

**AMENDMENTS RELATED TO SURCHARGE FEES**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Joel Ferry**

Senate Sponsor: \_\_\_\_\_

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**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 directs remaining funds in the restricted accounts to be transferred into the General Fund;
- ▶ repeals funding and programming related to certain restricted accounts being repealed;
- ▶ raises the amounts of the court security surcharges and civil filing fees;
- ▶ establishes the Education Fund as the source of funding for the Peace Officers Standards and Training program and substance abuse prevention student support services;
- ▶ 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 Education Fund, \$3,034,300
  - from Public Safety Support Account (\$4,111,600)
- ▶ 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:

- 59           • from the General Fund, \$1,360,200
- 60           • from Law Enforcement Operations Account (\$1,531,300)
- 61       ▶ to the Office of the Governor -- Commission on Criminal and Juvenile Justice:
- 62           • from Law Enforcement Services Account (\$617,900)
- 63       ▶ to the Office of the Governor -- Crime Victims Reparations:
- 64           • from the General Fund, \$3,769,400
- 65           • from Dedicated Credits (\$3,769,400)
- 66       ▶ to the State Board of Education -- State Administrative Office:
- 67           • from the Education Fund, \$410,000
- 68           • from Substance Abuse Prevention Account (\$512,600)

69 **Other Special Clauses:**

70           This bill provides a special effective date.

71 **Utah Code Sections Affected:**

72 **AMENDS:**

- 73           **10-1-203.5**, as last amended by Laws of Utah 2017, Chapter 136
- 74           **26-8a-207**, as last amended by Laws of Utah 2011, Chapters 297 and 303
- 75           **51-9-401**, as last amended by Laws of Utah 2010, Chapter 402
- 76           **51-9-402**, as last amended by Laws of Utah 2011, Chapter 342
- 77           **62A-15-503**, as last amended by Laws of Utah 2010, Chapter 278
- 78           **63I-1-263**, as last amended by Laws of Utah 2019, Chapters 89, 246, 311, 414, 468,
- 79 469, 482 and last amended by Coordination Clause, Laws of Utah 2019, Chapter
- 80 246
- 81           **63I-2-263**, as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370,
- 82 and 483
- 83           **63J-1-602.1**, as last amended by Laws of Utah 2019, Chapters 89, 136, 213, 215, 244,
- 84 326, 342, and 482
- 85           **63J-1-602.2**, as last amended by Laws of Utah 2019, Chapters 136, 326, 468, and 469
- 86           **63M-7-204**, as last amended by Laws of Utah 2019, Chapter 435
- 87           **63M-7-502**, as last amended by Laws of Utah 2019, Chapter 297
- 88           **67-5a-8**, as last amended by Laws of Utah 2011, Chapter 340
- 89           **77-38-302**, as last amended by Laws of Utah 2013, Chapter 278

90        **78A-2-301**, as last amended by Laws of Utah 2018, Chapter 25  
91        **78A-2-601**, as last amended by Laws of Utah 2015, Chapter 99  
92        **78A-7-120**, as last amended by Laws of Utah 2017, Chapters 144, 150, and 186  
93        **78A-7-122**, as last amended by Laws of Utah 2014, Chapter 168

94    ENACTS:

95        **53E-3-521**, Utah Code Annotated 1953  
96        **63M-7-526**, Utah Code Annotated 1953  
97        **78A-6-903**, Utah Code Annotated 1953

98    RENUMBERS AND AMENDS:

99        **63M-7-213**, (Renumbered from 51-9-411, as last amended by Laws of Utah 2016,  
100    Chapter 191)

101    REPEALS:

102        **51-9-403**, as renumbered and amended by Laws of Utah 2008, Chapter 382  
103        **51-9-404**, as last amended by Laws of Utah 2014, Chapter 56  
104        **51-9-405**, as last amended by Laws of Utah 2019, Chapter 335  
105        **51-9-406**, as last amended by Laws of Utah 2018, Chapter 353  
106        **51-9-407**, as last amended by Laws of Utah 2010, Chapter 278  
107        **51-9-409**, as last amended by Laws of Utah 2011, Chapter 303  
108        **51-9-410**, as renumbered and amended by Laws of Utah 2008, Chapter 382  
109        **51-9-412**, as last amended by Laws of Utah 2016, Chapter 191  
110        **62A-15-502.5**, as enacted by Laws of Utah 2010, Chapter 278

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

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

114        **10-1-203.5. Disproportionate rental fee -- Good landlord training program -- Fee**  
115    **reduction.**

116        (1) As used in this section:

