

## JUDICIAL COUNCIL MEETING

### AGENDA

**Monday, June 25, 2012**

**Judicial Council Room**

**Matheson Courthouse**

**Salt Lake City, Utah**

*Chief Justice Matthew B. Durrant, Presiding*

1. 9:00 a.m. Welcome & Approval of Minutes . . . . Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. . . . . Chief Justice Matthew B. Durrant
3. 9:15 a.m. Administrator's Report. . . . . Daniel J. Becker
4. 9:30 a.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant  
Liaison Committee. . . . . Justice Jill Parrish  
Policy and Planning . . . . . Judge Greg Orme  
Bar Commission. . . . . Lori Nelson, esq.  
(Tab 2 - Information)
5. 9:40 a.m. Mandatory E-Filing Report. . . . . Ray Wahl  
(Tab 3 - Action)
6. 10:10 a.m. Rules for Final Action. . . . . Tim Shea  
(Tab 4 - Action)
- 10:30 a.m. Break
7. 10:40 a.m. Court Interpreter Committee Update. . . . . Judge Vernice Trease  
(Tab 5 - Action) Tim Shea
8. 11:00 a.m. Board of District Court Judges Update. . . . . Judge Kate Toomey  
(Tab 6 - Information) Debra Moore
9. 11:20 a.m. Standing Committee on Children and Judge Thomas Higbee  
Family Law (SCCFL) Update. . . . . Judge Doug Thomas  
(Tab 7 - Information) Ray Wahl
10. 11:40 a.m. ECR Pilot Program Update. . . . . Judge Royal Hansen  
(Tab 8 - Information) Judge Deno Himonas

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|-----|------------|---|---|
| 11. | 12:00 p.m. | Update and Recommendations of the Uniform<br>Fine and Bail Committee and Committee<br>Reauthorization. .... | Judge David Connors<br>Debra Moore<br>Lisa-Michele Church |
|     | 12:20 p.m. | Lunch   |   |
| 12. | 12:50 p.m. | Media and Portable Electronic Devices Rules. ....   | Tim Shea  |
|     |            | (Tab 9 - Action)  |   |
| 13. | 1:05 p.m.  | Guardianship – Court Volunteer Program Update .....   | Tim Shea  |
|     |            | (Tab 11 - Information)  |   |
| 14. | 1:20 p.m.  | Definition of a “Full-Time” Judge. ....   | Tim Shea  |
|     |            | (Tab 12 - Action)   |   |
| 15. | 1:35 p.m.  | Legislative Update and Highlights. ....   | Rick Schwermer  |
|     |            | (Information)   |   |
| 16. | 1:45 p.m.  | Executive Session. ....   |   |
| 17. | 1:50 p.m.  | Adjourn   |   |

#### **Consent Calendar**

*The consent items in this section are approved without discussion if no objection has been raised with the Admin. Office (578-3806) or with a Council member by the scheduled Council meeting or with the Chair of the Council during the scheduled Council meeting.*

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|----|---|--|
| 1. | Committee Appointments<br>(Tab 13)            | Nancy Volmer<br>Alyn Lunceford<br>Daniel J. Becker |
| 2. | Mobile Devices/Planners<br>(Tab 14)           | Ray Wahl   |
| 3. | Rules to be Published for Comment<br>(Tab 15) | Tim Shea   |

# TAB 1

# **JUDICIAL COUNCIL MEETING**

**Minutes**  
**Tuesday, May 29th, 2012**  
**Multipurpose Room**  
**Vernal Courthouse**  
**Vernal, UT**

**Chief Justice Matthew B. Durrant, Presiding**

## **ATTENDEES:**

Chief Justice Matthew B. Durrant  
Hon. Kimberly K. Hornak, vice chair  
Hon. Judith Atherton  
Hon. George Harmond  
Hon. Paul Maughan  
Hon. Jody Petry for Brendan McCullagh  
Hon. David Mortensen  
Hon. Stephen Roth for Gregory Orme  
Hon. John Sandberg  
Hon. Larry Steele  
Hon. Keith Stoney  
Hon. Thomas Willmore  
Lori Nelson, esq.

## **EXCUSED:**

Hon. Brendan McCullagh  
Hon. Gregory Orme  
Hon. Jill N. Parrish

## **STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Jody Gonzales  
Lisa-Michele Church  
Debra Moore  
Tim Shea  
Kim Allard  
Raechel Lizon  
Alyn Lunceford  
Alison Adams-Perlac

## **GUESTS:**

Judge Mark May  
Judge Ed Peterson  
Russ Pearson, 8<sup>th</sup> Dist TCE  
Dawn Hautamaki  
Geoff Liesik, Deseret News  
Mary Bernard, Vernal Express  
Stephen Foote, Duchesne Cty Attny  
Arek Butler, Assistant Attorney Gen  
Loren Anderson, Uintah Cty Attny  
Comm. Darlene Burns, Uintah Cty  
Comm. Kent Peatross, Duchesne Cty  
Marca Doherty, Deputy Cty Attny  
Senator Kevin Van Tassell  
Tammy Lucero, Econ Dev Dir  
Paul Hacking, Dir Impact Mitigation  
Jonathan Streamer, Dep Cty Attny  
Area attorneys

- 1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)**  
Chief Justice Durrant welcomed everyone to the meeting.



**Motion:** It was moved and seconded to approve the minutes as amended, and it passed unanimously.

**2. CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant reported on the following:

He attended and addressed the district court judges at the District Court Conference held May 16-18. The focus of his address was on the Council's meetings with the Judicial Performance Evaluation Commission (JPEC) in discussing the evaluation process, the Council's concerns with the evaluation process, the focus on jury surveys, and the use of comments in the evaluation process.

A separate meeting with Mr. Tony Schofield, JPEC chair, was held on May 17 as a follow-up to the Workgroup's meeting with JPEC on April 10. It was noted that the Council's concerns would be considered at the next three JPEC meetings.

Chief Justice Durrant mentioned that he would be attending and addressing the juvenile court judges at the Juvenile Court Conference on Wednesday, May 30 with the same focus as provided to the district court judges.

He attended and spoke at the drug court graduation held in the Supreme Court on May 23.

**3. ADMINISTRATOR'S REPORT: (Daniel J. Becker)**

He reported on the following items:

Mr. Becker reported that Mr. Shane Bahr has been hired to fill the Fourth District court executive vacancy left with the retirement of Mr. Paul Vance. His background and experience was provided. He will begin working for the courts on June 18.

Judge William Barrett has announced his upcoming retirement effective November 1, 2012.

Mr. Becker updated the Council on the move to Gmail last week by the courts. He noted that the transition from GroupWise to Gmail took place in a seven-week span of time with 99% of the data in the court's GroupWise system being converted to Gmail without problems. A dedicated Gmail help desk was manned by four people. He mentioned that the Executive Branch was scheduled to convert to Gmail at the same time, but they postponed their transition.

The Utah Council on Conflict Resolution (UCCR) presented Ms. Bev Klungervik, ADR, with the 2012 Peacekeeper Award on May 18.

**4. COMMITTEE REPORTS:**

***Management Committee Report:***

Chief Justice Durrant reported that the Management Committee meeting minutes accurately reflect the issues discussed. The items needing to be addressed by the Council have been placed on today's agenda.

***Liaison Committee Report:***

Justice Parrish was excused from the meeting.

No meeting was held in May.

***Policy and Planning Meeting:***

Judge Orme was excused from the meeting.

The Policy and Planning meeting minutes accurately reflect the issues discussed. No additional information was provided.

***Bar Commission Report:***

Ms. Nelson reported on the following:

The Bar Commission is scheduled to meet on Friday, June 1. Award recipients will be selected at this time.

**5. COST-OF -LIVING ADJUSTMENT FOR COURT COMMISSIONERS: (Daniel J. Becker)**

Mr. Becker provided an overview of the manner by which the cost-of-living adjustments for court commissioners were approved.

A comparison of the commissioner's annual salary from 2005 to the present time was provided for the Council, as well as, their current salary and the one percent cost-of-living adjustment. Funding is available for the cost-of-living adjustment.

**Motion:** Judge Mortensen moved to approve the cost-of-living adjustment for court commissioners. Judge Maughan seconded the motion, and it passed unanimously.

**6. REPORT AND UPDATE ON INDIGENT REPRESENTATION COMMITTEE: (Judge Stephen Roth)**

Chief Justice Durrant welcomed Judge Roth to the meeting.

Judge Roth provided an update on behalf of the Indigent Representation Committee.

Background relative to the study of indigent representation was provided. The original charge of the Committee was to address appellate representation of indigent criminal defendants. In 2010, the Committee was asked to address trial court representation of indigent criminal defendants.

Review of indigent representation at the trial court level has proven to be more complex than Appellate representation. Judge Roth noted that under Utah Law, the individual counties are responsible for indigent defense. The Committee is researching what other states are doing relative to indigent defense reform. The Committee has found, through their research, that many states are being advised by the National Legal Aid and Defender Association (NLADA), and the Committee is considering the possibility of like research assistance.

Judge Roth mentioned that the Committee has met with members of the ACLU and provided details on the work of the study group relative to trial court representation. Judge Roth, Judge Orme, Mr. Schwermer met with Mr. Ron Gordon, CCJJ, and Mr. John Fellows at the end of March to discuss interest in securing research assistance to support the Committee's work. Discussion with members of the legislature has taken place as well. Judge Roth met with Mr. Dan Becker and Chief Justice earlier in the month to provide an update on what has transpired.

Judge Roth noted that the specific group that they are considering for conducting research is the Gideon Project.

Judge Roth included the following in his update: 1) the Committee would like to involve the Gideon Project as appropriate in their research efforts; 2) invite Mr. Ron Gordon, CCJJ, to participate as a Committee member; 3) invite a Senate and a House representative as Committee members; and 4) asked the Council for direction on how the Committee should proceed.

Discussion took place.

Judge Roth will provide an update to the Council at a future meeting.

**7. BOARD OF JUVENILE COURT JUDGES UPDATE: (Judge Mark May and Lisa-Michele Church)**

Chief Justice Durrant welcomed Judge May and Ms. Church to the meeting.

Judge May provided an update to the Council on the Board of Juvenile Court Judges goals. He highlighted the following goals in his update: 1) revise and strengthen training for new juvenile judges, 2) design a best practices guide regarding juvenile court practices on immigration, 3) identify and remove key barriers to moving juvenile court to electronic record and paperless practices, and 4) improve communication between the Board and the juvenile court bench.

Chief Justice Durrant thanked Judge May for his update.

**8. FACILITIES UPDATE: AR&I PROJECTS AND NEPHI COURT FACILITY: (Alyn Lunceford)**

Chief Justice Durrant welcomed Mr. Lunceford to the meeting.

Mr. Lunceford provided a Facilities Update to the Council.

He highlighted the following in his update: 1) FY 2013 capital development scoring, 2) FY 2013 land banking requests, 3) FY 2013 non-state funded request, and 4) courts capital improvement projects.

Mr. Lunceford noted that the Ogden Juvenile Court was funded \$1,625,000 for design and funding for the purchase of the Richfield Courthouse in the amount of \$1,900,000.

Juab County is moving forward with building of a new court facility. Several meetings have been held with Juab County. Mr. Lunceford proposed to Juab County to enter into a contract with DFCM by which Juab County would provide the funding mechanism and then turn the funding mechanism over to DFCM. DFCM would manage the acquisition of design, the design, and the construction of the project for a nominal fee. The amount of funding for the court facility would be around \$2.6 to \$2.9 million to build a one-courtroom facility on the property that the county currently owns.

Last week, a meeting was held with Nephi City to present the timeline and package of what Juab County would need to commit to build the Juab County court facility. On May 22, a confirmation was received by Juab County of their willingness to pursue the agreement. A memorandum of understanding has been prepared for signature at the next Juab County Council meeting. Juab County is in the process of preparing a request for a lease revenue bond. It is anticipated to have the facility operational within 18 months, once building of the facility begins. Incorporated into the agreement is a lease purchase option that would be exercised once the final payment of the lease revenue bond has been made and would allow for state ownership of the court facility.

**9. IS JUVENILE COURT PROBATION EFFECTIVE IN WORKING WITH YOUTH? (Lisa-Michele Church and Raechel Lizon)**

Ms. Church and Ms. Lizon were welcomed to the meeting.

A report on *Utah Juvenile Probation: Leading the Way in Effective Approaches for Working with Youth* was provided. Ms. Lizon highlighted the following in her report: 1) statewide vision – unified approach, 2) cutting edge training and practices, 3) exemplary probation officers and supervisors, and 4) judicial and administrative leadership.

Statewide vision included: 1) common vision and mission for the probation department, 2) balanced and restorative justice approach, and 3) evidence-based practices.

Cutting edge training included: 1) case planning model, 2) motivational interviewing, 3) probation officer safety training, 4) national experts, and 5) development of in-house trainers/experts.

Exemplary probation officers and supervisors included: 1) leadership role and advocate in the community, 2) mentor, coach, and train, 3) help kids make long-term behavioral changes, 4) quality of information, and 5) individualized recommendations.

Ms. Lizon focused her report on the following areas of probation: 1) a day in the life of a probation officer; 2) probation's formula for success; 3) the use of the correctional program checklist (CPC) and what the checklist can provide; and 4) the use of an interactive program assessment website which provides recidivism rates, assessment feedback and TA support to program managers, and probation managers.

Ms. Church detailed challenges faced by juvenile court probation when working with youth which include: 1) limited resources available in rural areas, 2) mental health situations, and 3) truancy. Judge Steele and Judge Petry offered comments relative to the discussion.

Ms. Church and Ms. Lizon were thanked for their presentation.

#### **10. EIGHTH DISTRICT DATA REPORT: (Kim Allard)**

Chief Justice Durrant welcomed Ms. Allard to the meeting. A handout was distributed to members of the Council with data relative to the Eighth District over the past five years.

Ms. Allard highlighted the following in her report: 1) district court cases filed, 2) case filing data, 3) district court judicial hours needed, 4) district court judicial caseload as % of standard, 5) district court judicial officers needed, 6) district court age of active pending cases, 7) district court time to disposition, 8) juvenile court five-year summary, 9) juvenile court referrals, 10) juvenile court judicial hours needed, 11) juvenile judicial caseload as % of standard, 12) juvenile judicial officers needed, and 13) juvenile court time to disposition.

The following district court case filing data with changes between FY08 and FY12 was highlighted: 1) criminal, 5% increase; 2) general civil, 47% increase; 3) domestic, 1% decrease; 4) probate, 15% increase; 5) property rights, 3% increase; 6) tort, 0% change; 7) traffic, 1% decrease; 8) judgments, 69% increase, and 9) the projected number of cases to be filed for FY12 of 7,351 cases compared to 5,753 cases filed in FY08.

The district court judicial hours needed reflects a projection of 4,119 in FY12 compared to 3,454 in FY08.

The district court judicial caseload as a % of standard projection for FY12 is 149% of standard compared to 127% in FY08. When the assistance being provided by the Seventh District is factored in, the district court % of standard in the Eighth District is 110% and in the Seventh District is 93%.

The following juvenile court referral data with changes between FY08 and FY12 was highlighted: 1) felony, 4% decrease, 2) misdemeanor, 10% decrease; 3) infraction, 27% decrease; 4) status, 0% change; 5) traffic, 100% decrease; 6) contempt, 188% increase; 7) adult violations, 53% change; 8) child welfare proceedings, 49% increase; 9) voluntary relinquishment, 317% increase, 10) termination of parental rights, 17% decrease; and 11) the projected number of referrals for FY12 at 1,826 compared to 1,532 in FY08.

The juvenile court judicial hours reflects a projection of 2,321 in FY12 compared to 1,704 in FY08.

The juvenile court judicial caseload as % of standard projection for FY12 is 192% compared to 141% in FY08. The juvenile court % of standard in the Eighth District is 147% and in the Seventh District is 96%, when assistance from the Seventh District is factored in.

Senator Kevin Van Tassell and area county officials were welcomed to the meeting.

**11. SEVENTH AND EIGHTH DISTRICT UPDATE ON SHARING RESOURCES: (Russ Pearson)**

Mr. Pearson provided an update to the Council on an agreement made last year to share judicial resources between the Seventh and Eighth Districts. Before the agreement was made, the Seventh District was only providing partial judicial assistance in Duchesne County. As of last August, the Seventh District took over all district court cases in the Duchesne court.

He highlighted the following in his report: 1) the Eighth District is handling all cases in Roosevelt, 2) assistance from the Seventh District is handling all district court cases in the Duchesne court, 3) Judge Peterson will be handling the collection calendars in Roosevelt during June, 4) Judge Johansen, Seventh District juvenile judge, is providing assistance to the Eighth District Juvenile Court along with senior judge support.

Mr. Pearson mentioned that coordination of all court calendars has been challenging, but manageable. He expressed his gratitude to the Seventh District for all their support.

**12. EIGHTH DISTRICT UPDATE AND CITY/COUNTY GROWTH: (Judge Ed Peterson, and Area Government Representatives)**

Duchesne County Commissioner Kent Peatross, Duchesne County Attorney Stephen Foote, and Commissioner Darlene Burns offered comments supporting funding for additional judgeships.

Ms. Tammy Lucero, Economic Development Director, provided data relative to growth in the Uintah Basin.

Senator Kevin Van Tassell offer comments in support of funding for additional judgeships.

Judge Ed Peterson responded to the need for additional judgeships on behalf of the Eighth District and thanked area representatives for their support.

**13. JUSTICE COURT JUDGE CERTIFICATION: (Ray Wahl)**

Mr. Wahl presented the recommendations for justice court judge certification for Mr. Paul Larsen, Hyrum City Justice Court; Mr. Kenneth Jake Graff, Hildale City Justice Court; Mr. Trevor Layne Cook, Nibley City Justice Court; and Mr. Scott J. Mickelsen, Bluffdale City Justice Court.

**Motion:** Judge Stoney moved to approve the certification of Mr. Paul Larsen, Mr. Kenneth Jake Graff, Mr. Trevor Layne Cook, and Mr. Scott J. Mickelsen as justice court judges. Judge Hornak seconded the motion, and it passed unanimously.

**14. ADJOURN**

The meeting was adjourned.



## **COURTHOUSE TOUR**

A tour of the Vernal Courthouse took place.



# TAB 2

# **Management Committee Minutes**



**JUDICIAL COUNCIL MANAGEMENT COMMITTEE  
MINUTES**

**Tuesday, June 12th, 2012  
Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah**

**MEMBERS PRESENT:**

Chief Justice Matthew B. Durrant, Chair  
Hon. Kimberly K. Hornak, vice chair  
Hon. Judith Atherton  
Hon. George Harmond  
Hon. John Sandberg

**EXCUSED:**

**GUESTS:**

**STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Diane Abegglen  
Lisa-Michele Church  
Jody Gonzales  
Debra Moore  
Rick Schwermer  
Tim Shea  
Nancy Volmer

**1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant welcomed everyone to the meeting. After reviewing the minutes, the following motion was made:

**Motion:** Judge Atherton moved to approve the minutes as amended. Judge Harmond seconded the motion, and it passed unanimously.

**2. ADMINISTRATOR'S REPORT: (Daniel J. Becker)**

Mr. Becker reported on the following items:

**Mandatory E-Filing for Civil and Domestic Cases.** Policy and Planning finalized the proposed rule at their June 8 meeting. The proposed rule will be presented to the Council at their June 25 meeting. Mr. Becker noted the issues relative to the selection of the effective date to include: 1) balancing the need to reduce the work in the clerk's offices, and 2) providing adequate time for testing, training and allowing the vendors to have appropriate plans in place for customer support. The tentative implementation date is January 1. If this date is not feasible, the date will be pushed back to April 1 so as the implementation is not scheduled during the legislative session. Mr. Becker will make a recommendation to the Council on June 25.

**Mandatory E-Filing of Citations.** Mr. Becker reminded the Management Committee of the rule adopted by the Council two years ago requiring all traffic citations to be e-filed by July 1, 2012. He reported that many law enforcement agencies have complied and have made the transition. There are many that have not. He noted the primary reason for delay for many is vendor delay. One vendor will not be ready for the transition until September 1.

The juvenile system is being modified, and the programming will not be completed until July 22.

Mr. Becker highlighted the following options to consider relative to the effective date for e-filing of citations: 1) maintain the July 1 effective date, 2) maintain the July 1 effective date for the courts, but allow the justice courts to extend the effective date on a court-by-court basis, 3) amend the rule and push the date into the future to allow more time for compliance, 4) maintain the July 1 effective date, and seek legislation to put effective date in statute. Discussion took place.

The Management Committee was in consensus to handle the matter by seeking legislation.

Mr. Becker reported that the JPEC Workgroup was scheduled to meet with Mr. Schofield, JPEC chair, following the Management Committee meeting. However, Mr. Schofield found it necessary to cancel his attendance. The meeting has been rescheduled for July 10.

Judge Elizabeth Lindsley, has served two three-year terms as the chair of the Standing Committee on Education. She is ineligible for reappointment. The juvenile and district court representatives on the Committee will be replaced at the same time. Mr. Becker recommended Justice Christine Durham to fill his slot on the Committee as the chair for a two-year period to prepare one of the new judges to fill the vacancy as the chair at that time. Justice Durham is willing to serve. The Management Committee was in consensus to Justice Durham serving as chair of the Standing Committee on Education.

### **3. COMMITTEE APPOINTMENTS: (Nancy Volmer and Alyn Lunceford)**

Judge Carolyn McHugh, chair of the Standing Committee on Judicial Outreach, recommended the following committee appointments: 1) the reappointment of Mr. Jesse Soriano who has agreed to serve a second, three-year term on the committee, and 2) the appointment of Judge Julie Lund to fill the vacancy of a juvenile court representative left by Judge Paul Iwasaki whose second term has expired.

The Court Facilities Planning Committee recommends the following committee appointments: 1) the reappointment of Judge Steven L. Stream for a second term on the committee, 2) a special waiver of the two-term limit for Ms. Mimi Locker from the University of Utah School of Architecture and reappoint her for a third term, and 3) the appointment of Mr. Wendell Roberts to fill the vacancy as the TCE representative left by the retirement of Mr. Paul Vance.

**Motion:** Judge Hornak moved to approve the committee recommendations as presented and place it on the June Judicial Council consent calendar. Judge Sandberg seconded the motion, and it passed unanimously.

### **4. MOBILE DEVICES/PLANNERS: (Ray Wahl)**

Mr. Wahl provided an update to the Management Committee on the proposed changes to the Accounting Manual relative to Mobile Devices and Planners and State Owned Cell Phones.

He noted that the change to the Mobile Devices and Planners section of the manual will include a cell phone, planner, or smart mobile device. Mr. Wahl reviewed the reimbursement policy for said devices.

Modifications are being made to the second part of the policy related to cell phones. That policy will be brought before the Management Committee after changes are made.

**Motion:** Judge Atherton moved to approve the proposed policy changes and place it on the June Judicial Council consent calendar. Judge Harmond seconded the motion, and it passed unanimously.

**5. MANDATORY E-FILING REPORT: (Ray Wahl and Tim Shea)**

Mr. Wahl provided a report on mandatory e-filing as prepared by the Mandatory E-Filing Group and authored by Mr. Shea.

He highlighted the following in his report: 1) the members of the workgroup, 2) consideration of dates for implementation of the mandatory e-filing, 3) redistribution of clerical resources, and 4) a summary of the recommendations.

A similar report will be provided for the juvenile court in September.

He referred to the changes in work and work flow to include the following: 1) examples of tasks made simpler or significantly reduced due to electronic records, 2) examples of new tasks due to electronic records, and 3) examples of tasks with little or no change due to electronic records.

The e-filing development tasks which need to be completed before moving to mandatory e-filing were reviewed.

Mr. Wahl reviewed the recommendations on how to spend savings as the result of mandatory e-filing, in order of priority, to include: 1) redistribute personnel to meet new IT demands due to the electronic record, 2) redistribute personnel to emphasize judicial support teams and case management, 3) increase compensation to recognize increased judgment and discretion of personnel and increased complexity of tasks, 4) redistribute personnel to emphasize assistance for self-represented parties, and 5) explore opportunities of workflow that is not tied to a physical location.

The best tool for monitoring the redistribution of clerical resources is the clerical weighted caseload formula. As the court gains experience with e-filing and managing the electronic record, modification of the formula will take place to identify and measure the work and work flow resulting from electronic records.

In summary, implementation of mandatory e-filing will change the way the court's does business. The Mandatory E-Filing Workgroup, in their meeting on June 11, decided to remain intact to address more specific issues relative to the implementation plan.

Mr. Shea and Mr. Becker offered their comments relative to the move to mandatory e-filing.

The Management Committee was in agreement to forward the Mandatory E-Filing Report to the Council for approval at their June meeting.

**6. JUSTICE COURT TECHNOLOGY, TRAINING AND SECURITY GRANT APPROVAL: (Rick Schwermer)**

Mr. Schwermer provided background on the Justice Court Technology and Security Grant and noted that applications for funding are accepted by the Board of Justice Court Judges on an annual basis. Mr. Becker reported on the process for approving the grant funding.

Mr. Schwermer reviewed the requests to include the following: 1) Justice Courts' CORIS Infrastructure, 2) Justice Court Support, 3) continuation of current level of funding for justice court educational programs, 4) continuation of current level of funding for Legal Institute for Justice Court Judges "Certificate in Judicial Studies" Program, 5) continuation of current level of funding for expanded mentoring program, 6) joint leadership institute in judicial

education (new request), 7) scholarship fund for justice courts, 8) physical security upgrades in the Lehi City Justice Courts with recommended limited funding, 9) Justice Courts' CORIS enhancement priorities, and 10) scholarship fund for senior justice court judges to attend the Annual Spring Conference. Mr. Schwermer reviewed the items the Board did not recommend for approval. Discussion took place.

**Motion:** Judge Sandberg moved to approve the recommendations as presented. Judge Hornak seconded the motion, and it passed unanimously.

**7. E-FILING CITATIONS: (Daniel J. Becker)**

Discussion of this matter took place with the administrative update.

**8. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant reviewed the proposed Council agenda for the June 25 Council meeting.

**Motion:** Judge Atherton moved to approve the June Council agenda as amended. Judge Harmond seconded the motion, and it passed unanimously.

**9. ADJOURN**

The meeting was adjourned.

# **Policy and Planning Committee Minutes**

Minutes of the Policy and Planning Committee					
Meeting Date June 8, 2012			Meeting Room Judicial Council Room		
Committee Member	Present	Excused	Committee Member	Present	Excused
Judge Paul Maughan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Judge Larry Steele	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ms. Lori Nelson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Judge Keith Stoney	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judge Gregory Orme, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Judge Thomas Willmore	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Staff: Diane Abegglen, Dan Becker, Rick Schwermer, Tim Shea					
Justice Jill Parrish, Judge Brendan McCullagh, Judge Ruben Renstrom, Judge David Miller,					
Guests: Judge Sydney Magid, Colin Winchester, John Bogart					

Approve minutes of May 7, 2012	By Judge Orme
Motion: Approve as prepared.	By Acclamation
Vote: Yes All No Abstain	Pass <input checked="" type="checkbox"/> No Pass <input checked="" type="checkbox"/>

Definition of "full-time" justice court judge	By Rick Schwermer
<p>Discussion: Judge Orme said that the committee's role is to recommend to the Judicial Council a definition of a full-time judge, which the Council might then recommend to the Supreme Court as part of the Code of Judicial Conduct. The Code of Judicial Conduct imposes certain restrictions on the non-judicial activities of a full-time judge, including prohibiting the practice of law. Any proposed amendment to the Code of Judicial Conduct would be published for comment. At the time of this committee's earlier report to the Council, the Board of Justice Court Judges had asked for more time in which it and individual judges might have input before any recommendations are made.</p> <p>Judge Willmore asked whether it made sense to include a grandparent provision as requested in the written submissions. Judge Orme said there is an equitable argument to be made for a grandparent provision. Mr. Schwermer said that a grandparent provision regarding a rule of ethics may be problematic. Judge McCullagh suggested ending any grandparent protection at the end of an incumbent's term of office.</p> <p>Mr. Schwermer said that the Board endorsed the use of the judicial weighted caseload as the measure of a full-time judge. He said the Board also supported a grandparent provision for judges who would be newly covered by the definition of a full-time judge: judges who work part-time in multiple courts with an accumulated weighted caseload of 1.0 or more; and judges working part-time in a single court in which the court has a weighted caseload of 1.0 or more.</p> <p>Judge Orme asked whether the Board had discussed whether the nature of the law practice should make a difference to whether the practice is prohibited. Mr. Schwermer said that the Board had some discussions but that they did not reach any conclusions. Judge McCullagh said there would be inconsistencies if these newly defined full-time judges could practice in select areas, but other full-time judges could not.</p> <p>Mr. Becker asked how the definition should deal with the circumstance of a court or judge whose weighted caseload fluctuates just above and just below 1.0. Judge Orme said that under the ethics advisory opinion cited in the written submissions, the judge would be expected to resolve any doubt in favor of not</p>	

practicing law.

Judge McCullagh suggested that the grandparent exception should expire on the first Monday in January 2017. That is the end of the current term to which most judges were elected, and judges standing for election in 2014 would know before filing for election the end of the grandparent provision. Judges appointed after the effective date of the change would be expected to comply immediately, and incumbent judges would be expected to comply no later than January 2, 2017.

The committee consensus was to agree with the Board's recommendations and to establish January 2, 2017 as the expiration of the grandparent provision.

Action: Mr. Shea will re-draft the proposed definition in light of the discussion, circulate the revisions to the committee, and prepare the committee's report to the Council.

Rules implementing the recommendations of the Study Committee on Technology Brought into the Courtroom	Justice Jill Parrish Diane Abegglen By Tim Shea
<p>Discussion: Mr. Shea said that he prepared several amendments to the two rules, but that they do not change the committee's recommendations. The amendments are intended to simplify and clarify the rules. Justice Parrish said that she had reviewed the amendments and is comfortable with them. She pointed out the most substantive amendment was to try to clarify that the judge has non-reviewable discretion to restrict the use of portable electronic devices in his or her courtroom, but is encouraged not to do so.</p> <p>Judge Willmore said that encouraging the judge to do or not do something is not the usual role of a rule. Mr. Shea said that aspirational language is not usual, but he thought there is probably similar language in other rules. He said that the redraft, more clearly than the original proposal, recognizes the judges complete discretion. After discussion Judge Willmore indicated that he is comfortable with the provision.</p> <p>Ms. Abegglen said that Nancy Volmer asked that the judge not have the ability to waive the requirement for a written application for electronic media coverage. Ms. Volmer uses the application form during the proceedings. The committee agreed and removed that phrase.</p> <p>Ms. Abegglen said that Ms. Volmer also had observed that the Study Committee had never addressed audio recordings by radio stations. Mr. Shea said that he had included them because they may want to cover a hearing without having to rely on the audio portion of the video record. The committee decided that the rule should restrict the pool to one operator for each of the three recording methods: audio, video and photography, and one recorder or camera for each.</p>	
Motion: Recommend that the Council publish the rules for comment as amended.	By Acclamation
Vote:      Yes    All                      No                      Abstain	Pass   ●                      No Pass <input type="checkbox"/>

Consideration of comments: Rule 3-301; Rule 3-410; Rule 4-202.08; Rule 4-501; Rule 4-502; Rule 4-503	By Tim Shea
<p>Discussion: Mr. Shea presented the proposed amendments and the comments to them. There were no comments to Rules 3-301, 3-410, or 4-501.</p> <p>One comment to Rule 4-202.08 said that it would be financially burdensome to expect someone to subscribe to xChange in order to view an occasional document. Mr. Shea said that IT estimates that the pay-per-view feature of xChange will be available in November. He said the amendment would be effective November 1, and the clerks should continue to email records until the pay-per-view feature is available. The Self-Help Center requested that they be exempt from the "no email" provision and the \$5 fee. The SHC routinely emails documents and forms to their patrons without charge. They need to be able to continue to do so because their patrons usually cannot afford the fees and the Center has no way of</p>	

invoicing or collecting the fee. The committee agreed that the SHC should be exempt from the \$5 fee and the restriction on emailing records that are available on xChange. Two comments said that a \$5 fee for an email is too high. Mr. Shea said that the time to process a paper record for emailing is about the same as to photocopy and mail the document.

One comment to Rule 4-502 raised several points regarding the drafting style and lack of clarity in the rule. The committee directed Mr. Shea to edit the proposed rule in light of the comment.

Mr. Shea referred to the email that he had sent to the members analyzing the comments to Rule 4-503 mandating e-filing. After discussion, the committee decided not to make any further changes to Rule 4-503.

Motion: Exempt the SHC from Rule 4-202.08 and recommend that the Judicial Council approve the rules, except edit Rule 4-502 in light of the comments.				By Acclamation	
Vote:	Yes	All	No	Abstain	Pass <input checked="" type="checkbox"/> No Pass <input type="checkbox"/>

Rule 4-202.02				By Tim Shea	
Discussion: Mr. Shea recommended changing the classification of a presentence investigation report from "private" to "protected" as requested by the AG. He said that, although the defendant would not qualify for access as the subject of the record, s/he would still have access as a party to the case. Neither a party nor the party's attorney can delegate access to a protected record to another. He said that the request to change the classification of a progress-violation report from "public" to "protected" is not supported by GRAMA, but the Council could independently balance the competing interests and credibly reach that result.					
Mr. Shea also recommended deleting investigative subpoenas as a protected record. Brent Johnson has advised that some courts are making all investigative subpoenas protected rather than following the required statutory analysis, as was intended. Removing the protected classification from investigative subpoenas will mean that the statute exclusively will control access.					
Mr. Shea said that the juvenile court is asking that child protective orders be added to the list of cases in which the full name of the minor may be included in public documents. This will affect mostly court orders since most other records in child protective order cases are private. He also recommended making the child's name in a custody order public because the Social Security Administration is not recognizing custody orders with only a child's initials.					
Motion: Recommend that the Council publish the amendments for comment.				By Acclamation	
Vote:	Yes	All	No	Abstain	Pass <input checked="" type="checkbox"/> No Pass <input type="checkbox"/>

SB 177 (GRAMA) amendments	By Tim Shea
Discussion: Mr. Shea said that HB 177 amended GRAMA in several regards. He recommended amending three court rules governing the same topics. He recommended amending the definition of a "record" in Rule 4-202.01 so that "record" would not include a "document prepared or received by an individual in the individual's private capacity or document prepared or received by an individual that is unrelated to the public's business."	
Mr. Shea recommended altering the description of attorney work product in Rule 4-202.02. Attorney work product will remain classified as "protected." He also recommended amending Rule 4-202.05 to recognize	



that, since records are presumed public, if the balance of interests is equal, the record should be public.					
Motion: Recommend that the Council publish the amendments for comment.				By Acclamation	
Vote:	Yes	All	No	Abstain	Pass ● No Pass ☐

Rule 4-202.03. Record access.				By Tim Shea	
Discussion: Mr. Shea recommended amending Rule 4-202.03 so that the attorney for someone with access to a private record be authorized to delegate that access to another. This will accommodate attorneys who send a paralegal, administrative assistant or other runner to pick up a private record at the courthouse. If the record is a protected record, the attorney for someone with access can access the record, but not delegate access to another. This will dovetail with the objective of reclassifying the PSI reports as protected.					
The committee further amended the rule to permit the attorney for a person who has access to private records to delegate that access to another by power of attorney and not just by notarized release.					
Motion: Recommend that the Council publish the amendments for comment.				By Acclamation	
Vote:	Yes	All	No	Abstain	Pass ● No Pass <input type="checkbox"/>

Rule 2-204. Local supplemental rules.				By Tim Shea	
Discussion: Mr. Shea recommended amending Rule 2-204 to require that the Council act on a local rule before it can be effective and to publish the amendment for comment. He said that there was considerable confusion when the Third and Fourth Districts adopted local rules about discovery motions. The rules were made effective before they were available to the public, and they were not published for comment.					
Motion: Recommend that the Council publish the amendments for comment.				By Acclamation	
Vote:	Yes	All	No	Abstain	Pass ● No Pass <input type="checkbox"/>

Rule 4-405. Juror and witness fees and expenses.				By Tim Shea	
Discussion: Mr. Shea said that the clerks of court and the AOC accounting department request that Rule 4-405 be amended to require the prosecutor to certify the number of miles for which a witness is entitled to be paid. The court would continue to calculate the payment amount and write the check. Currently, accounting clerks at each courthouse must calculate the distance using Mapquest or Google maps.					
Action: Mr. Shea will inquire of the AOC accounting department why defense witnesses are not included and include them if appropriate.					
Motion: Recommend that the Council publish the amendments for comment.				By Acclamation	
Vote:	Yes	All	No	Abstain	Pass <input checked="" type="checkbox"/> No Pass <input type="checkbox"/>

Rule 6-401. Domestic relations commissioners. Rule 7-102. Duties and authority of Juvenile Court Commissioners.	By Tim Shea
Discussion: Mr. Shea said that court commissioners in the district court and the juvenile court hear child protective order matters, but the respective rules do not authorize them to do so. The Boards of both courts request that Rule 6-401 and Rule 7-102 be amended on an expedited basis to include this authority	
Motion: Recommend that the Council approve the amendments on an expedited basis and publish them for comment.	By Acclamation
Vote:      Yes    All                      No                      Abstain	Pass <input checked="" type="checkbox"/> No Pass <input type="checkbox"/>

# TAB 3

# Utah State Courts

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## Impact of Mandatory E-filing in District Court: Realizing the Opportunities of an Electronic Record

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Report to the Judicial Council  
June 25, 2012

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## **Impact of Mandatory E-filing in District Court: Realizing the Opportunities of an Electronic Record**

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### **(1) Workgroup**

The state court administrator assigned to your workgroup the task of planning for the impact of civil and criminal e-filing on the district clerical work force so that the Judicial Council can more confidently set the date for mandatory e-filing and more confidently redistribute clerical resources to meet the needs of this new environment. In this paper we have attempted to anticipate changes in work and work flow as electronic filing and electronic records become standard.

- **Ray Wahl**, Deputy Court Administrator, Chair
- **Kim Allard**, Court Services Director
- **Polly Atwood**, Clerk of Court, Seventh District Court
- **Ron Bowmaster**, Information Technology Director
- **Alyson Brown**, Clerk of Court, Second District Court
- **Lisa-Michele Church**, Juvenile Court Administrator
- **Sylvester Daniels II**, Court Executive, Second District Court
- **Christine Davies**, Clerk of Court, Third District Court
- **Debra Moore**, District Court Administrator
- **Russell Pearson**, Court Executive, Eighth District Court
- **Timothy Shea**, Staff Attorney
- **Peyton Smith**, Court Executive, Third District Court
- **Lori Woffinden**, Clerk of Court, Fourth District Court

## **(2) Summary**

- The full potential of managing electronic records exclusively may be between 8 percent and 16 percent of the district court clerical workforce.
- Fulfilling the opportunities of that reduction should be through redistribution of vacant positions and retraining for new work.
- The full potential of electronic records will be realized when:
  - positions become vacant and personnel can be retrained;
  - all e-filing development tasks have been completed; and
  - the juvenile court can move to using electronic records.
- The opportunities of electronic records include:
  - personnel to meet new IT demands due to the electronic record;
  - personnel to emphasize judicial support teams and case management;
  - compensation to recognize increased judgment and discretion of personnel and increased complexity of tasks;
  - personnel to emphasize assistance for self-represented parties; and
  - reorganizing work and workflow that are not tied to a physical location.
- Implementation focuses on planning, communication, education and future improvements.
- E-filing rates will help measure the appropriate pace of the transition.
- The clerical weighted caseload formula will measure the change in work associated with electronic records.

