

1 **FINE AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Daniel McCay**

5 Senate Sponsor: Howard A. Stephenson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions relating to fines.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ imposes limits on penalties for failure to pay fines when due; and
- 13 ▶ makes technical changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This bill provides a special effective date.

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **76-3-301**, as last amended by Laws of Utah 1995, Chapter 291

21 **78B-6-310**, as renumbered and amended by Laws of Utah 2008, Chapter 3

22 ENACTS:

23 **11-58-101**, Utah Code Annotated 1953

24 **11-58-102**, Utah Code Annotated 1953

25 **11-58-201**, Utah Code Annotated 1953

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

28 Section 1. Section **11-58-101** is enacted to read:

29 **CHAPTER 58. IMPOSITION OF FINES BY A COUNTY, CITY, OR TOWN**

30 **Part 1. General Provisions**

31 **11-58-101. Title.**

32 This chapter is known as the "Imposition of Fines by a County, City, or Town."

33 Section 2. Section **11-58-102** is enacted to read:

34 **11-58-102. Definition.**

35 As used in this chapter, "parking citation, civil citation, or administrative fine" means a
36 citation or other action by a county, city, or town that under a law other than this chapter
37 authorizes the county, city, or town to impose a fine against an individual.

38 Section 3. Section **11-58-201** is enacted to read:

39 **Part 2. Limitations on Fines**

40 **11-58-201. Limits on penalties for failure to pay a fine.**

41 An individual assessed a parking citation, civil citation, or administrative fine may not
42 be charged:

43 (1) by the original jurisdiction that imposes the fine, late fees and interest in the
44 aggregate that are more than 25% of the initial fine amount; and

45 (2) by a court, interest in the aggregate that is more than 25% of the initial fine amount.

46 Section 4. Section **76-3-301** is amended to read:

47 **76-3-301. Fines of individuals.**

48 (1) [~~A person~~] An individual convicted of an offense may be sentenced to pay a fine,
49 not exceeding:

50 (a) \$10,000 for a felony conviction of the first degree or second degree;

51 (b) \$5,000 for a felony conviction of the third degree;

52 (c) \$2,500 for a class A misdemeanor conviction;

53 (d) \$1,000 for a class B misdemeanor conviction;

54 (e) \$750 for a class C misdemeanor conviction or infraction conviction; and

55 (f) any greater amounts specifically authorized by statute.

56 (2) (a) An individual convicted of a misdemeanor or infraction and sentenced to pay a
57 fine may not be charged:

58 (i) notwithstanding Section 15-1-4, interest on the judgment that in the aggregate is
59 more than 25% of the initial fine; or

60 (ii) by a court that issues an order to show cause under Section 78B-6-317 for failure to
61 pay the fine, interest that is more than 25% of the initial fine.

62 (b) An individual convicted of an infraction and sentenced to pay a fine may not be
63 charged:

64 (i) by the Office of State Debt Collection, late fees and interest that in the aggregate are
65 more than 25% of the initial fine; or

66 (ii) by a third-party debt collector, late fees and interest in the aggregate that are more
67 than 25% of the initial fine.

68 (3) Subsection (2) does not apply to an offense that includes:

69 (a) victim restitution; or

70 (b) a felony conviction.

71 ~~[(2)]~~ (4) This section does not apply to a corporation, association, partnership,
72 government, or governmental instrumentality.

73 Section 5. Section **78B-6-310** is amended to read:

74 **78B-6-310. Contempt -- Action by court.**

75 (1) The court shall determine whether the person proceeded against is guilty of the
76 contempt charged. If the court finds the person is guilty of the contempt, the court may impose
77 a fine not exceeding \$1,000, order the person incarcerated in the county jail not exceeding 30
78 days, or both. However, a justice court judge or court commissioner may punish for contempt
79 by a fine not to exceed \$500 or by incarceration for five days or both.

80 (2) A fine imposed under this section is subject to the limitations of Subsection
81 76-3-301(2).

82 Section 6. **Effective date.**

83

This bill takes effect on July 1, 2019.