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

118        (b) "Disproportionate rental fee" means a fee adopted by a municipality to recover its  
119    disproportionate costs of providing municipal services to residential rental units compared to  
120    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 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 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 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 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:



245 (i) 90% upon conviction of a:  
246 (A) felony;  
247 (B) class A misdemeanor;  
248 (C) violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless  
249 Driving; or  
250 (D) class B misdemeanor not classified within Title 41, Motor Vehicles, including  
251 violation of comparable county or municipal ordinances; or  
252 (ii) 35% upon conviction of any other offense, including violation of county or  
253 municipal ordinances not subject to the 90% surcharge.  
254 ~~[(c) The Division of Finance shall allocate the collected 90% surcharge in Subsection~~  
255 ~~(1)(b)(i) in the following order:]~~  
256 ~~[(i) the first \$30,000 to the General Fund;]~~  
257 ~~[(ii) the next 4.5% to the Law Enforcement Services Account established in Section~~  
258 ~~51-9-412; and]~~  
259 ~~[(iii) the remainder as prescribed in Sections 51-9-403 through 51-9-411.]~~  
260 (c) The Division of Finance shall deposit into the General Fund an amount equal to the  
261 amount that the state retains under Section 51-9-402.  
262 (2) The surcharge may not be imposed:  
263 (a) upon nonmoving traffic violations;  
264 (b) upon court orders when the offender is ordered to perform compensatory service  
265 work in lieu of paying a fine; and  
266 (c) upon penalties assessed by the juvenile court as part of the nonjudicial adjustment  
267 of a case under Section 78A-6-602.  
268 (3) (a) The surcharge and the exceptions under Subsections (1) and (2) ~~[also]~~ apply to  
269 all fines, penalties, and forfeitures imposed on juveniles for conduct that would be criminal if  
270 committed by an adult.  
271 (b) ~~[However]~~ Notwithstanding Subsection (3)(a), the surcharge does not include  
272 amounts assessed or collected separately by juvenile courts for the Juvenile Restitution  
273 Account, which is independent of this part and does not affect the imposition or collection of  
274 the surcharge.  
275 (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:

(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 53E-3-521 is enacted to read:

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

The state board shall use the allocation in public school programs 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 6. 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.

Section 7. 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;

(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);

(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:

"(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 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.";



- 493 (b) Subsection 63N-10-201(2)(b), related to legislative appointments, is repealed;
- 494 (c) in Subsection 63N-10-201(3)(a), the language that states ", president, or speaker,
- 495 respectively," is repealed; and
- 496 (d) Subsection 63N-10-201(3)(d) is amended to read:
- 497 "(d) The governor may remove a commission member for any reason and replace the
- 498 commission member in accordance with this section."
- 499 (33) In relation to the Talent Ready Utah Board, on January 1, 2023:
- 500 (a) Subsection 9-22-102(16) is repealed;
- 501 (b) in Subsection 9-22-114(2), the language that states "Talent Ready Utah," is
- 502 repealed; and
- 503 (c) in Subsection 9-22-114(5), the language that states "representatives of Talent Ready
- 504 Utah," is repealed.
- 505 (34) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,
- 506 2023.
- 507 Section 8. Section 63I-2-263 is amended to read:
- 508 **63I-2-263. Repeal dates, Title 63A to Title 63N.**
- 509 (1) On July 1, 2020:
- 510 (a) Subsection 63A-1-203(5)(a)(i) is repealed; and
- 511 (b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after
- 512 May 8, 2018," is repealed.
- 513 (2) Sections 63C-4a-307 and 63C-4a-309 are repealed January 1, 2020.
- 514 (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
- 515 repealed July 1, 2020.
- 516 (4) The following sections regarding the World War II Memorial Commission are
- 517 repealed on July 1, 2020:
- 518 (a) Section 63G-1-801;
- 519 (b) Section 63G-1-802;
- 520 (c) Section 63G-1-803; and
- 521 (d) Section 63G-1-804.
- 522 (5) In relation to the State Fair Park Committee, on January 1, 2021:
- 523 (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 9. 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.

(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

555 Program as provided in Section 26-40-108.

556       ~~[(12)]~~ (11) The Children with Heart Disease Support Restricted Account created in  
557 Section 26-58-102.

558       ~~[(13)]~~ (12) The Nurse Home Visiting Restricted Account created in Section 26-63-601.

559       ~~[(14)]~~ (13) The Technology Development Restricted Account created in Section  
560 31A-3-104.

561       ~~[(15)]~~ (14) The Criminal Background Check Restricted Account created in Section  
562 31A-3-105.