If we could realize today the full potential of electronic records, we estimate the gross savings in personnel would be between 8 percent and 16 percent of the current district court clerical workforce.

## **(3) Introduction**

If we could realize today the full potential of electronic records, we estimate the gross savings in personnel would be between 8 percent and 16 percent of the current district court clerical workforce.

We have been experiencing the benefits of electronic records at a growing pace for about two decades, but of course we cannot immediately realize the full potential. We will realize the full potential when:

- positions become vacant or personnel can be retrained to perform the work required (or made possible) by electronic records.

- all of the steps necessary to enable mandatory e-filing and the management of electronic records have been completed. (See the section on E-filing development tasks.)
- the juvenile court moves to e-filing and e-records. The juvenile court is on a later schedule than the district court. The juvenile court and district court clerical staff are blended in all but a handful of courthouses—in some courthouses blended so thoroughly that there is no rational basis on which to consider one person a district court employee and another a juvenile court employee. The impact of electronic records in juvenile court will be the topic of a separate paper, which is anticipated in September.

In the course of this report we will identify work that is significantly reduced or made

We have been experiencing the benefits of electronic records for about two decades. We will realize the full potential when positions become vacant or personnel can be retrained; all of the steps necessary to enable mandatory e-filing have been completed; and the juvenile court moves to e-filing and e-records.

simpler because of electronic records and new work: tasks made necessary (or possible) because of electronic records. At this stage we do not purport to measure the time necessary to do that work. We simply do not have enough experience. The estimate of 8% to 16% gross savings is based on the collective experience of your workgroup. The effects in some districts will be different from those in others. The clerical weighted caseload formula will be modified to reflect the changes in work and workflow that we

expect will come with managing an electronic record rather than a paper record. As we gain experience, state, district and local management teams will need to evaluate specific positions and reallocate work as positions and functions change.

#### (4) Changes in work and work flow

##### (a) Examples of tasks made simpler or significantly reduced due to electronic records

Paper Record	Electronic Record	Impact on Work
Paper documents are delivered to a court by the filer, filer's agent, or mail.	Documents are electronically filed using e-filing interface.	Intake of paper records limited to filings by self-represented parties not filed through OCAP.
Validate and stamp paper documents.	Necessary fields preclude filer from e-filing until information is provided. Digital certificate automatically attached as part of e-filing.	Validating and stamping paper records limited to filings by self-represented parties not filed through OCAP.



<b>Paper Record</b>	<b>Electronic Record</b>	<b>Impact on Work</b>
Scan each document.	No counterpart.	Scanning paper records limited to filings by self-represented parties not filed through OCAP.
Enter data fields in CORIS.	CORIS data fields automatically populated as part of e-filing.	Data entry based on the document being filed limited to filings by self-represented parties not filed through OCAP.
Process filing fees.	Fee is processed and receipt is issued automatically as part of e-filing.	Fees for filing documents limited to filings by self-represented parties not filed through OCAP. Other fee processing will remain.
Attach the document to a file folder. Sort the file into public and non-public documents. Create labels to place on files.	Document is attached to a new or existing "virtual" case automatically as part of e-filing. Record classified as public or private at the case level or document level automatically as part of e-filing.	File assembly is eliminated or substantially eliminated.
Travel to and from filing rooms, judges' chambers, and other offices to retrieve and deliver files. Time spent searching for files.	Access record from any computer in the state that has the CORIS application.	Moving a physical file from place to place and searching for misplaced files will be limited to existing paper files.
Store files on shelves and in cabinets. No backup.	Store files on disk. Redundant backups.	The need for file shelves and rooms is eliminated over time. Document security is improved.
Viewing and copying paper and microfiche records.	No counterpart.	Demands will decline over time.

<b>Paper Record</b>	<b>Electronic Record</b>	<b>Impact on Work</b>
Disassemble and reassemble file to make copies.	Make copies on demand by printing from the computer.	<p>The task of making copies will be simpler because the clerk will not have to disassemble and reassemble a physical file.</p> <p>Until the "casual use"<sup>1</sup> feature in xChange is implemented, the volume of requests for copies is not likely to change. Even after casual use is available, parties will have to come to the courthouse for copies of private family law records. Lawyers will have access to private records in their cases through the e-filing interface.</p>
Record on appeal. The appellant and respondent designate which documents to include in the record on appeal. The clerk removes and/or copies those documents from the trial court file and transmits them to the appellate court.	The appellant and respondent will continue to designate which documents to include in the record on appeal, but the clerk can assemble and transmit those documents electronically.	Similar to the time saved because of the simpler way in which paper copies are made, the clerk will not have to disassemble and reassemble the file. The "virtual" record can be transmitted electronically rather than physically.
Record retention and destruction consists of culling physical files, throwing away or recycling public records and shredding private records.	Record destruction consists of deleting electronic files and folders.	<p>The record retention schedule establishes a minimum retention period. Courts with sufficient storage space are not required to destroy records after the minimum retention period.</p> <p>Electronic storage, while not free, is cheaper than physical storage, so destruction might be delayed. Destruction would be a manual process unless an application for automatic destruction is built.</p>

<sup>1</sup> "Casual use" refers to the ability to search xChange and download documents on a pay-per-view basis rather than maintaining a subscription. It is anticipated that this feature will be operational by November, 2012.

**(b) Examples of new tasks due to electronic records**

- Managing quality control of the record, such as correcting errors when:
  - e-filer files the wrong document
  - e-filer enters data incorrectly
  - e-filer enters invalid credit card or wrong amount
- Assisting new e-filers
- Continuing education due to system changes
- Managing e-work with empirical measures

**(c) Examples of tasks with little or no change due to electronic records**

- Processing paper filings by self-represented parties and converting paper documents into an electronic record. E-filing through OCAP is planned for November 2012, and this is included in the reductions described in Section (4)(a), but OCAP will include only the filings for which there is an interview.<sup>2</sup> Self-represented parties will continue to file many documents in paper format, and the clerks will have to convert these to an electronic record.
- The reduction in work described in Section (4)(a) will apply to emergency documents, such as protective orders, TROs, and eviction notices, but the records will need to be considered and acted upon in a special, expedited manner, as has always been the case.
- Making certified copies
- Answering questions about process and case status
- Jury management
- Cashiering and receipting for CDs and copies
- In-court support
- Mail not associated with a filing
- Mail log
- Accounting
- Retrieval of records from the Division of Archives and Records Service

The following list identifies some tasks, the nature of which will change as a result of electronic records, but which will not necessarily be made simpler. There is no anticipated change in the amount of time needed for the tasks.

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<sup>2</sup> OCAP is a document preparation application which inserts into a document template answers provided by the user to questions posed by the application: an "interview." OCAP has Q&A interviews for select topics, but it does not include all topics.

- Signing documents with an electronic signature rather than with pen and ink.
- Filing assistance and problem solving for lawyers and self-represented parties.
- Queuing cases for judicial consideration.

#### **(5) Estimated savings**

Based on our evaluation of the time saved due to the work that is eliminated or simplified, we estimate that, if we could realize today the full potential of electronic records, the gross savings in personnel would be between 8 percent and 16 percent of the current district court clerical workforce. There are 360 district court personnel, so savings might be between 29 and 58 positions.

Position	District Court	Juvenile Court
Clerk of Court	8.5	6.5
Team Manager	10	7
Judicial Case Manager	55	22
Judicial Assistant	215	71.5
Judicial Service Representative	60	30.5
Judicial Services Manager	12	7
Total	360.5	144.5

These estimates come with a few caveats. The wisest course for implementation is to begin with the estimated lower bound, 8% of the workforce, and gradually work toward the upper bound, 16%. This will allow us, based on experience, to reallocate vacant positions and retrain existing personnel to new work. The gradual change will allow us to accommodate any delays in completion of the e-filing development tasks and to accommodate the continuing needs of the juvenile court until that court can implement electronic records.

#### **(6) Opportunities due to e-filing**

How should these anticipated savings be allocated? We suggest the following priorities:

- Redistribute positions or train personnel to meet new IT demands due to the electronic record.
- Redistribute positions or train personnel to emphasize judicial support teams and case management.
- Increase compensation to recognize increased judgment and discretion of personnel and increased complexity of tasks.
- Redistribute positions or train personnel to emphasize assistance for self-represented parties.

- Explore opportunities of workflow that is not tied to a physical location.

**(a) IT resources**

While the e-filing development tasks will be completed before the end of the year, IT support will be on-going. Much of this work will be the resolution of technical problems generated during the electronic filing process. Today, the electronic filing system has a 2% technical, pre-filing error rate. Typical errors include failed or declined credit card payments, connection errors, processing errors, and invalid XML transactions. With mandatory e-filing, that 2% error rate would generate about 50 errors daily or about 13,000 errors annually. While most errors can be resolved quickly, some require additional time. In addition to solving problems, the need for help desk support for filers, court staff, and judges is likely to increase. AOC management should monitor increased demands on e-filing support and hire one or perhaps two persons, as needed.

**(b) Case management**

Before the establishment of judicial case managers, case management focused on clean-up efforts, dismissing cases that had not progressed for some time. In April 2011, Caseflow Management Principles and Practices were adopted for court personnel to manage cases proactively. Redistributing personnel to support proactive case management will ensure that each case moves forward at a pace appropriate for that case. Such an objective will require frequent examination of a judge's pending cases, regular communication with the parties and lawyers, and queuing cases for judicial decisions.

To fully implement the Caseflow Management Principles and Practices, human and technology resources are needed. Local management teams should review current judicial case managers' workload and organization, giving consideration to increasing efficiency, redistributing duties and resources, and adding resources as needed.

**(c) Increased compensation**

This is an opportunity to revisit the compensation recommended as part of the clerical restructuring adopted by the Judicial Council in 2008. The restructuring anticipated that electronic filing would change the work of judicial support staff by reducing routine work, such as data entry and paper filing, and increasing complex, analytical work, such as quality control, case management, and assisting self-represented parties. In addition, the work of the remaining judicial services representatives will change substantially from the job descriptions in the clerical restructuring report. An increase in clerical compensation to recognize this shift in responsibilities is justified, and elimination of vacant positions associated with the routine work can provide a source of funds.

The AOC human resources department should conduct a market comparability survey to determine and implement appropriate salary ranges for all judicial support team positions.

**(d) Assistance for self-represented parties**

The Self-Help Center will soon begin statewide operations, but the first point of contact for a self-represented party will continue—frequently—to be the court clerks' office. The courts should appoint a local self help specialist to:

- review filings for completeness (not content);
- provide information about the availability of legal advice and representation through pro bono legal services, low cost legal services, legal aid programs, limited legal help and lawyer referral services;
- provide court forms and instructions and help completing forms;
- provide answers to questions about court process and options;
- provide information about the availability of mediation services; and
- provide information about resources and services of law libraries.

The policy of not providing legal advice would continue, and these specialists should be trained to distinguish information and assistance from advice. The Self-Help Center staff encourages pursuing this objective and enabling self-represented parties to e-file through OCAP.

**(e) Opportunities of workflow that is not tied to a physical location**

The table in Section (4)(a) describes the effect of an electronic record on traditional tasks of court personnel. In many circumstances those tasks are substantially reduced or made simpler. This section describes an alternative way to organize work.

With an electronic record, work is not tied to the courthouse—or at least not to the courthouse in which the case is filed. We already have some experience with the value of the changes made possible by electronic records and electronic communication:

- Judges can sign a court order from anywhere.
- Transcripts can be ordered, prepared and filed through a centralized process.

There are other possibilities:

- Default judgments for the entire court system might be processed from a single office.
- A team in Monticello might prepare the record on appeal for the whole state. Or maybe this responsibility shifts from the trial courts to the appellate courts. Or to the parties.

Because electronic records are not tied to a particular courthouse, we have the opportunity to redistribute work, not just personnel, in order to balance the workload. Your workgroup remains committed to exploring, developing and advancing components of the workload that might be suitable for redistribution. The changes would mean radically changing our concept of court operations.

## **(7) Transition**

Many of the benefits of electronic records will be felt immediately upon the effective date of the mandatory e-filing rule; indeed, even before the effective date of the rule as attorneys begin routinely e-filing in anticipation of the rule. But we also anticipate a temporary increase in work as judges and court staff work through the inevitable uncertainty and errors associated with a change of this magnitude.

The single largest impediment to the full potential of e-filing is the maintenance of dual record formats: some paper records and some electronic records. But each district has a plan for replacing paper files with electronic records by July 1.

The use of older records will never be eliminated. Access to paper records from the Division of Archives and Records Service and even access to microfiche cards from the 1970s and '80s are not uncommon. But the need for access to on-site paper records will decline over time, and the sooner court personnel can use an electronic record exclusively for day-to-day operations, including juvenile court operations, the sooner will the full potential of the electronic record be realized.

## **(8) Implementation**

Implementation focuses on planning, communication, education and future improvements.

### **(a) AOC**

- (1) Complete E-filing development tasks on schedule.
- (2) Update the clerical weighted caseload formula to account for electronic filing.
- (3) Beginning three months before mandatory e-filing, in consultation with local management teams, review all vacancies in clerical positions to determine whether to fill the position or to reallocate the funding to the priorities determined by the Judicial Council.
  - (a) Monitor the volume of electronic filings and the most recent clerical weighted caseload results to inform that decision.
  - (b) Reallocate positions among districts and among work assignments based on the Judicial Council's priorities and the most recent clerical weighted caseload results. Do not allow a district to fall below the presumed minimum number of needed positions (10% below the calculated clerical need).
  - (c) Provide training and administrative support for expanded case management responsibilities.
  - (d) Provide training and administrative support for reallocated positions.
  - (e) Back-fill vacant positions that remain temporarily necessary with one-time money.

- (4) Communicate frequently with the Judicial Council, the Board of District Court Judges, and district management teams about the implementation of mandatory e-filing and progress toward realizing its opportunities.
- (5) Repeatedly notify lawyers of the mandatory e-filing date. Encourage early adoption before the effective date.
- (6) Provide training and help-desk support for attorneys to supplement training and support provided by electronic filing service providers.
- (7) Provide training and help-desk support for judges and staff.
- (8) Continue to work with the Board of District Court Judges to:
  - (a) design the judges' work space;
  - (b) develop guidelines for hardware, software and training in electronic case management; and
  - (c) identify and prioritize requests for changes to CORIS, the e-filing system and other computer applications.
- (9) Continue to work with the Electronic Filing Consistency Committee to:
  - (a) recommend consistent procedures as casetypes are added to the electronic filing system; and
  - (b) identify and prioritize clerical requests for e-filing system changes, including e-notification of events.
- (10) Continue to work with electronic filing service providers to implement changes required to meet the courts' needs.

**(b) District management teams**

- (1) Eliminate central hard copy files in accordance with "paperless" plans by July 1, 2012.
- (2) Consult with AOC management to review all vacancies in clerical positions to determine whether to fill the position or to reallocate the funding to the priorities determined by the Judicial Council.
- (3) In consultation with the district court administrator and the human resources director, reallocate time, work and positions to reduce reliance on judicial services teams and strengthen judicial support teams.
- (4) Communicate with judges and staff about the implementation of mandatory e-filing and progress toward realizing its opportunities.
- (5) Repeatedly notify lawyers of the mandatory e-filing date. Encourage early adoption before the effective date.



- (6) Provide training about procedures developed by the Electronic Filing Consistency Committee as casetypes are added to electronic filing system. Ensure consistent procedures are being followed.
- (7) Assess and meet the needs of judges and staff for hardware, software, and training in electronic case management within the guidelines developed by the Board and the AOC.

#### **(9) Monitoring**

Aside from the collective experience of clerks of court and trial court executives, the best tool we have for validating our estimate of savings and monitoring the redistribution of those resources is the clerical weighted caseload formula. Historically the Judicial Council has used the formula to allocate clerks to the districts. Although the formula estimates the time needed for discrete tasks, it has never been used to allocate clerks to tasks or tasks to clerks. That has always been the responsibility of the local management teams.

As we gain experience with e-filing and managing electronic records, we will modify the formula to identify and measure the work and work flow resulting from electronic records, trying to balance measures of work as it is being done with measures of work as it should be done. But the formula will remain a survey-based estimate, and we need to be cautious using the formula in this new manner.

We must also monitor the number of e-filed documents and the number of cases initiated by e-filing. This will help us estimate the pace at which we can redistribute personnel and savings.

As has already been mentioned, the redistribution of personnel to take advantage of the opportunities of an electronic record will be accomplished through attrition and retraining. So we must pay close attention to turn-over in the affected positions. The current court-wide attrition rate is about 11% per year, but variations by location and by position can be significant.

#### **(10) E-filing development tasks**

Except as noted, all of these tasks are planned for completion before January 1, 2013, the currently proposed effective date for mandatory e-filing for civil documents, however testing and training for a component usually requires an additional six to eight weeks.

<b>Task</b>	<b>Estimated Completion Date 2012</b>	<b>Anticipated Impact on Clerical Work</b>
Electronic notification	Phase 1: Discovery Notices Phase 2: Court notices Phase 3: Event notices	March August August
Judges' case management	CORIS Calendar Judge's workspace	February July

<b>Task</b>	<b>Estimated Completion Date 2012</b>	<b>Anticipated Impact on Clerical Work</b>
Record on appeal	Document selection and minute entry November	Small
E-filing improvements identified by district court administration and the E-filing Consistency Committee	Phase 1 April Phase 2 May Phase 3 June	Large
E-file domestic cases	Implement privacy rule May E-filing casetype July	Medium
E-liminate paper files	Eliminate paper files in casetypes supported by e-filing July	Large
E-file probate cases	E-filing casetype August	Small
xChange casual use	November	Large
Link related actions & documents	Electronic filing service provider modifications October	Medium
OCAP e-filing	Domestic casetype November Probate casetype January 2013	Large
Criminal e-filing	Davis Court prosecutor pilot May Davis Court defense pilot May Statewide rollout November	Small



## (11) Appendix 1: Caseflow Management Principles and Practices for Court Support Staff: District Court April 2011

### Background

This document is a result of a long term effort to establish statewide caseflow management standards for judicial support staff. In 2010, case managers and other interested support staff participated in facilitated discussions in which case flow management principles described in *Caseflow Management, The Heart of Court Management in the New Millennium*<sup>1</sup> were reviewed. From those discussions, each court created a caseflow management plan comprised of well established case flow management practices and new practices thought to improve case management. *Caseflow Management Principles and Practices for Support Staff* is the consolidation of those plans into a single statewide set of principles and applications.

### Purpose

The purpose of this document is to:

- 1) articulate caseflow management principles for the district court,
- 2) describe the practices necessary to apply each principle, and
- 3) identify the core duties/responsibilities of judicial case managers.

### Readiness and Implementation

Courts are at different levels of readiness in implementing these practices. Some courts have incorporated most of the described practices into their everyday work, while other courts are just beginning the process.

Full implementation of these caseflow management practices will require technology assistance. Numerous recommendations were made to change CORIS, the district court case management system, to support these caseflow management practices. These recommendations are available in the attached document

### Principles and Practices

#### Early Court Intervention and Control

##### Courts should identify and act on cases that are not filed timely.

- Staff evaluates civil returns of service to determine if 10 or 20 day summonses were served. If a 10 day summons was served and the complaint was not filed timely, staff brings the case to the judge's attention or if local/judge policy permits, takes action by dismissing improperly filed complaints (Order of Dismissal, Notice of Intent, OSC). *URCP 3(a)*

##### Courts should monitor and facilitate timely and proactive movement of cases.

- When an answer is filed in a civil case, staff places cases on tracking in anticipation of a case management/scheduling order (60 days or local policy). Staff then monitors the case and, according to local/judge policy, sets the case for a scheduling conference. *URCP 26(f)(3)*

<sup>1</sup> Steelman, David C., Goerd, John A., McMillan, James E., *Caseflow Management, The Heart of Court Management in the New Millennium*. National Center for State Courts, 2004.

- When a criminal summons is returned unserved, staff schedules the case for hearing to ensure the case progresses. If an information or criminal charge is filed with no hearing set or summons issued, the case should be placed on tracking. The case should be reviewed periodically and, according to local/judge policy, set for hearing or a request for a summons made to the prosecutor.

**Courts should identify and process cases eligible for dismissal for lack of activity or prosecution based upon URCP Rule 4(b) and URCP Rule 4-103.**

- Staff periodically identifies cases with no return of service. Each case is evaluated and, if appropriate, an Order of Dismissal is prepared. URCP 4(b)(1)
- Staff periodically identifies eligible cases with no default judgment entered. Each case is evaluated and processed based on local/judge policy. A Notice of Intent to Dismiss may be prepared or the case may be set for a hearing. Alternatively, tracking can be set up when a return of service is received (60 days or local policy), and tracking reports used to monitor cases. UCJA Rule 4-103(1)
- Staff periodically identifies cases with no certificate of readiness for trial within 330 days after the first answer. Staff evaluates each case and, according to local/judge policy, prepares a Notice of Intent to Dismiss or sets the case for hearing. UCJA 4-103(2)

**Courts should monitor cases that have become stagnant and facilitate action.**

- Upon entry of a response to a notice of intent to dismiss, cases are placed on tracking or the case is set for hearing at an appropriate/requested time according to local/judge policy.
- Expired warrants are monitored so prosecutors can be notified to take action by renewing an expired warrant or dismissing the case.

**Courts should monitor cases to assure appropriate notification in accordance with the Uniform Probate Code (Title 75).**

- Tracking is engaged when a Guardian/Conservatorship case is filed to assure proper review and timely hearing calendaring.
- Post-appointment activity in probate cases (Rule 6-501) is managed proactively.
- Due dates for Post-appointment activity in probate cases (Rule 6-501) are tracked. If required documents are not filed, notice is sent. Order to Show Cause hearings are scheduled when necessary.

**Meaningful Pretrial Court Events and Realistic Pretrial Schedules**

**Courts should facilitate the progression of cases by managing continuances.**

- All active pending criminal cases should have a future hearing date or review date on tracking.

**Supporting Firm and Credible Trial Dates**

**Courts should closely monitor cases in preparation for trial and act on appropriate dates.**

- Tracking is set upon entry of a case management/scheduling order for the ready-for-trial or pretrial date specified. According to local/judge policy, counsel is contacted and these cases are set for hearing or a proposed scheduling order is requested.

**Management of Court Events After Initial Disposition**

**Courts should actively resolve outstanding issues at the time of sentencing.**

- Staff should be encouraged to review scheduled cases and add calendar notes if a case has undisposed cash bail or an active criminal protective order.

**Caseflow Management Principles and Practices for Court Support Staff: District Court Page 2**

Courts should monitor probation and pleas in abeyance and act timely to avoid losing jurisdiction in cases of non-compliance.

- Staff periodically identifies cases with a plea in abeyance disposition that may be eligible for dismissal. These cases are evaluated and hearings set or Orders of Dismissal issued depending on local/judge policy.
- Staff periodically reviews cases on court probation and, according to local/judge policy, sets a hearing or closes the case.

**Administrative Functions**

Courts should regularly review administrative reports to identify problems for early intervention.

- Staff should periodically review outstanding bail bonds

**Differentiated Case Management**

Courts should be able to customize tracking needs according to the specifics of a case.

- Staff should be able to set key decision points dates at case filing and monitor cases to assist the judge with timely progression. This is largely a manual process now and would be greatly facilitated by technology changes.

**Core Duties of Judicial Case and Service Managers**

Working under the direction of district management and in partnership with judges, judicial case and service managers direct and support teams of judicial assistants and service reps to facilitate the proactive movement of cases. A Judicial Case Manager or Service Rep:

- Evaluates the status of case-related matters, performs required actions to move the case forward, and consults with the Judge to facilitate case progression
- Monitors case processing reports to ensure case events comply with statutory/local practice timelines
- Serves as a supervisor, mentor, and trainer to support staff
- Provides a link between management and the judicial support team to ensure the work of the team is performed in a manner consistent with overall district directives
- Monitors the team's court calendar
- Serves as a liaison to agencies, attorneys, probation officers, and judges regarding case management
- Provides quality control services to the team and judge through file review and report monitoring
- Facilitates effective customer service by acting as a resource to district, public, and other stakeholders
- Conducts performance review management functions
- Remains qualified to go into court to support judicial assistants and maintain a cross-trained team<sup>2</sup>

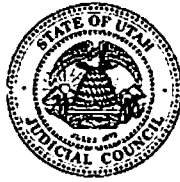
**Recommendations for Complete and Effective Implementation**

To fully implement the principles and duties identified in this document, the following is recommended.

- District court judges' support of Judicial Case Managers in assisting with the progression of cases.
- Local reviews of current case manager workload/organization giving consideration to redistributing current duties, increasing efficiency in existing practices and adding resources where appropriate.
- Adoption and enforcement of a limited continuance policy district wide would relieve considerable pressure on staff. Managing continuances is cited by staff as a significant obstacle to productivity.

<sup>2</sup> Some judicial case manager work responsibilities do not require them to work directly with judges or go into court.

# TAB 4



## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

### MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Judicial Council  
**From:** Tim Shea *T. Shea*  
**Date:** June 9, 2012  
**Re:** Rules for final action

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#### **Expedited effective date**

The Policy and Planning Committee recommends that amendments to the following rules be made effective immediately and published for comment:

- CJA 06-0401. Domestic relations commissioners. Amend. Recognizes the authority of court commissioners to hear child protective order cases.
- CJA 07-0102. Duties and authority of Juvenile Court Commissioners. Amend. Recognizes the authority of court commissioners to hear child protective order cases.

The Board of Judges for the District Court and for the Juvenile Court request these amendments. Commissioners in both courts have been hearing child protective order cases, but the rules do not authorize them to do so. The amendment will conform the rule to the practice.

#### **Approval of rules published for comment**

Rule 4-502 established expedited procedures for resolving discovery issues. The purpose of the rule is to establish as a statewide procedure the provisions of Rule 10-1-306, which was developed as a local rule by the Third District Court. In light of the comments received, the committee will revise the draft and submit it for your consideration at a later date.

The comment period for the following rules has closed, and the Policy and Planning Committee recommends that they be approved.

#### **Rule summary**

CJA 03-0301. Court administrators. Amend. Modifies responsibilities to reflect duties.

The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.

450 South State Street / POB 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3808 / Fax: 801-578-3843 / email: [tims@email.utcourts.gov](mailto:tims@email.utcourts.gov)

CJA 03-0410. Automated information resource management. Amend. Modifies responsibilities to reflect duties.

CJA 04-0202.08. Fees for records, information, and services. Amend. Establishes a fee of \$5.00 to email a document. Prohibits the court from emailing a document available on Xchange. The committee recommends further amending the rule to exempt the Self Help Center.

CJA 04-0501. Expedited jury trial. New. Implements the pilot program as directed by HB 349 (2011) and HB 204 (2012). This rule needs to be effective July 1, 2012.

CJA 04-0503. Mandatory electronic filing. New. Requires that documents in district court civil cases be filed electronically effective January 1, 2013. Provides for exceptions.

### **Comments**

CJA 03-0301. Court administrators. None.

CJA 03-0410. Automated information resource management. None.

CJA 04-0501. Expedited jury trial. None.

#### **CJA 04-0202.08. Fees for records, information, and services.**

The description of this rule amendment indicates that the court will be \*prohibited\* from emailing documents available on Xchange. (The actual wording in the rule is slightly less draconian.) However, left unclear is whether a document's availability on Xchange is dependent on a user's subscription to that service. All Public documents that have been imaged are technically "available" on Xchange, but a subscription to Xchange costs \$25 (and then \$30 per month). For the average non-subscribing member of the public, this would raise the fee for electronic access to a particular document at least fivefold, if the intent of this rule change is to instruct courts not to email any imaged Public documents.

I hope that a single-document purchase mechanism (without monthly subscription) will be made available on Xchange in the future. However, in the interim, I would request a clarification to the language of this rule to indicate that if a particular user does not have a subscription to Xchange, that means the document is not "available" to that user via Xchange.

Posted by Carol Hopper April 10, 2012 04:01 PM

**Committee analysis.** The rule will be implemented as suggested. The "pay-per-view" or "casual use" feature in xChange, which will allow limited search and downloads for a modest per-use fee is scheduled for implementation in November. Until then, clerks will continue to email records if requested to do so.

\$5 seems high to send an e-mail. Sending an e-mail costs the court less than making copies and mailing them. Sending an e-mail takes less time than making copies and



mailing them. For example, for a 4 page document, it would cost \$1.44 (\$.25 x 4 pages + \$.44 stamp), whereas to send it by e-mail would cost \$5.

Posted by Heather April 10, 2012 03:17 PM

The present cost for filing by email is unreasonable. Presently, paper filings are free. If the cost of filing by email is the same--free, then the rule would be fine. Court fees have recently skyrocketed, which should encompass all of the cost from any mandatory filing. There is no reason to create an additional financial burden here.

Posted by Spencer Ball April 10, 2012 01:45 PM

**Committee analysis.** The time to prepare a document for emailing is the same as photocopying the document for mailing.

To the extent that this comment anticipates the ability to file by email, it mistakes the e-filing procedures. Parties will not e-file by email; they must use an e-filing service provider. Emailing a document to the court does not accomplish the many data processing objectives of e-filing through a service provider.

I have some concerns about how this proposed rule might adversely affect the ability of the Self-Help Center to help pro se litigants we try to help. We often check a person's case filing history in xChange and email or mail a copy of that history to the person. In addition, we check documents filed in CORIS, and we hope to have again soon access to minute entries in domestic cases (we used to be able to see those minute entries in xChange). This information is essential to the SHC's ability to help people understand their cases.

If I understand the proposed rule correctly, the SHC would be obliged to charge people for any case history or even a document found in CORIS that we might find helpful to provide to a party. If that is correct, then I would like to propose that the SHC's services be exempted from the fees. So, for example, we might be able to have some provision like this under section 8(A)(iv): "Any person in the course of receiving assistance from the Utah State Law Library Self-Help Center if the fee is minimal." Please note that the SHC has no ability to charge and receive payments even if we had to charge fees.

I am also concerned about section 4(b) that states that records on xChange will not be faxed or emailed. We have no ability to fax in the SHC, but we regularly email or mail case histories from xChange to pro se litigants who have no access to xChange, and also have no ability to access CORIS because they cannot get to a local courthouse. Could the SHC also have some blanket exemption from 4(b)?

Thanks,  
Mary Jane

**Committee analysis.** Recommend further amending the rule to exempt the SHC. The SHC will have to guard against becoming the conduit for routine record requests.

#### **CJA 04-0502. Expedited procedures for resolving discovery issues.**

The procedure and objectives of subsection (2) are a little unclear, especially as it relates to motions under Utah R. Civ. P. 37. Given that the Statement of Discovery Issues is to be filed before a motion under Rule 37 may be filed, it is unclear whether Rule 37 applies to relief requested under this subsection. Do the provisions for sanctions in 37(d) apply to Statements of Discovery Issues? Is failure to comply with an order procured under subsection (2) sanctionable under Rule 37(e)? I cannot see how this rule would not entirely replace the procedures of Rule 37(a)(3) & (b), especially as subsection (2)(F) of the proposed rule contemplates the possibility of ordering further briefing as the judge sees fit (which means that the briefing requirements would be defined by the judge rather than the rule). It seems that Rule 37(a)(3) and (b) will become redundant. Rather than having this rule in the UCJA (where it is also likely to be overlooked), the better course of action may be to incorporate the procedures of subsection 2 into Rule 37.

Notes on style and drafting:

Subsection (1) slips into imperative mood. Consider amending the second sentence to "Parties should contact one of the judicial assistants for the assigned judge for specific questions," or omitting the first two sentences entirely.

In Line 16, consider replacing "; and" with "."

In Lines 21-22, consider taking the Rules out of parentheses and inserting the word "under" before the rules.

It may be clearer if the language about certifying conferring in good faith in Lines 27-29 were made into one of the requirements listed in (2)(B)(i)-(iv).

It seems more logical to incorporate subsection (4) into Rule 5-510.05.

Consider incorporating Subsection (6) into Subsection (2), perhaps between (2)(B) and (2)(C).

Nathan Whittaker

Day Shell & Liljenquist, LC

Posted by Nathan Whittaker April 18, 2012 10:19 AM

**Committee analysis.** In light of the comments received, the committee will revise the draft and resubmit it.

#### **CJA 04-0503. Mandatory electronic filing.**

Proposed Rule 4-503, will mandate electronic filing in all civil cases. I am submitting this comment (1) to point out some issues with the proposed e-filing system and rule before e-filing is mandated, and (2) to ask that Utah R. Civ. P. 65C post-conviction cases be exempted until the e-filing is mandated in criminal cases.

Let me begin, though, by commending the move to electronic filing. I work for the Utah Attorney General's Office in the Criminal Appeals Division. We file pleadings in every State district court. An e-filing system will ultimately prove a great boon to anyone who, like us, often practices out of the area in which they office.

My division has been e-filing pleadings in United States District Court since 2005. Based primarily on our experience with that system, we have noticed some omissions with the proposed state e-filing system that should be resolved before e-filing is mandated.

First, the system's documentation is not current. The ATrial Court System Electronic Filing Guide@ on the Court website is dated November 3, 2008, and its content conflicts with information given in the current e-filing training.

Second, the system does not address filing documents that exceed the size limit, especially those that cannot be separated into smaller segments such as transcripts. The federal e-file system resolves this by requiring parties to conventionally file documents that exceed the maximum size available for a single document.

Third, the rule does not address filing things that cannot be submitted in PDF format, such as CDs, DVDs, VHS tapes, cassette tapes, and photographs.

Fourth, the rule does not address procedures for filing sealed or ex parte submissions to the Court. Parties often have to file protected material, such as medical or mental health records or reports. Similarly, while the present rule includes a redaction requirement for protected information, it does not address situations where the redaction in a document will be so extensive that the document will no longer make sense. Again, the federal courts accommodate this problem by requiring conventional filing.

I also request that the rule exempt Utah R. Civ. P. 65C cases from mandatory e-filing until the rules for e-filing in criminal cases are in place. Rule 65C cases are civil. But they are a civil action challenging a criminal conviction. As such, the filings include content from underlying criminal cases and even the original pleadings include content that is more akin to criminal filings than civil. This often includes protected materials. The provisions governing criminal e-filing will be more applicable to filing issues in rule 65C cases than the civil rules are.

Posted by thomas brunker May 25, 2012 02:21 PM

**Committee analysis.**

File size. The current limit is 4mb per file, but the filer can include multiple 4mb files. Ron Bowmaster is checking on the feasibility of increasing the limit to 10mb. There are some limits that are industry standards which we cannot exceed in any event.

Filings under seal. Most documents in family law casetypes are classified by our system as "private." They will be served on the lawyer for the other party but are not available to the public. Once identified, they are processed automatically. If a filer has a document that is not classified (trade secrets, for example), but s/he wants the judge to order the classification, the filer includes a motion to classify the document. The motion is served on the lawyer for the other party, but not the trade-secret document itself. That document is processed when the judge rules on the motion.

Filing physical things and documents already sealed. If the filer needs to file a document that is already sealed (perhaps from another court) or something that cannot be digitized, the filer will have to deliver the thing in the conventional way.

Ex parte filings. Ex parte filings are not the equivalent of filing a document under seal. A classified document means that the public cannot see it; an ex parte document means the other party is not served. Our Rules of Civil Procedure permit ex parte filings in limited circumstances, but seldom when a known attorney is already involved in the case. Even if our rules permit an ex parte filing when the lawyer for the other party is part of the case, under our e-filing system, that lawyer will receive notice of the e-filing.

Documentation not current. The certificate referred to is for e-filing service providers (the third party vendors that filers have to contract with) not the filers themselves. Mr. Bowmaster is in the process of updating the certificate.

Rule should not apply to post conviction relief. There is no reason to exempt this casetype. Petitions under Rule 65C will look a lot like any other civil case with a pro se party on one side and a lawyer on the other. Prisoner will file a paper petition, which will be scanned by a clerk and reviewed by a judge. The AG will e-file an answer if directed to do so by the judge. The AG may need to attach documents from the criminal file, in which case s/he will scan paper files and attach them or directly attach electronic files.

Electronic filing and service sound great (if there are default extensions for power outages and computer system glitches and failures). However, using the currently mandated intermediary service provider is rather inconvenient and costly. Accordingly, we have not been using it, even though I email many documents to attorneys for convenience and expedience. Now that documents can be converted to pdf for free--using any number of programs online or downloaded to one's computer as a document printer that easily converts word processing and spreadsheet files, etc. to searchable pdf files for emailing--it seems there should be a simpler way for the attorney to either email the document to the court and other attorneys or to attach the file directly to the court file without having to pay for the intermediary service. My signature is scanned, so I can paste it into the document before converting the document to pdf, so I don't use an electronic signature to sign the document. Because our copiers are also fast scanners, exhibits can be scanned and attached as pdf files as well, though not likely searchable when scanned (but I haven't tried recently scanning for OCR).

Can attorneys be given rights to directly post their documents into Xchange, limited to the particular file in which each is appearing? I don't know enough about Xchange to know how it works, but obviously someone is posting the scanned files there, so why not the attorney, with an individualized password for his or her bar number linked only to his or her files. Alternatively, could we just email the document to the court clerk(s) that will be responsible for adding the document to Xchange with return receipt as proof of filing? The latter would still be faster and less expensive than the current system of scanning and saving the paper files and attaching them to Xchange which the clerks are doing anyway.

Thanks for your consideration of these comments. Hopefully we can keep the process cheap/free and convenient for all.

P.S. can we please change the timing of the Plaintiff's election for arbitration under Utah Code Ann. § 31A-22-321 contemporary with filing the complaint rather than before Rule 26 initial disclosures (perhaps an issue for the legislature)? The jury fee increase was significant for our defense clients who have to pay at the time of filing the Answer and Jury Demand. Many times the Plaintiff elects arbitration after the fee has been spent.

Thanks!

Posted by Kelly Walker May 23, 2012 05:59 PM

**Committee analysis.**

Default filing extensions for power failure, etc. The current practice is to the contrary. The filer assumes the risk of non-delivery, just as with a conventional paper filing at the last minute.

E-filing by email or posting to xChange. Parties will not e-file by email or posting to xChange. Neither method accomplishes the many data processing objectives of e-filing through an e-filing service provider.

E filing works well in the federal courts and has for some years. It saves time and money for both the courts and lawyers (hence parties). It should be extended to the state courts to the extent practicable. While current options add some costs to lawyers (GreenFiling is about \$240 a year), that is offset by savings in postage, printing, copying, delivery fees. I have found the e-filing system relatively simple and efficient - not quite as good as the federal system, but more than adequate.

