

SB71: Criminal Accounts Receivable Amendments - A Working Document -

Last Update: Sept 20, 2017

How SB 71 affects: Probation

1. Payment of fines/fees no longer a condition of probation.
2. Reference removed from standard conditions of probation on SJC.

Total Fine: \$1500.00
Total Suspended: \$500.00
Total Surcharge: \$496.32
Total Principal Due: \$1000.00
Plus Interest

Defendant is to pay a fine of 1000.00 which includes the surcharge. Interest may increase the final amount due.

ORDER OF PROBATION

The defendant is placed on probation for 6 month(s).
Probation is to be supervised by Adult Probation and Parole.
Defendant to serve 15 day(s) jail.

Usual and ordinary conditions required by Adult Probation and Parole.
Usual and ordinary conditions required by Salt Lake County Probation.
Violate no laws.
Maintain updated address and phone number with the court, counsel and any relevant probation agencies.

Now it's here.

Not here.

How SB 71 affects: Probation (cont.)

SB71 does not change the process of returning unpaid balances to the court at the expiration or termination of probation.

If there is an unpaid account receivable at expiration or termination of the probation period, the court may retain jurisdiction of the case and continue the defendant on bench probation for the limited purpose of enforcing payment of the account receivable.

Successful or unsuccessful termination of AP&P probation requires the court to set up an account receivable commence collection activities. *(This process should be automated.)*

In accordance with 77-18-6 , a delinquent account receivable (past due 90 days or more) shall be recorded as a civil judgment and transferred to the Office of State Debt Collection.

How SB 71 affects: Fines and Court Fees

- If defendant is on court or private probation or if there is no probation order, SB 71 changes nothing. An Account Receivable is set up in CORIS based on the information entered in the Sentencing screen; the court collects the \$ and sends outstanding balances to OSDC if more than 90 days past due.
- If defendant is on AP&P probation, the fine and fee information entered in the Sentencing screen is **electronically** sent to AP&P for collection.
- If defendant is committed to prison, the fine and fee information entered in the Sentencing screen is **electronically** sent to DOC for collection. SB71 changes this so the information will be sent to OSDC instead of DOC. This will be done through programming not clerical intervention.

How SB 71 affects: Restitution

- If restitution is ordered at the time of sentencing, it is handled just like fines/fees. The information entered in Sentencing/Trust is electronically sent to the appropriate agency. (AP&P if probation or DOC if committed)
- If no restitution is ordered at sentencing, a Restitution Order entered later. When this happens, the court sets up trust account. SB71 requires this trust account be sent programmatically to OSDC if the defendant was sentenced to prison. *Until programming is completed, data is sent each Monday evening to OSDC. This data is a list of all restitution orders signed in the prior week. (The Monday, May 15th report was for May 7 – 14).* There is no change to the current practice of sending Restitution Orders to AP&P if the defendant is sentenced to AP&P probation.
- If restitution is not ordered within 1 year after sentencing, the Board of Pardons has authority to issue a restitution order. Currently (as of 5/2017) that restitution order is being sent from BOP to OSDC. OSDC has requested that the order be filed with court; set up as a trust account and then sent programmatically to OSDC. The purpose of this change is to reduce phone calls to the courts trying to get the amounts aligned. This process is still in discussion.

How SB 71 affects: Comm Service Hours

SB71 does not affect community service hours ordered directly, however one district is ordering community service hours instead of a fine. This presents tracking challenges as CORIS is not set up to receipt community service hours. CORIS currently allows the credit of community service hours to an underlying fine only.

Example

1. If the defendant can't afford to pay a fine, the judge orders 50 community service hours and no fine.
2. The SJC captures the 50 CSH.
3. No AR account is set up.
4. The JA needs to track hours submitted manually

If the defendant is allowed to buy out hours (convert hours to \$), an Account Receivable must be created. This is done through a minute entry. The standard conversion is 1 CSH=\$10. The JA credits the hours, deletes the minute entry before approval and adds a case note. Better community service hour functionality has been requested in the CORIS rewrite.