563       ~~[(16)]~~ (15) The Captive Insurance Restricted Account created in Section 31A-3-304,  
564 except to the extent that Section 31A-3-304 makes the money received under that section free  
565 revenue.

566       ~~[(17)]~~ (16) The Title Licensee Enforcement Restricted Account created in Section  
567 31A-23a-415.

568       ~~[(18)]~~ (17) The Health Insurance Actuarial Review Restricted Account created in  
569 Section 31A-30-115.

570       ~~[(19)]~~ (18) The Insurance Fraud Investigation Restricted Account created in Section  
571 31A-31-108.

572       ~~[(20)]~~ (19) The Underage Drinking Prevention Media and Education Campaign  
573 Restricted Account created in Section 32B-2-306.

574       ~~[(21)]~~ (20) The School Readiness Restricted Account created in Section 35A-15-203.

575       ~~[(22)]~~ (21) Money received by the Utah State Office of Rehabilitation for the sale of  
576 certain products or services, as provided in Section 35A-13-202.

577       ~~[(23)]~~ (22) The Oil and Gas Conservation Account created in Section 40-6-14.5.

578       ~~[(24)]~~ (23) The Electronic Payment Fee Restricted Account created by Section  
579 41-1a-121 to the Motor Vehicle Division.

580       ~~[(25)]~~ (24) The Motor Vehicle Enforcement Division Temporary Permit Restricted  
581 Account created by Section 41-3-110 to the State Tax Commission.

582       ~~[(26)]~~ (25) The Utah Law Enforcement Memorial Support Restricted Account created  
583 in Section 53-1-120.

584       ~~[(27)]~~ (26) The State Disaster Recovery Restricted Account to the Division of  
585 Emergency Management, as provided in Section 53-2a-603.

586           ~~[(28)]~~ (27) The Department of Public Safety Restricted Account to the Department of  
587 Public Safety, as provided in Section [53-3-106](#).

588           ~~[(29)]~~ (28) The Utah Highway Patrol Aero Bureau Restricted Account created in  
589 Section [53-8-303](#).

590           ~~[(30)]~~ (29) The DNA Specimen Restricted Account created in Section [53-10-407](#).

591           ~~[(31)]~~ (30) The Canine Body Armor Restricted Account created in Section [53-16-201](#).

592           ~~[(32)]~~ (31) The Technical Colleges Capital Projects Fund created in Section  
593 [53B-2a-118](#).

594           ~~[(33)]~~ (32) The Higher Education Capital Projects Fund created in Section  
595 [53B-22-202](#).

596           ~~[(34)]~~ (33) A certain portion of money collected for administrative costs under the  
597 School Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).

598           ~~[(35)]~~ (34) The Public Utility Regulatory Restricted Account created in Section  
599 [54-5-1.5](#), subject to Subsection [54-5-1.5\(4\)\(d\)](#).

600           ~~[(36)]~~ (35) Funds collected from a surcharge fee to provide certain licensees with  
601 access to an electronic reference library, as provided in Section [58-3a-105](#).

602           ~~[(37)]~~ (36) Certain fines collected by the Division of Occupational and Professional  
603 Licensing for violation of unlawful or unprofessional conduct that are used for education and  
604 enforcement purposes, as provided in Section [58-17b-505](#).

605           ~~[(38)]~~ (37) Funds collected from a surcharge fee to provide certain licensees with  
606 access to an electronic reference library, as provided in Section [58-22-104](#).

607           ~~[(39)]~~ (38) Funds collected from a surcharge fee to provide certain licensees with  
608 access to an electronic reference library, as provided in Section [58-55-106](#).

609           ~~[(40)]~~ (39) Funds collected from a surcharge fee to provide certain licensees with  
610 access to an electronic reference library, as provided in Section [58-56-3.5](#).

611           ~~[(41)]~~ (40) Certain fines collected by the Division of Occupational and Professional  
612 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as  
613 provided in Section [58-63-103](#).

614           ~~[(42)]~~ (41) The Relative Value Study Restricted Account created in Section [59-9-105](#).

615           ~~[(43)]~~ (42) The Cigarette Tax Restricted Account created in Section [59-14-204](#).

616           ~~[(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 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 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 10. 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.

679 (6) The Division of Wildlife Resources for the appraisal and purchase of lands under  
680 the Pelican Management Act, as provided in Section [23-21a-6](#).

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

682 [~~(7)~~] (8) The primary care grant program created in Section [26-10b-102](#).