Consideration should be given to making e-filing serve as notice and service to counsel, and to making service by electronic mail on counsel effective for all purposes.

The rule will need to address filings under seal (in whole or in part), but could follow the federal practice.

I think the file size limits are not significant -- many programs for creating and managing PDF include a means to reduce file. The Courts will need to address signatures on electronic documents.

Posted by J. Bogart April 25, 2012 11:11 AM

**Committee analysis.** Signatures on electronic documents. Under Section 46-4-102(8), the electronic signature is the "electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record." Essentially, the document is signed for Rule 11 and other court purposes when the filer clicks "submit." If the filer wants to embed a script signature into the document, s/he can do so, but it does not make the document any more official or legal.

The greenfiling system is much better than paper filing, but it's not as good as the federal CM-ECF PACER system, which is more intuitive, more useful, and less expensive. If you insist on re-creating the wheel, why do it with an inferior design? Why not just contract with the federal provider of the CM-ECF? If the feds aren't making the system available to states, why not just copy their better model?

I am in favor of making e-filing mandatory, the sooner the better. I believe the \$5 per filing fee is expensive, especially when it is strongly recommended that documents related to the same filing be filed separately, i.e., a motion, supporting memorandum, and certificate of service might cost \$15 to file. This is very expensive compared to the free service provided by the CM-ECF/PACER system. While greenfiling's subscription price helps solve this problem for frequent filers, it is presumably subject to price hikes, and subscription may not be wise for less frequent filers. Also, it is curious why the court would charge attorneys to use a service that apparently saves money for the court. Perhaps the e-filing system could be paid for by requiring paper filers to pay a small filing fee. Fees should be used to create incentives to use the preferred system; currently the fee is likely limiting adoption of e-filing.

I recommend making it mandatory that all counsel accept service of documents via email. It is archaic and burdensome to be forced to print and mail documents that can be sent as PDF attachments to emails more quickly at less cost. If the recipient wants a paper copy, they should bear the time and expense to print. Again, the federal system has a smart, effective, tried and tested system in place. Why not follow their lead?

Posted by Victor Sipos April 24, 2012 05:22 PM

I object to the proposed adoption of Code of Judicial Administration ("CJA") 04-0503, which seeks to make electronic filing in district court cases mandatory effective January 1, 2013. I object on the following grounds.

(1) Many, many documents filed in a significant number of district court cases are substantial enough in size to blow past 10 megabytes of aggregate data. THAT IS A

SERIOUS PROBLEM. Microsoft Outlook and many OTHER electronic filing interface programs PROHIBIT the sending of any file that exceeds 10 megabytes of data. Hence, counsel may well find themselves UNABLE to file a considerable number of documents due to this inherent and rather pervasive 10 megabyte file size prohibition.

(2) Computers seem to create an increasingly great number of glitches, code errors, and IT snafus. Electronic filing is no exception to this trend. I foresee numerous and sundry computer problems and filing discrepancies inherent to a system as busy as mandatory an electronic filing in Utah's major districts. Filing hard copy documents proves problematic enough; I fervently assert that electronic filing will make hard copy filing look easy and streamlined by comparison.

(3) Forcing counsel to file electronically seems to circumvent the ability of counsel to practice law without undue interference and oppression from the state. Counsel should have an OPTION to file electronically... not an order.

(4) Should counsel have the OPTION to file electronically and after a year or so of treating the electronic filing option as a BETA version (i.e., live testing version): (a) if those that elect to do so represent a 75% or more total of filings, and (b) the BETA electronic filing system performs with minimal glitches - THEN it would seem appropriate to require electronic filing.

(5) Force-feeding a non-live tested system that would significantly alter the venerable practice of law in Utah seems beyond reason or logic.

I implore the state to alter CJA 04-503 to run electronic filing as at least a one-year BETA version and as an option for at least one year to determine the viability and efficacy of requiring all practitioners to adhere to the system.

Respectfully,

J. Adam White

Utah Bar No. 11853

Posted by Adam White April 11, 2012 03:28 PM

Re: Proposed CJA04-0503: Shouldn't this include sealed filings as an exception?

Posted by Bart Kunz April 10, 2012 06:03 PM

**Committee analysis.** Most documents in family law casetypes are classified by our system as "private." They will be served on the lawyer for the other party but are not available to the public. Once identified they are processed automatically. If a filer has a document that is not recognized as private (trade secrets, for example), but s/he wants the judge to order the classification, the filer includes a motion to classify the document. The motion is served on the lawyer for the other party, but not the trade-secret document itself. That document is processed when the judge rules on the motion.



If the filer needs to file a document that is already sealed (perhaps from another court), the filer will have to deliver the sealed file in the conventional way.

Encl. Draft rules





**Rule 6-401. Domestic relations commissioners.**

**Intent:**

To identify the types of cases and matters commissioners are authorized to hear, to identify the types of relief commissioners may recommend and to identify the types of final orders commissioners may issue.

**Applicability:**

This rule shall govern all domestic relations court commissioners serving in the district courts.

**Statement of the Rule:**

(1) Types of cases and matters. All domestic relations matters filed in the district court in counties where court commissioners are appointed and serving, including all divorce, annulment, paternity, ~~and cohabitant abuse~~ and child protective order matters, orders to show cause, scheduling and settlement conferences, petitions to modify divorce decrees, scheduling conferences, and all other applications for relief, shall be referred to the commissioner upon filing with the clerk of the court unless otherwise ordered by the presiding judge.

(2) Authority of court commissioner. Court commissioners shall have the following authority:

(2)(A) Upon notice, require the personal appearance of parties and their counsel;

(2)(B) Require the filing of financial disclosure statements and proposed settlement forms by the parties;

(2)(C) Obtain child custody evaluations from the Division of Family Services or through the private sector;

(2)(D) Make recommendations to the court regarding any issue, including a recommendation for entry of final judgment;

(2)(E) Require counsel to file with the initial or responsive pleading, a certificate based upon the facts available at that time, stating whether there is a legal action pending or previously adjudicated in a district or juvenile court of any state regarding the minor child(ren) in the current case;

(2)(F) Impose sanctions against any party who fails to comply with the commissioner's requirements of attendance or production of discovery;

(2)(G) Impose sanctions for contempt of court;

(2)(H) Issue temporary or ex parte orders;

(2)(I) Conduct settlement conferences with the parties and their counsel. Issues that cannot be settled shall be certified to the district court for trial; and

(2)(J) Conduct pretrial conferences with the parties and their counsel. The commissioner shall make recommendations on all issues under consideration at the pretrial and submit those recommendations to the district court.

(3) Duties of court commissioner. Under the general supervision of the presiding judge, the court commissioner has the following duties prior to any domestic matter being heard by the district court:

(3)(A) Review all pleadings in each case;

(3)(B) Certify those cases directly to the district court that appear to require a hearing before the district court judge;

(3)(C) At the commissioner's discretion and after notice to all parties or their counsel, conduct hearings with parties and their counsel for the purpose of taking testimony or proffers of testimony, except in cases previously certified to the district court;

(3)(D) Coordinate information with the juvenile court regarding previous or pending proceedings involving children of the parties; and

(3)(E) Refer appropriate cases to mediation programs if available.

(4) Prohibitions.

(4)(A) Commissioners shall not make final adjudications.

(4)(B) Commissioners shall not serve as pro tempore judges in any matter, except as provided by Rule of the Supreme Court.

**Rule 7-102. Duties and authority of Juvenile Court Commissioners.**

**Intent:**

To set forth the duties and authority of Juvenile Court Commissioners and to identify the types of cases Commissioners are authorized to hear.

**Applicability:**

This rule shall apply to the Juvenile Court.

**Statement of the Rule:**

**(1) Types of cases and matters.**

(1)(A) Commissioners may be assigned to hear and make recommendations in cases involving:

(1)(A)(i) bailable offenses, for arraignment and disposition;

(1)(A)(ii) truancy reviews;

(1)(A)(iii) restitution hearings;

(1)(A)(iv) detention and shelter hearings;

(1)(A)(v) other misdemeanor level offenses;

(1)(A)(vi) child protective orders; and

~~(1)(A)(vi)~~ (1)(A)(vii) contempt.

(1)(B) Commissioners may exercise specific powers as authorized by statute or rule of procedure.

(1)(C) Except as provided in paragraph (4) below, Commissioners may be assigned, on an emergency basis, to any matter under the jurisdiction of the Juvenile Court, by the presiding judge.

**(2) Relief which may be granted.**

(2)(A) Except as provided in paragraph (4) below, a Commissioner is authorized to recommend any dispositional order authorized by Utah law, including assessment of fines, restitution, compensatory service, probation and other appropriate sanctions.

(2)(B) All recommendations of the Commissioner shall be reviewed by a judge. The reviewing judge may confirm the recommendation of the commissioner, set the matter for rehearing before a judge, or modify the recommendation after reviewing the record.

(2)(C) Pending the filing of a request for rehearing, the recommendation of the Commissioner shall constitute the order of the court until the time for requesting a rehearing has passed or a judge has heard the matter on the merits.

(3) Judicial review.

(3)(A) If a request for a rehearing is filed, the matter shall be set for rehearing before a judge.

(3)(B) If the request for rehearing is as to disposition only and not as to guilt or innocence, the matter shall be set for a disposition review only.

(3)(C) A judge may order a rehearing of any case before confirming the Commissioner's recommendation.

(4) Limitations. Notwithstanding any other provision contained in this rule, a Commissioner may not:

(4)(A) make a recommendation for an order directing a permanent change of custody or committing a minor to a secure facility;

(4)(B) be assigned to conduct a felony level trial or a permanent deprivation of parental rights trial; or

(4)(C) enter a final order or judgment.

**Rule 3-301. Court administrators.**

**Intent:**

To establish the duties, responsibilities, and authority of the administrators of the courts.

**Applicability:**

This rule shall apply to all persons who serve in an administrative support services capacity for courts of record and state-employed administrators of courts not of record.

**Statement of the Rule:**

(1) General provisions. The following provisions respecting administrative duties, responsibilities, and authority shall govern the conduct of administrative matters of the courts of the State. Administrative support services for the judiciary shall be organized into a central office known as the Administrative Office. Local trial court administrative offices shall be established when determined necessary by the Council and shall be known as Offices of the Court Executive.

(2) Qualifications. The state court administrator, state level administrators, and court executives shall be selected on the basis of professional ability and experience in the field of public administration and shall possess qualifications for office as may be set forth in the job descriptions and have an understanding of court procedures as well as of the nature and significance of court services.

**(3) State court administrator.**

(3)(A) Appointment and tenure. The state court administrator shall be appointed by the Chief Justice of the Supreme Court upon majority vote of the Supreme Court and shall serve at the pleasure of the Council and/or the Supreme Court. The administrator shall be removed from office upon majority vote of the Council concurred in by majority vote of the Supreme Court.

(3)(B) Duties, responsibilities and authority. Under the general supervision of the presiding officer of the Council and within the policies established by the Council, the state court administrator shall:

(3)(B)(i) appoint a deputy court administrator who shall assist the administrator in the performance of his duties and responsibilities;

- 31 (3)(B)(ii) organize and administer all of the non-judicial activities of the courts;  
32 (3)(B)(iii) assign, supervise, and direct the work of the non-judicial officers of the  
33 courts including the general supervision of court executives;  
34 (3)(B)(iv) implement the standards, policies, and rules established by the Council;  
35 (3)(B)(v) formulate and administer a system of personnel administration for the  
36 judiciary including but not limited to:  
37 (3)(B)(v)(a) establishment of uniform personnel policies;  
38 (3)(B)(v)(b) creation and abolishment of positions;  
39 (3)(B)(v)(c) establishment of classification schedules;  
40 (3)(B)(v)(d) approval of all personnel actions;  
41 (3)(B)(v)(e) appointment and removal of employees within the administrator's  
42 authority;  
43 (3)(B)(vi) prepare, administer, and manage the state judicial budget and establish a  
44 fiscal management system including accounting, auditing and procurement procedures;  
45 (3)(B)(vii) conduct studies of the business of the courts, including the preparation of  
46 recommendations and reports relating to them;  
47 (3)(B)(viii) develop uniform procedures for the management of court business;  
48 (3)(B)(ix) maintain liaison with governmental and other public and private groups  
49 having an interest in the administration of the courts;  
50 (3)(B)(x) call and appoint judges of courts of record to serve temporarily as Court of  
51 Appeals, District Court or Juvenile Court judges as necessary;  
52 (3)(B)(xi) consistently with the provisions of this Code, schedule trials or court  
53 sessions, assign judges within courts and throughout the state, reassign cases to  
54 judges, and change the county for trial of a case if parties do not object, as necessary;  
55 (3)(B)(xii) organize and administer a program of continuing judicial and non-judicial  
56 education;  
57 (3)(B)(xiii) establish and manage a court information system;  
58 (3)(B)(xiv) establish and manage a court facility program;  
59 (3)(B)(xv) provide staff support for the judicial-senior judge and court commissioner  
60 evaluation program;

61 (3)(B)(xvi) serve as secretariat to all justice court judicial nominating commissions;

62 (3)(B)(xvii) approve and execute all leases, contracts, or other documents on behalf  
63 of the judiciary;

64 (3)(B)(xviii) provide technical assistance to the courts upon request or as necessary;

65 (3)(B)(xix) develop policies regarding the maintenance, retention and disposition of  
66 court records;

67 (3)(B)(xx) serve as public information officer for the courts;

68 (3)(B)(xxi) perform such other duties as may be assigned by the presiding officer of  
69 the Council.

70 (4) State level administrators.

71 (4)(A) Appointment, supervision and evaluation.

72 (4)(A)(i) The state court administrator shall appoint an Appellate, District, Juvenile,  
73 and Justice Court administrator with the concurrence of the Board which each serves.

74 (4)(A)(ii) In the event of a vacancy among these positions, the state court  
75 administrator shall assume the responsibilities of the office or delegate such  
76 responsibilities to another staff member until the vacancy is filled.

77 (4)(A)(iii) Each state level administrator shall serve at the pleasure of the state court  
78 administrator.

79 (4)(A)(iv) Performance evaluations of the state level administrators shall be  
80 conducted by the state court administrator in consultation with the chair of the  
81 appropriate Board.

82 (4)(A)(v) The state court administrator shall supervise the daily activities of the state  
83 level administrators.

84 (4)(B) Duties and responsibilities.

85 (4)(B)(i) Render assistance and support to the state court administrator in the  
86 performance of his duties.

87 (4)(B)(ii) Serve as staff to the appropriate Board.

88 (4)(B)(iii) Under the direction of the state court administrator, supervise and conduct  
89 performance evaluations of court executives.

(4)(B)(iv) Develop and manage the state budget of the court including expenditures, accounting, and procurement.

(4)(B)(v) Conduct the planning and project development for the court.

(4)(B)(vi) Serve as liaison to the education program for the court.

(4)(B)(vii) Act as intermediary between the Board and the Council.

(4)(B)(viii) Meet with the judges of the local courts at least annually, for purposes of communication and information dissemination.

(4)(B)(ix) Perform such other duties as may be assigned by the state court administrator or the Board.

(5) Court executives.

(5)(A) Appointment, supervision and evaluation.

(5)(A)(i) The court executives shall be appointed by the state court administrator after consultation with the state level administrator and with the concurrence of the presiding judge. The court executives shall serve at the pleasure of the state court administrator.

(5)(A)(ii) Under the direction of the state court administrator, the state level administrators, with the local presiding judge, shall develop annually a performance plan for the court executives. At the conclusion of each year, the state level administrator shall consult with the presiding judge in the preparation of a performance evaluation of the court executive.

(5)(A)(iii) The court executive shall coordinate with the presiding judge(s) and the Administrative Office the use of annual leave.

(5)(A)(iv) The court executive shall participate in special projects, attend staff meetings, submit reports, and fulfill other responsibilities as necessary for the administration of the courts as directed by the state level administrator.

(5)(B) Duties and responsibilities. Pursuant to this Code and under the direction of the state level administrator and the presiding judge, the court executive is responsible for the day-to-day supervision of the non-judicial administration of the courts. Such duties include but are not limited to:

(5)(B)(i) hiring and supervision of staff other than judges or court commissioners;



120 (5)(B)(ii) development and management of budget;  
121 (5)(B)(iii) planning and management of facilities;  
122 (5)(B)(iv) development, maintenance and coordination of intergovernmental  
123 relations;  
124 (5)(B)(v) transmission of information to the Boards and the Administrative Office and  
125 the distribution of minutes from the Council and Board meetings to individual judges;  
126 (5)(B)(vi) implementation and management of the court calendar as directed by this  
127 Code and local rule;  
128 (5)(B)(vii) development and management of court security plans;  
129 (5)(B)(viii) service as secretariat for local administrative court meetings;  
130 (5)(B)(ix) development and implementation of records management systems;  
131 (5)(B)(x) local public information; and  
132 (5)(B)(xi) other duties as assigned by the presiding judge and the state level  
133 administrator.

134

**Rule 3-410. Automated information resource management.**

Intent:

To develop uniform rules for the management of data processing activities at all court levels.

To ensure the coordination of hardware and software acquisition and system development.

To define the relationship between the Administrative Office and individual courts with respect to data processing support.

To provide guidelines to local courts developing their own systems.

To establish information standards for the courts and other related agencies.

To establish priorities for developmental efforts in court automation.

Applicability:

This rule shall apply to all courts of record.

Statement of the Rule:

(1) The data processing policy governing courts of record shall be established under the direction of the Council through its Technology Committee.

(2) A central data processing staff person shall be available from the Administrative Office to serve the courts of record. The staff person shall follow priorities established by the Committee and shall be directed in developmental efforts by court system user groups established by the Committee. Staff will also seek the guidance of court executives and Boards of Judges with regard to court operations needing automation and to identify data processing requirements of the various courts.

(3) The Administrative Office shall coordinate the acquisition of compatible computer hardware and software in all courts of record. The superannuation of equipment shall be coordinated with the needs of other court locations; and major changes in equipment use will be approved by the Council through its Committee.

~~(4) Non-state funded courts.~~

~~(4)(A) Courts of record not funded in whole by the State of Utah and which rely upon local government data processing facilities or services provided by private contractors shall submit a program plan to the Committee for prior approval before proceeding with~~

31 ~~the development or implementation of any data processing systems for the court. The~~  
32 ~~program plan will include but not be limited to the following information:~~

33 ~~(4)(A)(i) General statement of need.~~

34 ~~(4)(A)(ii) Operations and court functions to be automated.~~

35 ~~(4)(A)(iii) Hardware needs (estimated).~~

36 ~~(4)(A)(iv) Software needs (estimated).~~

37 ~~(4)(A)(v) Timetable for development and implementation.~~

38 ~~(4)(A)(vi) Impact statement, if automation does not occur.~~

39 ~~(4)(B) Courts relying upon local government and/or private contractors for data~~  
40 ~~processing development, implementation, and maintenance will participate in such~~  
41 ~~projects subject to the following guidelines:~~

42 ~~(4)(B)(i) The court will define the parameters of system development and operation~~  
43 ~~as budgets will allow.~~

44 ~~(4)(B)(ii) Supervision of~~ The court will supervise ~~operation and developmental~~  
45 ~~support staff and contractors assigned to the court project will belong to the Court.~~


46 ~~(4)(B)(iii) Control and ownership of software developed for court use becomes~~ is ~~the~~  
47 ~~property of the court and/or the local government entity. No multi-year license~~  
48 ~~agreements will be entered into by the court.~~

49 (5) The Administrative Office will prepare standard data descriptions and edits,  
50 logical file structures, and communications procedures and protocols for approval by the  
51 Committee. These standards shall be developed in conjunction with other related state  
52 and local agencies, and shall ensure that courts and court-related governmental entities  
53 can share information in a cost-effective manner.

54 (6) The Committee will establish plans and priorities for data processing  
55 developmental efforts on a periodic basis. These plans and priorities shall be reviewed  
56 by the Council and upon acceptance by the Council included in the Annual Plan. Prior to  
57 submitting the plans and priorities to the Council, the Committee shall receive input from  
58 the following:

59 (6)(A) the Judicial Council;

60 (6)(B) the Boards of Judges;

- 
- 61 (6)(C) courts users and Steering Committees;  
62 (6)(D) court executives;  
63 (6)(E) local government officials.  
64

**Rule 4-202.08. Fees for records, information, and services.**

Intent:

To establish uniform fees for requests for records, information, and services.

Applicability:

This rule applies to all courts of record and not of record and to the Administrative Office of the Courts. This rule does not apply to the Self Help Center.

Statement of the Rule:

(1) Fees payable. Fees are payable to the court or office that provides the record, information, or service at the time the record, information, or service is provided. The initial and monthly subscription fee for public on-line services is due in advance. The connect-time fee is due upon receipt of an invoice. If a public on-line services account is more than 60 days overdue, the subscription may be terminated. If a subscription is terminated for nonpayment, the subscription will be reinstated only upon payment of past due amounts and a reconnect fee equal to the subscription fee.

(2) Use of fees. Fees received are credited to the court or office providing the record, information, or service in the account from which expenditures were made. Fees for public on-line services are credited to the Administrative Office of the Courts to improve data quality control, information services, and information technology.

(3) Copies. Copies are made of court records only. The term "copies" includes the original production. Fees for copies are based on the number of record sources to be copied and are as follows:

(3)(A) paper except as provided in (H): \$.25 per sheet;

(3)(B) microfiche: \$1.00 per card;

(3)(C) audio tape: \$10.00 per tape;

(3)(D) video tape: \$15.00 per tape;

(3)(E) floppy disk or compact disk other than of court hearings: \$10.00 per disk;

(3)(F) electronic copy of court reporter stenographic text: \$25.00 for each one-half day of testimony or part thereof;

(3)(G) electronic copy of audio record or video record of court proceeding: \$10.00 for each one-half day of testimony or part thereof; and

(3)(H) pre-printed forms and associated information: an amount for each packet established by the state court administrator.

(4)(a) Mailing. The fee for mailing is the actual cost. The fee for mailing shall include necessary transmittal between courts or offices for which a public or private carrier is used.

(4)(b) Fax or e-mail. The fee ~~for faxing to fax~~ or e-mail a document is \$5.00 for 10 pages or less. The fee for additional pages is \$.50 per page. Records available on Xchange will not be faxed or e-mailed.

(5) Personnel time. Personnel time to copy the record of a court proceeding is included in the copy fee. For other matters, there is no fee for the first 15 minutes of personnel time. The fee for time beyond the first 15 minutes is charged in 15 minute increments for any part thereof. The fee for personnel time is charged at the following rates for the least expensive group capable of providing the record, information, or service:

(5)(A) clerical assistant: \$15.00 per hour;

(5)(B) technician: \$22.00 per hour;

(5)(C) senior clerical: \$21.00 per hour

(5)(D) programmer/analyst: \$32.00 per hour;

(5)(E) manager: \$37.00 per hour; and

(5)(F) consultant: actual cost as billed by the consultant.

(6) Public on-line services.

(6)(A) The fee to subscribe to public on-line services shall be as follows:

(6)(A)(i) a set-up fee of \$25.00;

(6)(A)(ii) a subscription fee of \$30.00 per month for any portion of a calendar month;

and

(6)(A)(iii) \$.10 for each search over 200 during a billing cycle. A search is counted each time the search button is clicked.

(6)(B) When non-subscription access becomes available, the fee to access public on-line services without subscribing shall be a transaction fee of \$5.00, which will allow up to 10 searches during a session.

(6)(C) The fee to access a document shall be \$2.50 per document.

(7) No interference. Records, information, and services shall be provided at a time and in a manner that does not interfere with the regular business of the courts. The Administrative Office of the Courts may disconnect a user of public on-line services whose use interferes with computer performance or access by other users.

(8) Waiver of fees.

(8)(A) Fees established by this rule other than fees for public on-line services shall be waived for:

(8)(A)(i) any government entity of Utah or its political subdivisions if the fee is minimal;

(8)(A)(ii) any person who is the subject of the record and who is impecunious; and

(8)(A)(iii) a student engaged in research for an academic purpose.

(8)(B) Fees for public on-line services shall be waived for:

(8)(B)(i) up to 10,000 searches per year for a news organization that gathers information for the primary purpose of disseminating news to the public and that requests a record to obtain information for a story or report for publication or broadcast to the general public;

(8)(B)(ii) any government entity of Utah or its political subdivisions;

(8)(B)(iii) the Utah State Bar;

(8)(B)(iv) public defenders for searches performed in connection with their duties as public defenders; and

(8)(B)(v) any person or organization who the XChange administrator determines offers significant legal services to a substantial portion of the public at no charge.

**Rule 4-501. Expedited jury trial.**

**Intent:**

To implement the pilot program for expedited jury trial established by the Expedited Jury Trial Act.

**Applicability:**

This rule applies in the district court.

**Statement of the Rule:**

(1) Motion and agreement binding. If a jury trial is demanded under Rule of Civil Procedure 38, the parties may agree to and move for an expedited jury trial at the close of discovery. All parties agreeing to participate in an expedited jury trial and, if represented, their counsel, shall sign a written agreement, filed with the motion, to participate in the expedited jury trial. The agreement is binding upon the parties and any insurance carrier responsible for coverage or defense on behalf of a party, unless all parties stipulate to end the agreement or the court finds, upon motion, good cause to end the agreement.

(2) Agreement requirements. The agreement must include the following stipulations:

(2)(A) Each named party and any insurance carrier responsible for providing coverage or defense on behalf of a party have been informed of the rules and procedures for an expedited jury trial, have agreed to take part in or, in the case of a responsible insurance carrier, not object to, the expedited jury trial, and have agreed to all provisions in the agreement.

(2)(B) Six jurors with no alternates will try the case, five of whom may render a verdict on any question, except that the parties may stipulate that a verdict or a finding of four jurors is the verdict or finding of the jury.

(2)(D) Each side will have no more than 30 minutes of voir dire.

(2)(E) Each side will exercise no more than one peremptory challenge.

(2)(F) Each side will have no more than three hours to present the case, including opening statements, closing arguments, examination and cross-examination. The parties will agree how to allocate that time.



30 (2)(G) The parties will agree to a minimum amount of damages that a plaintiff is  
31 guaranteed to receive, and a maximum amount of damages that a defendant will be  
32 liable for, regardless of the jury's verdict.

33 (2)(H) The parties waive the right to file a motion for a directed verdict or motion to  
34 set aside the verdict. The parties waive the right to file a motion for a new trial or file an  
35 appeal, except:

36 (2)(H)(i) for judicial misconduct or juror misconduct that materially affects a  
37 substantive right;

38 (2)(H)(ii) for corruption, fraud, or other undue means employed in the proceedings,  
39 jury, or adverse party that prevented a fair trial; or

40 (2)(H)(iii) to correct errors of law.

41 (2)(I) The parties waive the right to file post-trial motions except:

42 (2)(I)(i) for costs and attorney fees;

43 (2)(I)(ii) to correct a clerical error in the judgment; or

44 (2)(I)(iii) to enforce the judgment.

45 (3) Agreement options. The agreement must also include:

46 (3)(A) any agreed change to the Rules of Civil Procedure regulating disclosure and  
47 discovery;

48 (3)(B) any agreed change to the Rules of Evidence, except that the parties may offer  
49 at trial only evidence that is relevant and material to the dispute;

50 (3)(C) any other agreements about evidence, including:

51 (3)(C)(i) limits on the number of witnesses;

52 (3)(C)(ii) statements of fact to be presented to the jury without evidence;

53 (3)(C)(iii) evidence that will be admitted without foundation;

54 (3)(C)(iv) what constitutes necessary or relevant evidence for any fact;

55 (3)(C)(v) admissibility of testimony, exhibits, depositions or declarations;

56 (3)(C)(vi) methods of presenting summary evidence, such as witness narratives,  
57 diagrams, charts, summaries, photographs, slides, overhead presentations, and audio  
58 or video presentations;

59 (3)(C)(vii) methods of presenting written materials instead of live testimony, including  
60 a verified written report of an expert and an affidavit of the expert's resume, doctor  
61 reports, medical records, witness depositions, and notebooks for jurors; and

62 (3)(C)(viii) pretrial motions.

63 (4) Objectives. To expedite the trial the parties should:

64 (4)(A) stipulate to a joint form jury questionnaire;

65 (4)(B) limit the number of live witnesses;

66 (4)(C) stipulate to factual and evidentiary matters; and

67 (4)(D) stipulate to methods of evidence presentation.

68 (5) Ruling on the motion. The court shall grant the motion, incorporating into the  
69 order the agreement of the parties, unless the court finds good cause why the motion  
70 should not be granted, in which case the court shall deny the motion in its entirety. If the  
71 court grants the motion,

72 (5)(A) the case is exempt from statutes or rules requiring mediation, arbitration or  
73 other forms of alternative dispute resolution,

74 (5)(B) the court will hold a case management conference within 14 days after  
75 entering the order on the motion and may combine the case management conference  
76 with the hearing on the motion, and

77 (5)(C) the court shall schedule the trial for a date certain within 60 days after the  
78 case management conference, or as soon as possible thereafter, and the trial may not  
79 be postponed, except in extreme circumstances that could not have been foreseen. A  
80 party's failure to request or respond to discovery is not a basis for postponing the trial.

81 (6) Case management conference. The case management conference will address  
82 the following issues, if not previously agreed upon by the parties:

83 (6)(A) setting the dates for trial and final pretrial conference;

84 (6)(B) the scope, nature and timing of remaining disclosures and discovery; and

85 (6)(C) anything that might have been in the agreement but is not.

86 (7) Pretrial filings. The parties must file within the time for pretrial disclosures:

87 (7)(A) any proposed juror questionnaires, jury instructions and verdict forms;

88 (7)(B) a glossary, of technical or unusual terms to be used at trial; and

89 (7)(C) pretrial motions and other disputes.

90 (8) Final pretrial conference. The court will conduct a final pretrial conference, which  
91 may be combined with the case management conference, no later than 7 days before  
92 trial. In addition to the topics in Rule of Civil Procedure 16, the court shall:

93 (8)(A) rule on objections to the admissibility of evidence;

94 (8)(B) resolve the details of the agreement or the case management order that may  
95 affect the trial;

96 (8)(C) rule on juror questionnaires, jury instructions and verdict forms; and

97 (8)(D) rule on pretrial motions or other disputes.

98 (9) Trial.

99 (9)(A) The jury shall not be advised of the agreed upon range of damages.

100 (9)(B) The time to present the case does not include instructing the jury. This rule  
101 does not limit jury deliberations.

102 (9)(C) If the verdict is within the agreed upon range of the damages, the court shall  
103 enter judgment in accordance with the verdict. If the verdict is less than the range of  
104 damages, including if the jury finds no cause of action or if the jury finds that the plaintiff  
105 bears at least 50% of the fault that caused the harm, the court shall enter judgment for  
106 the minimum agreed amount. If the verdict is greater than the range of damages the  
107 court shall enter judgment for the maximum agreed amount.

1     **Rule 4-503. Mandatory electronic filing.**

2     Intent:

3     To require that documents in district court civil cases be filed electronically.

4     To provide for exceptions.

5     Applicability:

6     This rule applies in the district court.

7     Statement of the Rule:

8     (1) Except as provided in Paragraph (2), pleadings and other papers filed in civil  
9     cases in the district court on or after January 1, 2013 shall be electronically filed using  
10    the electronic filer's interface.

11    (2)(A) A self-represented party who is not a lawyer may file pleadings and other  
12    papers using any means of delivery permitted by the court.

13    (2)(B) A lawyer whose request for a hardship exemption from this rule has been  
14    approved by the Judicial Council may file pleadings and other papers using any means  
15    of delivery permitted by the court. To request an exemption, the lawyer shall submit the  
16    request to the Judicial Council's General Counsel on a form approved by the Judicial  
17    Council.

# TAB 5

# Third Judicial District Court

Scott M. Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah 84111  
(801) 238-7509

Vernice S. Trease  
District Judge



June 19, 2012

The Honorable Matthew B. Durrant  
Presiding Officer, Utah Judicial Council  
POB 140210  
Salt Lake City, Utah 84114-0210

Dear Chief Justice Durrant:

The Court Interpreter Committee recommends that the Rule 3-306 governing interpreter qualifications be amended to permit awarding "approved" credentials only if there is no examination for the higher "certified" credentials in the interpreter's language.

This is contrary to the committee's recommendation of approximately 18 months ago, but it appears that recommendation was based, at least in part, on a misunderstanding by some committee members.

There are two practical consequences between higher and lower credentials. The first is the amount of the fee approved by the Judicial Council. Beginning July 1, 2012, those fees will be:

Credentials	Qualifications	Fee
Certified	Has completed an English diagnostic test, a test on the Interpreter Code of Professional Responsibility, a two-day orientation workshop, a background check and 10 hours of court observation. Has completed a seven-day training course and passed a three-part oral examination offered through the National Center for State Courts.	\$39.02
Approved	Has completed an English diagnostic test, a test on the Interpreter Code of Professional Responsibility, a one-day orientation workshop, a background check and 10 hours of court observation. Has passed an Oral Proficiency Interview in the foreign language offered by Language Testing International.	\$33.43
Registered 1	Has completed an English diagnostic test, a test on the Interpreter Code of Professional Responsibility, a one-day orientation workshop, a background check and 10 hours of court observation. There is no examination available	\$33.43

<b>Credentials</b>	<b>Qualifications</b>	<b>Fee</b>
	in the language for certified or approved credentials.	
Registered 2	Has completed an English diagnostic test, a test on the Interpreter Code of Professional Responsibility, a one-day orientation workshop, a background check and 10 hours of court observation. Has not taken or has not passed the foreign language examination available for certified or approved credentials.	\$25.07
Conditionally Approved	Vetted by the appointing authority for suitability in the particular hearing.	\$18.21

The percent increases among the credentials are:

<b>From</b>	<b>To</b>	<b>Increase</b>
Conditionally Approved	Registered 2	37.7%
	Approved	83.6%
	Certified	114.3%
Registered 2	Approved	33.3%
	Certified	55.6%
Approved	Certified	16.7%

The second consequence is the amount of work available. Reports to the Judicial Council for the last four years have shown that the state courts routinely assign interpreters with higher qualifications over interpreters with lower qualifications. In Spanish, very nearly 100% of the state courts interpreting assignments go to certified interpreters. As soon as an interpreter in a language other than Spanish becomes certified, that interpreter is assigned up to 75% of the work in that language.

Examinations for certified credentials are offered by the Consortium for Language Access in the Courts, an organization affiliated with the National Center for State Courts. At the moment the Consortium offers a full certification examination in 14 languages:

- Cantonese
- French
- Haitian Creole
- Hmong
- Ilocano
- Korean
- Laotian
- Mandarin
- Polish
- Portuguese
- Russian
- Somali
- Spanish
- Vietnamese

And partial certification examinations in six languages:

- Arabic, Modern Standard
- Arabic, Egyptian Colloquial
- Bosnian
- Chuukese
- Marshallese
- Turkish

To have "approved" credentials, an interpreter must pass the Oral Proficiency Interview (OPI) with a "superior" rating. Amending the rule as recommended will mean that there will be no approved interpreters in the languages listed above—only certified, those who

pass the more rigorous certification exam, and "registered," those who have completed our modest registration requirements, but whose fluency is untested.

The motion to amend the rule was not unanimously supported, but a majority of the committee believes that permitting an interpreter to obtain approved credentials when certified credentials are available is a disincentive to pursuing the higher ranking. It was also stated that permitting an interpreter to obtain approved credentials when certified credentials are available diminishes the higher ranking.

The change necessarily involves grand parenting some interpreters who have already obtained approved credentials under the current rule and some who might do so in the future. To date, we have four Spanish interpreters, one Farsi interpreter, one Arabic interpreter, and one Mandarin interpreter who have passed the OPI with a superior rating and obtained approved credentials. They should not be reduced to registered status if the Judicial Council approves the amendment. Further, if the Consortium in the future offers a certification examination that is not available at the time the interpreter passes the OPI examination, that interpreter should not be reduced to registered status. However, other interpreters would not be allowed to obtain approved credentials, once the certification exam becomes available.

I have attached an excerpt of Rule 3-306 with the recommended amendment for the Judicial Council's consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Vernice Trease", followed by a long horizontal line.

Vernice Trease  
Committee Chair



# TAB 6

**BOARD OF DISTRICT COURT JUDGES  
REPORT TO JUDICIAL COUNCIL  
JUNE 2012**

**BOARD MEMBERSHIP**

Judge Kevin Allen, First District  
Judge David Connors, Second District  
Judge Lynn Davis, Fourth District  
Judge Scott Hadley, Second District  
Judge Mark Kouris, Third District  
Judge Wallace Lee, representing the Fifth, Sixth, Seventh & Eighth Districts  
Judge Clark McClellan, representing the Fifth, Sixth, Seventh & Eighth Districts  
Judge Randall Skanchy, Third District  
Judge James Taylor, Fourth District  
Judge Kate Toomey, Third District  
Commissioner Catherine Conklin, Second District

**THE BOARD'S GOALS AND STUDY ITEMS (LISTED IN ORDER OF PRIORITY)**

1. Monitoring Statewide Implementation of New Civil Discovery Rules. The Board's committee (Judges Hadley and Toomey) has been gathering information concerning our colleagues' experiences with implementing the rules and using the local supplemental rule adopted in a number of districts, and participated in the development of technical support that facilitates their use. Early feedback about the local supplemental rule is generally positive, although we think there is an information gap: not everyone is aware of this new procedure for quickly determining discovery disputes.
2. Fee Waiver Guidelines and Procedures (continued from 2010-2011). The Board has appointed a committee (Judge Connors, Judge Dawson, Judge Lubeck, and Commissioner Conklin) to develop guidelines for judges in deciding whether to grant requests to waive, or partially waive, filing fees. The committee is close to forwarding a draft rule to the Board.
3. Domestic Case Study (continued from 2010-2011). This is a study item to consider best practices and procedure for managing domestic cases. The Board proposed an informal custody trial rule that went into effect on April 1st as a two year pilot. A session on conducting informal custody trials was presented at the District Court Judges Conference in May. The committee is developing tools for tracking use of the rule during the pilot period. Staff is preparing the results of a bench-wide survey and other data for presentation to the committee. The committee includes Judges Hadfield, Skanchy, Hamilton, and Quinn, and Commissioners Dillon and Blomquist.
4. Mental Health Court. Judge Kevin Allen, Rick Schwermer, and Debra Moore

have been appointed to this committee. The 2nd Annual Intermountain Mental Health Court Conference will be held in Logan in July. At the conclusion of the conference, a meeting will be held with all Utah attendees to recommend next steps to provide support for mental health courts.

5. Revised Statewide District Court Judges Benchbook. In conjunction with the new judges training committee, a new benchbook is being compiled providing judges with outlines and checklists, and updated case law and statutory authority for common court procedures. The committee is close to finishing its work.

## **OTHER BOARD ACTIVITIES**

We continue to meet with the Presiding Judges pursuant to CJA 1-304(8), which requires such meetings at least annually. Most recently, we met with Judge Thomas Kay from Second District; Judge Edwin Peterson and TCE Russell Pearson from Eighth District; and Judge Samuel McVey of the Fourth District. In general, we discuss local issues and initiatives, anticipated funding requests, and areas in which the Board might assist a particular district. We also look at case pending reports and public outreach efforts, and any other issue the PJ or TCE wishes to discuss.

