

**CRIMINAL ACCOUNTS RECEIVABLE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark A. Wheatley**

Senate Sponsor: Michael S. Kennedy

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**LONG TITLE**

**Committee Note:**

The Judiciary Interim Committee recommended this bill.

Legislative Vote: 13 voting for 0 voting against 4 absent

**General Description:**

This bill amends provisions related to a criminal accounts receivable.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates a process to allow certain individuals to request a credit towards debt owed as part of a criminal judgment upon a payment of restitution;
- ▶ requires the Office of State Debt Collection to provide notice and written confirmation to certain individuals who are eligible for the credit;
- ▶ grants the Office of State Debt Collection with the authority to make rules regarding the administration of the credit;
- ▶ requires the Office of State Debt Collection to report to the Judiciary Interim Committee before November 30, 2025;
- ▶ clarifies the term, "criminal accounts receivable";
- ▶ provides that a defendant is required to pay \$50 per month towards a criminal accounts receivable when a court is unable to determine, or does not provide, an amount for the payment schedule; and



28           ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30           None

31 **Other Special Clauses:**

32           None

33 **Utah Code Sections Affected:**

34 AMENDS:

35           **77-32b-102**, as renumbered and amended by Laws of Utah 2021, Chapter 260

36           **77-32b-103**, as last amended by Laws of Utah 2023, Chapter 330

37 ENACTS:

38           **63A-3-508**, Utah Code Annotated 1953



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

41           Section 1. Section **63A-3-508** is enacted to read:

42           **63A-3-508. Written request to receive a credit for a restitution payment --**

43 **Eligibility requirements.**

44           (1) As used in this section:

45           (a) "Debt" means any amount that:

46           (i) an individual owes as part of a criminal judgment; and

47           (ii) is collected and managed by the office.

48           (b) "Eligible individual" means an individual who meets the requirements of

49 Subsection (2).

50           (c) "Qualifying debt" means a debt that is a fine, a fee, a surcharge, or any other money,  
51 that is deposited into the General Fund by the state treasurer.

52           (d) "Voluntary payment" means a payment on a debt that is made before, or in the  
53 absence of, a legal proceeding or administrative action to collect or enforce the collection of the  
54 debt.

55           (2) An individual is eligible for a credit described in Subsection (3) if:

56           (a) the individual submits a written request, on or after May 1, 2024, and before May 1,  
57 2026, to the office requesting the credit;

58           (b) the individual owes a debt of \$3,000 or greater at the time of the written request;

59 and

60 (c) the individual was sentenced before July 1, 2021, for a criminal judgment for which  
61 the individual owes a debt.

62 (3) (a) If an eligible individual makes a voluntary payment toward any restitution owed  
63 by the individual, the office shall issue a credit against any qualifying debt owed by the  
64 individual in the amount of 75% of the amount applied to restitution.

65 (b) The office may issue the credit described in Subsection (3) to any voluntary  
66 payment made towards restitution before the written request was submitted as described in  
67 Subsection (2).

68 (4) The office shall provide:

69 (a) reasonable notice of eligibility before May 1, 2026, to any individual that may be  
70 eligible for the credit as described in Subsection (2)(b) and (c); and

71 (b) if an individual submits a written request as described in Subsection (2)(a), a  
72 written confirmation as to whether the individual is an eligible individual and will receive a  
73 credit as described in Subsection (3).

74 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
75 office may make rules regarding the administration of this section.

76 (6) By no later than November 30, 2025, the office shall report to the Judiciary Interim  
77 Committee on the outcomes of this section and whether the eligibility period described in  
78 Subsection (2) should be extended beyond May 1, 2026.

79 (7) Nothing in this section authorizes the office to reimburse or refund an individual  
80 for any payment on a debt.

81 Section 2. Section **77-32b-102** is amended to read:

82 **77-32b-102. Definitions.**

83 As used in this chapter:

84 (1) "Board" means the Board of Pardons and Parole.

85 (2) (a) "Civil accounts receivable" means any amount of the criminal accounts  
86 receivable that is owed by the defendant that has not been paid on or before the day on which:

87 (i) the defendant's sentence is terminated; or

88 (ii) the court enters an order for a civil accounts receivable under Subsection

89 **77-18-114**(1) or (2).

90 (b) "Civil accounts receivable" does not include any amount of the criminal accounts  
91 receivable that is owed by the defendant for restitution.

92 (3) "Civil judgment of restitution" means any amount of the criminal accounts  
93 receivable that is owed by the defendant for restitution that has not been paid on or before the  
94 day on which the defendant's sentence is terminated.

95 (4) (a) "Criminal accounts receivable" means any amount owed by a defendant that  
96 arises from a criminal judgment until:

97 (i) the defendant's sentence terminates;

98 (ii) the court enters an order for a civil accounts receivable under Subsection  
99 [77-18-114](#)(1) or (2); or

100 (iii) if the court requires the defendant, upon termination of the probation period for the  
101 defendant, to continue to make payments on the criminal accounts as described in Subsection  
102 [77-18-105](#)(8), the defendant's sentence expires.

103 (b) "Criminal accounts receivable" includes any unpaid:

104 (i) fee, including the monthly supervision fee described in Subsection [64-13-21](#)(6);

105 (ii) forfeiture;

106 (iii) surcharge;

107 (iv) cost;

108 (v) interest;

109 (vi) penalty;

110 (vii) restitution;

111 (viii) third party claim;

112 (ix) reimbursement of a reward; and

113 (x) damages.

