Services Account.

The Legislature intends that, if the ending fund balance available in the Law Enforcement Services Account exceeds appropriations from the account in fiscal year 2020, the Division of Finance shall distribute the excess proportionally based on appropriations made from the account.

ITEM 12

To State Board of Education -- State Administrative Office

<u>From General Fund</u>	410,000
<u>From Substance Abuse Prevention Account</u>	(512,600)
<u>Schedule of Programs:</u>	
<u>Student Support Services</u>	(102,600)

Under Sections 63J-1-602.1 and 63J-1-603, the Legislature intends that any unspent funds remaining in the Substance Abuse Prevention Account not lapse at the close of fiscal year 2020. Unused funds are to be used to supplement the costs of the program funded by the Substance Abuse Prevention Account.

The Legislature intends that, if the ending fund balance available in the Substance Abuse Prevention Account exceeds appropriations from the account in fiscal year 2020, the Division of Finance shall distribute the excess proportionally based on appropriations made from the account.

Subsection 1(b). **Expendable Funds and Accounts.** The Legislature has reviewed the following expendable funds. The Legislature authorizes the State Division of Finance to transfer amounts between funds and accounts as indicated. Outlays and expenditures from the funds or accounts to which the money is transferred may be made without further legislative action, in accordance with statutory provisions relating to the funds or accounts.

ITEM 13

To Governor's Office -- Crime Victims Reparations

<u>From General Fund</u>	3,769,400
<u>From Dedicated Credits</u>	(3,769,400)

Section 26. Effective date.

This bill takes effect on July 1, 2020.

Section 27. Coordinating H.B. 485 with H.B. 389 -- Superseding substantive and

HB0485S02 compared with HB0485S01

technical amendments.

If this H.B. 485 and H.B. 389, Emergency Medical Services Amendments, both pass and become law, it is the intent of the Legislature that, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication:

(1) the amendments in H.B. 485 to Subsection 26-8a-207(1) supersede the amendments in H.B. 389 to Subsection 26-8a-207(1);

(2) the amendments in H.B. 389 to Subsections 26-8a-207(2) and (3) supersede the amendments in H.B. 485 to Subsection 26-8a-207(2); and

(3) the phrase "From the total amount of funds transferred to the department under Subsection (1)," in Subsection 26-8a-207(2) shall be amended to read "From the total amount of funds appropriated to the department for emergency medical services grants,".