The Board was asked by Judge Denise Lindberg to assist the advisory committee on the Model Utah Jury Instructions in criminal cases. Specifically, we were asked to help form local sub-committees in all districts to draft an instruction, then forward the proposed instruction to the advisory committee for finalization. Board members have suggested the names of capable people willing to serve on subcommittees.

The Adoption Subcommittee of the Children and Family Law Committee requested the Board's feedback on a proposal to expand jurisdiction over adoptions to the juvenile court. The Board has some concerns about the proposal and looks forward to discussing them with the Council at an appropriate time.

The Board is responsible for supervision of the Capital Litigation Research Attorney, an AOC employee who assists District Court Judges primarily in capital penalty cases. Melanie Haney has been hired, and reports regularly to the Board.

The Board continues to work with the IT department on computer issues and case management design. We understand that the courts will soon adopt mandatory e-filing in civil cases, and we look forward to offering our thoughts about this at an appropriate time.

The Board thanks the Chief Justice and the Judicial Council for encouraging its participation in the workgroup offering feedback to the Judicial Performance Evaluation Commission.

## **THANK YOU**

# TAB 7

## Report to the Judicial Council

Standing Committee on Children  
and Family Law

June 25, 2012

## Membership

- Judge Thomas Higbee – Co-Chair
- Judge Douglas Thomas– Co-Chair
- Judge Paul Lyman
- Judge John Walton
- Comm. Michelle Blomquist
- Anna Trupp
- Rick Smith
- Lisa-Michele Church
- Laura Thompson
- Mark Brasher
- Adam Caldwell
- Sophia Moore
- Mediator Position (open)
- Ray Wahl -Staff

## Original Charge to the Committee—April, 2000

- **Five Reforms Suggested by Judicial Council:**
  - Improve communications between court levels
  - Mandatory mediation in divorce
  - Appoint a private GAL in contested custody cases

## Original Charge to the Committee—April, 2000

- **Five Reforms Suggested by Judicial Council:**
  - Improve quality and timeliness of custody evaluations
  - Permit a statement of the case in lieu of or as a supplement to testimony (proffer)
  - Resolve other issues as identified by the standing committee

## Results of Original Five Reforms

- Adoption of Rule 100
- Mandatory mediation project continues in 3rd District (grant funded)
- Most districts appoint private GAL's
- 2003 rule change on custody evaluations; standard table of contents now on front page
- Proffer issue was thoroughly discussed and a majority suggested not to proceed

## Other Achievements

- Committee has continued to work on other issues as identified:
  - Child protective orders (2003)
  - Access to juvenile court hearings (2004)
  - Role of special masters (2003-2004)
  - Warrants for removal (2004-2005)
  - Who may perform custody evaluations by licensure per rule 4-903(2007)

## Other Achievements

- Other issues (continued):
  - Parent coordinator rule and forms (2004-2010)
  - Right to hearing following denial of ex parte protective order (2008-2010)
  - Revisions to 78B-6-105 and 78B-6-138 regarding adoptions (2008-2009)
  - Standard order utilized by commissioners and judges shortening evaluation timeframe (2009)
  - Proposed revisions to child protective order statute (2010)

## Sunset of Committee

- In May of 2011 the Council was presented with a recommendation to not sunset the committee
- The Council approved the continuation of standing committee at the time



## Four Subcommittees

- Adoption (ongoing)
- Custody Evaluations (ongoing)
- Divorce Procedures (ongoing)
- Juvenile Court Jurisdiction

## Adoption Subcommittee

- At the request of the Judicial Council, the Standing Committee is studying issues relating to concurrent jurisdiction for termination of parental rights.

## Adoption Subcommittee (continued)

- Goal is to make processes in Juvenile and District Court similar
- Will result in proposed legislation to review with the Council in August
- Significantly different procedures for contested termination cases (memos attached to packet)
  - No parental defense in district court
  - Different relinquishment procedures
  - Different appeal times
  - Adoption related issues

## Status of Committee Recommendations

- Most issues outlined in the report are agreed upon
- The District Court Board has voted on two separate objections to oppose concurrent jurisdiction on adoptions
- Question: The Committee needs 45 minutes to discuss this issue; where would the Council prefer to have that discussion
  - at the Management or Council meeting?

## Custody Evaluation Subcommittee

- Inviting stakeholder groups to present successful practices and issues causing confusion
- Match language in statute with Rule 4-903
- Researching statutory wording regarding evaluations in every state
- While it will not be ready this year, there may be a need to change the statute

## Divorce Procedures Subcommittee

- Committee has been working on language for the proposed amendments to Rule 101 regarding practice before court commissioners
- Drafting language in Rule 109 which would implement standing orders upon filing of a divorce proceeding
  - Looking at constitutional issues on the prohibition of moving children during divorce proceedings

## Juvenile Court Jurisdiction

- Committee formed to address situation where an adult is charged with a crime that occurred when they were a juvenile
- Two issues
  - Problem with youth turning 21 and not completing JJS treatment
  - Treatment of offenders that commit crimes before 21 and not discovered until after that age

## Youth charged as Adults

- Committee recommends the expansion of the jurisdiction of the district court to address these issues without imposing mandatory punishments
- Modifications to 76-3-406 and 77-27-21-5(1)(f) will be presented at Council meeting in August

# TAB 8

**ECR Study Update**  
**Utah Criminal Justice Center, University of Utah**  
**June 4, 2012**

**Year 1**

**Part 1: Quantitative Process Evaluation**

**Samples:**

**During (10/1/11 – 9/30/12)**

**District Court/DA Prosecuted:**

- 1) ECR Resolved
- 2) Not ECR Resolved
- 3) Never ECR

**District Court/City Prosecuted:**

- 1) WV Prosecutor
- 2) SLC Prosecutor

**Historical (1/1/10 – 12/31/10, random sub-set selected)**

- 1) District Court/DA Prosecuted
- 2) District Court/City Prosecuted
- 3) West Jordan District Court/DA Prosecuted

**Jail Data Summary (OMS) – During ECR Q1**

**Methods:**

Begin Sample with All Class A Misdemeanor (MA) and Felony bookings at the Adult Detention Center (ADC) from 10/1/11-9/30/12 (n = 4,264)

- Remove MA+ bookings from the sample that are:
  - Serving Commitments only
  - Not processed by 3<sup>rd</sup> District Court (e.g., other Districts Courts, filed at lower charge severity in Justice Court)
- Fill in missing Court Case Numbers in OMS bookings for MA+ offenses (new charges and warrants) using CORIS and XChange
  - Over 3,497 Court Case Numbers identified
  - 572 missing Court Case Numbers to fill in

**Court Data Summary (CORIS)**

**Court Cases with Tracking or Calendar Activity 8/1/11-4/30/12**

**Methods:**

- Link Court Case Numbers to OMS Data (n = 24,255 Court Case Numbers with tracking or hearings 8/1/11-4/30/12)
- Identify Cases as ECR/Non by Calendared Judge\_ID and Track\_Code (e.g., ECO = ECR Opt Out)
- Track Case timelines:
  - Offense Date > Filing Date > Plea Dates > Disposition Date > Sentence Date
- Track Case outcomes:
  - Initial Charge & Severity > Disposed Charge & Severity
  - Sentence(s) by Case Type

## **Part 2: Qualitative Survey**

Online Survey sent through e-mail invitation in Summer 2012

Professional Groups for Qualitative ECR Survey	
3 <sup>rd</sup> District Court (Matheson & West Jordan)	Judges Clerks Case Managers Administration Interpreters
District Attorney's Office	Prosecutors Legal Aides Clerical/Screening Unit
SLC Prosecutor	Prosecutors involved in 3 <sup>rd</sup> District Court/ECR
WVC Prosecutor*	Prosecutors involved in 3 <sup>rd</sup> District Court/ECR
LDA	Defense Attorneys Clerical Social Workers
WVC Public Defender*	Defense Attorneys involved in 3 <sup>rd</sup> District Court/ECR
Private Defense Attorneys/UACDL*	Defense Attorneys involved in 3 <sup>rd</sup> District Court/ECR
Criminal Justice Services (CJS)	Pretrial Jail Screening Pretrial Supervision/DRC/Court Screeners Specialty Programs (MHC/FDC) Administrators
AP&P/UDC	Region 3 AP&P Agents & Supervisors AP&P General Administrators Region 3 Clerical & Support Staff
SLCo Department of Behavioral Health	Substance Abuse Providers Mental Health Providers
SLCo Jail/Sheriff's Office	Corrections Bureau Protective Service Officers (PSOs)
Law Enforcement Agencies*	LEAs involved in submitting cases to DA's Office
*Agency participation and sample not yet defined	

### **Year 2**

#### **Part 1: Post-Sentence Compliance**

##### **Non-ECR groups only:**

- Pre-disposition recidivism

##### **ECR and Non-ECR groups:**

- 1 year post-jail release recidivism (OMS, BCI, CORIS)
- OSC, 6 months post-disposition
- Sentence compliance (O-track, C-track, OMS, CORIS)
  - Probation completion, restitution, fines, problem-solving courts, etc.

#### **Part 2: Treatment Usage/Compliance**

##### **ECR and Non-ECR groups:**

- Compliance with sentence/court ordered mental health and substance abuse treatment referrals, assessments/screening admits, discharge, etc. (DBHS)

# TAB 9



Minutes	Uniform Fine & Bail Schedule Committee				
Meeting Date	May 4, 2012		Location: Education Room		
Committee Member	Present	Excused			
Judge David Connors, Chair	☉	☉	Judge Glen Dawson	☉	☉
Judge Marvin Bagley (by phone)	☉	☉	Judge Thomas Higbee	☉	☉
Judge Augustus Chin	☉	☉	Judge Clark McClellan	☉	☉
Judge Scott Cullimore	☉	☉	Judge Douglas Whitlock	☉	☉
Judge Glen Dawson	☉	☉			
Staff	Debra Moore, Lisa-Michele Church, Rob Dobbins, Lisa Crenshaw, Naida				
Guests	Jacey Skinner, Director, Utah Sentencing Commission				

Topic	Welcome and Introductions	By	Judge Connors
Discussion: Judges Connors welcomed the members of the Committee and asked those in attendance to introduce him or herself. He noted that the minutes of last year's meeting had been approved by email in June 2011.			

Topic	Responsibilities of Committee	By	Ms. Moore
Discussion: Ms. Moore gave an overview of the provisions of Utah Code section 76-3-301.5 and Rule 4-302 of the Code of Judicial Administration, which set forth the responsibilities of the Committee.			

Topic	2012 Legislative Changes and Recommendations	By	Judge David Connors
Discussion: The committee reviewed legislation enacted during the 2012 session relating to criminal offenses. By unanimous vote, based on motions made and seconded, the committee made the recommendations set forth in the document attached as Tab 1, "2012 Legislation and Recommendations." Discussion occurred regarding the following bills:			
<b>HB 282 Criminal Offense Amendments.</b> The committee determined to increase the suggested bail from \$100 to \$270, the default amount for a Class C misdemeanor. The committee also determined that the 35% surcharge should be applied.			
<b>SB 33 Trespassing on State Lands.</b> The committee determined that the MB offenses for which bail had previously set at \$483 should be increased to \$583, the default amount for that level of offense.			
<b>SB 147. Emergency Vehicle Amendments.</b> The committee determined that the bail amount should be increased from \$50 to \$75.			
<b>SB 199 Motor vehicle selling and tilting requirements.</b> The committee determined that the bail amount should be reduced from \$583 to \$300 and that the bail schedule should be changed to reflect that this is a non-moving violation, rather than a moving violation.			

Topic	Review Issues from 2011 Bail Schedule	By	Staff
<p>Discussion: The committee reviewed some issues relating to the 2011 bail schedule. By unanimous vote, based on motions made and seconded, the committee made the recommendations set forth in the document attached as Tab 2, "Issues from 2011 Bail Schedule." Discussion was held on the following issues:</p> <p><b>HB 20, Accident Responsibility Amendments,</b> Judge Connors explained that when the Committee met last June, it made the decision to research prior committee decisions regarding the bail amount for Class B offenses affected by HB20, which was passed in the 2011 Legislative Session. The question to be researched was whether or not the committee intentionally set bail at \$583, rather than \$405, which is default amount for a Class B plus the 35% surcharge. Last year, the committee concluded that unless research discloses a reason for the higher amount, the bail should be set at \$405. Judge Connors reported that research had not disclosed any definitive answer. Judge McClellan made a motion, seconded by Judge Cullimore to recommend that the bail be increased to \$583 for these offenses and for all other Class B offenses in Title 41 for which the bail is currently set at \$405. The motion passed by unanimous vote.</p> <p><b>Utah Code Section 41-1A-1303(1).</b> The committee modified the description for this section to read "Failure to Register or Expired Registration." The committee also recommended that the Judicial Council's Liaison Committee suggest that the Legislature amend this statute to break distinct offense types into separate sections, which will avoid the need for the bail schedule to use "curly brackets" to indicate separate offenses. Staff will forward this recommendation to the Liaison Committee.</p> <p><b>Utah Code section 53-3-227,</b> including subsection (1) – 3(B), Driving on Revocation and related offenses, the committee determined that the bail schedule should be changed to require a mandatory appearance for these offenses.</p> <p><b>49 CFR 395 Driving records.</b> Various disparities may exist in the series of federal codes relating to drivers' log books. Staff will research the relevant codes and the committee will review them for consistency in the future.</p> <p><b>49 CFR 392.11 and similar offenses in 41-6a-1205.</b> The committee determined that the bail amounts for the following offenses relating to railroad crossings should be increased from \$50: Subsection 1205(1)(C), subsection 1205(1)(D)(I), and subsection 1205(2)(A).</p>			

Topic	Update of Serious Traffic Offenses Matrix	By	Judge David Connors
<p>Discussion: The committee reviewed the Serious Traffic Offenses Matrix contained in the bail schedule. By unanimous vote, based on motions made and seconded, the committee recommended the changes shown in the document attached as Tab 3, "Update of Serious Traffic Offenses Matrix"</p>			

Topic	Update of DUI Offenses Matrix	By	Judge David Connors
<p>Discussion: The committee reviewed the DUI Offenses Matrix contained in the bail schedule. Based on motion made and seconded, the committee voted unanimously to recommend updates to the Matrix to be consistent with the 2010 DUI Sentencing Matrix of the Sentencing Guidelines of the Utah Sentencing Commission. The committee's recommendations are shown in the document attached as Tab 4, "Update of DUI Sentencing Matrix."</p>			

Topic	<b>Review of Juvenile Bail Schedule</b>	By	<b>Judge David Connors</b>
<p>Lisa-Michele Church presented the recommendations of the Board of Juvenile Court Judges to update the bail schedule for offenses by juveniles. Based upon a motion made and seconded, the committee adopted the recommendations of the board by unanimous vote. The recommendations are attached in Tab 5 ("Juvenile Court Fine Schedule")</p>			

Topic	<b>Reauthorization of Committee</b>	By	<b>Ms. Moore</b>
<p>Discussion: Ms. Moore advised the Committee that as a standing committee of the Council, it is scheduled to expire every 6 years. Unless reauthorized, the Committee is currently scheduled to terminate at the end of June unless renewed by the Judicial Council. Discussion took place about the need to request reauthorization of the Committee. Based upon a motion made and seconded, the committee voted unanimously to recommend reauthorization of the committee.</p>			

Topic	<b>Schedule 2013 Meeting Date</b>	By	<b>Ms. Moore</b>
<p>Discussion: Ms. Moore proposed that the next meeting be scheduled for May 3, 2013, beginning at noon.</p>			
<p>Motion: The proposed date and time were approved and the meeting was adjourned.</p>		By	<b>Acclimation</b>

**Tab 1**

# 2012 Legislative Changes and Recommendations

May 4, 2012

Legislative Bill Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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## Review of New Legislation (Including Committee Meeting changes)

### House Bills

#### HB 13 Offender Registry Review

Effective: 5/8/12

This bill allows a person on the Sex Offender and Kidnap Offender Registry to petition the court for removal after five years for certain offenses.

Recommendation: Add new offenses to the bail schedule and master offense table.

#### New Legislation to Add:

77-41-112	Intentionally provide false info on application for cert	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
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#### HB 33 Fireworks Amendments

Effective: 5/8/12

This bill modifies the Fire Prevention and Fireworks Act regarding the allowable times to discharge fireworks.

Recommendation: Add new offenses to the bail schedule and master offense table.

#### New Legislation to Add:

53-7-225(3)	Times for Discharge of Fireworks	N	IN	\$ 100.00		N	Y	35%	N	N	C	
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#### HB 86 Posting of Trespass

Effective: 5/8/12

This bill makes it a class B misdemeanor for a person to take wildlife or engage in wildlife activities on private land if the person has notice to not enter or remain on the land.

Recommendation: Add new offenses to the bail schedule and master offense table.

#### Repealed/Renumbered:

23-20-14(2)(c)	Wrongful Posting of Property	N	MB	\$-583.00		N	N	90%	N	N	C	
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#### New/Renumbered Legislation to Add:

23-20-14(2)(d)	Wrongful Posting of Property	N	MB	\$ 583.00		N	N	90%	N	N	C	
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# 2012 Legislative Changes and Recommendations

May 4, 2012

Legislative Bill Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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## HB 92 Boating Revision

Effective: 5/8/12

This bill modifies the State Boating Act by amending provisions relating to boating.

Recommendation: Add new offenses to the bail schedule and master offense table.

New Legislation to Add:

73-18-13.1(2)	Accident involving property damage	Y	MB	\$ 583.00			N	Y	90%	N	N	C	
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## HB 108 Internet Gambling

Effective: 7/1/12

This bill modifies the Criminal Code regarding the definition of gambling.

Recommendation: Remove existing code without subsection in order to designate separate subsection for new offense. Add new offenses to the bail schedule and master offense table.

Repealed/Renumbered:

76-10-1102	Gambling/or-Allowing-Gambling-1st-Offense	Y	MB	\$ 583.00			N	Y	90%	N	Y	S	Enhanceable-Offense
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New/Renumbered Legislation to Add:

76-10-1102(1)	Gambling/or-Allowing-Gambling-1st	Y	MB	\$ 583.00			N	Y	90%	N	Y	S	Enhanceable-Offense
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## HB 133 Vehicle Registration Amendments

Effective: 7/1/2013

This bill modifies provisions relating to motor vehicle registrations.

Recommendation: Remove existing code and add recodified entry. Add offenses to the bail schedule and master offense table with statutory mandatory minimum \$200 bail. Need to use subsection for MB violation since it is the only subsection specified as an MB violation. Other violations within that statute would be different severity.

Repealed/Renumbered:

41-1A-1206	Improper-Registration-of-Farm-Truck	N	MB	\$ 100.00			Y	N		N	Y	G	
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New Legislation to Add:

41-1A-1206(7)	Improper Registration of Farm Truck	N	MB	\$ 200.00			Y	N		N	Y	C	
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# 2012 Legislative Changes and Recommendations

May 4, 2012

Legislative Bill Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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## HB 159 Unlawful Detention Amendments

Effective: 5/8/12

This bill creates the offense of unlawful detention of a minor when a person who is at least four or more years older than the victim coerces or influences a minor who is 14 or 15 years of age to stay with the person without the consent of the minor's parent or guardian, for an unreasonable amount of time, and in a situation that is not the offense of kidnapping.

Recommendation: Remove existing code and re-enter with modified description. Add offenses to the bail schedule and master

Repealed/Renumbered:

76-5-304	Unlawful Detention	Y	MB	\$ 583.00		N	Y	90%	N	Y	S	
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New/Renumbered Legislation to Add:

76-5-304(1)	Unlawful Detention	Y	MB	\$ 583.00		N	Y	90%	N	Y	S	
76-5-304(2)	Unlawful Detention of a Minor	Y	MB	\$ 583.00		N	Y	90%	N	Y	S	

## HB 175 Second Hand Item Transactions

Effective: 7/1/12

This bill modifies Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act.

Recommendation: Add new offenses to the bail schedule and master offense table.

Repealed/Renumbered:

13-32a-106.5(2)(a)	Make information available from database not in compliance	Y	MB	\$ 583.00		N	Y	90%	N	Y	G	
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New/Renumbered Legislation to Add:

13-32a-106.5(3)(a)	Confidentiality of Pawn and Purchase Transactions	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	
13-32a-104(3)	Fail to Maintain Register or Sale certain prop when prohibit	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
13-32a-106	Pawn Business Fail to Submit or Maintain Information	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
13-32a-108	Pawn broker Police Retention of Records Violation	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
13-32a-109	Holding Period for Articles in Pawn	Y	MB	\$ 583.00		N	Y	90%	N	N	C	

## 2012 Legislative Changes and Recommendations

May 4, 2012

Legislative Bill Number	Violation Code	Description	Man Appr	Defit Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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# 2012 Legislative Changes and Recommendations

May 4, 2012

Legislative Bill Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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## HB 187 Agricultural Operation Interference

Effective: 5/8/12

Recommendation: Add new offenses to the bail schedule and master offense table.

New/Renumbered Legislation to Add:

76-6-112(4)	Agricultural Operation Interference	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
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## HB 276 Aiding Sexual Solicitation

Effective: 5/8/12

This bill amends the Criminal Code regarding the offense of aiding prostitution.

Recommendation: Remove existing code and re-enter with modified description. Add offenses to the bail schedule and master offense table.

Repealed/Renumbered:

76-10-1304	Aiding-Prostitution—1st-Offense	Y	MB	\$-972.00		N	Y	90%	N	Y	G	
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New/Renumbered Legislation to Add:

76-10-1304(1)	Aiding Prostitution	Y	MB	\$ 972.00		N	Y	90%	N	Y	C	Enhanceable
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## HB 277 Graffiti Paraphernalia

Effective: 5/8/12

This bill modifies the definition of the crime of graffiti.

Recommendation: Remove existing code and re-enter with modified description. Add offenses to the bail schedule and master

Repealed/Renumbered:

76-6-107(3)	Graffiti-Violations—Damage-Less-Than-\$300	Y	MB	\$-583.00		N	Y	90%	N	Y	G	
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New/Renumbered Legislation to Add:

76-6-107(2)	Graffiti Violations	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	Higher offense based on dollar value of Damage
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# 2012 Legislative Changes and Recommendations

May 4, 2012

Legislative Bill Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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## HB 282 Criminal Offense Amendments

Effective: 5/8/12

This bill revises the Criminal Code so that the offenses of lewdness, sexual battery, and public urination are each in a separate code section

Recommendation: Remove existing code and re-enter with modified description. Add offenses to the bail schedule and master

Repealed/Renumbered:

76-9-702(5)	Public Urination	Y	MG	\$ 400.00		N	Y	35%	N	Y	G	
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New/Renumbered Legislation to Add:

76-9-702.3	Public Urination	Y	MC	\$ 270.00		N	Y	35%	N	Y	C	
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## HB 297 Highway Barricade Amendments

Effective: 5/8/12

This bill clarifies that a person who willfully fails to observe any temporary or permanent highway barricade, warning light, sign, cone, or other object, or to obey a flagman, is guilty of a class B misdemeanor

Recommendation: Remove existing code and re-enter with modified description. Add offenses to the bail schedule and master

Repealed/Renumbered:

72-6-114	Fail to Observe Barricade	N	MB	\$ 583.00		N	Y	90%	N	N	G	
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New/Renumbered Legislation to Add:

72-6-114	Fail to observe barricade, light sign, cone, or obey flagman	N	MB	\$ 583.00		N	Y	90%	N	N	C	
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## HB 311 Electronic Meetings for Charter School

Effective: 5/8/12

This bill amends provisions in Title 52, Chapter 4, Open and Public Meetings Act, related to electronic meetings held by charter school boards.

Recommendation: Remove existing code and re-enter with modified description. Add offenses to the bail schedule and master

New/Renumbered Legislation to Add:

52-4-209(8)(b)	Give false indentity during electronic meeting	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
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# 2012 Legislative Changes and Recommendations

May 4, 2012

Legislative Bill Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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## HB 505 Agricultural Code Amendments

Effective: 5/8/12

This bill makes amendments to Title 4, Utah Agricultural Code and makes it a class B misdemeanor for a person in control of a swine to allow the swine to run at large and makes the person liable for damage caused by the swine

Recommendation: Remove existing code and re-enter with modified description. Add offenses to the bail schedule and master

### Repealed/Renumbered:

4-26-1	Owner to Bury or Dispose of Dead Domestic Animal	N	MG	\$ 270.00		N	Y	35%	N	N	C	
4-26-2	Deposit Dead Animal on Another's Land	N	MG	\$ 270.00		N	Y	35%	N	N	C	

### New/Renumbered Legislation to Add:

4-25-12	Allow swine to roam at large	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
4-25-12.1	Release swine on property for hunting purposes	N	MC	\$ 270.00		N	Y	35%	N	N	C	
4-26-101	Failure to close entrance to enclosure	N	MC	\$ 270.00		N	Y	35%	N	N	C	
4-31-102	Duty of Owner to Bury or Dispose of Dead Domestic Animal	N	MC	\$ 270.00		N	Y	35%	N	N	C	
4-31-103	Deposit Dead Animal on Another's Land without Consent	N	MC	\$ 270.00		N	Y	35%	N	N	C	
4-31-112	Feeding garbage or plate waste to swine	N	MC	\$ 270.00		N	Y	35%	N	N	C	

# 2012 Legislative Changes and Recommendations

May 4, 2012

Legislative Bill Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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## Senate Bills

### SB 33 Trespassing on State Lands

Effective: 5/8/12

This bill makes it a class B misdemeanor for a person to camp on sovereign lands at a single location for more than 15 days, return to camp at the same location before 15 days pass, leave an anchored or beached vessel unattended for longer than 48 hours, or anchor or beach a vessel for longer than 72 hours at the same location and then fail to move the vessel at least two miles from that location.

Recommendation: Remove existing code and re-enter with modified description. Add offenses to the bail schedule and master

#### Repealed/Renumbered:

65A-3-1(1)(a) —	Unauthorize- Removes/Extracts/Uses/Cons-or- Destroys Resources	Y	MB	\$-483.00		N	Y	90%	N	Y	G	
65A-3-1(1)(b) —	Without-Written-Authorization: Graze Livestock-on-State-Land	Y	MB	\$-483.00		N	Y	90%	N	Y	G	
65A-3-1(1)(c) —	Without-Written-Authorization: Uses, Occupies, Constructs	Y	MB	\$-483.00		N	Y	90%	N	Y	G	
65A-3-1(1)(d) —	Use-Occupy-State-Lands-for-More-than-30-Days-Beyond-Cancel	Y	MB	\$-483.00		N	Y	90%	N	Y	G	
65A-3-1(1)(e) —	W/O-Written-Auth: Knowing-and-Willful-Use-State-Lands-for-Gain	Y	MB	\$-972.00		N	Y	90%	N	Y	G	
65A-3-1(1)(f) —	Approp/Dest-Historic, Archeo-or-Paleontological-Resources	Y	MB	\$-483.00		N	Y	90%	N	Y	G	
65A-3-1(1)(g) —	Camping-on-a-Navigable-Lake-or-River-Bed	Y	MB	\$-583.00		N	Y	90%	N	N	G	
65A-3-1(1)(h) —	Park-or-Operate-Vehic-on-Navigable-Lake-or-River-Bed	Y	MB	\$-483.00		N	Y	90%	N	Y	G	
65A-3-1(2)	Unlawful-Vehicle-Use, Camping-on-Bear-Lake-Exposed-Lake-Bed	N	MG	\$-270.00		N	Y	35%	N	N	G	
65A-3-1-BL	Trespassing-on-State-Lands-(Bear-Lake-Restrictions)	N	MG	\$-100.00		N	Y	35%	N	Y	G	

# 2012 Legislative Changes and Recommendations

May 4, 2012

Legislative Bill Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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## New/Renumbered Legislation to Add:

65A-3-1(2)	Trespassing on State Lands	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	
65A-3-1(2)(a)	Unauthorize Removes/Extracts/Uses/Cons or Destroys Resources	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	
65A-3-1(2)(b)	Without Written Authorization: Graze Livestock on State Land	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	
65A-3-1(2)(c)	Without Written Authorization: Uses, Occupies, Constructs	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	
65A-3-1(2)(d)	Use Occupy State Lands for More than 30 Days Beyond Cancel	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	
65A-3-1(2)(e)	W/O Written Auth: Knowing and Willful Use State Lands for Gain	Y	MB	\$ 972.00		N	Y	90%	N	Y	C	
65A-3-1(2)(f)	Approp/Dest Historic, Archeo- or Paleontological Resources	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	
65A-3-1(2)(g)	Camping on a Navigable Lake or River Bed	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
65A-3-1(2)(h)	Camp on Sovereign Lands More Than 15 Consecutive Days	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
65A-3-1(2)(i)	Camp on Sovereign Lands 15 days and Return	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
65A-3-1(2)(j)	Leave anchored/beached vessel unattended 48 hr sovereign land	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
65A-3-1(2)(k)	Leave vessel 72 hrs in same loc then fail to move it 2 miles	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
65A-3-1(2)(l)	Park or Operate Vehic on Navigable Lake or River Bed	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	
65A-3-1(3)	Unlawful Vehicle Use, Camping on Bear Lake Exposed Lake Bed	N	MC	\$ 270.00		N	Y	35%	N	N	C	
65A-3-1(3)(a)	Unlawful Motor Vehicle Use, Camping, Fireworks, Bear Lake	N	MC	\$ 270.00		N	Y	35%	N	N	C	
65A-3-1(3)(b)	Unlawful Motor Vehicle Use, Camping, Fireworks, Bear Lake	N	MC	\$ 270.00		N	Y	35%	N	N	C	

# 2012 Legislative Changes and Recommendations

May 4, 2012

Legislative Bill Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Trns	Comment
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## SB 41 Regulation of Tanning Facilities

Effective: 5/8/12

This bill amends Utah Health Code provisions regulating tanning facilities.

Recommendation: Remove existing code and re-enter with modified description. Add offenses to the bail schedule and master

Repealed/Renumbered:

26-15-13	Violate Tanning Regulation-Under-18-Needs-Written-Permission	N	MC	\$-270.00		N	Y	35%	N	N	C	
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New/Renumbered Legislation to Add:

26-15-13(4)	Violate Tanning Regulation -Minors Need Written Permission	N	MC	\$ 270.00		N	Y	35%	N	N	C	
26-15-13(7)(b)	Misrepresent to Tanning Facility that person is 18 or older	N	MC	\$ 270.00		N	Y	35%	N	N	C	

## SB 147 Emergency Vehicle Amendments

Effective: 5/8/12

This bill provides that an operator of a vehicle may not follow closer than 500 feet any authorized emergency vehicle traveling in response to an emergency.

Recommendation: Remove existing code and re-enter with modified description. Add offenses to the bail schedule and master

Repealed/Renumbered:

41-6A-1710	Following-Fire-Apparatus-Prohibited	N	IN	\$-50.00		N	Y	35%	N	N	C	
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New/Renumbered Legislation to Add:

41-6A-1710	Following Too Close to Any Authorized Emergency Vehicle	N	IN	\$ 75.00		N	Y	35%	N	N	C	
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# 2012 Legislative Changes and Recommendations

May 4, 2012

Legislative Bill Number	Violation Code	Description	Mon Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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## SB 177 Government Records Access and Management Act Amendments

Effective: 5/8/12

This bill amends provisions of the Public Records Management Act and the Government Records Access and Management Act by providing for the training of records officers, creating the position of a government records ombudsman, and amending provisions relating to the disclosure or protection of records.

Recommendation: Add new offenses to the bail schedule and master offense table.

### New/Renumbered Legislation to Add:

63G-2-801(1)	Intentionally disclose private, controlled record	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	Note: existing law but never entered in CORIS or UFBS
63G-2-801(2)	Falsely obtain access to records not legally entitled to	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	Note: existing law but never entered in CORIS or UFBS
63G-2-801(3)(a)	Public Employee refusal to release record required by law	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	
63G-2-801(3)(c)	Public Employee refusal to release record by final order	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	

## SB 195 Transportation Safety Revisions

Effective: 5/8/12

This bill modifies the Traffic Code and the Utah Criminal Code to address safety related to railroads.

Recommendation: Remove existing code and re-enter with modified description. Add offenses to the bail schedule and master

### Repealed/Renumbered:

41-6A-1005	Passing-Closed-Railroad-Barrier-Prohibited	N	MG	\$-50.00		N	Y	35%	N	N	G	
41-6A-1203	RR-Grade-Crossing-Duty-to-Stop	N	MG	\$-50.00		N	Y	35%	Y	N	G	



# 2012 Legislative Changes and Recommendations

May 4, 2012

Legislative Bill Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Trns	Comment
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## New/Renumbered Legislation to Add:

41-6A-1005	Pedestrian violation at railroad crossing	N	MC	\$ 75.00		N	Y	35%	N	N	C	
41-6A-1005(2)	Pedestrian pass through or around active crossing gate	N	MC	\$ 75.00		N	Y	35%	N	N	C	
41-6A-1005(3)	Enter area between RR track and sign if crossing is active	N	MC	\$ 75.00		N	Y	35%	N	N	C	
41-6A-1005(4)	Occupying RR grade crossing when RR sign not active	N	MC	\$ 75.00		N	Y	35%	N	N	C	
41-6A-1005(5)	Remain between RR sign if RR crossing sign is active	N	MC	\$ 75.00		N	Y	35%	N	N	C	
41-6A-1203(2)	Failure to Stop or Remain Stopped at RR Crossing	N	MC	\$ 75.00		N	Y	35%	Y	N	C	
41-6A-1203(4)	Vehicle Railroad Crossing Violation	N	MC	\$ 75.00		N	Y	35%	Y	N	C	
41-6A-1203(4)(a)	Drive vehicle through, around, or under a RR crossing gate	N	MC	\$ 75.00		N	Y	35%	Y	N	C	
41-6A-1203(4)(b)	Cause a non-rail vehicle to pass through, around RR barrier	N	MC	\$ 75.00		N	Y	35%	Y	N	C	
41-6A-1203(4)(c)	Cause a non-rail vehicle to pass through, under RR rail	N	MC	\$ 75.00		N	Y	35%	Y	N	C	

## SB 199 Motor Vehicle Selling and Titling Requirements

Effective: 5/8/12

This bill modifies the Motor Vehicle Code by amending provisions relating to selling and titling a motor vehicle.

Recommendation: Add new offenses to the bail schedule and master offense table.

## New/Renumbered Legislation to Add:

41-1a-705(2)	Unlawful sell, offer, display for sale or exchange vehicle	Y	MB	\$ 300.00		Y	N		N	N	C	
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# 2012 Legislative Changes and Recommendations

May 4, 2012

Legislative Bill Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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SB 260 Automobile Salvage Act

Effective: 10/1/12

This bill modifies the Motor Vehicle Act by amending provisions relating to salvage and nonrepairable vehicles.

Recommendation: Remove existing code and re-enter with modified description. Add offenses to the bail schedule and master

Repealed/Renumbered:

41-3-201(3)(E)	Must Title a Vehicle within 15 Days of Purchasing the Vehicle	Y	MG	\$ 270.00		N	Y	35%	N	N	C	
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New/Renumbered Legislation to Add:

41-3-201(3)(E)	Must Title a Vehicle within 7 Days of Purchasing the Vehicle	Y	MC	\$ 270.00		N	Y	35%	N	N	C	
41-1a-1005.3	Resale of Salvage Vehicle	Y	MC	\$ 270.00		N	Y	35%	N	N	C	
41-1a-1005.5(2)	Fail to obtain nonrepairable certificate or sell nonrep veh	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
41-1a-1005.5(6)	Repair, reconstruct, or restore a nonrepairable vehicle	Y	MC	\$ 270.00		N	Y	35%	N	N	C	

Tab 2

# Issues from 2011 Bail Schedule

May 4, 2011

Issue Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Trns	Comment
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Removed/Renumbered content is struck out. Codes not struck out are new additions, existing codes to review, and recommendations.

## Changes to Existing Violations Since 2011 Bail Schedule Release

### Requested Changes to Review

1 Description of Issue: Revisit of issue from HB 20 of 2011 Legislative Session regarding the calculation of bail amounts for an MB violation in Title 41 where the bail is the default bail for an MB (\$583) but the 35% Surcharge applies which results in essentially a higher portion of the money allocated to the fine than for an MB violation outside of Title 41.

#### Recommendation:

41-6a-401(2)	Failure to remain at scene of accident - damage only	Y	MB	\$ 405.00		N	Y	35%	Y	Y	C	
41-6a-401(3)	Failure to give name and assistance at accident - damage only	Y	MC	\$ 185.00		N	Y	35%	Y	Y	C	
41-6a-401(4)	Failure to report an accident resulting in damage of > \$1500	Y	MC	\$ 185.00		N	Y	35%	Y	Y	C	
41-6a-401(5)	Failure to notify of accident with unattended vehicle - damage only	Y	MB	\$ 405.00		N	Y	35%	Y	Y	C	

UFBS Recommendation: Change bail amounts from \$583 for the two codes highlighted above to be as designated above. For all other offenses in CORIS matching the above criteria, change the bail amount to \$405.

2 Description of Issue: Utah Prosecution Council determined 53-3-417 and -418 to be punishable as civil offenses only.

#### Recommendation: Remove from Bail Schedule

<del>53-3-417</del>	<del>Consume-Alcohol-within-4-Hours-of-Driving</del>	<del>Y</del>	<del>MB</del>	<del>\$-1,365.00</del>		<del>N</del>	<del>Y</del>	<del>90%</del>	<del>N</del>	<del>Y</del>	<del>C</del>	
<del>53-3-418</del>	<del>Driving-Under-the-Influence-Commercial-Vehicle</del>	<del>Y</del>	<del>MB</del>	<del>\$-1,900.00</del>		<del>N</del>	<del>Y</del>	<del>90%</del>	<del>Y</del>	<del>Y</del>	<del>C</del>	

UFBS Recommendation: Approved.

# Issues from 2011 Bail Schedule

May 4, 2011

Issue Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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3 Description of Issue: The main statute of 58-37a-5 has a bail amount of \$389. Subsection 2 of this statute is a Class A Misdemeanor and subsection 3 is a third degree felony. The main statute is not used by the Utah Prosecution Council's database. Should the main statute not be removed from the Uniform Fine Bail Schedule? (Tia Benson, Washington County)

Recommendation: Review statute and current bail.

58-37A-5	Possession of Drug Paraphernalia	Y	MB	\$ 389.00		N	Y	90%	Y	Y	C	
58-37A-5(1)	Use or Possession of Drug Paraphernalia	Y	MB	\$ 583.00		N	Y	90%	Y	Y	C	Enhanceable Offense
58-37A-5(4)	Unlawful to Advertise Drug Paraphernalia	Y	MB	\$ 583.00		N	Y	90%	Y	Y	C	

UFBS Recommendation: Approved. Remove the main statute entry from CORIS to match the Shared Master Offense Table.

4 Description of Issue: Review requested by a court clerk (Linda Lawrence) in 2nd District. She feels that 41-1a-1303(1) should read as "Failure To Register Or Expired Vehicle Registration".