683 [~~(8)~~] (9) Sanctions collected as dedicated credits from Medicaid provider under  
684 Subsection [26-18-3](#)(7).

685 [~~(9)~~] (10) The Utah Health Care Workforce Financial Assistance Program created in  
686 Section [26-46-102](#).

687 [~~(10)~~] (11) The Rural Physician Loan Repayment Program created in Section  
688 [26-46a-103](#).

689 [~~(11)~~] (12) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).

690 [~~(12)~~] (13) Funds that the Department of Alcoholic Beverage Control retains in  
691 accordance with Subsection [32B-2-301](#)(7)(a) or (b).

692 [~~(13)~~] (14) The General Assistance program administered by the Department of  
693 Workforce Services, as provided in Section [35A-3-401](#).

694 [~~(14)~~] (15) A new program or agency that is designated as nonlapsing under Section  
695 [36-24-101](#).

696 [~~(15)~~] (16) The Utah National Guard, created in Title 39, Militia and Armories.

697 [~~(16)~~] (17) The State Tax Commission under Section [41-1a-1201](#) for the:

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

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

700 [~~(17)~~] (18) The Search and Rescue Financial Assistance Program, as provided in  
701 Section [53-2a-1102](#).

702 [~~(18)~~] (19) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).

703 [~~(19)~~] (20) The State Board of Regents for teacher preparation programs, as provided  
704 in Section [53B-6-104](#).

705 [~~(20)~~] (21) The Medical Education Program administered by the Medical Education  
706 Council, as provided in Section [53B-24-202](#).

707 [~~(21)~~] (22) The State Board of Education, as provided in Section [53F-2-205](#).

708 [~~(22)~~] (23) The Division of Services for People with Disabilities, as provided in  
709 Section [62A-5-102](#).

710           ~~[(23)]~~ (24) The Division of Fleet Operations for the purpose of upgrading underground  
711 storage tanks under Section [63A-9-401](#).

712           ~~[(24)]~~ (25) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).

713           ~~[(25)]~~ (26) Appropriations to the Department of Technology Services for technology  
714 innovation as provided under Section [63F-4-202](#).

715           ~~[(26)]~~ (27) The Office of Administrative Rules for publishing, as provided in Section  
716 [63G-3-402](#).

717           ~~[(27)]~~ (28) The Utah Science Technology and Research Initiative created in Section  
718 [63M-2-301](#).

719           ~~[(28)]~~ (29) The Governor's Office of Economic Development to fund the Enterprise  
720 Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

721           ~~[(29)]~~ (30) Appropriations to fund the Governor's Office of Economic Development's  
722 Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural  
723 Employment Expansion Program.

724           ~~[(30)]~~ (31) The Department of Human Resource Management user training program, as  
725 provided in Section [67-19-6](#).

726           ~~[(31)]~~ (32) A public safety answering point's emergency telecommunications service  
727 fund, as provided in Section [69-2-301](#).

728           ~~[(32)]~~ (33) The Traffic Noise Abatement Program created in Section [72-6-112](#).

729           ~~[(33)]~~ (34) The Judicial Council for compensation for special prosecutors, as provided  
730 in Section [77-10a-19](#).

731           ~~[(34)]~~ (35) A state rehabilitative employment program, as provided in Section  
732 [78A-6-210](#).

733           ~~[(35)]~~ (36) The Utah Geological Survey, as provided in Section [79-3-401](#).

734           ~~[(36)]~~ (37) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).

735           ~~[(37)]~~ (38) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#),  
736 and [78B-6-144.5](#).

737           ~~[(38)]~~ (39) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent  
738 Defense Commission.

739           ~~[(39)]~~ (40) The program established by the Division of Facilities Construction and  
740 Management under Subsection [63A-5-228\(3\)](#) under which state agencies receive an



741 appropriation and pay lease payments for the use and occupancy of buildings owned by the  
742 Division of Facilities Construction and Management.

743 Section 11. Section **63M-7-204** is amended to read:

744 **63M-7-204. Duties of commission.**

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

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

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

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

752 (d) study, evaluate, and report on programs initiated by state and local agencies to  
753 address reducing recidivism, including changes in penalties and sentencing guidelines intended  
754 to reduce recidivism, costs savings associated with the reduction in the number of inmates, and  
755 evaluation of expenses and resources needed to meet goals regarding the use of treatment as an  
756 alternative to incarceration, as resources allow;

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

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

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

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

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

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

771 (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

(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 12. 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 -- 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~~

834 ~~criminal activity as listed in Subsection (5).]~~

835 ~~[(c) The state treasurer shall invest money in the account according to Title 51, Chapter~~  
836 ~~7, State Money Management Act.]~~

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

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

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

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

846 ~~[(5)]~~ (3) (a) The first priority of the commission is to annually allocate not more than  
847 \$2,500,000, depending upon funding available from other sources, to directly fund the  
848 operational costs of state and local law enforcement agencies' drug or crime task forces,  
849 including multijurisdictional task forces.

