

PUBLIC ACCESS TO COURT RECORDS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

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 public access to 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:

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 \$375.



- 28 (b) The fee for filing a complaint or petition is:
- 29 (i) \$90 if the claim for damages or amount in interpleader exclusive of court costs,
30 interest, and attorney fees is \$2,000 or less;
- 31 (ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs,
32 interest, and attorney fees is greater than \$2,000 and less than \$10,000;
- 33 (iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;
- 34 (iv) \$325 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter
35 4, Separate Maintenance;
- 36 (v) \$35 for a motion for temporary separation order filed under Section 30-3-4.5;
- 37 (vi) \$125 if the petition is for removal from the Sex Offender and Kidnap Offender
38 Registry under Section 77-41-112; and
- 39 (vii) \$35 if the petition is for guardianship and the prospective ward is the biological or
40 adoptive child of the petitioner.
- 41 (c) The fee for filing a small claims affidavit is:
- 42 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,
43 interest, and attorney fees is \$2,000 or less;
- 44 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,
45 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and
- 46 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,
47 interest, and attorney fees is \$7,500 or more.
- 48 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
49 complaint, or other claim for relief against an existing or joined party other than the original
50 complaint or petition is:
- 51 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is
52 \$2,000 or less;
- 53 (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is
54 greater than \$2,000 and less than \$10,000;
- 55 (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is
56 \$10,000 or more, or the party seeks relief other than monetary damages; and
- 57 (iv) \$130 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title 30,
58 Chapter 4, Separate Maintenance.

- 59 (e) The fee for filing a small claims counter affidavit is:
- 60 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 61 \$2,000 or less;
- 62 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 63 greater than \$2,000, but less than \$7,500; and
- 64 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 65 \$7,500 or more.
- 66 (f) The fee for depositing funds under Section 57-1-29 when not associated with an
- 67 action already before the court is determined under Subsection (1)(b) based on the amount
- 68 deposited.
- 69 (g) The fee for filing a petition is:
- 70 (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims
- 71 department; and
- 72 (ii) \$80 for an appeal of a municipal administrative determination in accordance with
- 73 Section 10-3-703.7.
- 74 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
- 75 petition for writ of certiorari is \$240.
- 76 (i) The fee for filing a petition for expungement is \$150.
- 77 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
- 78 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'
- 79 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'
- 80 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement
- 81 Act.
- 82 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be
- 83 allocated by the state treasurer to be deposited ~~in~~ into the restricted account, Children's Legal
- 84 Defense Account, as provided in Section 51-9-408.
- 85 (iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
- 86 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided
- 87 in Section 78B-6-209.
- 88 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
- 89 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be

90 deposited [in] into the restricted account, Court Security Account, as provided in Section
91 78A-2-602.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 (t) The fee for filing a notice of deposition in this state concerning an action pending in

121 another state under Utah Rules of Civil Procedure, Rule 30 is \$35.

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

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

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

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

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

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

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

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

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

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

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

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

148 [~~ee~~] (ff) The filing fees under this section may not be charged to the state, [its] the
149 state's agencies, or political subdivisions filing or defending any action. In judgments awarded
150 in favor of the state, its agencies, or political subdivisions, except the Office of Recovery
151 Services, the court shall order the filing fees and collection costs to be paid by the judgment

152 debtor. The sums collected under this Subsection (1)~~(ee)~~(ff) shall be applied to the fees after
153 credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

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

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

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

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

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

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

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

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

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

182 (c) The Division of Finance shall deposit all revenues received from the state court

183 administrator into the restricted account created by this section.

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

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

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

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

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