Recommendation: Review statute and current bail.

41-1A-1303	Failure to Register or Expired Vehicle Registration	N	MC	\$ 40.00	\$ 10.00	Y	N		N	N	C	
41-1A-1303(1)	Failure to Register or Expired Vehicle Registration	N	MC	\$ 40.00	\$ 10.00	Y	N		N	N	C	
41-1A-1303(2)	New Resident Failure to Obtain Utah Registration	N	MB	\$ 1,000.00	\$ 800.00	Y	N		N	N	C	
41-1A-1303(2)	Failure to Register or Expired Registration	N	MC	\$ 40.00	\$ 10.00	Y	N		N	N	C	
41-1A-1303(C)	Failure to Register or Expired Registration for Comm Veh	N	MC	\$ 100.00		Y	N		N	N	C	

UFBS Recommendation: Approved with revision to description of 41-1a-1303(1) as shown above.

# Issues from 2011 Bail Schedule

May 4, 2011

Issue Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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5 Description of Issue: Judge Randy Birch has advised that 53-3-227 cannot have a different bail amount than the other portions of the offense which are currently listed on the bail schedule as 53-3-227(1) and 53-3-227(2). Revocation is set at \$750 in the Serious Traffic Offenses. UCA 53-3-227(3)(c) makes the class B violations in subsection 3 a mandatory, maximum of \$750.

Recommendation: Review statute and current bail.

53-3-227	Drive on Denied License	Y	MC	\$ 50.00			Y	N		Y	N	C	May be dismissed upon proof of valid license at time of citation.
53-3-227(1)	Drive on Revocation	Y	MC	\$ 300.00			Y	N		Y	N	C	Enhanceable May be dismissed upon proof of valid license at time of citation.
53-3-227(2)	Drive on Suspension	Y	MC	\$ 300.00			Y	N		Y	N	C	Enhanceable May be dismissed upon proof of valid license at time of citation.
53-3-227(3)(A)	Drive on Susp/Revocation/Den Alc Related	Y	MB	\$ 750.00			Y	N		Y	N	C	May be dismissed upon proof of valid license at time of citation.
53-3-227(3)(B)	Drive on Revocation/Suspension Out of State	Y	MB	\$ 750.00			Y	N		N	N	C	May be dismissed upon proof of valid license at time of citation.

UFBS Recommendation: Set the offenses in item #5 to court mandatory. No other changes. Recommend that liason meet with Legislature to have 53-3-227 broken out to enable clear distinction of offense types.

# Issues from 2011 Bail Schedule

May 4, 2011

Issue Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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6 Description of Issue: Judge Heaton notes that a *false* log book (395.13(B2)) would be cheaper to pay than having *no* log book under 395.8(E). Along with that observation, the same comparison could be made between having no log book and not keeping the log book current (395.8(B))? It's \$300 for no log book but cheaper still to have a log book that the trucker doesn't keep current.

Judge Heaton Noted that in the past:

- Log Book Not Current less than 70 hours had a \$100.00 fine;
- Log Book Not Current more than 70 hours had a \$200.00 fine;
- No Log Book had a \$300.00 fine; and
- False Log Book had a \$500.00 fine.

Recommendation: Review statute and current bail.

395.13(B2)	No Log Book in Drivers Possession Required	N	MB	\$ 300.00			Y	N		N	N	C	
395.8(A)	Falsification of Log Book	N	MB	\$ 500.00			Y	N		N	N	C	
395.8(B)	Log Book Entries Not Current Less Than 70 Hours	N	MB	\$ 100.00			Y	N		N	N	C	
395.8(B)(2)	Log Book Entries Not Current More Than 70 Hours	N	MB	\$ 200.00			Y	N		N	N	C	
395.8(E)	False Log Book	N	MB	\$ 100.00			Y	N		N	N	C	
395.8(K)(2)	No Record of Duty Status(Prev 7 days)	N	MB	\$ 200.00			Y	N		N	N	C	
395.8.1	Log Book Entries Not Current < 70 Hours	N	MB	\$ 100.00			Y	N		N	N	C	
395.8.2	Log Book Entries Not Current > 70 Hours	N	MB	\$ 200.00			Y	N		N	N	C	
395.8.F1	Log Book Entries Not Current	N	MB	\$ 200.00			Y	N		N	N	C	

UFBS Recommendation: Item is tabled pending further research of codes.

# Issues from 2011 Bail Schedule

May 4, 2011

Issue Number	Violation Code	Description	Man Appr	Doflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Tms	Comment
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7 Description of Issue: (1) Judge Heaton noted that the bail amount for selling to an adolescent is lower than selling paraphernalia to a minor. (2) The curly bracket used to denote the second offense of 76-10-104 is not likely to be charged by a prosecutor.

Recommendation: (1) Review statute and current bail. (2) Set up the MB and the MC offenses in CORIS to match the corresponding bail amounts using the common description of Adult Selling Tobacco to Adolescent. The court mandatory status of 76-10-104 differs between the existing entries. These need to be consolidated.

76-10-104	Adult Selling Tobacco to Adolescent (1st Offense)	N	MC	\$ 280.00		N	Y	35%	N	Y	C	Enhanceable Offense
76-10-104{2}	Adult Selling Tobacco to Adolescent (2nd Offense)	Y	MB	\$ 389.00		N	Y	90%	N	Y	C	
76-10-104.1(2)	Provide Tobacco Paraphernalia to Minor	Y	MC	\$ 555.00		N	Y	35%	N	Y	C	Enhanceable Offense

Recommendation: Review statute and current bail.

76-10-104	Adult Selling Tobacco to Adolescent	Y	MC	\$ 270.00		N	Y	35%	N	Y	C	Enhanceable Offense
	Adult Selling Tobacco to Adolescent	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	Enhanced Bail
76-10-104.1(2)	Provide Tobacco Paraphernalia to Minor	Y	MC	\$ 270.00		N	Y	35%	N	Y	C	Enhanceable Offense

UFBS Recommendation: Approved with changes to bail amounts as listed.

8 Description of Issue: Bail Amount discrepancies

Recommendation: Review statute and current bail.

Remove/Modify:

392.11	Failure to Stop at Railroad Crossing	Y	MB	\$ 210.00		N	Y	90%	Y	N	C	
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Add

392.11	Failure to Stop at Railroad Crossing	Y	MB	\$ 75.00		N	Y	90%	Y	N	C	
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UFBS Recommendation: Approved.

# Issues from 2011 Bail Schedule

May 4, 2011

Issue Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Trns	Comment
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## Sample of Offenses Similar to Offense of 392.11

41-6A-1205	Bus/Truck No Stop at RR Crossing	N	MC	\$ 75.00			N	Y	35%	Y	N	C	
41-6A-1205(1)	CMV Fail to Slow Down and Check Clearing	N	MC	\$ 75.00			N	Y	35%	Y	N	C	
41-6A-1205(1)(B)	CMV Stop within 50 Feet of RR Crossing	N	MC	\$ 75.00			N	Y	35%	Y	N	C	
41-6A-1205(1)(C)	CMV Fail to Obey Traffic Device or Officer at RR Crossing	N	MC	\$ 75.00			N	Y	35%	Y	N	C	
41-6A-1205(1)(D)(I)	CMV Fail to Obey RR Space Vehicle Too La	N	MC	\$ 75.00			N	Y	35%	Y	N	C	
41-6A-1205(1)(D)(II)	CMV RR Clearance Too Low to Clear Tracks	N	MC	\$ 75.00			N	Y	35%	Y	N	C	
41-6A-1205(2)(A)	CMV Failure to Stop before Crossing RR/HWY	N	MC	\$ 75.00			N	Y	35%	Y	N	C	

**UFBS Recommendation:** Changes to item 8 sample offenses. Revise bail amounts for the two offenses noted above.

9 Description of Issue: Review requested by Washington County Justice Court clerk (Tia Benson). She feels the bail amount should be \$50 to be comparable to standard traffic offenses. (Possible additional comparable offenses with higher amount.

**Recommendation:** Review statute and current bail.

41-6a-1502	Motor Cycle or ATV Type I Veh - Operate on Public Highway	Y	MC	\$ 270.00			N	Y	35%	N	N	C	
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## Sample of Offenses Similar to Offense in Question

41-22-10.1(1)	Operate OHV on Public Land, Street, Hiway not Desig/Posted as Open	N	MC	\$ 750.00			N	Y	35%	N	N	C	
41-22-12.1	Operated a Wheeled Vehicle in Excess of 800 Pounds on a Main	Y	MC	\$ 555.00			N	Y	35%	N	N	C	

**UFBS Recommendation:** No change made.



# Issues from 2011 Bail Schedule

May 4, 2011

Issue Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Trns	Comment
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## Violation Codes Approved Since 2011 Bail Schedule Release

(List includes all MB violations or lower which were added to the Shared Master Offense Table since 2011 Bail Schedule was adopted)

### Wildlife Violation Additions

1 Description of Issue: Code was added to master offense table since the 2011 release of the Uniform Fine/Bail Schedule. Set to default

Recommendation: Use specified bail amount.

WR2060	Unlawful Possession of Corn/Bait While Fishing	Y	MB	\$ 57.00		N	Y	90%	N	N	C	
23-19-9(10)	Unlawful Purchase of a License While on Revocation	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	

UFBS Recommendation: Approved as entered.

### Traffic Violation Additions

2 Description of Issue: Offenses set to default bail amount.

Recommendation: Use specified bail amount.

41-1A-402(1)(A)	Required Colors/ Numerals/ Letters Not Visible (Lic Plate)	N	MC	\$ 40.00		Y	N		N	N	C	
41-6A-1106(3)(B)(II)	Operate Human Powered Vehicle in Negligent Manner	N	IN	\$ 40.00		Y	N		N	N	C	
41-6A-1636(7)(A)(I)	Illegal Tires	N	MC	\$ 40.00		Y	N		N	N	C	Dismissed on proof of compliance in 20 days
41-6A-305(4)(A)	Traffic Control Signal - At Place Other Than Intersection	N	MC	\$ 50.00		N	Y	35%	Y	N	C	
41-6A-702(1)(B)	HOV On- and Off- Lane Violation	N	MC	\$ 50.00		N	Y	35%	Y	N	C	
41-6A-702(2)	Operating Restricted Vehicles in Left Lane Of Freeway	N	MC	\$ 50.00		N	Y	35%	Y	N	C	
53-10-108(11)(A)	Knowing, Intentional Access Disseminate CITS Division Record	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	

# Issues from 2011 Bail Schedule

May 4, 2011

Issue Number	Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail	Comp Credit	Non Mov	Sec Surch	Surch	DLD Rpt	BCI Rpt	Trns	Comment
	53-8-205(C)	No Safety Inspection - Commercial Vehicle	N	MC	\$ 100.00	\$ 20.00	Y	N		N	N	C	

*UFBS Recommendation: Approved as entered.*

## Criminal Violation Additions

3 Description of Issue: The following codes were added to master offense table with the default default bail amounts or matched to similar offenses under the same statute since the 2011 release of the Uniform Fine/Bail Schedule.

Recommendation: Use specified bail amount.

10-9a-611	Sale of Subdivided Land Before Subdivision is Approved	N	MC	\$ 270.00		N	Y	35%	N	N	C	
17B-2A-821	Failure To Pay Fare	N	IN	\$ 50.00		N	Y	35%	N	N	C	
32B-11-201	Manufacturing Alcohol Without a License	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	
32B-2-605(9)(B)	Consume/Allow Alc To Be Consumed By Any Person On Premises	Y	MB	\$ 583.00		N	Y	90%	N	N	C	
32B-4-402	Unauthorized Sale, offer for Sale, or Furnishing	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	
32B-4-410	Unlawful Admit/Attempt to Gain Admit by Minor in Bar/Tavern	Y	MC	\$ 270.00		N	Y	35%	Y	Y	C	
32B-4-411(2)(A)(I)	Unlawful Use of Proof of Age- First Offense	Y	MB	\$ 583.00		N	Y	90%	Y	Y	C	
32B-4-422(2)	Unlawful Dispensing	Y	MC	\$ 270.00		N	Y	35%	N	Y	C	
76-5-102(1)(A)	Assault - Attempt to Do Bodily Injury to Another	Y	MB	\$ 972.00		N	Y	90%	N	Y	S	
76-5-102(1)(B)	Assault - Threat, Show of Force, to Do Bodily Injury	Y	MB	\$ 972.00		N	Y	90%	N	Y	S	
76-5-102(1)(C)	Assault - Committed Unlawful Force to Cause Bodily Injury	Y	MB	\$ 972.00		N	Y	90%	N	Y	S	
76-5-304(1)	Unlawful Detention	Y	MB	\$ 583.00		N	Y	90%	N	Y	S	
76-6-108(2)(A)	Interruption/Interference of a Communications Device	Y	MB	\$ 583.00		N	Y	90%	N	Y	C	

**Tab 3**

### Update of Serious Traffic Offenses Matrix

May 4, 2012

**Description of Issue:** The default severity is MB for the first and second violation, but the first and second violation can also be an MA severity when the violation causes bodily injury through negligence or when a minor is in the vehicle at the time of the offense. Additionally, the severity for DUI is F3 if serious bodily injury occurs through negligence.

SERIOUS TRAFFIC OFFENSES					
PRIOR RECORD	DUI, <u>DUI with Injury</u> , and <u>DUI with Minors in Vehicle</u> (UCA 41-6A-502)	Impaired Driving (UCA 41-6A-502.5)	Revocation (UCA 53-3-227)	Hit & Run (UCA 41-6a-401)	No Insurance No Proof of Insurance (UCA 41-12a-302 & 41-12a-303.2)
3 or more Offenses	3rd Deg Felony: \$3,040.00 3rd Deg Felony: \$3040.00 (Serious Bodily Injury)	Not Applicable	Not Applicable	\$1,890.00 \$965.00	Not Applicable
2nd Offense	3rd Deg Felony: \$3040.00 (Serious Bodily Injury) MA:1983.00 (Bodily Injury or Minors in Vehicle) MB: \$1560.00	Not Applicable	Not Applicable	\$965.00 \$687.50	Statutory Mandatory Min \$1,000.00
1st Offense	3rd Deg Felony: \$3040.00 (Serious Bodily Injury) MA:1983.00 (Bodily Injury or Minors in Vehicle) MB: \$1370.00	Class B: \$1,370.00	Class B: \$790.00	\$687.50 \$225.00	Statutory Mandatory Min \$400.00

Amounts include surcharge and security surcharge

For purposes of DUI law, prior offense means conviction within the last 10 years.

UFBS Recommendation: Remove the column for Alcohol Related Reckless and make changes shaded above; including the inclusion of the security surcharge in the bail amounts listed.

Tab 4

Update of DUI Sentencing Matrix

May 4, 2012

UTAH DUI SENTENCING MATRIX (Current as of June 2012)			
Court-Ordered Sentencing	MISDEMEANOR DUI		FELONY DUI
	FIRST OFFENSE	SECOND OFFENSE w/IN 10 YEARS	
<b>CLASSIFICATION</b> (§41-6A-503)	<b>CLASS B MISDEMEANOR</b> <b>CLASS A MISDEMEANOR:</b> <ul style="list-style-type: none"> <li>• if bodily injury<sup>1</sup></li> <li>• if passenger is under 16</li> <li>• if passenger is under 18 and driver 21 or older</li> </ul>	<b>CLASS B MISDEMEANOR</b> <b>CLASS A MISDEMEANOR:</b> <ul style="list-style-type: none"> <li>• if bodily injury<sup>1</sup></li> <li>• if passenger is under 16</li> <li>• if passenger is under 18 and driver 21 or older</li> </ul>	<b>THIRD DEGREE FELONY</b> <ul style="list-style-type: none"> <li>• if third or subsequent offense within 10 years</li> <li>• if serious bodily injury<sup>1</sup></li> <li>• if any prior felony DUI or automobile<sup>1</sup> homicide conviction</li> </ul>
<b>Jail</b> SHALL Order: (§41-6A-505)	48 consecutive hours OR 48 hours compensatory service OR electronic home confinement <sup>2</sup>	240 consecutive hours OR 240 hours compensatory service OR electronic home confinement <sup>2</sup>	0-5 years OR 1,500 hours jail (62.5 days) May order: electronic home confinement <sup>2</sup>
<b>Fine</b> SHALL Order: (§41-6A-505)	• \$700 minimum plus surcharge See Serious Traffic Offense matrix for total fine.	• \$800 minimum plus surcharge See Serious Traffic Offense matrix for total fine.	• \$1,500 min. plus surcharge, unless 0-5 term imposed. See Serious Traffic Offense Matrix.
<b>Screening, Assessment, Education Series, Treatment</b> §41-6A-505	SHALL Order: <ul style="list-style-type: none"> <li>• Screening</li> <li>• Assessment (if found approp. by screen)</li> <li>• Educational Series, unless treatment is ordered</li> </ul>	SHALL Order: <ul style="list-style-type: none"> <li>• Screening</li> <li>• Assessment (if found approp. by screen)</li> <li>• Educational Series, unless treatment is ordered</li> </ul>	SHALL Order: <ul style="list-style-type: none"> <li>• Screening</li> <li>• Assessment</li> <li>• Intensive Treatment or inpatient treatment and aftercare for not less than 240 hours, unless 0-5 prison term is imposed.</li> </ul>
<b>Probation:</b> (§41-6A-507)	• MAY order supervised probation	• SHALL order supervised probation	• SHALL order supervised probation if 0-5 prison term not imposed
<b>Ignition Interlock:</b> <sup>3</sup> (§41-6A-518) (§41-6A-530)	• MAY order: ignition interlock • SHALL order interlock if under 21 • SHALL order interlock for an ARD <sup>3</sup> viol OR describe on the record why such order not appropriate	• MAY order: ignition interlock • SHALL order interlock if under 21 • SHALL order interlock for an ARD <sup>3</sup> viol OR describe on the record why such order not appropriate	• MAY order: ignition interlock • SHALL order interlock if under 21 • SHALL order interlock for an ARD <sup>3</sup> viol OR describe on the record why such order not appropriate
<b>High BAC:</b> (.16 or higher) (§41-6A-505)	• SHALL order supervised probation <sup>4</sup>  • SHALL order treatment and interlock <sup>4</sup> and/or home confinement <sup>4</sup> , OR describe on the record why such order not appropriate	• SHALL order supervised probation <sup>4</sup>  • SHALL order treatment and interlock <sup>4</sup> and/or home confinement <sup>4</sup> , OR describe on the record why such order not appropriate	• SHALL order supervised probation <sup>4</sup> if 0-5 term not imposed • SHALL order treatment and interlock <sup>4</sup> and/or home confinement <sup>4</sup> , OR describe on the record why such order not appropriate
<b>License Suspension:</b> (§41-6A-509)	• Court MAY order additional 90 days, 180 days, 1 year or 2 years	• Court MAY order additional 90 days, 180 days, 1 year or 2 years	• Court MAY order additional 90 days, 180 days, 1 year or 2 years

<sup>1</sup> A person is guilty of a separate offense for each victim suffering bodily injury, serious bodily injury or death, whether or not the injuries arise from the same episode of driving.

<sup>2</sup> See §41-6A-506 for Electronic Home Confinement provisions

<sup>3</sup> Supervised probation is also required for all violations of §41-6A-517 (driving with any measurable controlled substance in the body).

<sup>4</sup> Adoption of the ignition interlock restricted driver (IRD) provision (§41-6A-518.2) does not change the obligation of judges to impose interlock as condition of probation.

<sup>5</sup> Alcohol restricted Driver

Source: [www.sentencing.utah.gov/Guidelines/Matrix/2010 DUI Sentencing Matrix.pdf](http://www.sentencing.utah.gov/Guidelines/Matrix/2010%20DUI%20Sentencing%20Matrix.pdf)

**Tab 5**

May 4, 2012

To Members of the Uniform Fine and Bail Committee:

On behalf of the fine and bail committee of the Juvenile Court we are seeking final approval for our revised Fine and Bail Schedule (attached). This revision is the product of many months of review and analysis, and was closely overseen by the Board of Juvenile Court Judges and at the direction of Judges Tom Higbee (5<sup>th</sup> District Juvenile) and Larry Jones (1<sup>st</sup> District Juvenile). We believe that this revision represents the best practices of our Courts and it includes input from Probation, Clerks, Trial Court Executives and the AOC. We appreciate all who have helped in this project.

Judge Thomas Higbee  
Fifth District Juvenile Court



**INDEX**  
**Juvenile Court Fine Schedule**

<b>Rules 58 and 657 – Wildlife Rules</b>	<b>Titles 3&amp;4 – Agricultural Code</b>	<b>Title 7 – Financial Institutions Act</b>	<b>Title 8 - Cemeteries</b>
<b>Title 9 – Community and Culture Development</b>	<b>Title 10 – Utah Municipal Code</b>	<b>Title 11 – Cities and Counties</b>	<b>Title 12 – Collection Agencies</b>
<b>Title 13 – Commerce and Trade</b>	<b>Title 15 – Contracts and Obligations</b>	<b>Title 16 – Corporations</b>	<b>Title 17 - Counties</b>
<b>Title 19 – Environmental Quality Code</b>	<b>Title 20A – Election Code</b>	<b>Title 23 – Wildlife Code</b>	<b>Titles 26 and 26 A – Health Code</b>
<b>Title 30 – Husband and Wife</b>	<b>Title 31A – Insurance Code</b>	<b>Title 32B – Alcoholic Beverage Control Act Chapter 4 – Alcohol Offenses</b>	<b>Titles 34 and 34A – Labor</b>
<b>Title 36 – Legislature</b>	<b>Title 38 – Liens</b>	<b>Title 40 – Mines and Mining</b>	<b>Title 41 – Motor Vehicles Chapter 6a- DUI, Impaired Driving</b>
<b>Title 42 – Names</b>	<b>Title 46 – Authentication of Documents</b>	<b>Title 53 – Public Safety</b>	<b>Title 53A – Public Education</b>
<b>Title 53C – School Trusts</b>	<b>Title 54 – Public Utilities</b>	<b>Title 55 – Public Welfare</b>	<b>Title 58 – Occupations and Professions Chapter 37 – Drug Offenses</b>
<b>Title 59 – Taxation</b>	<b>Title 61 – Securities</b>	<b>Title 62A – Human Services</b>	<b>Title 63A – Administrative Services</b>
<b>Title 63C – State Commissions and Councils</b>	<b>Title 63G – General Government</b>	<b>Title 63K – Emergency Management</b>	<b>Title 63M – Governor's Programs</b>
<b>Title 65A – State Lands</b>	<b>Title 72 – Transportation</b>	<b>Title 73 – Water and Irrigation</b>	<b>Title 77 – Criminal Procedure</b>
<b>Title 76 – Criminal Code</b> Chapter 4 – Attempt, Conspiracy, Criminal Solicitation Chapter 5 – Assault, Stalking, Hazing, Child Abuse, Murder, Manslaughter Chapter 6 – Arson, Criminal Mischief, Burglary, Robbery, Theft, Shoplifting Chapter 10 – Tobacco Offenses			

## Definitions.

**Fine.** The amount a juvenile must pay as a consequence for the offense committed, as set by statute and/or the Juvenile Court Fine Schedule. The fine amount includes surcharges and Court security fee.

**Citation.** An abbreviated referral submitted consistent with Utah Code section 78A-6-603, sufficient to invoke the jurisdiction of the juvenile court in lieu of a petition.

**Non-judicial adjustment.** A case that can be handled by a probation officer or a judicial assistant without filing a petition.

### Juvenile Court Fine Schedule

	Status / Infraction	Class C Misdemeanor	Class B Misdemeanor	Class A Misdemeanor	3 <sup>rd</sup> Degree Felony	2 <sup>nd</sup> Degree Felony	1 <sup>st</sup> Degree Felony
Maximum (as determined by Statute)		750	1000	2500	5000	10000	10000
Standard	150	225	300	375	500	550	600
Minimum	25	50	100	150	200	250	300

*The standard fine should be recommended, then increased or decreased based on any aggravating or mitigating circumstances. The user should refer to the aggravating and mitigating circumstances outlined by the Juvenile Sentencing Guidelines and included herein.*

## JUVENILE SENTENCING GUIDELINES – AGGRAVATING AND MITIGATING FACTORS

### Aggravating

1. **Impact of Offense on Victim and Community:** Offender's callousness and cruelty shock the conscience of the Court; offense involved substantial monetary loss; offender caused substantial physical or psychological injury to the victim; offender has offended against current victim on prior occasions; or the offender knew or should have known that the victim was particularly vulnerable.
2. **Prior Violent Delinquent Conduct:** Offender has demonstrated, by prior history of delinquency adjudications, a propensity for violent, delinquent conduct.
3. **Substantial Adjudication History:** Adjudication for the same or similar offense on two or more previous separate occasions; gross number of prior offenses; or the offender has been adjudicated delinquent.
4. **Need for Out-of-Home Treatment:** Treatment needs of the offender require an out-of-home placement.
5. **Need for Secure Confinement:** Offender presents a danger to the community that requires secure confinement.
6. **Lack of Remorse:** Offender has demonstrated a total lack of remorse or a lack of acceptance or responsibility with regard to the offense.
7. **Supervision to Monitor Restitution:** A long period of supervision is necessary to monitor the offender's restitution responsibilities.
8. **Lack of Amenability with Lesser Sanctions:** Offender has demonstrated a lack of cooperation with lesser restrictive sanctions; offender has probation violations, other contempt orders, or nonjudicial actions that should be considered; or offender has previously been placed on or qualified for a higher sanction.
9. **Lack of Attendance or Participation in Educational Programs:** Offender has willfully failed to attend or participate in school or other appropriate educational or vocational programs.
10. **Gang Involvement.**
11. **Other (specify)** \_\_\_\_\_

### Mitigating

1. **Significant Improvement Since the Offense:** Offender has demonstrated significant improvement since the time of the offense; offender has voluntarily sought treatment; offender compensated or made a good faith effort to compensate victim.
2. **Physical/Mental Impairment:** Offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed; or the offender is mentally retarded as demonstrated by all of the following: (a) offender is significantly sub-average in general intellectual functioning (usually interpreted as an IQ score of 70 or less); and (b) offender demonstrates deficits in adaptive behavior (has insufficient life skills to get along without constant assistance from others); and (c) offender manifested the above handicaps during the developmental period. The voluntary use of intoxicants does not fall within the purview of this category.
3. **Limited Adjudication History:** Offender has no or only minor prior adjudications; long period of time since previous referral; or extreme length of time since the offense occurred.
4. **Age and Maturity of Offender:** Offender's age and maturity suggest that the offender did not fully understand the impact or nature of the delinquent conduct.
5. **Current Status:** Offender is currently in an appropriate level of treatment or supervision.
6. **Treatment Needs Exceed Need for Punishment:** The offender is in greater need of an available treatment program than of punishment through incarceration.
7. **Other (specify)** \_\_\_\_\_

## Juvenile Bail Schedule

**Bail.** The monetary consideration posted by a juvenile to secure his/her appearance in accordance with the Juvenile Court Act and the Utah Rules of Juvenile Procedure. This Bail Schedule most often applies to out-of-state juveniles who become involved with Utah Juvenile Court.

	Status / Infraction	Class C Misdemeanor	Class B Misdemeanor	Class A Misdemeanor	3 <sup>rd</sup> Degree Felony	2 <sup>nd</sup> Degree Felony	1 <sup>st</sup> Degree Felony
Maximum	100	250	500	1500	5000	10000	20000

*For bail amounts on adults (including youth over 18-years old under court jurisdiction), use the district court Adult Bail Schedule.*

**Juvenile Court Fine Schedule by Offenses**

<b>Violation Code</b>	<b>Description</b>	<b>Default Severity</b>	<b>Mandatory Court Appearance</b>	<b>Standard Fine*</b>	<b>Other Statutory Penalties</b>
R 58-14.3	HOLDING LIVE RACCOONS/COYOTES IN CAPTIVITY	MB		300	
R 651-20-2	TRESPASS ON PARK SYSTEM PROPERTY	MB		300	
R 657-4-9	POSSESSION OF LIVE GAME	MB		300	
R 657-5-16	UNLAWFUL TAKING BIG	MB		300	
R 657-9-9	UNLAWFUL USE OF FIREARMS - TAKING OF MIGRATORY	MB		300	
R 657-14	HARVESTING PROTECTED AQUATIC WILDLIFE	MC		225	
R 657-19	TAKING NONGAME ANIMALS	MC		225	
R 657-28-9	UNLAWFUL USE/ACTIVITY ON DWR LANDS (GRAZING)	MB		300	
R 657-52	COMMERCIAL HARVESTING OF BRINE SHRIMP AND BRINE SHRIMP EGGS	MC		225	
R 657-53	POSSESSION OF AMPHIBIAN/REPTILE	MC		225	
R 657-60	INTRODUCING AQUATIC INVASIVE SPECIES	MB		300	
3-1-18	INDUCING STOCKHOLDER OF AGRICULTURAL	MA	Y	375	Fine up to \$2500 for each offense.
4-2-15	VIOLATING AGRICULTURAL CODE	MB		300	
4-3-10	VIOLATING DAIRY ACT	MB		300	
4-4-4	VIOLATING EGG ACT	MB		300	
4-5-3	VIOLATING WHOLESOME FOOD ACT	MB		300	
4-7-14	VIOLATING LIVESTOCK DEALERS' ACT	MB		300	
4-8-5	VIOLATING AGRICULTURAL FAIR TRADE ACT	MB		300	
4-9-12	VIOLATING AGRICULTURAL WEIGHTS AND MEASURES ACT	MB		300	
4-10-6	VIOLATING BEDDING, UPHOLSTERED FURNITURE,	MB		300	
4-11-13	VIOLATING BEE INSPECTION ACT	MB		300	
4-12-8	VIOLATING COMMERCIAL FEED ACT	MB		300	
4-13-1	VIOLATING FERTILIZER ACT	MB		300	
4-14-1	VIOLATING PESTICIDE CONTROL ACT	MB		300	
4-15-4	VIOLATING NURSERY ACT	MB		300	
4-16-1	VIOLATING SEED ACT	MB		300	
4-17-1	VIOLATING NOXIOUS WEED ACT	MB		300	
4-24-25	VIOLATING LIVESTOCK BRAND AND ANTI-THEFT ACT	MB		300	

**Juvenile Court Fine Schedule by Offenses**

4-25-9	ANIMALS RUNNING AT LARGE	MB		300	
4-25-10	RANGING BREEDING CATTLE W/O REQUIRED NUMBER OF BULLS	MB		300	
4-25-12	PERMITTING SWINE TO TRESPASS AFTER NOTICE	MC		225	
4-26-1	FAILING TO BURY OR DISPOSE OF DEAD DOMESTIC ANIMAL	MC		225	
4-26-2	DEPOSITING DEAD ANIMAL ON THE LAND OF ANOTHER	MC		225	
4-26-4	FAILING TO ENCLOSE ENTRANCE TO ANIMAL	MC		225	
4-32-4(5)	SLAUGHTERING LIVESTOCK OUTSIDE LICENSED MEAT ESTABLISHMENT	MC		225	
4-32-4(6)	OFFERING FOR SALE OR SELLING UNINSPECTED MEAT OR POULTRY PRODUCT	MB		300	
4-32-11(2)	VIOLATING RULE OR ORDER OF MEAT AND POULTRY COMMISSIONER	MB		300	
4-32-12	USING OR POSSESSING OFFICIAL MEAT AND POULTRY DEVICES, LABELS,	MB		300	
4-32-12	MAKING OR POSSESSING FALSE STATEMENTS,	MB		300	
4-32-13	SELLING, TRANSPORTING OR OFFERING FOR SALE MISLABELED ANIMAL	MB		300	
4-32-14(1)	ATTEMPTING TO BRIBE STATE MEAT/POULTRY INSPECTOR	F3	Y	500	Fine up to \$5000, imprisonment up to 5 years, or both.
4-32-14(1)	ACCEPTING BRIBE FROM STATE MEAT/POULTRY INSPECTOR	F3	Y	500	Fine up to \$5000, imprisonment up to 5 years, or both.
4-32-14(2)(a)	ASSAULTING STATE MEAT/POULTRY INSPECTOR IN COURSE OF HIS DUTIES	F3	Y	500	Fine up to \$5000, imprisonment up to 5 years, or both.
4-32-14(2)(b)	USE OF DEADLY WEAPON TO ASSAULT OR BRIBE STATE MEAT/POULTRY INSPECTOR	F2	Y	550	Fine up to \$10000, imprisonment up to 10 years, or both.
4-33-5	VIOLATING MOTOR FUEL INSPECTION ACT	MB		300	
4-34-6	EMPLOYEE OF PUBLIC	MB		300	
4-37-108	VIOLATING AQUACULTURE ACT	MB		300	
4-37-304	SELLING OR TRANSFERRING LIVE AQUATIC ANIMALS FROM FEE FISHING FACILITIES	MB		300	
4-38-12	VIOLATING HORSE REGULATION ACT - BRIBERY AND TOUTING	F3	Y	500	Fine up to \$10000.

Juvenile Court Fine Schedule by Offenses

4-39-105(a)	ACQUIRING DOMESTICATED ELK	MB		300	
4-39-105	RELEASING DOMESTICATED ELK INTO THE WILD	MB		300	
7-1-318	FALSE REPORT TO DEPARTMENT OF FINANCIAL INSTITUTIONS BY EMPLOYEE OF A FINANCIAL INSTITUTION	F3	Y	500	
7-1-508	SERVING AS EMPLOYEE OF DEPOSITORY INSTITUTION FOLLOWING CONVICTION OF FELONY OR MISDEMEANOR INVOLVING FRAUD OR	MA	Y	375	
7-1-701	UNAUTHORIZED TRANSACTION OF BUSINESS UNDER TITLE OF BANK OR CREDIT UNION	MA	Y	375	
7-1-801	MAKING FALSE STATEMENT ABOUT FINANCIAL CONDITION OF A FINANCIAL INSTITUTION	MB		300	
7-1-803	EXAMINER DOING BUSINESS WITH FINANCIAL INSTITUTION AS A CONFLICT OF INTEREST	F3	Y	500	
7-1-806	PYRAMIND SCHEMING	MC		225	
7-1-807	PRINTING CHECKS NOT ACCORDING TO SPECIFICATION	MC		225	
7-3-34	FAILURE TO FILE EXAMINATION REPORT BY BANK BOARD OF DIRECTORS	MC		225	
7-5-10	EMPLOYEE OF TRUST BORROWING MONEY FROM THE TRUST	F3	Y	500	
7-7-15	VIOLATIONS BY DIRECTOR OR OFFICER REGARDING FIDUCIARY RELATIONSHIP	MC		225	
7-23-504	VIOLATING CHECK CASHING AND DEFERRED DEPOSIT LENDING ACT	MB		300	
7-23-504	FILING MATERIALLY FALSE INFORMATION WITH CHECK CASHING OR DEFERRED DEPOSIT LENDING	MB		300	
7-24-303	VIOLATING TITLE LENDING REGISTRATION ACT	MB		300	
7-24-303	FILING MATERIALLY FALSE INFORMATION WITH TITLE LENDING REGISTRATION OR RENEWAL	MB		300	

**Juvenile Court Fine Schedule by Offenses**

8-4-2	FAILURE TO DEPOSIT CEMETARY ENDOWMENT	MA	Y	375	
9-4-612(a)	FRAUDULENTLY OBTAINING OR RECEIVING HOUSING BENEFITS WITH VALUE > OR = \$5000	F2	Y	550	
9-4-612(b)	FRAUDULENTLY OBTAINING OR RECEIVING HOUSING BENEFITS WITH VALUE \$1500 TO \$4999	F3	Y	500	
9-4-612(c)	FRAUDULENTLY OBTAINING OR RECEIVING HOUSING BENEFITS WITH VALUE \$500 TO \$1499	MA	Y	375	
9-4-612(d)	FRAUDULENTLY OBTAINING OR RECEIVING HOUSING BENEFITS WITH VALUE LESS THAN \$500	MB		300	
9-7-214	DEFACING, DESTROYING OR FAILING TO RETURN STATE LIBRARY PROPERTY	MU		225	
9-8-304	EXCAVATING OR SURVEYING ON STATE LAND W/O PERMIT	MB		300	
9-8-307	FAILURE TO REPORT ARCHEOLOGICAL DISCOVERY	MB		300	
9-8-308	FORGERY OR FALSE LABELING OF ARCHEOLOGICAL SPECIMANS	MB		300	
9-9-211	HUNTING, TRAPPING OR FISHING ON INDIAN RESERVATION W/O PERMISSION	MU		225	
9-9-404	ILLEGAL TRAFFICKING OF NATIVE AMERICAN REMAINS	MA	Y	375	
10-3-603	VIOLATING MUNICIPAL PUBLIC RECORDS LAW	MB		300	
10-3-604	VIOLATING ANNUAL EXAMINATION/PUBLICATION OF MUNICIPAL FINANCES LAW	MB		300	
10-3-716	FAILING TO PAY MUNICIPAL FINES AND FORFEITURES ACCORDING TO LAW	MC		225	
10-3-716	RETENTION OR USE OF MUNICIPAL FINE, PENALTY OR FORFEITURE FOR PERSONAL USE - VALUE <\$1001	MB		300	
10-3-716	RETENTION OR USE OF MUNICIPAL FINE, PENALTY OR FORFEITURE FOR	MA	Y	375	
10-3-826	OFFICIAL NEGLIGENCE AND MISCONDUCT IN MUNICIPAL OFFICE	MA	Y	375	
10-3-908	NONCOMPLIANCE BY A CITY ENGINEER	MU		225	



**Juvenile Court Fine Schedule by Offenses**

10-3-1304	USE OF OFFICE FOR PERSONAL BENEFIT	MB		300	
10-3-1305	FAILURE TO DISCLOSE COMPENSATION FOR ASSISTANCE IN TRANSACTION INVOLVING MUNICIPALITY	MB		300	
10-3-1309	INDUCING OFFICER OR EMPLOYEE TO VIOLATE MUNICIPAL CODE PART 13	MA	Y	375	
10-9a-611	MUNICIPAL LAND USE DEVELOPMENT AND MANAGEMENT PROHIBITED ACTS	MC		225	
11-1-3	FALSE CERTIFICATE	MA	Y	375	
11-3-3.5	SALE OR USE OF UNAUTHORIZED FIREWORKS OR SALE OF FIREWORKS W/O PERMIT	MB		300	
11-6-1	FAILURE TO KEEP RECORDS BY PAWNBROKER	MU		225	
12-1-6	VIOLATING COLLECTION AGENCY ACT	MA	Y	375	
13-5-15	VIOLATING UNFAIR PRACTICES ACT	MU	Y	225	Fine up to \$5000, imprisonment up to 1 year, or both.
13-10-4	UNAUTHORIZED RENT, SELL OR TRANSFER OF A	MU		225	
13-10-8	FAILURE TO DISCLOSE ORIGIN OF A RECORDING	MB		300	
13-10b-201	UNAUTHORIZED RECORDING OF A MOTION PICTURE	MA	Y	375	
13-13-7	VIOLATING MOTION PICTURE FAIR BIDDING ACT	MB		300	
13-19-2	RETRIEVING SHOPPING CARTS W/O AUTHORIZATION	MB		300	
13-21-8	VIOLATING CREDIT SERVICES ORGANIZATION ACT	MA	Y	375	
13-22-5	SEEKING CHARITABLE SOLICITATION W/O REGISTRATION	MB		300	
13-22-9	PROFESSIONAL FUNDRAISING W/O PERMIT	MB		300	
13-22-13	MAKING FALSE STATEMENTS OF MATERIAL FACT WHILE SEEKING CHARITABLE SOLICITATION	MB		300	
13-23-5	OPERATING A HEALTH SPA W/O REGISTRATION	MB		300	
13-25a-103	PROHIBITED TELEPHONE SOLICITATION	MA	Y	375	Fine of \$100 to \$2500.
13-25a-104	PROHIBITED FACSIMILE COMMUNICATION	MA	Y	375	Fine of \$100 to \$2500.