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

854 ~~[(6)]~~ (4) (a) In allocating grants and determining the amount of the grants, the  
855 commission shall consider:

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

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

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

863 ~~[(7)]~~ (5) Recipient agencies may only use grant money after approval or appropriation  
864 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 illegal drug activity and related criminal activity, as specified in the grant.

Section 13. 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 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, 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.

(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.

Section 14. 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 15. 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)]~~ (1) Funds ~~[available from other sources may also]~~ may be appropriated by the Legislature to the Office of the Attorney General for the administration of this chapter.

(2) In exercising its duties, 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 training prosecuting attorneys.

(3) 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 16. 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.

- 1051 (5) "Notoriety of crimes contract" means a contract or other agreement with a  
1052 convicted person, or a representative or assignee of a convicted person, with respect to:
- 1053 (a) the reenactment of a crime in any manner including a movie, book, magazine  
1054 article, Internet website, recording, phonograph record, radio or television presentation, or live  
1055 entertainment of any kind;
- 1056 (b) the expression of the convicted person's thoughts, feelings, opinions, or emotions  
1057 regarding a crime involving or causing personal injury, death, or property loss as a direct result  
1058 of the crime; or
- 1059 (c) the payment or exchange of any money or other consideration or the proceeds or  
1060 profits that directly or indirectly result from the notoriety of the crime.
- 1061 (6) "Office" means the Utah Office for Victims of Crime.
- 1062 (7) "Profit" means any income or benefit:
- 1063 (a) over and above the fair market value of tangible property that is received upon the  
1064 sale or transfer of memorabilia; or
- 1065 (b) any money, negotiable instruments, securities, or other consideration received or  
1066 contracted for gain which is traceable to a notoriety of crimes contract.
- 1067 Section 17. Section **78A-2-301** is amended to read:
- 1068 **78A-2-301. Civil fees of the courts of record -- Courts complex design.**
- 1069 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a  
1070 court of record not governed by another subsection is ~~[\$360]~~ \$375.
- 1071 (b) The fee for filing a complaint or petition is:
- 1072 (i) ~~[\$75]~~ \$90 if the claim for damages or amount in interpleader exclusive of court  
1073 costs, interest, and attorney fees is \$2,000 or less;
- 1074 (ii) ~~[\$185]~~ \$200 if the claim for damages or amount in interpleader exclusive of court  
1075 costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;
- 1076 (iii) ~~[\$360]~~ \$375 if the claim for damages or amount in interpleader is \$10,000 or  
1077 more;
- 1078 (iv) ~~[\$310]~~ \$325 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30,  
1079 Chapter 4, Separate Maintenance;
- 1080 (v) \$35 for a motion for temporary separation order filed under Section 30-3-4.5;
- 1081 (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 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.

- 1113 (g) The fee for filing a petition is:
- 1114 (i) [~~\$225~~] \$240 for trial de novo of an adjudication of the justice court or of the small
- 1115 claims department; and
- 1116 (ii) [~~\$65~~] \$80 for an appeal of a municipal administrative determination in accordance
- 1117 with Section 10-3-703.7.
- 1118 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
- 1119 petition for writ of certiorari is [~~\$225~~] \$240.
- 1120 (i) The fee for filing a petition for expungement is [~~\$135~~] \$150.
- 1121 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
- 1122 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'
- 1123 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'
- 1124 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement
- 1125 Act.
- 1126 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be
- 1127 allocated by the state treasurer to be deposited in the restricted account, Children's Legal
- 1128 Defense Account, as provided in Section 51-9-408.
- 1129 (iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
- 1130 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided
- 1131 in Section 78B-6-209.
- 1132 (iv) [~~Fifteen~~] Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and
- 1133 (iv), (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be
- 1134 deposited in the restricted account, Court Security Account, as provided in Section 78A-2-602.
- 1135 (v) [~~Five~~] Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii),
- 1136 (1)(d)(ii) and (1)(g)(i) shall be allocated by the state treasurer to be deposited in the restricted
- 1137 account, Court Security Account, as provided in Section 78A-2-602.
- 1138 (k) The fee for filing a judgment, order, or decree of a court of another state or of the
- 1139 United States is \$35.
- 1140 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is
- 1141 50% of the fee for filing an original action seeking the same relief.
- 1142 (m) The fee for filing probate or child custody documents from another state is \$35.
- 1143 (n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the

1144 [Utah] State Tax Commission is \$30.