114 [~~(b) "Criminal accounts receivable" includes unpaid fees, forfeitures, surcharges, costs,~~  
115 ~~interest, penalties, restitution, third party claims, claims, reimbursement of a reward, and~~  
116 ~~damages.]~~

117 (5) "Default" means a civil accounts receivable, a civil judgment of restitution, or a  
118 criminal accounts receivable that is overdue by at least 90 days.

119 (6) "Delinquent" means a civil accounts receivable, a civil judgment of restitution, or a  
120 criminal account receivable that is overdue by more than 28 days but less than 90 days.

121 (7) "Payment schedule" means the amount that is be paid by a defendant in  
122 installments, or by a certain date, to satisfy a criminal accounts receivable for the defendant.

123 (8) "Remit" or "remission" means to forgive or to excuse, in whole or in part, any  
124 unpaid amount of a criminal accounts receivable.

125 (9) "Restitution" means the same as that term is defined in Section 77-38b-102.

126 Section 3. Section 77-32b-103 is amended to read:

127 **77-32b-103. Establishment of a criminal accounts receivable -- Responsibility --**  
128 **Payment schedule -- Delinquency or default.**

129 (1) (a) Except as provided in Subsection (1)(b) and (c), at the time of sentencing or  
130 acceptance of a plea in abeyance, the court shall enter an order to establish a criminal accounts  
131 receivable for the defendant.

132 (b) The court is not required to create a criminal accounts receivable for the defendant  
133 under Subsection (1)(a) if the court finds that the defendant does not owe restitution and there  
134 are no other fines or fees to be assessed against the defendant.

135 (c) Subject to Subsection 77-38b-205(5), if the court does not create a criminal  
136 accounts receivable for a defendant under Subsection (1)(a), the court shall enter an order to  
137 establish a criminal accounts receivable for the defendant at the time the court enters an order  
138 for restitution under Section 77-38b-205.

139 (2) After establishing a criminal accounts receivable for a defendant, the court shall:

140 (a) if a prison sentence is imposed and not suspended for the defendant:

141 (i) accept any payment for the criminal accounts receivable that is tendered on the date  
142 of sentencing; and

143 (ii) transfer the responsibility of receiving, distributing, and processing payments for  
144 the criminal accounts receivable to the Office of State Debt Collection; and

145 (b) for all other cases:

146 (i) retain the responsibility for receiving, processing, and distributing payments for the  
147 criminal accounts receivable until the court enters a civil accounts receivable or civil judgment  
148 of restitution on the civil judgment docket under Subsection 77-18-114(1) or (2); and

149 (ii) record each payment by the defendant on the case docket.

150 (c) For a criminal accounts receivable that a court retains responsibility for receiving,  
151 processing, and distributing payments under Subsection (2)(b)(i), the Judicial Council may

152 establish rules to require a defendant to pay the cost, or a portion of the cost, for an electronic  
153 payment fee that is charged by a financial institution for the use of a credit or debit card to  
154 make payments towards the criminal accounts receivable.

155 (3) (a) Upon entering an order for a criminal accounts receivable, the court shall  
156 establish a payment schedule for the defendant to make payments towards the criminal  
157 accounts receivable.

158 (b) In establishing the payment schedule for the defendant, the court shall consider:

159 (i) the needs of the victim if the criminal accounts receivable includes an order for  
160 restitution under Section 77-38b-205;

161 (ii) the financial resources of the defendant, as disclosed in the financial declaration  
162 under Section 77-38b-204 or in evidence obtained by subpoena under Subsection  
163 77-38b-402(1)(b);

164 (iii) the burden that the payment schedule will impose on the defendant regarding the  
165 other reasonable obligations of the defendant;

166 (iv) the ability of the defendant to pay restitution on an installment basis or on other  
167 conditions fixed by the court;

168 (v) the rehabilitative effect on the defendant of the payment of restitution and method  
169 of payment; and

170 (vi) any other circumstance that the court determines is relevant.

171 (c) If the court is unable to determine the appropriate amount for the payment schedule  
172 or does not set an amount for the payment schedule, the defendant is required to pay \$50 per  
173 month towards the criminal accounts receivable.

174 (4) A payment schedule for a criminal accounts receivable does not limit the ability of  
175 a judgment creditor to pursue collection by any means allowable by law.

176 (5) If the court orders restitution under Section 77-38b-205, or makes another financial  
177 decision, after sentencing that increases the total amount owed in a defendant's case, the  
178 defendant's criminal accounts receivable balance shall be adjusted to include any new amount  
179 ordered by the court.

180 (6) (a) If a defendant is incarcerated in a county jail or a secure correctional facility, as  
181 defined in Section 64-13-1, or the defendant is involuntarily committed under Section  
182 26B-5-332:

183 (i) all payments for a payment schedule shall be suspended for the period of time that  
184 the defendant is incarcerated or involuntarily committed, unless the court, or the board if the  
185 defendant is under the jurisdiction of the board, expressly orders the defendant to make  
186 payments according to the payment schedule; and

187 (ii) the defendant shall provide the court with notice of the incarceration or involuntary  
188 commitment.

189 (b) A suspension under Subsection (6)(a) shall remain in place for 60 days after the day  
190 in which the defendant is released from incarceration or commitment.

191 Section 4. **Effective date.**

192 This bill takes effect on May 1, 2024.