**Juvenile Court Fine Schedule by Offenses**

13-25a-108	MAKING UNSOLICITED PHONE CALLS TO NUMBER LISTED IN NO-CALL DATABASE	MA	Y	375	Fine of \$100 to \$2500.
13-26-8	TELEPHONE SOLICITING W/O REGISTRATION AND BOND	MB		300	
13-26-11	PROHIBITED PRACTICES BY TELEPHONE SOLICITOR	MB		300	
13-28-7	VIOLATION OF PRIZE NOTICES ACT	MA	Y	375	Fine up to \$10000.
13-32-103	PROHIBITED SALES AT A SWAP MEET	MC		225	
13-32-105	VIOLATION OF SWAP MEETS AND FLEA MARKETS ACT	MC		225	
13-34-111	VIOLATING POSTSECONDARY PROPRIETARY SCHOOL ACT	MB		300	
13-34-201	USE OF FRAUDULENT EDUCATION CREDENTIALS	MA	Y	375	
13-39-202	ADVERTISING HARMFUL MATERIAL TO A MINOR USING A REGISTERED CONTACT POINT	MB		300	
13-39-301	IMPROPER USE OF INFORMATION FROM CHILD PROTECTION REGISTRY	F2	Y	550	
15-9-114	INDUCING STUDENT-ATHLETE TO ENTER INTO AGENCY CONTRACT	MA	Y	375	
15-9-114	ACTING AS STUDENT ATHLETE AGENT W/O REGISTRATION	MA	Y	375	
16-6a-114	KNOWINGLY SIGNING A FALSE DOCUMENT	MA	Y	375	Fine up to \$2500.
16-10a-129	KNOWINGLY SIGNING FALSE CORPORATION DOCUMENTS	MA	Y	375	Fine up to \$2500.
17-16-6.5	CAMPAIGN FINANCE DISCLOSURE VIOLATION	INF		150	
17-16a-4	PROHIBITED USE OF OFFICIAL POSITION	MA	Y	375	
17-16a-5	FAILURE TO DISCLOSE COMPENSATION FOR ASSISTANCE IN TRANSACTION INVOLVING	MA	Y	375	
17-6a-6	FAILURE TO DISCLOSE INTEREST IN BUSINESS	MA	Y	375	
17-6a-7	FAILURE TO DISCLOSE INTEREST IN BUSINESS	MA	Y	375	
17-6a-8	FAILURE TO DISCLOSE INVESTMENT CREATING CONFLICT OF INTEREST WITH DUTIES	MA	Y	375	

**Juvenile Court Fine Schedule by Offenses**

17-6a-9	INDUCING AN OFFICER TO VIOLATE COUNTY OFFICERS AND EMPLOYEES DISCLOSURE ACT	MA	Y	375	
17-23-15	REMOVAL, DESTRUCTION, DEFACEMENT OF MONUMENT	MC		225	
17-33-13	COUNTY PERSONNEL MANAGEMENT ACT PROHIBITED ACTS	MA	Y	375	
17-33-14	VIOLATING COUNTY PERSONNEL MANAGEMENT ACT	MA	Y	375	
17-43-308(a)	GIVING PROHIBITED TREATMENT - SHOCK TREATMENT, LOBOTOMY, OR SURGERY W/O WRITTEN CONSENT	MU		225	
17-43-308(b)	GIVING PROHIBITED TREATMENT - PSYCHIATRIC TREATMENT, MENTAL HEALTH COUNSELING, PSYCHO-ANALYSIS, DRUGS, SHOCK TREATMENT, LOBOTOMY OR SURGERY FOR PURPOSE OF CHANGING HIS BELIEF IN GOD	F	Y	500	
17B-2a-211	WRONGFULLY DAMAGING A DRAINAGE DISTRICT WORK	MC		225	
17B-2a-818.5	CIRCUMVENTING HEALTH INSURANCE - PUBLIC TRANSIT DISTRICTS	INF		150	
17B-2a-821	FAILURE TO PAY PUBLIC TRANSPORT FARE	INF		150	
19-1-206(2)	CIRCUMVENTING HEALTH INSURANCE	INF		150	
19-1-302	VIOLATING ENVIRONMENTAL QUALITY ADMINISTRATION CODE	MB		300	
19-2-115(3)	VIOLATING AIR CONSERVATION ACT STANDARD, PERMIT, FEE OR	MA	Y	375	Subject to imprisonment and fine up to \$25000 per violation.
19-2-115(4)	MAKING FALSE MATERIAL STATEMENT OR REPRESENTATION OR RENDERING INACCURATE A MONITORING DEVICE - AIR	F3	Y	500	Subject to imprisonment and fine up to \$25000 per violation.
19-2-115(7)	HANDLING ASBESTOS OR VIOLATING IMPLEMENTATION PLAN ADOPTED BY BOARD - AIR CONSERVATION	F3	Y	500	Subject to imprisonment and fine up to \$25000 per violation, and up to \$50000 per day for subsequent violations.

**Juvenile Court Fine Schedule by Offenses**

19-2-115(8)(b)	NEGLIGENTLY RELEASING HAZARDOUS AIR POLLUTANTS PLACING ANOTHER PERSON IN IMMINENT DANGER OF DEATH OR INJURY	MA	Y	375	Subject to imprisonment and fine up to \$25000.
19-2-115(8)(c)	KNOWINGLY RELEASING HAZARDOUS AIR POLLUTANTS PLACING ANOTHER PERSON IN IMMINENT DANGER OF DEATH OR INJURY	F2	Y	550	Subject to imprisonment and fine up to \$50000.
19-2-120	WILLFUL FAILURE TO PROVIDE REPORT OF AIR CONTAMINANT SOURCE	MA	Y	375	
19-3-104 THROUGH 19-3-113	VIOLATING RADIATION CONTROL ACT	MB		300	
19-3-312(3)	KNOWINGLY VIOLATING PLACEMENT OF HIGH LEVEL NUCLEAR WASTE ACT	MA	Y	375	
19-3-312(4)	KNOWINGLY FACILITATING A VIOLATION OF PLACEMENT	MA	Y	375	
19-4-109	VIOLATING SAFE DRINKING WATER ACT	MB		300	Subject to fine of not more than \$5000 per day per each violation.
19-5-115(3)(a)	DISCHARGING POLLUTANTS WITH CRIMINAL NEGLIGENCE	MA	Y	375	Subject to fine of up to \$25000 per day and imprisonment.
19-5-115(3)(b)	KNOWINGLY DISCHARGE POLLUTANTS	F3	Y	500	Subject to fine of up to \$50000 per day and imprisonment.
19-5-115(4)(a)	KNOWINGLY MAKING A FALSE STATEMENT OR MISREPRESENTATION UNDER THE WATER QUALITY ACT	F3	Y	500	Fine up to \$10000 per day of violation.
19-5-115(4)(b)	KNOWINGLY FALSIFYING, TAMPERING WITH, OR RENDERING A MONITORING DEVICE INACCURATE UNDER THE WATER QUALITY ACT	F3	Y	500	Fine up to \$10000 per day of violation.
19-5-115(5)(b)	KNOWINGLY VIOLATING WATER QUALITY ACT WHILE PLACING ANOTHER PERSON IN IMMINENT DANGER OF DEATH OR SERIOUS BODILY INJURY	F2	Y	550	Fine up to \$25000 per day of violation.
19-6-113(3)(a)-(b)	TRANSPORTING, TREATING OR STORING HAZARDOUS WASTE	F	Y	500	Subject to fine up to \$50000 for each day of violation, imprisonment for 5 years, or both. Subsequent violations subject to double fines and double imprisonment.
19-6-113(3)(c)-(d)	OMITTING MATERIAL INFORMATION OR	F	Y	500	Subject to fine up to \$50000 for each day of violation,
19-6-113(4)(c)	TRANSPORTING HAZARDOUS WASTE AND KNOWINGLY	F	Y	500	Subject to \$250000 fine and up to 15 years

Juvenile Court Fine Schedule by Offenses

19-6-429	FALSE INFORMATION - UNDERGROUND STORAGE	MB		300	
19-6-602	IMPROPER DISPOSAL OF LEAD ACID BATTERY	MB		300	
19-6-706	IMPROPER DISPOSAL OF USED OIL	MA	Y	375	
19-6-822	VIOLATING WASTE TIRE RECYCLING ACT	F3	Y	500	
20A-1-601	BRIBING OR PAYING FOR VOTES	F3	Y	500	
20A-1-602	RECEIVING BRIBE FOR VOTE	F3	Y	500	
20A-1-603	TAMPERING WITH BALLOTS OR RECORDS	MA	Y	375	
20A-1-604	DESTROYING ELECTION PARAPHERNALIA	MC		225	
20A-1-605	MUTILATING CERTIFICATE OF NOMINATION OR FORGING	MA	Y	375	
20A-1-606	WAGERING ON AN ELECTION	MB		300	
20A-1-610	ABETTING VIOLATION OF ELECTION CODE	MB		300	
20A-3-310	FALSIFYING ABSENTEE VOTER AFFIDAVITS	MB		300	
20A-3-412	FAILURE TO PROVIDE ELECTION SUPPLIES	MB		300	
20A-3-501	UNLAWFUL ACTIVITY AT POLLING LOCATION	MA	Y	375	
20A-3-502	USING INTIMIDATION TO INFLUENCE A VOTER	MB	Y	300	
20A-4-503	ABETTING FORGERY OR ALTERATION OF VOTES	MB	Y	300	
20A-3-504	INTERFERING WITH VOTING	MC		225	
20A-3-505	IMPERSONATION WHILE VOTING, OR DOUBLE VOTING	MA	Y	225	
20A-3-506	FALSE INFORMATION ON PROVISIONAL BALLOT ENVELOPE	MB		300	
20A-4-501	ELECTION RETURNS FORGERY	U	Y	500	Imprisonment from two to ten years.
20A-4-502	ALTERING VOTE COUNTS	U	Y	500	Imprisonment from one to five years.
20A-4-503	ABETTING FORGERY OR ALTERATION OF VOTES	U	Y	500	Imprisonment up to two years.
20A-4-504	ASCERTAINING OR ATTEMPTING TO ASCERTAIN	F3	Y	500	
20A-4-505	POLL WORKER COMMUNICATING ABOUT VOTE COUNT	F3	Y	500	
20A-5-701	NEGLECT OF DUTY OR CORRUPT CONDUCT BY A POLL WORKER	F	Y	500	Fine of \$500, imprisonment for at least one year, or both.
20A-5-702	DESTROYING OR CONCEALING BALLOT	F	Y	500	Imprisonment from one to five years.
20A-5-703	NEGLECTING TO DELIVER BALLOTS	MA	Y	375	Fine of at least \$250, and imprisonment for at least six months.
20A-5-705	OFFICER OR WATCHER REVEALING VOTE	MA	Y	375	Fine of at least \$250, and imprisonment for at least six months.

**Juvenile Court Fine Schedule by Offenses**

20A-5-706	DAMAGING VOTING EQUIPMENT	F3	Y	500	
20A-7-213	MISCONDUCT REGARDING VOTER INITIATIVE PETITION	MA	Y	375	
20A-7-312	MISCONDUCT REGARDING VOTER REFERENDUM PETITION	MA	Y	375	
20A-7-512	MISCONDUCT OF ELECTORS AND OFFICERS	MA	Y	375	
20A-7-612	MISCONDUCT OF ELECTORS AND OFFICERS - LOCAL	MA	Y	375	
20A-9-204	INDUCEMENTS NOT TO BECOME CANDIDATE	MB		300	
20A-11-206	STATE OFFICE CANDIDATE - FAILURE TO FILE ELECTION REPORT	MB		300	
20A-11-305	LEGISLATIVE OFFICE CANDIDATE - FAILURE TO FILE ELECTION REPORT	MB		300	
20A-11-403	OFFICE HOLDER - FAILURE TO FILE SUMMARY REPORT	MB		300	
20A-11-601(6)(a)	PROVIDING FALSE INFORMATION IN RELATION TO A POLITICAL ACTION COMMITTEE	F3	Y	500	
20A-11-601(6)(b)	ACCEPTING AN UNLAWFUL CONTRIBUTION	F3	Y	500	
20A-11-803	FAILURE TO FILE STATEMENT - POLITICAL ISSUES COMMITTEE	MB		300	
20A-11-1305	FAILURE TO FILE STATEMENT - SCHOOL BOARD OFFICE CANDIDATE	MB		300	
23-13-4	CAPTIVITY OF PROTECTED WILDLIFE	MB		300	
23-13-5	IMPORTING OR EXPORTING AND RELEASE OF EXOTIC WILDLIFE	MB		300	
23-13-13	COMMERCIALIZATION OF WILDLIFE	MB		300	
23-13-14	UNLAWFUL RELEASE OF TERRESTRIAL OR AQUATIC WILDLIFE INTO WILD	MA	Y	375	
23-13-18	USE OF COMPUTER TO REMOTELY HUNT WILDLIFE	MA	Y	375	
23-13-19	ADMINISTERING SUBSTANCES TO PROTECTED WILDLIFE	MB		300	
23-15-3	PROHIBITED DIVERSION OF WATER	MB		300	
23-15-6	POLLUTION OF WATER	MB		300	
23-15-7	UNAUTHORIZED TAKING OF AQUATIC WILDLIFE OR EGGS	MB		300	

**Juvenile Court Fine Schedule by Offenses**

23-15-8	UNAUTHORIZED SEINING OR SELLING AQUATIC WILDLIFE	MB		300	
23-15-9	UNAUTHORIZED POSSESSION OR TRANSPORTATION OF LIVE AQUATIC WILDLIFE	MB		300	
23-16-5	TAKING OF MORE THAN ONE OF ANY SPECIES OF BIG GAME DURING A LICENSE YEAR	MB		300	
23-17-6	COMMERCIAL HUNTING VIOLATION - UNDER AGE 12, W/O HUNTER SAFETY OR W/O	MB		300	
23-19-1	HUNTING, TRAPPING, OR	MB		300	
23-19-1	SALE, TRADE OR BARTER OF PROTECTED WILDLIFE W/O LICENSE OR PERMIT	MB		300	
23-19-5	FRAUD OR MISREPRESENTATION IN RECEIVING A WILDLIFE	MB		300	
23-19-6	IMITATING OR COUNTERFEITING A WILDLIFE LICENSE OR PERMIT	MA	Y	375	
23-19-8	USE OF UNSIGNED LICENSE OR PERMIT	MB		300	
23-19-9(10)	UNLAWFULLY PURCHASING LICENSE WHILE ON REVOCATION	MB		300	
23-20-3	ILLEGAL TAKING, TRANSPORTING, SELLING, OR PURCHASING PROTECTED WILDLIFE	MB		300	
23-20-3.5	TAKING PROTECTED WILDLIFE WHILE TRESPASSING	MB		300	Court may order restitution.
23-20-4(3)(a)	WANTON DESTRUCTION OF PROTECTED WILDLIFE - VALUE > \$500	F3	Y	500	Incarceration for at least 20 days if animal injured for pecuniary gain. If previously convicted of
23-20-4(3)(b)	WANTON DESTRUCTION OF PROTECTED WILDLIFE - VALUE \$250-\$500	MA	Y	375	Court may order restitution.
23-20-4(3)(c)	WANTON DESTRUCTION OF PROTECTED WILDLIFE - VALUE < \$250	MB		300	
23-20-4.7	HABITUAL WANTON DESTRUCTION OF PROTECTED WILDLIFE	F3	Y	500	
23-20-8	WASTE OF WILDLIFE	MB		300	
23-20-12	TAKING OF WILDLIFE IN AIRPLANE, AQUATIC OR MOTORIZED VEHICLE	MB		300	
23-20-13	DESTRUCTION OF DIVISION OF WILDLIFE RESOURCES SIGNS	MB		300	

**Juvenile Court Fine Schedule by Offenses**

23-20-14(2)(a)	TRESPASSING DURING WILDLIFE RELATED ACTIVITY	MB		300	
23-20-14(2)(c)	WRONGFUL POSTING OF PROPERTY	MB		300	With a violation of this section, the individual's wildlife license may be taken away by either a court or a wildlife hearing officer (also used as evidence in later violation hearings as evidence of flagrant violation).
23-20-15	DESTRUCTION OF SIGNS ON PRIVATE LAND	MB		300	
23-20-18	INTERFERING OR HARASSING WILDLIFE RESOURCES	MB		300	
23-20-19	FAILURE TO STOP AT DWR ROAD BLOCKS	MB		300	
23-20-23	AIDING OR ASSISTING VIOLATION OF WILDLIFE RESOURCES CODE	MB		300	
23-20-24	FAILURE TO STOP VEHICLE FOR WILDLIFE RESOURCES OFFICER	MA	Y	375	Fine of at least \$250 and imprisonment for at least 60 days.
23-20-25	FAILURE TO EXHIBIT LICENSE OR PERMIT	MB		300	
23-20-27	ALTERING WILDLIFE LICENSE OR PERMIT	MB		300	
23-20-29	INTERFERING WITH LICENSED/LEGAL HUNTING	MB		300	
23-20-30	FAILURE TO TAG WILDLIFE	MB		300	
23-23-12	DAMAGE OR DESTRUCTION TO PROPERTY OF ANOTHER	MB		300	
23-27-201	POSSESS OR RELEASE DREISSENA MUSSEL	INF		150	
23-27-201	POSSESS OR RELEASE DREISSENA MUSSEL INTENTIONALLY OR KNOWINGLY	MA	Y	375	
26-2-16	UNLAWFUL SIGNING OF CERTIFICATE OF DEATH	MB		300	
26-2-18.5	RENDERING A DEAD BODY UNAVAILABLE FOR POSTMORTEM INVESTIGATION	MB		300	
26-6-5	WILLFUL INTRODUCTION OF COMMUNICABLE DISEASES	MA	Y	375	
26-6-15	POSSESSION OF ANIMAL WITH RABIES OR OTHER ANIMAL DISEASE	MC		225	
26-6-29	RELEASING CONFIDENTIAL INFORMATION UNDER COMMUNICABLE DISEASE ACT	MB		300	



**Juvenile Court Fine Schedule by Offenses**

26-8a-502	SUMMON AN AMBULANCE/EMERGENCY RESPONSE VEHICLE WHEN NOT NEEDED	MB		300	
26-15-13(4)	TANNING W/O PERMISSION UNDER 18	MC		225	
26-15-13(7)(b)	MISREPRESENTING AGE TO TANNING FACILITY	MC		225	
26-18-9	PROHIBITED ACT OF EMPLOYEE OF MEDICAID PROGRAM	MA	Y	375	
26-18-108	RELEASING CONFIDENTIAL INFORMATION UNDER MEDICAL ASSISTANCE ACT	MB		300	
26-20-3	MAKING FALSE STATEMENT OR REPRESENTATION RELATING TO MEDICAL BENEFITS	MB		300	
26-20-4	SOLICITING OR RECEIVING KICKBACKS RELATING TO OBTAINING MEDICAL SERVICES	MB		300	
26-20-5	MAKING FALSE STATEMENT OR REPRESENTATION RELATING TO QUALIFICATION OF HEALTH INSTITUTION	MB		300	
26-20-6	CONSPIRACY TO DEFRAUD THE STATE TO OBTAIN A MEDICAL BENEFIT	MB		300	
26-20-7	MAKING FALSE CLAIM FOR MEDICAL BENEFIT	MB		300	
26-21-9.5(6)(c)(i)	HEALTH CARE EMPLOYER INTENTIONALLY MISREPRESENTING FACTS OF CRIMINAL BACKGROUND CHECK	INF		150	
26-21-16	UNLAWFUL OPERATION OF HEALTHCARE FACILITY	MA	Y	375	
26-23-3	VIOLATION OF PUBLIC HEALTH LAWS	MB		300	
26-23-4	UNLAWFUL ACT BY HEALTH DEPARTMENT EMPLOYEES	MB		300	
26-25-5	RELEASE OF CONFIDENTIAL HEALTH INFORMATION	MB		300	
26-23-5.5	ILLEGAL USE OF BIRTH CERTIFICATE	F3	Y	500	
26-28-116	SALE OR PURCHASE OF BODY PARTS	F3	Y	500	
26-28-116	FALSIFYING OR FORGING DOCUMENT OF ANATOMICAL GIFT	F3	Y	500	

**Juvenile Court Fine Schedule by Offenses**

26-33a-108	DISCLOSURE OF IDENTIFIABLE HEALTH DATA	MA	Y	375	
26-39-602	OFFERING OR PROVIDING CHILD CARE IN VIOLATION OF CHILD CARE LICENSING ACT	MA	Y	375	
26A-1-123(1)	VIOLATE STATE LAWS REGARDING PUBLIC HEALTH OR SANITATION	MB		300	
30-1-13	SOLEMNIZATION OF MARRIAGE W/O LICENSE	F3	Y	500	
30-1-14	FORGING CONSENT OR PERFORMING A MARRIAGE W/O AUTHORITY	F3	Y	500	Fine up to \$5000, imprisonment, or both.
30-1-39	EVADING PREMARITAL COUNSELING PLAN	MU		225	
31A-16-111	FAILURE TO SELL IMPROPERLY ACQUIRED STOCK	F3	Y	500	
31A-28-204	UNLAWFUL STATEMENTS PROMOTING PURCHASE OF INSURANCE	MA	Y	375	Fine of \$55 to \$1000 and imprisonment from 60 days to 1 year.
32B-1-403(1)	UNLAWFUL TRANSFER OF PROOF OF AGE TO ANOTHER PERSON	MB		300	
32B-1-403(2)	USE OF PROOF OF AGE CONTAINING FALSE INFORMATION	MA	Y	375	
32B-4-208	MAINTAINING OR ASSISTING IN MAINTAINING A NUISANCE - ALCOHOL RELATED	MB		300	
32B-4-401	UNLAWFUL SALE OR FURNISHING OF ALCOHOL	MB		300	
32B-4-402	UNAUTHORIZED SALE OR FURNISHING OF ALCOHOL	MB		300	
32B-4-403	UNLAWFUL SALE OR FURNISHING OF ALCOHOL TO A MINOR	MB		300	
32B-4-403	UNLAWFUL SALE OR FURNISHING OF ALCOHOL TO A MINOR	MA	Y	375	
32B-4-404	UNLAWFUL SALE OR FURNISHING OF ALCOHOL TO AN INTOXICATED PERSON	MB		300	
32B-4-404	UNLAWFUL SALE OR FURNISHING OF ALCOHOL TO AN INTOXICATED PERSON	MA	Y	375	
32B-4-405	UNLAWFUL SALE OR FURNISHING OF ALCOHOL TO AN INTERDICTED PERSON	MB		300	

**Juvenile Court Fine Schedule by Offenses**

32B-4-406(1)	PURCHASING OR POSSESSING BEER IN A CONTAINER EXCEEDING TWO LITERS	MB		300	
32B-4-409(1)(a)	MINOR PURCHASING ALCOHOLIC PRODUCT	MB		300	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court MAY reduce suspension period if minor completes educational series.
32B-4-409(1)(a)	MINOR PURCHASING ALCOHOLIC PRODUCT - SECOND OFFENSE	MB		300	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court SHALL order educational series and MAY order screening.
32B-4-409(1)(b)	MINOR ATTEMPTING TO PURCHASE ALCOHOLIC PRODUCT	MB		300	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court MAY reduce suspension period if minor completes educational series.
32B-4-409(1)(b)	MINOR ATTEMPTING TO PURCHASE ALCOHOLIC PRODUCT - SECOND OFFENSE	MB		300	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court SHALL order educational series and MAY order screening.

**Juvenile Court Fine Schedule by Offenses**

32B-4-409(1)(c)	MINOR SOLICITING ANOTHER TO PURCHASE ALCOHOLIC PRODUCT	MB		300	Court <b>SHALL</b> order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court <b>SHALL</b> suspend driver license if 13 to 18 years old. Court <b>MAY</b> reduce suspension period if minor completes educational series.
32B-4-409(1)(c)	MINOR SOLICITING ANOTHER TO PURCHASE ALCOHOLIC PRODUCT - SECOND OFFENSE	MB		300	Court <b>SHALL</b> order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court <b>SHALL</b> suspend driver license if 13 to 18 years old. Court <b>SHALL</b> order educational series and <b>MAY</b> order screening.
32B-4-409(1)(d)	MINOR POSSESSING AN ALCOHOLIC PRODUCT	MB		300	Court <b>SHALL</b> order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court <b>SHALL</b> suspend driver license if 13 to 18 years old. Court <b>MAY</b> reduce suspension period if minor completes educational series.
32B-4-409(1)(d)	MINOR POSSESSING AN ALCOHOLIC PRODUCT - SECOND OFFENSE	MB		300	Court <b>SHALL</b> order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court <b>SHALL</b> suspend driver license if 13 to 18 years old. Court <b>SHALL</b> order educational series and <b>MAY</b> order screening.

# Juvenile Court Fine Schedule by Offenses

32B-4-409(1)(e)	MINOR CONSUMING AN ALCOHOLIC PRODUCT	MB		300	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court MAY reduce suspension period if minor completes educational series.
32B-4-409(1)(c)	MINOR CONSUMING AN ALCOHOLIC PRODUCT - SECOND OFFENSE	MB		300	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court SHALL order educational series and MAY order screening.
32B-4-409(1)(f)	MEASURABLE BLOOD, BREATH, OR URINE ALCOHOL CONCENTRATION IN THE MINOR'S BODY	MB		300	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court MAY reduce suspension period if minor completes educational series.
32B-4-409(1)(f)	MEASURABLE BLOOD, BREATH, OR URINE ALCOHOL CONCENTRATION IN THE MINOR'S BODY - SECOND OFFENSE	MB		300	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court SHALL order educational series and MAY order screening.

**Juvenile Court Fine Schedule by Offenses**

32B-4-409(2)	MINOR MISREPRESENTING AGE TO PURCHASE ALCOHOL PRODUCT	MB		300	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court MAY reduce suspension period if minor completes educational series.
32B-4-409(2)	MINOR MISREPRESENTING AGE TO PURCHASE ALCOHOL PRODUCT - SECOND OFFENSE	MB		300	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court SHALL order educational series and MAY order screening.
32B-4-409(3)	MINOR POSSESSING OR CONSUMING AN ALCOHOLIC PRODUCT WHILE RIDING IN LIMO OR BUS.	MB		300	Court shall suspend the minor's driver's license. Court may, upon first adjudication, and shall, upon second or subsequent adjudication, order 20 to 100 compensatory hours which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
32B-4-410	UNLAWFUL ADMITTANCE TO TAVERN OR CLUB OR ATTEMPT TO GAIN ADMITTANCE BY MINOR	MC		225	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court MAY reduce suspension period if minor completes educational series.

**Juvenile Court Fine Schedule by Offenses**

32B-4-410	UNLAWFUL ADMITTANCE TO TAVERN OR CLUB OR ATTEMPT TO GAIN ADMITTANCE BY MINOR - SECOND ATTEMPT	MC		225	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court SHALL order educational series and MAY order screening.
32B-4-411	MINOR'S UNLAWFUL USE OF PROOF OF AGE	MB		300	Court shall suspend the minor's driving privileges for at least one year upon first conviction, and for two years upon a second or subsequent conviction.
32B-4-411	MINOR'S UNLAWFUL USE OF PROOF OF AGE - SUBSEQUENT OFFENSE	MA	Y	375	Court shall suspend the minor's driving privileges for at least one year upon first conviction, and for two years upon a second or subsequent conviction.
32B-4-412	PURCHASE OF ALCOHOL BY AN INTOXICATED PERSON	MB		300	
32B-4-413	PURCHASE OF ALCOHOL BY INTERDICTED PERSON	MB		300	
32B-4-415	UNLAWFUL BRINGING OF ALCOHOL TO RETAIL ESTABLISHMENT OR EVENT FOR CONSUMPTION	MB		300	
32B-4-416	UNLAWFUL PERMITTING CONSUMPTION OF ALCOHOL BY A MINOR	INF		150	
32B-4-417	UNLAWFUL POSSESSION OF UNAUTHORIZED LIQUOR BY LICENSEE	MB		300	
32B-4-418	UNLAWFUL STORAGE OF LIQUOR	MB		300	
32B-4-419	PERMITTING INTOXICATION OF ANOTHER ON PREMISES, IN BUS OR LIMO	MC		225	
32B-4-420	UNLAWFUL MIXING OF ALCOHOL WITH DRUG, METHYLIC OR CRUDE ALCOHOL	MB		300	
32B-4-421	UNLAWFUL CONSUMPTION OF ALCOHOL IN A PUBLIC BUILDING, PARK, OR STADIUM	MC		225	
32B-4-422(2)	UNLAWFUL DISPENSING OF ALCOHOL	MC		225	

**Juvenile Court Fine Schedule by Offenses**

32B-4-501	OPERATING A BUSINESS ALLOWING PURCHASE OR CONSUMPTION OF ALCOHOL W/O LICENSE	MB		300	
32B-4-502	UNAUTHORIZED STORING OR POSSESSING FEDERAL ALCOHOL STAMP	MB		300	
32B-4-503	TAMPERING WITH ALCOHOL BEVERAGE CONTROL RECORD	MB		300	
32B-4-503	TAMPERING WITH ALCOHOL BEVERAGE CONTROL RECORD BY COMMISSIONER, DIRECTOR OR ABC EMPLOYEE	F3	Y	500	
32B-4-504	MAKING FALSE MATERIAL STATEMENTS IN ABC HEARING OR PROCEEDING	MB		300	
32B-4-505	OBSTRUCTING AN ABC SEARCH, PROCEEDING OR INVESTIGATION	F2	Y	550	
32B-4-508	OFFERING OR SOLICITING BRIBE, GIFT OR PROFITS	MB		300	
32A-4-509	FORGERY WITH KNOWLEDGE TO DEFRAUD ABC	F2	Y	550	
32A-4-510	FORGERY WITH INTENT TO DEFRAUD ABC	F3	Y	500	
32A-4-601	UNLAWFUL REMOVAL FROM CONVEYANCE OR DIVERSION OF SHIPMENT OF ALCOHOL	MB		300	
32B-4-602	UNLAWFUL TRANSPORTATION OF ALCOHOL	MB		300	
32B-4-603	FAILURE TO KEEP OR DISCLOSE ALCOHOL CARRIER'S RECORDS	MB		300	
32B-7-202(5)	OFF-PREMISE BEER VIOLATION	INF		150	
34-23-101	UNLAWFUL EMPLOYMENT OF A MINOR	MB		300	Classified as MB only after repeated violations.
34-24-2	BLACKLISTING AN EMPLOYEE	F	Y	500	
34-28-4	FAILURE TO NOTIFY EMPLOYEES OF PAYDAY	MU		225	
34-28-4	FAILURE OF EMPLOYER TO PAY WAGES	MU		225	
34-29-6	REFERRING EMPLOYMENT TO UNLAWFUL PLACES	MU		225	
34-29-8	EMPLOYMENT AGENT TAKING COMMISSION IN ADVANCE	MU		225	
34-29-15	FALSE STATEMENT BY EMPLOYMENT AGENT	MU		225	
34-29-20	MAKING FALSE ORDER OF EMPLOYEES TO EMPLOYMENT AGENT	MU		225	



**Juvenile Court Fine Schedule by Offenses**

34-30-9	FAILURE TO KEEP OR PRODUCE RECORDS - PUBLIC WORKS EMPLOYEE	MU		225	
34-32-3	FAILURE TO COMPLY WITH DEDUCTIONS FOR THE BENEFIT OF LABOR ORGANIZATIONS - EMPLOYER	MU		225	
34-33-1	EMPLOYER CHARGING FEE FOR EMPLOYEE MEDICAL EXAMINATION	MU		225	
34-33-4	CONDUCTING FORCING VIOLATION OF RIGHT TO WORK ACT	MU		225	
34-33-7	COMPELLING PERSON TO JOIN OR NOT JOIN LABOR UNION	MU		225	
34-40-204	FAILURE TO PAY MINIMUM WAGE OR FAILURE TO KEEP RECORDS - EMPLOYER	MU		225	Unspecified misdemeanor. Classified as MB only after repeated violations.
34A-2-110(3)(c)(B)(ii)(A)	WORKERS' COMPENSATION INSURANCE FRAUD > 5 INDIVIDUALS OR VALUE > \$1000	MA	Y	375	
34A-2-110(3)(c)(B)(ii)(B)	WORKERS' COMPENSATION INSURANCE FRAUD 5 TO 49 INDIVIDUALS OR VALUE \$1000-\$4999	F3	Y	500	
34A-2-110(3)(c)(B)(ii)(C)	WORKERS' COMPENSATION INSURANCE FRAUD 50+ INDIVIDUALS OR VALUE	F3	Y	500	
34A-2-209(1)(a)	FAILURE TO COMPLY WITH WORKERS COMPENSATION ACT - EMPLOYER	MB		300	
34A-6-307(5)(a)	EMPLOYER VIOLATION OF OCCUPATIONAL HEALTH AND SAFETY ACT RESULTING IN DEATH OF EMPLOYEE	MA	Y	375	
34A-6-307(5)(b)	GIVING ADVANCE NOTICE OF OSHA INSPECTION W/O AUTHORITY	MA	Y	375	
34A-6-307(5)(c)	MAKING A FALSE STATEMENT OR REPRESENTATION IN AN OSHA REPORT, PLAN OR APPLICATION	MA	Y	375	
34A-7-105	OPERATING A BOIL OR PRESSURE VESSEL W/O CERTIFICATION	MC		225	
34A-7-204	OPERATING AN ELEVATOR W/O CERTIFICATION	MC		225	

**Juvenile Court Fine Schedule by Offenses**

36-11-301	SOLICITING PERSON AS LOBBYIST FOR COMPENSATION CONTINGENT ON PASSAGE OR DEFEAT OF	MB		300	
36-11-302	COMMUNICATING WITH LEGISLATOR'S EMPLOYEE FOR IMPROPER INFLUENCE	MB		300	
36-11-303	COMMUNICATING FALSE INFORMATION TO AN OFFICER RELATING TO A MATTER INVOLVING A	MB		300	
38-1-25	ABUSE OF MECHANIC'S LIEN RIGHT	MB		300	
40-1-11	INTERFERING WITH MINING NOTICES, STAKES OR MONUMENTS	MB		25 - 100	Fine \$25 to \$100, imprisonment 10 days to 6 months, or both.
40-8-9	EVASION OF MINED LAND RECLAMATION ACT OR MAKING OF FALSE REPORT	MB	Y	300	Fine of up to \$10000 for each violation.
40-10-7	UNLAWFUL FINANCIAL INTEREST IN MINING OPERATION - EMPLOYEE OF	U		500	Fine up to \$2500 , imprisonment up to one year, or both.
41-1a-202(3)	FAILURE TO REGISTER VEHICLE FOLLOWING RESIDENCY	MB		300	Fine of up to \$1000. Court may not dismiss upon proof of registration, but may reduce fine upon evidence of mitigating circumstances.
41-1a-705(2)	UNLAWFULLY SELL, OFFER, DISPLAY FOR SALE OR EXCHANGE VEHICLE	MB		300	
41-1a-1002	FAILURE TO INSPECT SALVAGED VEHICLE AS REQUIRED	MA	Y	375	
41-1a-1004	FAILURE TO PROVIDE WRITTEN NOTICE THAT A SALVAGE CERTIFICATE HAS BEEN ISSUED FOR A VEHICLE	MA	Y	375	
41-1a-1005	FAILURE TO OBTAIN SALVAGE CERTIFICATE AS REQUIRED	MB		300	
41-1a-1005.3	RESALE OF SALVAGE VEHICLE	MC		225	
41-1a-1005.5(2)	FAILURE TO OBTAIN NONREPAIRABLE CERTIFICATE OR SALE OF NONREPAIRABLE VEHICLE	MB		300	
41-1a-1005.5(6)	REPAIRING, RECONSTRUCTING, OR RESTORING A NONREPAIRABLE VEHICLE	MC		225	
41-1a-1101	OPERATING AN IMPOUNDED VEHICLE W/O OWNER'S WRITTEN PERMISSION	MC		225	
41-1a-1206(7)	IMPROPER REGISTRATION OF FARM TRUCK	MB		300	Minimum \$200 fine.