1145 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state  
1146 or a judgment, order, or decree of an administrative agency, commission, board, council, or  
1147 hearing officer of this state or of its political subdivisions other than the [Utah] State Tax  
1148 Commission, is \$50.

1149 (o) The fee for filing a judgment by confession without action under Section  
1150 78B-5-205 is \$35.

1151 (p) The fee for filing an award of arbitration for confirmation, modification, or  
1152 vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an  
1153 action before the court is \$35.

1154 (q) The fee for filing a petition or counter-petition to modify a domestic relations order  
1155 other than a protective order or stalking injunction is \$100.

1156 (r) The fee for filing any accounting required by law is:

1157 (i) \$15 for an estate valued at \$50,000 or less;

1158 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;

1159 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;

1160 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and

1161 (v) \$175 for an estate valued at more than \$168,000.

1162 (s) The fee for filing a demand for a civil jury is \$250.

1163 (t) The fee for filing a notice of deposition in this state concerning an action pending in  
1164 another state under Utah Rules of Civil Procedure, Rule 30 is \$35.

1165 (u) The fee for filing documents that require judicial approval but are not part of an  
1166 action before the court is \$35.

1167 (v) The fee for a petition to open a sealed record is \$35.

1168 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in  
1169 addition to any fee for a complaint or petition.

1170 (x) (i) The fee for a petition for authorization for a minor to marry required by Section  
1171 30-1-9 is \$5.

1172 (ii) The fee for a petition for emancipation of a minor provided in Title 78A, Chapter 6,  
1173 Part 8, Emancipation, is \$50.

1174 (y) The fee for a certificate issued under Section 26-2-25 is \$8.

1175 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per  
1176 page.

1177 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents  
1178 per page.

1179 (bb) The Judicial Council shall by rule establish a schedule of fees for copies of  
1180 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,  
1181 Government Records Access and Management Act. Fees under this Subsection (1)(bb) shall  
1182 be credited to the court as a reimbursement of expenditures.

1183 (cc) There is no fee for services or the filing of documents not listed in this section or  
1184 otherwise provided by law.

1185 (dd) Except as provided in this section, all fees collected under this section are paid to  
1186 the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk  
1187 accepts the pleading for filing or performs the requested service.

1188 (ee) The filing fees under this section may not be charged to the state, its agencies, or  
1189 political subdivisions filing or defending any action. In judgments awarded in favor of the  
1190 state, its agencies, or political subdivisions, except the Office of Recovery Services, the court  
1191 shall order the filing fees and collection costs to be paid by the judgment debtor. The sums  
1192 collected under this Subsection (1)(ee) shall be applied to the fees after credit to the judgment,  
1193 order, fine, tax, lien, or other penalty and costs permitted by law.

1194 (2) (a) (i) From March 17, 1994, until June 30, 1998, the state court administrator shall  
1195 transfer all revenues representing the difference between the fees in effect after May 2, 1994,  
1196 and the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities  
1197 Construction and Management Capital Projects Fund.

1198 (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities  
1199 Construction and Management shall use up to \$3,750,000 of the revenue deposited in the  
1200 Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to  
1201 initiate the development of a courts complex in Salt Lake City.

1202 (B) If the Legislature approves funding for construction of a courts complex in Salt  
1203 Lake City in the 1995 Annual General Session, the Division of Facilities Construction and  
1204 Management shall use the revenue deposited in the Capital Projects Fund under this Subsection  
1205 (2)(a)(ii) to construct a courts complex in Salt Lake City.

1206 (C) After the courts complex is completed and all bills connected with its construction  
1207 have been paid, the Division of Facilities Construction and Management shall use any money  
1208 remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal  
1209 District Court building.

1210 (iii) The Division of Facilities Construction and Management may enter into  
1211 agreements and make expenditures related to this project before the receipt of revenues  
1212 provided for under this Subsection (2)(a)(iii).

1213 (iv) The Division of Facilities Construction and Management shall:

1214 (A) make those expenditures from unexpended and unencumbered building funds  
1215 already appropriated to the Capital Projects Fund; and

1216 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for  
1217 under this Subsection (2).

1218 (b) After June 30, 1998, the state court administrator shall ensure that all revenues  
1219 representing the difference between the fees in effect after May 2, 1994, and the fees in effect  
1220 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted  
1221 account.

