

Representative Stephen G. Handy proposes the following substitute bill:

PUBLIC ACCESS TO COURT RECORDS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill allows for public access to the Xchange database.

Highlighted Provisions:

This bill:

▶ allows the Judicial Council, by rule, to allow members of the public to have access to records on the Xchange database for a fee without having to pay a monthly subscription; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-2-301, as last amended by Laws of Utah 2020, Chapter 230

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

Section 1. Section **78A-2-301** is amended to read:



26 **78A-2-301. Civil fees of the courts of record -- Courts complex design.**

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

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

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

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

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

35 (iv) \$325 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter
36 4, Separate Maintenance;

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

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

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

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

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

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

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

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

52 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is
53 \$2,000 or less;

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

56 (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is

57 \$10,000 or more, or the party seeks relief other than monetary damages; and

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

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

61 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
62 \$2,000 or less;

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

65 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is
66 \$7,500 or more.

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

70 (g) The fee for filing a petition is:

71 (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims
72 department; and

73 (ii) \$80 for an appeal of a municipal administrative determination in accordance with
74 Section 10-3-703.7.

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

77 (i) The fee for filing a petition for expungement is \$150.

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

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

86 (iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
87 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided

88 in Section [78B-6-209](#).

89 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
90 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be
91 deposited ~~[in]~~ into the restricted account, Court Security Account, as provided in Section
92 [78A-2-602](#).

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

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

98 (l) The fee for filing a renewal of judgment in accordance with Section [78B-6-1801](#) is
99 50% of the fee for filing an original action seeking the same relief.

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

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

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

107 (o) The fee for filing a judgment by confession without action under Section
108 [78B-5-205](#) is \$35.

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

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

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

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

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

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

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

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

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

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

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

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

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

128 (x) (i) The fee for a petition for authorization for a minor to marry required by Section
129 30-1-9 is \$5.

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

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

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

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

137 (bb) The Judicial Council, shall, by rule establish a schedule of fees for copies of
138 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,
139 Government Records Access and Management Act. Fees under ~~§~~ **[this]** ~~←~~ ~~§~~ Subsection (1)(bb)
139a ~~§~~ **and (cc)** ~~←~~ ~~§~~ shall
140 be credited to the court as a reimbursement of expenditures.

141 (cc) The Judicial Council may, by rule, establish a reasonable fee to allow members of
142 the public to conduct a limited amount of searches on the Xchange database without having to
143 pay a monthly subscription fee.

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

146 ~~(dd)~~ (ee) Except as provided in this section, all fees collected under this section are
147 paid to the General Fund. Except as provided in this section, all fees shall be paid at the time
148 the clerk accepts the pleading for filing or performs the requested service.

149 ~~(ee)~~ (ff) The filing fees under this section may not be charged to the state, ~~[its]~~ the

150 state's agencies, or political subdivisions filing or defending any action. In judgments awarded
151 in favor of the state, its agencies, or political subdivisions, except the Office of Recovery
152 Services, the court shall order the filing fees and collection costs to be paid by the judgment
153 debtor. The sums collected under this Subsection (1)~~(ee)~~(ff) shall be applied to the fees after
154 credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

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

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

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

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

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

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

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

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

179 (b) After June 30, 1998, the state court administrator shall ensure that all revenues
180 representing the difference between the fees in effect after May 2, 1994, and the fees in effect

181 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted
182 account.

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

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

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

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

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

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

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