**Juvenile Court Fine Schedule by Offenses**

41-1a-1303	DRIVING WITHOUT REGISTRATION OR CERTIFICATE OF TITLE	MC		225	
41-1a-1304	OPERATING VEHICLE OR TRAILER IN EXCESS OF REGISTERED GROSS LADEN WEIGHT	MC		225	
41-1a-1305(1)	BREAKING OR INTERFERING WITH LICENSE PLATE OR REGISTRATION	MC		225	
41-1a-1305(2)	REMOVING LICENSE PLATE OR REGISTRATION	MC		225	
41-1a-1305(3)	DISPLAYING LICENSE PLATE OR REGISTRATION IN WRONG VEHICLE	MC		225	
41-1a-1305(5)	OPERATING VEHICLE W/O LICENSE PLATES ATTACHED	MC		225	
41-1a-1305(7)	CONSPIRING TO COMMIT LICENSE PLATE AND REGISTRATION VIOLATION	MC		225	
41-1a-1305(10)	MANUFACTURING OR SELLING FACSIMILE LICENSE PLATE	MC		225	
41-1a-1305(11)	FAILURE TO RETURN REVOKED OR SUSPENDED LICENSE PLATE, PERMIT OR TITLE TO DMV	MC		225	
41-1a-1306	ABUSE OF DISABILITIES PARKING PRIVILEGES	MC		225	Minimum fine of \$125.
41-1a-1307	OPERATION OF VEHICLE OR TRAILER W/O PAYMENT OF	MC		225	Fine is equal to amount of registration/title fees
41-1a-1309	BOARDING WITH INTENT TO COMMIT INJURY TO VEHICLE OR TRAILER	MC		225	
41-1a-1310(1)	FAILURE TO PROPERLY ENDORSE AND DELIVER VALID CERTIFICATE TO OWNER	MB		300	
41-1a-1310(2)-(8)	ODOMETER REQUIREMENT VIOLATION	MB		300	
41-1a-1313	POSSESSION OF VEHICLE, TRAILER, SEMI-TRAILER OR PARTS W/O IDENTIFICATION	F3	Y	500	
41-1a-1314	UNAUTHORIZED CONTROL OF VEHICLE FOR EXTENDED TIME	MA	Y	375	
41-1a-1315	FRAUD OR FALSE EVIDENCE OF TITLE AND REGISTRATION	F3	Y	500	
41-1a-1316	RECEIVING OR TRANSFERRING STOLEN PROPERTY	F2	Y	550	
41-1a-1317	SELLING OR BUYING VEHICLE, TRAILER OR ENGINE W/O IDENTIFICATION NUMBER	F2	Y	550	

# Juvenile Court Fine Schedule by Offenses

41-1a-1318	FRAUDULENT ALTERATION OF VEHICLE IDENTIFICATION NUMBER	F2	Y	550	
41-1a-1319	DISCONNECTING, TURNING BACK, REPLACING OR RESETTING ODOMETER, OR SELLING VEHICLE W/O	F3	Y	500	
41-1a-1320	MOVING MOBILE HOME W/O TAX CLEARANCE	MB		300	
41-1a-201(2)	ACTING AS A DEALER, SELLER, OR VEHICLE MANUFACTURER W/O LICENSE	MA	Y	375	
41-3-201(3)(e)	FAILURE TO TITLE VEHICLE WITHIN 7 DAYS OF PURCHASE	MC		225	
41-3-201.5	BROKERING A VEHICLE W/O LICENSE	MB		300	
41-3-211	UNLAWFUL ACTS OR PRACTICES BY VEHICLE DEALER	MB		300	
41-3-403	DEALER NON-COMPLIANCE IN SALE OF VEHICLE	MA	Y	375	
41-3-207.5	LIQUIDATING VEHICLES MORE THAN 90 DAYS AFTER	MA	Y	375	
41-3-413(1)	KNOWING OR INTENTIONAL CONCEALMENT OR ALTERATION OF A DISCLOSURE STATEMENT OR CERTIFICATE OF TITLE	F2	Y	550	
41-3-703(1)	FORGING, FALSIFYING OR COUNTERFEITING LICENSE, SPECIAL PLATE, TEMPORARY	F3	Y	500	
41-3-703(2)	HOLDING OR USING FORGED, FALSIFIED OR	F3	Y	500	
41-4-5	ACCEPTING GRATUITY, UNLAWFUL THEREAFTER TO FINANCE SALES	F	Y	500	Fine of \$50 to \$5000, imprisonment of six months to one year, or both.
41-6a-210(1)	FAILURE TO RESPOND TO OFFICER'S SIGNAL TO STOP	F3	Y	1000 min.	Fine of at least \$1000.
41-6a-210(2)	FAILURE TO RESPOND TO OFFICER'S SIGNAL TO STOP CAUSING DEATH OR SERIOUS BODILY INJURY	F2	Y	5000 min.	Fine of at least \$5000.
41-6a-216	FAILURE TO REMOVE OBSTRUCTIONS IMPAIRING VIEW WITHIN 10 DAYS	MC		225	
41-6a-304	FAILURE TO OBEY TRAFFIC-CONTROL DEVICE	MC		225	
41-6a-306	FAILURE TO OBEY PEDESTRIAN TRAFFIC-CONTROL SIGNAL	MC		225	

**Juvenile Court Fine Schedule by Offenses**

41-6a-307	FAILURE TO YIELD AT CROSSWALK OR RAILROAD CROSSING	MC		225	
41-6a-308	FAILURE TO OBEY LANE USE CONTROL SIGNALS	MC		225	
41-6a-309	PLACING UNAUTHORIZED SIGNS, SIGNALS, MARKINGS OR COMMERCIAL ADVERTISING ON A HIGHWAY	MC		225	
41-6a-311	INTERFERENCE WITH TRAFFIC-CONTROL DEVICE	MC		225	
41-6a-401(2)	LEAVING THE SCENE OF AN ACCIDENT	MB		300	
41-6a-401(3)	FAILURE TO PROVIDE CONTACT INFORMATION FOLLOWING ACCIDENT	MC		225	
41-6a-401(4)	FAILURE TO REPORT ACCIDENT RESULTING IN \$1500+ PROPERTY DAMAGE	MC		225	
41-6a-401(5)	FAILURE TO PROVIDE NOTICE OF ACCIDENT TO OWNER OF UNATTENDED PROPERTY	MB		300	
41-6a-401.3(2)	FLEEING THE SCENE OR FAILURE TO STOP FOLLOWING ACCIDENT INVOLVING INJURY	MA	Y	750 min.	Fine of at least \$750.
41-6a-401.3(2)	FLEEING THE SCENE OR FAILURE TO STOP FOLLOWING ACCIDENT	F3	Y	750 min.	Fine of at least \$750.
41-6a-401.5	FLEEING THE SCENE OR FAILURE TO STOP FOLLOWING ACCIDENT INVOLVING DEATH	F3	Y	750 min.	Fine at least \$750.
41-6a-401.7(1)	FAILURE TO PROVIDE CONTACT INFORMATION FOLLOWING ACCIDENT INVOLVING INJURY, DEATH OR PROPERTY DAMAGE	MB		300	
41-6a-401.7(2)	FAILURE TO REPORT ACCIDENT INVOLVING INJURY, DEATH OR PROPERTY DAMAGE	MB		300	
41-6a-401.7(3)	FAILURE OF OCCUPANT TO GIVE NOTICE OF ACCIDENT INVOLVING INJURY, SERIOUS BODILY INJURY OR DEATH IF OWNER INCAPABLE	MB		300	
41-6a-401.7(4)	FAILURE TO PROVIDE NOTICE OF ACCIDENT TO OWNER OF UNATTENDED PROPERTY	MB		300	
41-6a-403(7)	PROVIDING FALSE SECURITY INFORMATION	MB		300	Fine at least \$100.

# Juvenile Court Fine Schedule by Offenses

41-6a-404	PROVIDING FALSE INFORMATION IN AN ACCIDENT REPORT	MB		300	
41-6a-502(1)	DRIVING UNDER THE INFLUENCE OF ALC/DRUGS - FIRST OFFENSE	MB		700 min.	Minimum \$700 fine. Court SHALL order 48 consecutive hours OR 48 hours compensatory service OR electronic home confinement. Court SHALL order screening, assessment (if screening recommends), AND educational series. Court MAY order treatment, supervised probation, and/or ignition interlock. Court MAY suspend license for an additional 90 days, 120 days, 180 days, 1 year or 2 years, or if under 19, until 21st birthday. Alcohol restricted driver for 2 years.
41-6a-502(1)	DRIVING UNDER THE INFLUENCE OF ALC/DRUGS - SECOND OFFENSE	MH		800 min.	Minimum \$800 fine. Court SHALL order 240 consecutive hours OR 240 hours compensatory service OR electronic home confinement. Court SHALL order screening, assessment (if screening recommends), educational series, and supervised probation. Court MAY order treatment, supervised probation, and/or ignition interlock. Court MAY order treatment and ignition interlock. Court MAY suspend license for an additional 90 days, 120 days, 180 days, 1 year or 2 years, or if under 19, until 21st birthday.

**Juvenile Court Fine Schedule by Offenses**

41-6a-502(1)	DRIVING UNDER THE INFLUENCE OF ALC/DRUGS WITH BODILY INJURY, PASSENGER UNDER 16, OR PASSENGER UNDER 18 IF DRIVER IS 21+ - FIRST OFFENSE	MA		700 min.	Minimum \$700 fine. Court <b>SHALL</b> order 48 consecutive hours OR 48 hours compensatory service OR electronic home confinement. Court <b>SHALL</b> order screening, assessment (if screening recommends), AND educational series. Court <b>MAY</b> order treatment, supervised probation, and/or ignition interlock. Court <b>MAY</b> suspend license for an additional 90 days, 120 days, 180 days, 1 year or 2 years, or if 19, until 21st birthday.
41-6a-502(1)	DRIVING UNDER THE INFLUENCE OF ALC/DRUGS WITH BODILY INJURY, PASSENGER UNDER 16, OR PASSENGER UNDER 18 IF DRIVER IS 21+ - SECOND OFFENSE	MA		800 min.	Minimum \$800 fine. Court <b>SHALL</b> order 240 consecutive hours OR 240 hours compensatory service OR electronic home confinement. Court <b>SHALL</b> order screening, assessment (if screening recommends), educational series, and supervised probation. Court <b>MAY</b> order treatment, supervised probation, and/or ignition interlock. Court <b>MAY</b> order treatment and ignition interlock. Court <b>MAY</b> suspend license for an additional 90 days, 120 days, 180 days, 1 year or 2 years, or if under 19, until 21st birthday.

**Juvenile Court Fine Schedule by Offenses**

41-6a-503(1)(b)	DUI - THIRD OR SUBSEQUENT OFFENSE W/ 10 YEARS, SERIOUS BODILY INJURY, OR FOLLOWING PRIOR FELONY DUI OR AUTO HOMICIDE CONVICTION	F3		1500 min.	Court <b>SHALL</b> order \$1500 minimum OR 0-5 year prison term. Court <b>MAY</b> order electronic home confinement. Court <b>SHALL</b> order screening, assessment (if screening recommends), intensive treatment or inpatient treatment and aftercare not less than 240 hours (unless prison term ordered), AND supervised probation. Court <b>MAY</b> order ignition interlock. Court <b>MAY</b> suspend license for an additional 90 days, 120 days, 180 days, 1 year or 2 years, or if under 19, until 21st birthday. Lifetime Alcohol Restricted Driver.
41-6a-502(1)	DRIVING UNDER THE INFLUENCE OF ALC/DRUGS WITH BAC .16 OR HIGHER - FIRST OFFENSE	MB		700 min.	\$700 minimum fine. Court <b>SHALL</b> order supervised probation, treatment, AND ignition interlock AND/OR electronic home confinement OR make findings as to why such an order is inappropriate. Court <b>MAY</b> suspend drivers license for an additional 90 days, 120 days, 180 days, 1 year or 2 years, or if under 19, until 21st birthday.
41-6a-502(1)	DRIVING UNDER THE INFLUENCE OF ALC/DRUGS WITH BAC .16 OR HIGHER - SECOND OFFENSE	MB		800 min.	\$800 minimum fine. Court <b>SHALL</b> order supervised probation, treatment, AND ignition interlock AND/OR electronic home confinement OR make findings as to why such an order is inappropriate. Court <b>MAY</b> suspend drivers license for an additional 90 days, 120 days, 180 days, 1 year or 2 years, or if under 19, until 21st birthday.



# Juvenile Court Fine Schedule by Offenses

41-6a-502(1)	DRIVING UNDER THE INFLUENCE OF ALC/DRUGS WITH BODILY INJURY, PASSENGER UNDER 16, OR PASSENGER UNDER 18 IF DRIVER IS 21+ WITH BAC .16 OR HIGHER - FIRST OFFENSE	MA		700	\$700 minimum fine. Court SHALL order supervised probation, treatment, AND ignition interlock AND/OR electronic home confinement OR make findings as to why such an order is inappropriate. Court MAY suspend drivers license for an additional 90 days, 120 days, 180 days, 1 year or 2 years, or if under 19, until 21st birthday. Alcohol restricted driver for 2 years.
41-6a-502(1)	DRIVING UNDER THE INFLUENCE OF ALC/DRUGS WITH BODILY INJURY, PASSENGER UNDER 16, OR PASSENGER UNDER 18 IF DRIVER IS 21+ WITH BAC .16 OR HIGHER - SECOND OFFENSE	MA		800	\$800 minimum fine. Court SHALL order supervised probation, treatment, AND ignition interlock AND/OR electronic home confinement OR make findings as to why such an order is inappropriate. Court MAY suspend drivers license for an additional 90 days, 120 days, 180 days, 1 year or 2 years, or if under 19, until 21st birthday.
41-6a-503(1)(b)	DUI - THIRD OR SUBSEQUENT OFFENSE W/ 10 YEARS, SERIOUS BODILY INJURY, OR FOLLOWING PRIOR FELONY DUI OR AUTO HOMICIDE CONVICTION - BAC .16 OR HIGHER	F3		1500 min.	\$1500 minimum fine OR 0-5 year prison term. Court SHALL order supervised probation (if 0-5 prison term not imposed), treatment, AND ignition interlock AND/OR electronic home confinement OR make findings as to why such an order is inappropriate. Court MAY suspend drivers license for an additional 90 days, 120 days, 180 days, 1 year or 2 years, or if under 19, until 21st birthday.
41-6a-502.5	IMPAIRED DRIVING	MB		300	Court SHALL order screening, assessment (if screening recommends), AND educational series. Court MAY order treatment.

**Juvenile Court Fine Schedule by Offenses**

41-6a-502.5	IMPAIRED DRIVING	F3		500	Court SHALL order screening, assessment (if screening recommends), AND intensive treatment or inpatient treatment and aftercare for not less than 240 hours (unless prison term is imposed).
41-6a-517	DRIVING WITH ANY MEASURABLE CONTROLLED SUBSTANCE IN THE BODY	MB		300	
41-6a-518(4)	FAILURE TO TIMELY INSTALL IGNITION INTERLOCK DEVICE	MB		300	Failure to timely install the interlock device results in license suspension.
41-6a-518.1(2)(a)(i)	TAMPERING WITH IGNITION INTERLOCK DEVICE	MB		300	
41-6a-518.1(2)(a)(ii)	FURNISHING VEHICLE W/O IGNITION INTERLOCK TO RESTRICTED DRIVER	MB		300	
41-6a-518.1(2)(a)(iii)	BLOW INTO IGNITION INTERLOCK FOR RESTRICTED DRIVER	MB		300	
41-6a-518.1(2)(a)(iv)	ADVERTISE FOR SALE/OFFER NON CERTIFIED IGNITION INTERLOCK	MB		300	
41-6a-518.1(2)(b)(i)	INTERLOCK RESTRICTED DRIVER RENTING, LEASING, OR BORROWING A VEHICLE W/O IGNITION INTERLOCK SYSTEM	MB		300	
41-6a-518.1(2)(b)(ii)	INTERLOCK RESTRICTED DRIVER REQUESTING ANOTHER TO BLOW INTO INTERLOCK RESTRICTED DEVICE	MB		300	
41-6a-518.2	OPERATING VEHICLE W/O IGNITION INTERLOCK	MB		300	Alcohol restricted driver for 3 years.
41-6a-526(2)	DRINKING ALCOHOL WHILE OPERATING OR RIDING IN A VEHICLE	MC		225	
41-6a-526(3)	OPEN CONTAINER ALCOHOL	MC		225	
41-6a-528	RECKLESS DRIVING	MB		300	
41-6a-530	ALCOHOL RESTRICTED DRIVER OPERATING VEHICLE WITH ANY MEASURABLE AMOUNT OF ALCOHOL IN BODY	MB		300	Requires installation of interlock device.
41-6a-601	SPEEDING IN A SCHOOL ZONE FIRST OFFENSE 21-29 MPH	MC		225	Minimum fine \$50.
41-6a-601	SPEEDING IN A SCHOOL ZONE FIRST OFFENSE 30-39 MPH	MC		225	Minimum fine \$125.
41-6a-601	SPEEDING IN A SCHOOL ZONE FIRST OFFENSE 40+ MPH	MC			Minimum fine \$275.

**Juvenile Court Fine Schedule by Offenses**

41-6a-601	SPEEDING IN A SCHOOL ZONE SECOND OFFENSE 21-29 MPH	MC		225	Minimum fine \$50.
41-6a-601	SPEEDING IN A SCHOOL ZONE SECOND OFFENSE 30-39 MPH	MC		225	Minimum fine \$225.
41-6a-601	SPEEDING IN A SCHOOL ZONE SECOND OFFENSE 40+ MPH	MC			Minimum fine \$525.
41-6a-606	ENGAGING IN SPEED CONTEST ON HIGHWAY	MB		300	Requires driver license suspension.
41-6a-609	USE OF RADAR JAMMING DEVICE	MC		225	
41-6a-702	IMPROPER USE OF LANE	MC		225	
41-6a-713	DRIVING OVER OR ACROSS ROAD ISLAND	MC		225	
41-6a-716	DRIVING ON TOLLWAY W/O PAYING TOLL	MC		225	
41-6a-1005(2)	PEDESTRIAN PASSING THROUGH OR AROUND ACTIVE CROSSING GATE	MC		225	
41-6a-1005(3)	ENTER AREA BETWEEN RR TRACK AND SIGN IF CROSSING IS ACTIVE	MC		225	
41-6a-1005(4)	OCCUPYING RR GRADE CROSSING WHEN RR SIGN NOT ACTIVE	MC		225	
41-6a-1005(5)	REMAIN BETWEEN RR SIGN IF RR CROSSING SIGN IS ACTIVE	MC		225	
41-6a-1203(2)	FAILURE TO STOP AT RR GRADE CROSSING	MC		225	
41-6a-1203(4)(a)	DRIVING VEHICLE THROUGH, AROUND, OR UNDER A RR CROSSING GATE	MC		225	
41-6a-1203(4)(b)	CAUSING A NON-RAIL VEHICLE TO PASS THROUGH OR AROUND RR BARRIER	MC		225	
41-6a-1203(4)(c)	CAUSING A NON-RAIL VEHICLE TO PASS THROUGH OR UNDER RR RAIL	MC		225	
41-6a-1115(2)	UNDER 15 OPERATING MOTOR SCOOTER W/O PARENTAL SUPERVISION	MC		225	
41-6a-1115(3)	UNDER 8 OPERATING MOTOR SCOOTER ON PUBLIC PROPERTY, HIGHWAY, PATH OR SIDEWALK	MC		225	
41-6a-1115(4)	OPERATING A MOTOR SCOOTER IN A PUBLIC PARKING STRUCTURE, ON A 4+ LANE HIGHWAY, ON A HIGHWAY WITH SPEED LIMIT GREATER THAN 25 MPH	MC		225	

**Juvenile Court Fine Schedule by Offenses**

41-6a-1115(4)	OPERATING MOTOR SCOOTER WITH MORE PERSONS THAN DESIGNED	MC		225	
41-6a-1115(4)	OPERATING A STRUCTURALLY/MECHANICALLY ALTERED MOTOR SCOOTER	MC		225	
41-6a-1116(2)	UNDER 15 OPERATING PERSONAL ASSISTIVE MOBILITY DEVICE	MC		225	
41-6a-1116(3)	OPERATING ASSISTIVE MOBILITY DEVICE ON A 4+ LANE HIGHWAY, ON A HIGHWAY WITH A SPEED LIMIT GREATER THAN 35 MPH	MC		225	
41-6a-1116(3)	OPERATING AN ASSISTIVE MOBILITY DEVICE THAT HAS BEEN ALTERED	MC		225	
41-6a-1116(6)	OPERATOR OF ASSISTIVE MOBILITY DEVICE FAILURE TO YIELD TO PEDESTRIAN	MC		225	
41-6a-1116(11)	OPERATING AN ASSISTIVE MOBILITY DEVICE IN A MANNER THAT OBSTRUCTS	MC		225	
41-6a-1117(1)	OPERATING MINI-MOTORCYCLE W/O LICENSE OR W/O REGISTRATION	MC		225	
41-6a-1302(2)	IMPROPER PASSING OF A SCHOOL BUS WITH LIGHT SIGNALS FLASHING	MC		225	Fines increased for subsequent offenses. Court may order compensatory
41-6a-1306	FAILURE TO REMOVE MARKINGS FROM SCHOOL BUS	INF		150	
41-6a-1401(1)(a)	STOPPING, STANDING OR PARKING A VEHICLE ON ROADWAY SIDE OF A STOPPED VEHICLE, ON A SIDEWALK, WITHIN AN	MC		225	
41-6a-1401(1)(b)	STOPPING, STANDING OR PARKING A VEHICLE IN FRONT OF A DRIVEWAY, WITHIN 15 FEET OF A HYDRANT, WITHIN 20 FEET OF A CROSSWALK, WITHIN 30 FEET OF A TRAFFIC SIGN OR SIGNAL, WITHIN 20 FEET OF A FIRE STATION DRIVEWAY OR ANY PLACE WHERE A TRAFFIC-CONTROL DEVICE PROHIBITS STANDING	MC		225	
41-6a-1401(1)(c)	PARKING A VEHICLE WITHIN 50 FEET OF A RAILROAD CROSSING OR WHERE TRAFFIC-CONTROL DEVICE PROHIBITS PARKING	MC		225	

**Juvenile Court Fine Schedule by Offenses**

41-6a-1402	IMPROPER PARKING ON A ROADWAY	MC		225	
41-6a-1403	LEAVING A MOTOR VEHICLE UNATTENDED WITH ENGINE RUNNING, KEY IN IGNITION, OR NOT IN PARK	MC		225	
41-6a-1404	STOPPING OR PARKING ON A ROADWAY	MC		225	
41-6a-1407	REMOVAL OF UNATTENDED VEHICLE W/O AUTHORIZATION	MC		225	
41-6a-1501	ILLEGALLY OPERATING A MOTORCYCLE WITH A PASSENGER	MC		225	
41-6a-1502(3)	OPERATING A MOTORCYCLE BETWEEN LANES OF TRAFFIC	MC		225	
41-6a-1502(4)	OPERATING MOTORCYCLE MORE THAN TWO ABREAST	MC		225	
41-6a-1503	ATTACHING MOTORCYCLE TO ANY OTHER VEHICLE ON A ROADWAY	MC		225	
41-6a-1504	OPERATING A MOTORCYCLE W/O PASSENGER FOOTRESTS OR WITH IMPROPER	MC		225	
41-6a-1505	UNDER 18 RIDING OR OPERATING A MOTORCYCLE W/O PROTECTIVE HEADGEAR	MC		225	
41-6a-1506(1)(a)	OPERATING A MOTORCYCLE W/O A HEAD LAMP	MC		225	
41-6a-1506(1)(b)	OPERATING A MOTORCYCLE W/O A TAIL LAMP	MC		225	
41-6a-1506(1)(c)	OPERATING A MOTORCYCLE W/O A LIGHT ILLUMINATING PLATE	MC		225	
41-6a-1506(1)(d)	OPERATING A MOTORCYCLE W/O RED REAR REFLECTOR	MC		225	
41-6a-1506(1)(e)	OPERATING A MOTORCYCLE W/O A STOP LAMP	MC		225	
41-6a-1506(1)(f)	OPERATING A MOTORCYCLE W/O A BRAKING SYSTEM	MC		225	
41-6a-1506(1)(g)	OPERATING A MOTORCYCLE W/O A HORN	MC		225	
41-6a-1506(1)(h)	OPERATING A MOTORCYCLE W/O A MUFFLER/EMISSION CONTROL SYSTEM	MC		225	
41-6a-1506(1)(i)	OPERATING A MOTORCYCLE W/O A MIRROR	MC		225	

**Juvenile Court Fine Schedule by Offenses**

41-6a-1506(1)(j)	OPERATING A MOTORCYCLE W/O PROPER TIRES	MC		225	
41-6a-1508(2)	OPERATING A LOW-SPEED VEHICLE NON-COMPLIANT WITH FEDERAL SAFETY STANDARDS	MC		225	
41-6a-1508(3)	OPERATING AN ALTERED LOW-SPEED VEHICLE	MC		225	
41-6a-1508(5)	OPERATING A LOW-SPEED VEHICLE ON A HIGHWAY WITH A SPEED LIMIT ABOVE 35 MPH	MC		225	
41-6a-1508(6)	OPERATING A LOW-SPEED VEHICLE W/O VEHICLE	MC		225	
41-6a-1509	OPERATING A STREET LEGAL ATV ON AN UNAUTHORIZED STREET	MC		225	
41-6a-1509(3)	OPERATING A STREET LEGAL ATV W/O PROPER EQUIPMENT	MC		225	
41-6a-1509(4)(a)	SPEEDING IN A STREET LEGAL VEHICLE	MC		225	
41-6a-1601(1)(a)	OPERATING UNSAFE OR IMPROPERLY EQUIPPED VEHICLE ON PUBLIC HIGHWAY	MC		225	
41-6a-1602	OPERATING A VEHICLE IN VIOLATION OF EQUIPMENT REGULATIONS W/O PERMIT	MC		225	
41-6a-1603	FAIL TO TURN ON HEADLIGHTS	MC		225	
41-6a-1604(1)	HEAD LAMP VIOLATION	MC		225	
41-6a-1604(2)(a)	TAIL LIGHT VIOLATION	MC		225	
41-6a-1604(2)(b)	BRAKE LIGHTS, REFLECTORS TO DISPLAY OR REFLECT RED	MC		225	
41-6a-1604(2)(c)	FAILURE TO ILLUMINATE REAR REGISTRATION PLATE	MC		225	
41-6a-1604(3)	STOP LAMP/TURN SIGNAL VIOLATION	MC		225	
41-6a-1606	LOAD EXTENDING BEYOND REAR OF VEHICLE W/O FLAG	MC		225	
41-6a-1607	FAILURE TO EQUIP VEHICLE WITH PARKING LIGHTS	MC		225	
41-6a-1608	OPERATING FARM TRACTORS AND EQUIPMENT W/O PROPER	MC		225	
41-6a-1608(6)(a)	OPERATING FARM EQUIPMENT W/O SLOW-MOVING VEHICLE EMBLEM	MC		225	
41-6a-1609	OPERATING ANIMAL-DRAWN VEHICLE W/O PROPER LIGHTING	MC		225	
41-6a-1610	IMPROPER OPERATION OF SPOTLAMPS	MC		225	
41-6a-1611	HAZARD LIGHT VIOLATION	MC		225	
41-6a-1612	BACK-UP LAMPS VIOLATION	MC		225	

**Juvenile Court Fine Schedule by Offenses**

41-6a-1613(1)(a)	INSUFFICIENT HEADLIGHTS	MC		225	
41-6a-1613(1)(c)	FAILURE TO DIM HEADLIGHTS	MC		225	
41-6a-1616	HIGH INTENSITY BEAMS, UNAUTHORIZED RED, BLUE	MC		225	
41-6a-1618(1)	SALE OR USE OF UNAPPROVED LIGHTING	MC		225	
41-6a-1618(3)	IMPROPER USE OF LAMP MOUNTED ON VEHICLE	MC		225	
41-6a-1619	SALE OF UNAPPROVED EQUIPMENT OR PARTS	MC		225	
41-6a-1623	IMPROPER/NO BRAKES	MC		225	
41-6a-1624	FAILURE TO REPAIR DAMAGED/DEPLOYED	MB		300	
41-6a-1625(1)	IMPROPER USE OF HORNS AND WARNING DEVICES	MC		225	
41-6a-1625(2)	ILLEGAL USE OF SIRENS, BELLS OR WHISTLES ON A	MC		225	
41-6a-1625(4)	UNLAWFUL USE OF HORN (EMERGENCY VEHICLE)	MC		225	
41-6a-1626(1)(b)	OPERATING VEHICLE W/O MUFFLER	MC		225	
41-6a-1626(1)(c)	IMPROPER MUFFLER/NOISE SUPPRESSING SYSTEM	MC		225	
41-6a-1626(2)	VEHICLE EMITTING VISIBLE CONTAMINANTS	MC		225	
41-6a-1626(3)(a)	INOPERABLE AIR POLLUTION DEVICE	MB		300	
41-6a-1626(3)(c)	AIR POLLUTION CONTROL VIOLATION	MB		300	
41-6a-1627	MISSING/INADEQUATE MIRRORS	MC		225	
41-6a-1628(2)	SALE OF UNAPPROVED SEATBELTS	MC		225	
41-6a-1630	IMPROPER VEHICLE ALTERATIONS	MC		225	
41-6a-1631(1)	ILLEGAL VEHICLE ALTERATIONS	MC		225	
41-6a-1631(2)	TIRE VIOLATION - WIDTH	MC		225	
41-6a-1632	DRIVING W/O BUMPERS OR WITH DEFECTIVE BUMPERS	MC		225	
41-6a-1633	DRIVING W/O MUD FLAPS	MC		225	
41-6a-1634	DRIVING W/O SAFETY CHAIN ON TOWED VEHICLE	MC		225	
4-6a-1635(1)(a)-(c)	WINDOW TINT VIOLATION	MC		225	
41-6a-1635(1)(d)	OBSTRUCTION REDUCING VISIBILITY - WINDSHIELD	MC		225	
41-6a-1635(6)	SALE OF VEHICLE WITH IMPROPER WINDOW TINTING	MC		225	
41-6a-1636	DRIVING WITH IMPROPER OR ILLEGAL TIRES	MC		225	

# Juvenile Court Fine Schedule by Offenses

41-6a-1636(8)	SALE OF IMPROPER TIRES	MC		225	
41-6a-1637	USE OF FLARES/FUSES/LANTERNS	MC		225	
41-6a-1638	FAILURE TO USE WARNING SIGNALS	MC		225	
41-6a-1639(2)(b)	TRANSPORTING HAZARDOUS MATERIALS W/O HAZMAT PLACARDS	MC		225	
41-6a-1639(2)(b)	TRANSPORTING HAZARDOUS MATERIALS W/O HAZMAT SAFETY EQUIPMENT	MC		225	
41-6a-1641(1)	OPERATING A VEHICLE WITH VIDEO DISPLAY VISIBLE TO DRIVER	MC		225	
41-6a-1710	FOLLOWING EMERGENCY VEHICLE TOO CLOSELY	INF		150	
41-6a-1712	LITTERING	MC		225	Min \$100 for first offense, \$250 for second. The sentencing judge may require that the offender devote at least eight hours to clean up litter caused by the offender and existing litter from a safe area designated by the judge.
41-6a-1712(1)	ILLEGAL DUMPING	MC		225	Min \$100 for first offense, \$250 for second. The sentencing judge may require that the offender devote at least eight hours to clean up litter caused by the offender and existing litter from a safe area designated by the judge.
41-6a-1712(5)	THROWING LIGHTED MATERIAL FROM VEHICLE	MC		225	Min \$100 for first offense, \$250 for second. The sentencing judge may require that the offender devote at least eight hours to clean up litter caused by the offender and existing litter from a safe area designated by the judge.



**Juvenile Court Fine Schedule by Offenses**

41-22-4	FALSIFYING OHV REGISTRATION DOCUMENTS	MC		225	
41-22-10.1(1)	OPERATING OFF-HIGHWAY VEHICLES ON PUBLIC LAND, STREET, HIGHWAY NOT DESIGNATED AS OPEN	MC		225	Court shall waive \$8 if individual was older than 18 and wearing proper headgear.
41-22-10.2	OPERATING OFF-HIGHWAY VEHICLES ON INTERSTATE FREEWAYS	MC		225	Court shall waive \$8 if individual was older than 18 and wearing proper headgear.
41-22-10.3	OPERATING OFF-HIGHWAY VEHICLE ON STREET OR HIGHWAY NOT DESIGNATED AS OPEN	MC		225	Court shall waive \$8 if individual was older than 18 and wearing proper headgear.
41-22-10.7(1)(a)	OPERATING OFF-HIGHWAY VEHICLE WITHOUT ADEQUATE BRAKES	MC		225	Court shall waive \$8 if individual was older than 18 and wearing proper headgear.
41-22-10.7(1)(b)	OPERATING OFF-HIGHWAY VEHICLE WITHOUT LIGHTS AFTER SUNSET	MC		225	Court shall waive \$8 if individual was older than 18 and wearing proper headgear.
41-22-10.7(1)(c)	OPERATING OFF-HIGHWAY VEHICLE WITHOUT MUFFLER OR SPARK ARRESTER	MC		225	Court shall waive \$8 if individual was older than 18 and wearing proper headgear.
41-22-10.7(1)(d)	OPERATING OFF-HIGHWAY VEHICLE WITHOUT FLAG ON DESIGNATED SANDDUNES	MC		225	Court shall waive \$8 if individual was older than 18 and wearing proper headgear.
41-22-10.8	FAILURE TO USE PROTECTIVE HEADGEAR OFF-HIGHWAY VEHICLE	INF		50 max.	Fine up to \$50.
41-22-12.1	OPERATING A VEHICLE IN EXCESS OF 800 POUNDS ON A MARKED SNOW MOBILE TRAIL	MC		225	Court shall waive \$8 if individual was older than 18 and wearing proper headgear.
41-22-12.2	GIVING PERMISSION TO ANOTHER TO OPERATE VEHICLE ON PUBLIC LAND	MC		225	
41-22-12.5(1)(a)	OPERATE/ACCOMPANY A PERSON OPERATING MOTOR VEHICLE ON PRIVATE LAND	MC		150 max.	Fine not more than \$150; restitution not more than \$500.
41-22-12.5(1)(b)	OPERATOR OF OFF-HIGHWAY VEHICLE ON PRIVATE LAND REFUSE TO LEAVE UPON REQUEST	MC		150 max.	Fine not more than \$150; restitution not more than \$500.
41-22-12.7(2)	UNLAWFUL MOTOR VEHICLE ON PUBLIC/PRIVATE PROPERTY W/IN 2 YRS OR DAMAGES VEGETATION	MB		300	Requires specific mens rea. Fine not more than \$300; restitution not more than \$1000.
41-22-12.7(3)	UNLAWFUL MOTOR VEHICLE USE ON PUBLIC/PRIVATE PROP W/IN 5 YRS	MB		300	Fine not more than \$1000; restitution not more than \$2000.
41-22-12.8	USE OF AN OHV TO VANDALIZE, HARASS	MC		225	

**Juvenile Court Fine Schedule by Offenses**

41-22-29	UNLAWFUL OPERATION OF MOTORCYCLE BY PERSON UNDER 8 YEARS OLD	INF		50 max.	Fine up to \$50.
41-22-30	SUPERVISION, SAFETY CERTIFICATE OR DRIVER LICENSE VIOLATION	INF		100 max.	Fine up to \$100.
41-22-35(4)(g)	FRAUDULENT ISSUANCE OF OHV DECAL	MB		300	
42-3-5	USE OF ALREADY REGISTERED FARM NAME	MU		225	Upon conviction, court may suspend license.
46-1-9	EXECUTING A FALSE OR MATERIALLY INCOMPLETE STATEMENT / PERFORMING NOTARIAL ACT WITH INTENT TO DECEIVE OR DEFRAUD - NOTARY	MB		300	
46-1-11	NON-ATTORNEY NOTARY PROVIDING LEGAL COUNSEL	MB		300	
53-3-202	DRIVING W/O LICENSE	MC		225	Upon conviction, court may suspend license.
53-3-203	OWNER AUTHORIZING ANOTHER TO DRIVE HIS VEHICLE IN VIOLATION OF DRIVER LICENSING ACT	MC		225	Upon conviction, court may suspend license.
53-3-207(2)(b)	DRIVING A CLASS OF MOTOR VEHICLE W/O PRIVILEGE IN THAT CLASS	MC		225	Upon conviction, court may suspend license.
53-3-208	DRIVING IN VIOLATION OF LICENSE RESTRICTIONS	MC		225	Upon conviction, court may suspend license.
53-3-213	DRIVING A BUS W/O PROPER LICENSE	MC		225	Upon conviction, court may suspend license.
53-3-217	DRIVING W/O LICENSE IN POSSESSION	MC		225	May be dismissed upon proof of valid license at time of citation. Upon conviction, court may suspend license.
53-3-221(8)(b)	DRIVING VEHICLE ON A HIGHWAY WHEN LICENSE IS SUSPENDED OR REVOKED -	MC		225	Upon conviction, court may suspend license.
53-3-227(1)	DRIVING VEHICLE WHILE DRIVING PRIVILEGE IS REVOKED OR SUSPENDED	MC			Minimum fine of \$750.
53-3-229(1)	PROHIBITED USE OF LICENSE	MC		225	
53-3-229(3)(a)	ISSUING LICENSE WITH FALSE OR FRAUDULENT INFORMATION	MA	Y	375	
53-3-229(3)(b)	ISSUING LICENSE TO PERSON UNDER 21 NOT DISTINGUISHING LICENSE AS UNDERAGE	MA	Y	375	

**Juvenile Court Fine Schedule by Offenses**

53-3-229(3)(c)	ACQUIRE, USE, DISPLAY A FALSE OR ALTERED DRIVER LICENSE TO PROCURE CIGARETTE, ELECTRONIC CIGARETTE OR TOBACCO	MA	Y	375	
53-3-229(4)	ACQUIRE, USE, DISPLAY A FALSE OR ALTERED DRIVER LICENSE TO PROCURE ALCOHOL, GAIN ADMITTANCE TO PLACE WHERE ALCOHOLIC BEVERAGES OR SOLD OR OBTAIN EMPLOYMENT	MA	Y	375	
53-3-229(5)	ACQUIRE, USE, DISPLAY A FALSE OR ALTERED DRIVER LICENSE IN FURTHERANCE TO FRAUDULENTLY OBTAIN GOODS OR COMMIT A VIOLENT FELONY	F3	Y	500	
53-3-231(2)(a)	UNDER 21 OPERATING VEHICLE OR MOTOR BOAT WITH DETECTABLE ALCOHOL IN BODY - SUBSEQUENT OFFENSE	MB		300	No alcohol conditional license issued upon first offense.
53-3-232	NO ALCOHOL CONDITIONAL LICENSE VIOLATION - OPERATING VEHICLE OR BOAT	MB		300	
53-3-305	MAKING A NOTIFICATION OF IMPAIRED PERSON TO DLD WITH INTENT TO HARASS	MC		225	
53-3-505	ACTING AS A CDL INSTRUCTOR W/O LICENSE	MC		225	
53-3-806.5	FAILURE OF SEX OFFENDER TO MAINTAIN A CURRENT IDENTIFICATION CARD	MA	Y	375	
53-3-810(1)	PROHIBITED USE OF IDENTIFICATION CARD	MC		225	
53-3-810(2)(a)	ISSUING IDENTIFICATION CARD WITH FALSE OR FRAUDULENT INFORMATION	MA	Y	375	
53-3-810(2)(b)	ISSUING IDENTIFICATION CARD TO PERSON UNDER 21 NOT DISTINGUISHING CARD AS UNDERAGE	MA	Y	375	
53-3-810(2)(c)	ACQUIRE, USE, DISPLAY A FALSE OR ALTERED IDENTIFICATION CARD TO PROCURE CIGARETTE, ELECTRONIC CIGARETTE OR TOBACCO	MA	Y	375	

**Juvenile Court Fine Schedule by Offenses**

53-3-810(3)	ACQUIRE, USE, DISPLAY A FALSE OR ALTERED IDENTIFICATION CARD TO PROCURE ALCOHOL, GAIN ADMITTANCE TO PLACE WHERE ALCOHOLIC BEVERAGES OR SOLD OR OBTAIN EMPLOYMENT	MA	Y	375	
53-3-810(4)	ACQUIRE, USE, DISPLAY A FALSE OR ALTERED DRIVER LICENSE IN FURTHERANCE TO FRAUDULENTLY OBTAIN GOODS OR COMMIT A	F3	Y	500	
53-5-704	USING FALSE INFORMATION TO OBTAIN CONCEALED FIREARM PERMIT	MB		300	
53-6-210	VIOLATING SUBPOENA SERVED BY LAW ENFORCEMENT	MB		300	
53-6-308	VIOLATING SUBPOENA SERVED BY LAW ENFORCEMENT	MB		300	
53-7-207	SELLING OR OFFERING FOR SALE NONSTANDARD FIRE FIGHTING EQUIPMENT	MB			Fine of \$25 to \$250, imprisonment for 10 to 60 days, or both. Based on imprisonment, offense should be handled judicially.
53-7-222(1)	UNLAWFUL POSSESSION, DISCHARGE, SALE OR OFFER OF CLASS C DANGEROUS EXPLOSIVE DEVICES	MB		300	
53-7-222(2)	SALE OR OFFER FOR SALE OF UNCLASSIFIED FIREWORKS	MB		300	
53-7-223	PURCHASING, POSSESSING OR DISCHARGING IN PUBLIC DISPLAY FIREWORKS, SPECIAL EFFECTS FIREWORKS, OR FLAME EFFECTS W/O PERMIT	MB		300	
53-7-225	SELLING OR DISCHARGING FIREWORKS ON DATES NOT APPROVED	MB		300	
53-7-225(3)	DISCHARGING FIREWORKS AT TIMES NOT APPROVED	INF		150	
53-7-315(2)	VIOLATING LIQUID PETROLEUM GAS DIVISION RULES	MB		300	Fines increase with subsequent violations.
53-7-315(5)(a)	SELL, FURNISH OR DELIVER LIQUID PETROLEUM GAS FOR STORAGE IN A RED TAGGED	MB		300	Fines increase with subsequent violations.
53-7-315(5)(c)	DESTROY, REMOVE OR OBLITERATE RED TAG ATTACHED TO LIQUID PETROLEUM GAS CONTAINER	MB		300	

**Juvenile Court Fine Schedule by Offenses**

53-8-208	FRAUDULENT VEHICLE SAFETY INSPECTION	MC		225	
53-9-116	PRIVATE INVESTIGATOR DIVULGING INFORMATION OR MAKING FALSE REPORTS	MA	Y	375	
53-10-108(1)(a)	MISUSE OF CRIMINAL RECORDS	MB		300	
53-10-111	REFUSAL TO PROVIDE INFORMATION TO CRIMINAL INVESTIGATORS	MB		300	
53-10-120	FALSE REPRESENTATION AS A BAIL BOND LICENSEE	MA	Y	375	
53A-3-501	POSSESSION/CONSUMPTION OF ALCOHOL AT SCHOOL/SCHOOL ACTIVITY	MB		300	
53C-2-3-1(1)(f)	TRESPASSING ON TRUST LANDS	MB		300	
54-7-26	VIOLATION BY OFFICER/AGENT OF A PUBLIC UTILITY	MA	Y	375	
54-7-28	PUBLIC UTILITY VIOLATION BY INDIVIDUAL	MA	Y	375	
55-5a-3	SELLING PRODUCTS TO HELP VISUALLY IMPAIRED W/O	MB		300	
58-1-501(1)	UNLAWFUL CONDUCT - DOPL LICENSED INDIVIDUAL	MA	Y	375	
58-5a-501	UNLAWFUL CONDUCT - PODIATRIST	MA	Y	375	
58-9-501(1)	UNLAWFUL CONDUCT - FUNERAL SERVICES DIRECTOR	MA	Y	375	
58-9-607(4)	REMOVAL OF ITEMS FROM HUMAN REMAINS	MB		300	
58-15-10	UNLAWFUL CONDUCT - HEALTH FACILITY ADMINISTRATOR	MB		300	
58-16a-503(1)	UNLAWFUL CONDUCT - OPTOMETRIST	F3	Y	500	
58-16a-503(2)	ILLEGAL SALE OF CONTACT LENSES OR ALTERING A PRESCRIPTION	MC		225	
58-28-501	UNLAWFUL CONDUCT - VETERINARIAN	F3	Y	500	
58-31b-501(1)(a)	ACTING AS A NURSE W/O LICENSE	F3	Y	500	
53-31b-503(2)	ACTING AS AN MAC, RN, RNP, OR NS W/O LICENSE	MA	Y	375	
53-31b-503(3)	NURSING - OTHER UNLAWFUL CONDUCT	MB		300	
58-37-7(4)	FAILURE TO KEEP C/S IN ORIGINAL CONTAINER	MB		300	
58-37-7(5)(a)	MIXED CONTROLLED SUBSTANCE IN A CONTAINER	MB		300	

**Juvenile Court Fine Schedule by Offenses**

58-37-8(1)(a)(i)	KNOWINGLY PRODUCE, DISPENSE OR DISTRIBUTE SCHEDULE I or II CONTROLLED SUBSTANCE	F1	Y	600	Court shall suspend minor's driver's license. Imprisonment for indeterminate term. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of a substance abuse prevention or treatment program. If firearm used, Court shall sentence person to at least one additional year, but up to five years consecutively.
58-37-8(1)(a)(ii)	KNOWINGLY PRODUCE, DISPENSE OR DISTRIBUTE SCHEDULE III or IV CONTROLLED SUBSTANCE	F2	Y	550	Court shall suspend minor's driver's license. For Schedule III - Imprisonment for indeterminate term. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of a substance abuse prevention or treatment program. If firearm used, Court shall sentence person to at least one additional year, but up to five years consecutively. For schedule IV - Imprisonment for indeterminate term of at least seven years and up to life.
58-37-8(1)(a)(iii)	KNOWINGLY PRODUCE, DISPENSE OR DISTRIBUTE SCHEDULE V CONTROLLED SUBSTANCE	MA	Y	375	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.