1222 (c) The Division of Finance shall deposit all revenues received from the state court  
1223 administrator into the restricted account created by this section.

1224 (d) (i) From May 1, 1995, until June 30, 1998, the state court administrator shall  
1225 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor  
1226 Vehicles, in a court of record to the Division of Facilities Construction and Management  
1227 Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be  
1228 calculated on the balance of the fine or bail forfeiture paid.

1229 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer \$7  
1230 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a  
1231 court of record to the Division of Finance for deposit in the restricted account created by this  
1232 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the  
1233 balance of the fine or bail forfeiture paid.

1234 (3) (a) There is created within the General Fund a restricted account known as the State  
1235 Courts Complex Account.

1236 (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 18. 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;

(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 19. 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 20. 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.

(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 21. 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 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 22. 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 --

1330 Uses.

1331 Section **51-9-406, Victims of Domestic Violence Services Account established --**

1332 **Funding -- Uses.**

1333 Section **51-9-407, Intoxicated Driver Rehabilitation Account share of surcharge.**

1334 Section **51-9-409, Guardian Ad Litem Services Account established -- Funding --**

1335 **Uses.**

1336 Section **51-9-410, Statewide Warrant Operations Account -- Share of surcharge --**

1337 **Use.**

1338 Section **51-9-412, Law Enforcement Services Account -- Funding -- Uses.**

1339 Section **62A-15-502.5, Intoxicated Driver Rehabilitation Account -- Created.**

1340 Section 23. **Appropriation.**

1341 Section 1. **FY 2021 Appropriations.** The following sums of money are appropriated  
 1342 for the fiscal year beginning July 1, 2020, and ending June 30, 2021. These are additions to  
 1343 amounts previously appropriated for fiscal year 2021.

1344 Subsection (1)(a). **Operating and Capital Budgets.** Under the terms and conditions of  
 1345 Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following  
 1346 sums of money from the funds or accounts indicated for the use and support of the government  
 1347 of the state of Utah.

1348 ITEM 1

1349 To Office of the Attorney General -- Prosecution Council

1350 From General Fund 492,000

1351 From Public Safety Support Account (551,500)

1352 Schedule of Programs:

1353 Prosecution Council (59,500)

1354 The Legislature intends that upon closeout of Fiscal Year 2020, any remaining funds in  
 1355 the Public Safety Support Account be transferred to the General Fund.

1356 ITEM 2

1357 To Courts -- Administration

1358 From General Fund 410,000

1359 From Substance Abuse Prevention Account (571,700)

1360 Schedule of Programs:

1361	<u>Juvenile Courts</u>	<u>(161,700)</u>
1362	<u>The Legislature intends that upon closeout of Fiscal Year 2020, any remaining funds in</u>	
1363	<u>the Substance Abuse Prevention Account be transferred to the General Fund.</u>	
1364	<u>ITEM 3</u>	
1365	<u>To Courts -- Guardian Ad Litem</u>	
1366	<u>From General Fund</u>	<u>287,000</u>
1367	<u>From Guardian Ad Litem Services Account</u>	<u>(397,500)</u>
1368	<u>Schedule of Programs:</u>	
1369	<u>Guardian Ad Litem</u>	<u>(110,500)</u>
1370	<u>ITEM 4</u>	
1371	<u>To Department of Health -- Family Health and Preparedness</u>	
1372	<u>From General Fund</u>	<u>2,296,200</u>
1373	<u>From Dedicated Credits</u>	<u>(2,296,200)</u>
1374	<u>Schedule of Programs:</u>	
1375	<u>Emergency Medical Services and</u>	
1376	<u>Preparedness</u>	<u>(2,296,200)</u>
1377	<u>Emergency Medical Services Grants</u>	<u>2,296,200</u>
1378	<u>ITEM 5</u>	
1379	<u>To Department of Human Services -- Division of Child and Family Services</u>	
1380	<u>From General Fund</u>	<u>731,000</u>
1381	<u>From Victims of Domestic Violence Service Account</u>	<u>(732,100)</u>
1382	<u>Schedule of Programs:</u>	
1383	<u>Domestic Violence</u>	<u>(1,100)</u>
1384	<u>The Legislature intends that upon closeout of Fiscal Year 2020, any remaining funds in</u>	
1385	<u>the Domestic Violence Services Account be transferred to the General Fund.</u>	
1386	<u>ITEM 6</u>	
1387	<u>To Department of Human Services -- Division of Substance Abuse and Mental Health</u>	
1388	<u>From General Fund</u>	<u>1,230,100</u>
1389	<u>From Intoxicated Driver Rehabilitation Account</u>	<u>(1,500,000)</u>
1390	<u>Schedule of Programs:</u>	
1391	<u>Driving Under the Influence (DUI) Fines</u>	<u>(269,900)</u>

1392           The Legislature intends that upon closeout of Fiscal Year 2020, any remaining funds in  
1393           the Intoxicated Driver Rehabilitation Account be transferred to the General Fund.

1394 ITEM 7

1395 To Department of Public Safety -- Bureau of Criminal Identification

1396	<u>From General Fund</u>	<u>250,000</u>
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1397	<u>From Statewide Warrants Operations Account</u>	<u>(596,300)</u>
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1398 Schedule of Programs:

1399	<u>Law Enforcement/Criminal Justice Services</u>	(346,300)
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1400           The Legislature intends that upon closeout of Fiscal Year 2020, any remaining funds in  
1401   the Statewide Warrants Operation Account be transferred to the General Fund.

## 1402 ITEM 8

1403 To Department of Public Safety -- Peace Officers Standards and Training

1404	<u>From Education Fund</u>	3,034,300
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1405	<u>From Public Safety Support Account</u>	<u>(4,111,600)</u>
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1406 Schedule of Programs:

1407	<u>Basic Training</u>	(456,800)
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1408	<u>POST Administration</u>	<u>(411,900)</u>
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1409	Regional/Inservice Training	(208,600)
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1410           The Legislature intends that upon closeout of Fiscal Year 2020, any remaining funds in  
1411   the Public Safety Support Account be transferred to the General Fund.

## 1412 ITEM 9

1413 To Courts -- Administration

1414	From General Fund	(502,600)
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1415 Schedule of Programs:

1416	Court Security	(502,600)
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1417 ITEM 10

1418 To Governor's Office -- Commission on Criminal and Juvenile Justice

1419	From General Fund	1,971,100
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1420	From Crime Victim Reparations Fund	(1,971,100)
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## 1421 ITEM 11

1422 To Governor's Office -- Commission on Criminal and Juvenile Justice

1423	<u>From General Fund</u>	<u>1,360,200</u>
1424	<u>From Law Enforcement Operations Account</u>	<u>(1,531,300)</u>
1425	<u>Schedule of Programs:</u>	
1426	<u>State Task Force Grants</u>	<u>(171,100)</u>
1427	<u>The Legislature intends that upon closeout of Fiscal Year 2020, any remaining funds in</u>	
1428	<u>the Law Enforcement Operations Account be transferred to the General Fund.</u>	
1429	<u>ITEM 12</u>	
1430	<u>To Governor's Office -- Commission on Criminal and Juvenile Justice</u>	
1431	<u>From Law Enforcement Services Account</u>	<u>(617,900)</u>
1432	<u>Schedule of Programs:</u>	
1433	<u>Law Enforcement Services Grants</u>	<u>(617,900)</u>
1434	<u>The Legislature intends that upon closeout of Fiscal Year 2020, any remaining funds in</u>	
1435	<u>the Law Enforcement Services Account be transferred to the General Fund.</u>	
1436	<u>ITEM 13</u>	
1437	<u>To State Board of Education -- State Administrative Office</u>	
1438	<u>From Education Fund</u>	<u>410,000</u>
1439	<u>From Substance Abuse Prevention Account</u>	<u>(512,600)</u>
1440	<u>Schedule of Programs:</u>	
1441	<u>Student Support Services</u>	<u>(102,600)</u>
1442	<u>The Legislature intends that upon closeout of Fiscal Year 2020, any remaining funds in</u>	
1443	<u>the Substance Abuse Prevention Account be transferred to the General Fund.</u>	
1444	<u>Subsection 1(b). <b>Expendable Funds and Accounts.</b> The Legislature has reviewed the</u>	
1445	<u>following expendable funds. The Legislature authorizes the State Division of Finance to</u>	
1446	<u>transfer amounts between funds and accounts as indicated. Outlays and expenditures from the</u>	
1447	<u>funds or accounts to which the money is transferred may be made without further legislative</u>	
1448	<u>action, in accordance with statutory provisions relating to the funds or accounts.</u>	
1449	<u>ITEM 14</u>	
1450	<u>To Governor's Office -- Crime Victims Reparations</u>	
1451	<u>From General Fund</u>	<u>3,769,400</u>
1452	<u>From Dedicated Credits</u>	<u>(3,769,400)</u>
1453	<b>Section 24. Effective date.</b>	

1454

This bill takes effect on July 1, 2020.