**Juvenile Court Fine Schedule by Offenses**

58-37-8(2)(a)(i)	POSSESSION OR USE OF CONTROLLED SUBSTANCE	MB		300	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37-8(2)(a)(ii)	KNOWINGLY BEING PRESENT WHEN CONTROLLED SUBSTANCE IS USED	MB		300	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37-8(2)(a)(iii)	POSSESSION OF AN ALTERED OR FORGED RX	MB		300	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37-8(2)(b)(i)	POSSESSION OR USE OF A CONTROLLED SUBSTANCE - MARIJUANA 100 LBS OR MORE	F2	Y	550	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37-8(2)(b)(ii)	POSSESSION OR USE OF A CONTROLLED SUBSTANCE - SCHEDULE I OR II DRUG, MARIJUANA 17 OUNCES TO 100 POUNDS	F3	Y	500	Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.

Juvenile Court Fine Schedule by Offenses

58-37-8(2)(b)(iii)	POSSESSION OR USE OF A CONTROLLED SUBSTANCE - MARIJUANA PLANTS 1 TO 16 OUNCES		MA	Y	375	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37-8(2)(d)	POSSESSION OR USE OF A CONTROLLED SUBSTANCE - OTHER OR < 1 OUNCE MARIJUANA		MB		300	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37-8(2)(e)	POSSESSION OF C/S WITHIN CORRECTIONAL FACILITY		MA	Y	375	Court shall suspend minor's driver's license. Degree depends on the drug. Requires sentencing one degree higher than regular possession. May imprison for indeterminate term. Court shall sentence person convicted to one term of five years to run consecutively. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion in an approved substance abuse prevention or treatment program.
58-37-8(2)(f)(i)	C/S IN MINOR'S BODY AND OPERATING VEHICLE CAUSING SERIOUS BODILY INJURY OR DEATH - SCHEDULE I OR II DRUG		F2	Y	550	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37-8(2)(h)(ii)	MEASURABLE AMOUNT OF C/S IN MINOR'S BODY AND OPERATING VEHICLE CAUSING SERIOUS BODILY INJURY OR DEATH - MARIJUANA OR TETRAHYDROCANNABINOLS		F3	Y	500	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.



**Juvenile Court Fine Schedule by Offenses**

58-37-8(2)(h)(iii)	MEASURABLE AMOUNT OF C/S IN MINOR'S BODY AND OPERATING VEHICLE CAUSING SERIOUS BODILY INJURY OR DEATH - SCHEDULE II, IV, OR V DRUG	MA	Y	375	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37-8(3)(i)	USE OF A SUSPENDED OR FICTITIOUS LICENSE IN MANUFACTURING OR DISTRIBUTING C/S	F3	Y	500	Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37-8(3)(ii)	PROCURE /ATTEMPT TO PROCURE C/S PRESCRIPTION BY FRAUD OR MISREPRESENTATION	F3	Y	500	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37-8(3)(iii)	UTTERING FALSE OR FORGED PRESCRIPTION	F3	Y	500	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37-8(3)(iv)	COUNTERFEITING A C/S	F3	Y	500	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37-8(4)(a)(i)	POSSESS/DISTRIBUTE C/S IN/ON SCHOOL GROUNDS	MB		300	Court shall suspend minor's driver's license. Convicted is guilty of one degree more than the maximum penalty prescribed by the offense. Court shall order 20 to 100 hours compensatory service.

**Juvenile Court Fine Schedule by Offenses**

58-37-8(4)(a)(iv)	POSSESS/DISTRIBUTE C/S IN/ON DAYCARE GROUNDS	MB		300	Court shall suspend minor's driver's license. Convicted is guilty of one degree more than the maximum penalty prescribed by the offense. Court shall order 20 to 100 hours compensatory service.
58-37-8(4)(a)(v)	POSSESS/DISTRIBUTE C/S IN PUBLIC PARK OR REC CENTER	MB		300	Court shall suspend minor's driver's license. Convicted is guilty of one degree more than the maximum penalty prescribed by the offense. Court shall order 20 to 100 hours compensatory service.
58-37-8(4)(a)(vi)	POSSESS/DISTRIBUTE C/S IN CHURCH	MB		300	Court shall suspend minor's driver's license. Convicted is guilty of one degree more than the maximum penalty prescribed by the offense. Court shall order 20 to 100 hours compensatory service.
58-37-8(4)(a)(ix)	POSS/DIST CONTROLLED SUBSTANCE W/IN 1000' OF SCHOOL/PUBLIC PARK	MB		300	Court shall suspend minor's driver's license. Convicted is guilty of one degree more than the maximum penalty prescribed by the offense. Court shall order 20 to 100 hours compensatory service.
58-37-8(4)(a)(x)	POSS/DIST CONTROLLED SUBSTANCE IN PRESENCE OF MINOR UNDER 18	MB		300	Court shall suspend minor's driver's license. Convicted is guilty of one degree more than the maximum penalty prescribed by the offense. Court shall order 20 to 100 hours compensatory service.
58-37-8(4)(a)(xi)	POSS C/S WITH IN CORRECTIONAL FACILITY	MB		300	Court shall suspend minor's driver's license. Convicted is guilty of one degree more than the maximum penalty prescribed by the offense. Court shall order 20 to 100 hours compensatory service.

**Juvenile Court Fine Schedule by Offenses**

58-37a-5(1)(a)	USE OR POSSESSION OF DRUG PARAPHERNALIA	MB		300	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37a-5(2)(a)	DELIVER DRUG PARAPHERNALIA FOR USE	MA	Y	375	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37a-5(3)	PERSON UNDER 18 DELIVERING DRUG PARAPHERNALIA TO PERSON UNDER 18 WHO IS 3 OR MORE YEARS YOUNGER	F3	Y	500	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37a-5(4)	ADVERTISING DRUG PARAPHERNALIA	MB		300	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37b-4	MANUFACTURE, DISTRIBUTE OR POSSESS IMITATION C/S	MA	Y	375	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.

# Juvenile Court Fine Schedule by Offenses

58-37b-6	USE IMITATION C/S	MC		225	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37b-7	ADVERTISE IMITATION C/S	MA	Y	375	Court shall suspend minor's driver's license. Court shall order 20 to 100 hours compensatory service which may be credited by satisfactory completion of an approved substance abuse prevention or treatment program.
58-37c-18	ILLEGAL SALE OF CRYSTAL IODINE	MB		300	
58-37c-19	POSSESSION OR SALE OF CRYSTAL IODINE W/O LICENSE	MA	Y	375	
58-37c-19.5(5)	SALE OF IODINE W/O PRESCRIPTION IN A REGULATED TRANSACTION	MB		300	
58-37c-19.5(6)	SALE OR POSSESSION OF IODINE SOLUTION > 1.5% W/O PRESCRIPTION OR PERMIT	MA	Y	375	
58-37c-19.7(1)	POSSESSION OF RED PHOSPHOROUS W/O LICENSE	MA	Y	375	
58-37c-19.9	POSSESSION OF ANHYDROUS AMMONIA	MA	Y	375	
58-37c-20	POSSESSION OF EPHEDRINE, PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE	MA	Y	375	
58-37c-20.5(6)	ILLEGAL RELEASE/MODIFICATION OF PSEUDOEPHEDRINE LOG	MB		300	
58-37c-20.5(7)	PURCHASE EXCESS EPHEDRINE, PSEUDOEPHEDRINE	MB		300	
58-37d-4	CLANDESTINE LAB OPERATION	F2	Y	550	Imprisonment for indeterminate term with three year minimum and fifteen year maximum.

**Juvenile Court Fine Schedule by Offenses**

58-37d-5	CLANDESTINE LAB OPERATION INCLUDING POSSESSION OF FIREARM, USE OF BOOBY TRAP, HAZARDOUS MATERIAL, OPERATING WITHIN 50 FEET OF HOME, SCHOOL, BUSINESS OR CHURCH, PRODUCING ANY AMOUNT OF C/S, LAB WAS FOR COCAINE OR METH	F1	Y	600	If two or more conditions occurred in conjunction with the violation, probation shall not be granted, sentence shall not be suspended, and court shall not enter judgment for a lower category of offense.
58-37f-601	UNLAWFUL RELEASE OF CONTROLLED SUBSTANCE DATABASE INFORMATION	F3	Y	500	
58-41-3	PRACTICING SPEECH-LANGUAGE PATHOLOGY W/O LICENSE	MA	Y	375	
58-44a-301	PRACTICING MIDWIFERY OR HOLDING ONESELF OUT TO BE AN RN W/O LICENSE	F3	Y	500	
58-47b-502	PRACTICING MASSAGE THERAPY W/O LICENSE	MA	Y	375	
58-49-9	ACTING AS A DIETICIAN W/O LICENSE	MB		300	
58-55-501	ENGAGING IN CONSTRUCTION TRADE W/O LICENSE - UNINTENTIONALLY	INF		150	
58-55-501(1)	ENGAGING IN CONSTRUCTION TRADE W/O LICENSE - INTENTIONALLY	MA	Y	375	
58-55-504	OPERATING A CRANE W/O CERTIFICATION	MA	Y	375	
58-56-9.1	ACTING AS A BUILDING INSPECTOR W/O LICENSE	MA	Y	375	
58-57-14(1)(a)	ACTING AS RESPIRATORY CARE PROVIDER W/O LICENSE	F3	Y	500	
58-57-14(1)(b)	PROVIDING TITLE OR INITIALS THAT IMPROPERLY SUGGESTS LICENSING	MA	Y	375	
58-60-110(1)(a)-(b)	ACTING AS A MENTAL HEALTH PROFESSIONAL W/O LICENSE OR OUTSIDE SCOPE OF TRAINING	F3	Y	500	
58-60-110(1)(c)	DISCLOSING OR REFUSING TO DISCLOSE INFORMATION - MENTAL HEALTH PROFESSIONAL	MA	Y	375	
58-61-501(1)-(2)	ACTING AS A PSYCHOLOGIST W/O LICENSE	F3	Y	500	
58-61-501(3)	REPRESENTING ONESELF TO BE PSYCHOLOGIST W/O LICENSE	MA	Y	375	
58-63-501	ACTING AS LICENSED SECURITY PERSONNEL W/O LICENSE	MA	Y	375	

**Juvenile Court Fine Schedule by Offenses**

58-67-501	ACTING AS A MEDICAL DOCTOR W/O LICENSE AND OTHER UNLAWFUL CONDUCT RELATED TO MEDICINE	F3	Y	500	
58-68-501	ACTING AS A OSTEOPATHIC PHYSICIAN W/O LICENSE	F3	Y	500	
58-69-501	ACTING AS A DENTIST W/O LICENSE	F3	Y	500	
58-70a-501(1)(a)	ACTING AS A PHYSICIAN ASSISTANT OUTSIDE OF SCOPE OF TRAINING	F3	Y	500	
58-70a-501(1)(b)-(c)	ACTING AS A PHYSICIAN ASSISTANT W/O SUPERVISION	MA	Y	375	
58-70a-502	ACTING AS A PHYSICIAN ASSISTANT W/O SUPERVISION	MA	Y	375	
58-71-501	FRAUDULENTLY OBTAINING DIPLOMA RELATED TO NEUROPATHIC PHYSICIAN	F3	Y	500	
58-72-501	ACTING AS AN ACCUPUNTURIST W/O LICENSE	F3	Y	500	
58-73-501	ACTING AS A CHIROPRACTOR W/O LICENSE	F3	Y	500	
58-74-501	UNLICENSED COURT REPORTER USING LETTERS THAT INDICATE PERSON IS	MA	Y	500	
58-77-501	ACTING AS DIRECT-ENTRY MIDWIFE W/O LICENSE	MA	Y	500	
58-80a-501	HOLDING ONESELF OUT AS CERTIFIED MEDICAL LANGUAGE INTERPRETER W/O CERTIFICATION	MA	Y	500	
59-1-403(1)	RELEASE OF CONFIDENTIAL TAX INFORMATION	MA	Y	500	
59-1-404(10)(a)	RELEASE OF CONFIDENTIAL TAX INFORMATION BY APPRAISER	MA	Y	500	
59-7-535	DOING BUSINESS UNDER A FORFEITED CORPORATION	MB		300	Fine of \$250 minimum, 50 days imprisonment. Sentence may include imprisonment.
59-14-203	MANUFACTURING, IMPORTING, DISTRIBUTING, SELLING OR OFFERING TO SELL CIGARETTES W/O LICENSE	MB		300	
59-14-208	INHIBITING CIGARETTE INSPECTION	MB		300	
59-14-209	WILLFUL VIOLATION OF CIGARETTE STAMPING AND PACKAGING REQUIREMENTS	F3	Y	500	

**Juvenile Court Fine Schedule by Offenses**

59-14-211	SALE OR POSSESSION OF PROHIBITED CIGARETTES	MB		300	Subject to fines and imprisonment depending on value of the number of cartons of cigarettes.
59-14-212	FAILURE TO REPORT IMPORTED CIGARETTES	MB		300	
59-14-507	FAILURE TO LABEL SMOKELESS TOBACCO PRODUCTS	MB		300	
59-14-604	STAMPING, SELLING OR IMPORTING UNAUTHORIZED CIGARETTES	MB		300	
61-1-16	MAKING FALSE STATEMENTS REGARDING SECURITIES	F3	Y	500	
61-1-21(1)	SECURITIES LAW VIOLATION	F3	Y	500	
61-1-21(2)	SECURITIES FRAUD	F3	Y	500	Punishable by imprisonment for an indeterminate term of at least 3 years and up to 15 years if the violation was willful, the value of the thing sought was \$10000 or more, and the person knew he was accepting money from home equity, retirement, or he was exercising undue influence, or person was a vulnerable adult.
61-2c-301	PROHIBITED CONDUCT BY A MORTGAGE LENDER	MA	Y	375	
61-2f-201	REAL ESTATE AGENT ACTING W/O LICENSE	MA	Y	375	First offense - imprisonment for up to six months. Second or subsequent offense - imprisonment for up to two years.
61-2f-403	MISHANDLING OF TRUST MONEY	MA	Y	375	First offense - imprisonment for up to six months. Second or subsequent offense - imprisonment for up to two years.
61-2g-301	REAL ESTATE APPRAISER ACTING W/O LICENSE	MA	Y	375	
62A-15-622	ABDUCTION OF MENTAL HEALTH PAT	MB		300	
62A-15-623	ESCAPING A MENTAL HOSPITAL	MA	Y	375	
62A-3-305(1)	FAIL TO REPORT SUSPECTED ABUSE/NEGLECT/EXPLOITATION OF VULNERABLE ADULT	MB		300	
63A-3-208	PROVIDING CONFIDENTIAL INFORMATION OR UNAUTHORIZED NOTICE OF A	MB		300	

**Juvenile Court Fine Schedule by Offenses**

63A-3-305(4)	FAILURE TO REPORT SUSPECTED ABUSE, NEGLECT OR EXPLOITATION OF	MB		300	
63A-3-305(5)	THREATENING, INTIMIDATING OR ATTEMPTING TO INTIMIDATE A VULNERABLE ADULT INVOLVED IN AN APS INVESTIGATION	MB		300	
62A-4a-411	FAILURE TO REPORT SUSPECTED ABUSE OR	MB		300	
62A-4a-501(2)	FAILURE TO REPORT RUNAWAY	MB		300	
62A-5-205(3)(a)	HEALTH INSURANCE CONTRACT VIOLATION	INF		150	
62A-5-501	MAKING OF KEY TO A PUBLIC BUILDING W/O PERMISSION	MU		225	
62A-5b-106(1)	INTERFERING WITH RIGHTS OF A DISABLED PERSON	MC		225	
62A-5b-106(2)	MISREPRESENT SERVICE ANIMAL	MB		300	
62A-5b-106(2)	MISREPRESENT A MATERIAL FACT TO HEALTHCARE PROVIDER TO OBTAIN A SERVICE ANIMAL	MB		300	
62A-15-620	ATTEMPT TO COMMIT PERSON TO MENTAL HEALTH HOSPITAL CONTRARY TO	MB		300	
62A-15-621	TRESPASSING AT A MENTAL HEALTH HOSPITAL OR	MB		300	
62A-15-622	ABDUCTION OF MENTAL HEALTH PATIENT FROM HOSPITAL	MB		300	
62A-15-623	ESCAPING A MENTAL HOSPITAL	MA	Y	375	
62A-15-643	RELEASING MENTAL HEALTH INFORMATION	MB		300	
62A-15-707	RELEASING DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH	MB		300	
62A-5-501	MAKING OF KEY TO A PUBLIC BUILDING W/O PERMISSION	MU		225	
62A-12-105	MUTILATING, DESTROYING OR DAMAGING RECORD-COPY OF PUBLIC RECORD	MB		300	
63A-5-205(3)(a)	HEALTH INSURANCE CONTRACT VIOLATION	INF		150	
63A-9-601(3)	OPERATING VEHICLE W/O PROPER DESIGNATION	INF		150	
63C-9-403(2)	CIRCUMVENTING CONTRACT FOR HEALTH INSURANCE - EXECUTIVE DIRECTOR	INF		150	
63G-504(4)(a)	BID SECURITY OR DIRECTED SURETYSHIP VIOLATION	INF		150	
63G-6-505(2)(a)	SEEKING BOND NOT REQUIRED	INF		150	



**Juvenile Court Fine Schedule by Offenses**

63G-12-211	ALTERING OR FURNISHING FALSE OR FORGED	MB		300	
63K-2-202(5)	RELEASE OF INFORMATION UNDER ENERGY EMERGENCY ACT	MA	Y	375	
63K-4-201	FRAUD OR MISREPRESENTATION IN APPLICATION FOR DISASTER RELIEF	U		500	Fine of up to \$5000, imprisonment up to one year, or both.
63M-7-510(2)	FRAUDULENT CRIME VICTIM REPARATIONS CLAIM	MB		300	
65A-3-1(1)(a)	UNAUTHORIZED REMOVAL/EXTRACTION/USE OF STATE LAND THAT CONSUMES OR DESTROYS	MB		300	
65A-3-1(1)(b)	UNAUTHORIZED GRAZING LIVESTOCK ON STATE LAND	MB		300	
65A-3-1(1)(c)	UNAUTHORIZED USE, OCCUPATION, OR CONSTRUCTION ON STATE LANDS	MB		300	
65A-3-1(1)(f)	APPROPRIATE, ALTER, DESTROY HISTORIC, ARCHEOLOGICAL OR PALEONTOLOGICAL MONUMENTS OR STRUCTURES	MB		300	
65A-3-1(1)(g)	CAMPING ON AN UNDESIGNATED NAVIGABLE	MB		300	
65A-3-1(1)(h)	PARKING OR OPERATING VEHICLE ON NAVIGABLE LAKE OR RIVER BED NOT OPEN FOR USE	MB		300	
65A-3-1(2)	VIOLATING BEAR LAKE CAMPING OR PICNICKING RULES	MC		225	
65A-3-2	PROHIBITED ACTS ON STATE LANDS	MB		300	
65A-14-301	ECONOMIC BENEFITS OF BIOPROSPECTING DENIED (CRIMINAL TRESPASS)	MB		300	Court may order restitution.
72-6-107.5(2)	CIRCUMVENTING CONTRACT FOR HEALTH INSURANCE -	INF		150	
72-6-114	FAILURE TO OBSERVE BARRICADE, LIGHT SIGN, CONE OR FLAGMAN	MB		300	
72-7-301	DAMAGE TO HIGHWAY	MB		300	Liabe for damages.
72-7-302(1)	DAMAGE TO SIGNS, WARNINGS, OR BARRIERS	MB		300	Liabe for damages.
72-7-303	ESCAPING WATER TO INJURE ROADWAY	MB		300	
72-7-304	INJURY TO TREES ON HIGHWAY	MB		300	Liabe for treble damages.
72-7-306	DRIVING ANIMALS OVER LIMITED HIGHWAY	MB		300	Liabe for damages.
72-7-404	VIOLATING VEHICLE WEIGHT LIMITATIONS	MB		300	
72-7-406	DRIVING VEHICLE OVER WEIGHT LIMIT W/O PERMIT	MB		300	

**Juvenile Court Fine Schedule by Offenses**

72-7-407	ESCORT VEHICLE REQUIREMENT VIOLATIONS	MB		300	
72-7-408	VIOLATING HIGHWAY RESTRICTIONS	MB		300	
72-7-409	FAILURE TO FASTEN LOAD	MB		300	1st violation - minimum \$100. 2nd or subsequent violation - minimum \$250. Violation with a commercial vehicle increases fines.
72-7-503	ADVERTISING ON A HIGHWAY W/O PERMIT	MB		300	
72-7-509 to 510.5	VIOLATING ADVERTISING RESTRICTIONS	MB		300	
72-9-701	UNLAWFUL CONDUCT - MOTOR CARRIER	MB		300	
72-9-112	FAILURE TO REGISTER AIRCRAFT	MB		300	
72-10-501(1)	FLYING UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR WITH UNSAFE BLOOD OR BREATH ALCOHOL	MB		300	
72-10-501(1)	FLYING UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR WITH UNSAFE BLOOD OR BREATH ALCOHOL - INFLECTING BODILY INJURY AS A RESULT	MA	Y	375	
72-11-215	RIDE OR USE PASSENGER ROPEWAY ENDANGERING LIFE AND SAFETY OF	MA	Y	375	
73-1-14	INTERFERE WITH WATERWORKS OR APPORTIONMENT	MB		300	
73-1-15	OBSTRUCTING CANALS OR WATERCOURSES	MB		300	
73-2-27	DIVISION OF WATER RIGHTS VIOLATION - VALUE OF WATER	MB		300	
73-18-7.1	FRAUDULENT APPLICATION FOR BOAT REGISTRATION OR CERTIFICATE OF TITLE	F3	Y	500	
73-18-7.2	FALSIFIED REGISTRATION OR CERTIFICATE OF TITLE	F3	Y	500	
73-18-7.3	NO REGISTRATION IN VEHICLE WHILE OPERATING	MB		300	Dismissed upon proof of registration
73-18-8(1)(a)	INSUFFICIENT APPROVED PERSONAL FLOTATION DEVICES	MB		10	\$10 fine per individual.
73-18-8(4)	NON-APPROVED OR INADEQUATE NUMBER OF FIRE EXTINGUISHERS	MB		10	\$10 fine per individual.
73-18-12	OPERATING NONMOTORIZED VESSEL OR WATER SKIS IN DISREGARD FOR SAFETY OF OTHERS	MB		300	
73-18-13	PROVIDING FALSE INFORMATION IN AN ACCIDENT REPORT	MA	Y	375	

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73-18-13.1(2)	ACCIDENT INVOLVING PROPERTY DAMAGE	MB		300	
73-18-15.5	AUTHORIZING DRIVING A VESSEL IN VIOLATION OF LAW	MC		225	
73-18-20(2)	FAILURE TO COMPLY W/POLICE (BOATING)	MB		300	
73-18-20.3	FALSIFIED IDENTIFICATION OR ENGINE NUMBER	F3	Y	500	
73-18-20.7	UNAUTHORIZED CONTROL OF VESSEL	MA	Y	375	
73-18a-2	LITTERING AND POLLUTION OF WATER OR LANDS	MB		300	Minimum fine of \$100 for each violation.
73-18a-3	DISCHARGE OF HUMAN WASTE INTO WATERS	MB		300	
73-18c-302	OPERATING VESSEL W/O INSURANCE	MB		300	
73-18c-304	NO PROOF OF OWNER/OPERATOR SECURITY (INSURANCE) ON VESSEL	MB		300	Dismissed upon proof of valid insurance at time of violation.
73-18c-308	PROVIDING FALSE PROOF OF INSURANCE	MB		300	
76-4-102(1)(a)	ATTEMPT TO COMMIT CAPITAL FELONY OR FELONY PUNISHABLE BY IMPRISONMENT FOR LIFE W/O PAROLE	F1	Y	600	
76-4-102(1)(b)	ATTEMPTED F1	F2	Y	550	
76-4-102(1)(c)(i)	ATTEMPTED MURDER	F1	Y	600	
76-4-102(1)(c)(ii)	ATTEMPTED CHILD KIDNAPPING	F1	Y	600	
76-4-102(1)(c)(iii)	ATTEMPTED FELONIES UNDER UTAH CODE § 76-5-4	F1	Y	600	
76-4-102(1)(d)(i)	ATTEMPTED RAPE OF A CHILD	F1	Y	600	
76-4-102(1)(d)(ii)	ATTEMPTED OBJECT RAPE OF A CHILD	F1	Y	600	
76-4-102(1)(d)(iii)	ATTEMPTED SODOMY ON A CHILD	F1	Y	600	
76-4-102(1)(e)	ATTEMPTED F2	F3	Y	500	
76-4-102(1)(f)	ATTEMPTED F3	MA	Y	375	
76-4-102(1)(g)	ATTEMPTED MA	MB		300	
76-4-102(1)(h)	ATTEMPTED MB	MC		225	
76-4-202(1)	CONSPIRACY TO COMMIT CAPITAL FELONY	F1	Y	600	
76-4-202(2)	CONSPIRACY TO COMMIT F1	F2	Y	550	
76-4-202(2)	CONSPIRACY TO COMMIT CHILD KIDNAPPING	F1	Y	600	
76-4-202(2)	CONSPIRACY TO COMMIT FELONY UNDER UTAH CODE § 76-5-4	F1	Y	600	
76-4-202(3)	ATTEMPTED F2	F3	Y	500	
76-4-202(4)	ATTEMPTED F3	F2	Y	550	
76-4-202(5)	ATTEMPTED MA	MB		300	

Juvenile Court Fine Schedule by Offenses

76-4-202(6)	ATTEMPTED MB	MC			225
76-4-204(1)(a)	CRIMINAL SOLICITATION TO COMMIT CAPITAL FELONY OR FELONY PUNISHABLE BY IMPRISONMENT FOR LIFE W/O PAROLE	F1	Y	600	
76-4-204(1)(b)	CRIMINAL SOLICITATION TO COMMIT F1	F2	Y	550	
76-4-204(1)(c)(i)	CRIMINAL SOLICITATION TO COMMIT MURDER	F1	Y	600	
76-4-204(1)(c)(ii)	CRIMINAL SOLICITATION TO COMMIT CHILD KIDNAPING	F1	Y	600	
76-4-204(1)(c)(iii)	CRIMINAL SOLICITATION TO COMMIT FELONY UNDER UTAH CODE § 76-5-4	F1	Y	600	
76-4-204(1)(d)(i)	CRIMINAL SOLICITATION TO COMMIT RAPE OF A CHILD	F1	Y	600	
76-4-204(1)(d)(ii)	CRIMINAL SOLICITATION TO COMMIT OBJECT RAPE OF A CHILD	F1	Y	600	
76-4-204(1)(d)(iii)	CRIMINAL SOLICITATION TO COMMIT SODOMY OF A CHILD	F1	Y	600	
76-4-204(1)(c)	CRIMINAL SOLICITATION TO COMMIT F2	F3	Y	500	
76-4-204(1)(d)	CRIMINAL SOLICITATION TO COMMIT F3	MA	Y	375	
76-4-401(4)(a)	ENTICEMENT OF A MINOR WITH INTENT TO COMMIT F1	F2	Y	550	
76-4-401(4)(b)	ENTICEMENT OF A MINOR WITH INTENT TO COMMIT F2	F3	Y	500	
76-4-401(4)(c)	ENTICEMENT OF A MINOR WITH INTENT TO COMMIT F3	MA	Y	375	
76-4-401(4)(d)	ENTICEMENT OF A MINOR WITH INTENT TO COMMIT MA	MB		300	
76-4-401(4)(e)	ENTICEMENT OF A MINOR WITH INTENT TO COMMIT MB	MC		225	
76-5-102(1)	ASSAULT	MB		300	
76-5-102(1)	ASSAULT W/ SUBSTANTIAL BODILY INJURY OR PREGNANT VICTIM	MA	Y	375	
76-5-102.3	ASSAULT AGAINST SCHOOL EMPLOYEE	MA	Y	375	
76-5-102.4	ASSAULT AGAINST A POLICE OFFICER OR MILITARY IN UNIFORM	MA	Y	375	Imprisonment for 90 days consecutively for 2nd offense, 180 days consecutively for each subsequent offense.
76-5-102.4	ASSAULT AGAINST A POLICE OFFICER OR MILITARY IN UNIFORM - SUBSEQUENT VIOLATION	F3	Y	500	

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76-5-102.5	ASSAULT BY A PRISONER	F3	Y	500	
76-5-102.6(1)	PROPELLING SUBSTANCE OR OBJECT AT CORRECTIONAL OFFICER	MA	Y	375	
76-5-102.6(2)	PROPELLING SUBSTANCE OR OBJECT AT CORRECTIONAL OFFICER - BLOOD, URINE, FECAL MATTER, OR AIDS/HEP INFECTED SALIVA AND OBJECT/SUBSTANCE COMES INTO CONTACT WITH OFFICER'S FACE OR AN OPEN WOUND	F3	Y	500	
76-5-102.7	ASSAULT ON HEALTH CARE PROVIDER	MA	Y	375	
76-5-102.8	DISARMING A PEACE OFFICER - FIREARM	F1	Y	600	
76-5-102.8	DISARMING A PEACE OFFICER - TASER	F3	Y	500	
76-5-103(1)	AGGRAVATED ASSAULT	F3	Y	500	
76-5-103(2)(b)	AGGRAVATED ASSAULT RESULTING IN SERIOUS BODILY INJURY	F2	Y	550	
76-5-103.5	AGGRAVATED ASSAULT BY PRISONER	F2	Y	550	
76-5-103.5	AGGRAVATED ASSAULT BY PRISONER WITH INTENTIONAL SERIOUS BODILY INJURY	F1	Y	600	
76-5-105	MAYHEM	F2	Y	550	
76-5-106	HARASSMENT	MB		300	
76-5-106.5(6)	STALKING	MA	Y	375	
76-5-106.5(6)(b)	VIOLATION OF STALKING INJUNCTION	MA	Y	375	
76-5-106.5(7)	STALKING - SUBSEQUENT OFFENSE	F3	Y	500	
76-5-106.5(8)	STALKING WITH DANGEROUS WEAPON, TWO OR MORE PREVIOUS STALKING OFFENSES, TWO OR MORE PREVIOUS FELONY OFFENSES	F2	Y	550	
76-5-106.5(13)	VIOLATION OF CRIMINAL STALKING INJUNCTION	F3	Y	500	
76-5-107	THREAT OF VIOLENCE	MB		300	
76-5-107.3(1)(a)	THREAT OF TERRORISM - WEAPON OF MASS DESTRUCTION	F2	Y	550	
76-5-107.3(1)(b)(i)	THREAT OF TERRORISM - INTENT TO INTIMIDATE A CIVILIAN POPULATION OR CONDUCT OF GOVERNMENT	F2	Y	550	
76-5-107.3(1)(b)(ii)	THREAT OF TERRORISM - INTERRUPT OPERATION OF A BUILDING	F3	Y	500	

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76-5-107.3(1)(b)(ii)	THREAT OF TERRORISM - CAUSE ACTION OF ORGANIZATION DEALING WITH EMERGENCIES	F3	Y	500	
76-5-107.5(1)	HAZING	MB		300	
76-5-107.5(3)(b)	HAZING USING A MOTOR VEHICLE, DRUGS OR ALCOHOL	MA	Y	375	
76-5-107.5(3)(c)	HAZING INVOLVING A DANGEROUS WEAPON	F3	Y	500	
76-5-107.5(d)	HAZING RESULTING IN SERIOUS BODILY INJURY	F3	Y	500	
76-5-107.5(e)	HAZING USING A DANGEROUS WEAPON AND RESULTING IN SERIOUS BODILY INJURY	F2	Y	550	
76-5-108	VIOLATION OF PROTECTIVE ORDER	MA	Y	375	
76-5-109(2)(a)	CHILD ABUSE - INFLICT SERIOUS PHYSICAL INJURY ON A CHILD - INTENTIONAL	F2	Y	550	
76-5-109(2)(b)	CHILD ABUSE - INFLICT SERIOUS PHYSICAL INJURY - RECKLESS	F3	Y	500	
76-5-109(2)(c)	CHILD ABUSE - INFLICT SERIOUS PHYSICAL INJURY ON A CHILD - CRIMINAL NEGLECTANCE	MA	Y	375	
76-5-109(3)(a)	CHILD ABUSE INFLICT PHYSICAL INJURY OR ALLOW ANOTHER TO DO SO - INTENTIONAL OR KNOWING	MA	Y	375	
76-5-109(3)(b)	CHILD ABUSE INFLICT PHYSICAL INJURY OR ALLOW ANOTHER TO DO SO -	MB		300	
76-5-109(3)(c)	CHILD ABUSE INFLICT PHYSICAL INJURY OR ALLOW ANOTHER TO DO SO - CRIMINAL NEGLECTANCE	MC		225	
76-5-109(4)(a)	CHILD ABANDONMENT	F3	Y	500	
76-5-109(4)(b)	CHILD ABANDONMENT RESULTING IN SERIOUS PHYSICAL INJURY OR BENEFITTING THE PERSON	F2	Y	550	
76-5-109.1(2)(a)-(b)	COMMISSION OF DV IN PRESENCE OF A CHILD - COMMISSION OR ATTEMPTED HOMICIDE, RESULTING IN SERIOUS BODILY INJURY, OR USING A DANGEROUS WEAPON	F3	Y	500	
76-5-109.1(2)(a)-(b)	COMMISSION OF DV IN PRESENCE OF A CHILD	MB		300	
76-5-110	ABUSE OR NEGLECT OF A DISABLED CHILD	F3	Y	500	

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76-5-111(2)(i)	ABUSE OR NEGLECT OF A VULNERABLE ADULT LIKELY TO PRODUCE DEATH OR SERIOUS PHYSICAL INJURY - INTENTIONAL OR KNOWING	F2	Y	550	
76-5-111(2)(ii)	ABUSE OR NEGLECT OF A VULNERABLE ADULT LIKELY TO PRODUCE DEATH OR SERIOUS PHYSICAL INJURY - RECKLESS	F3	Y	500	
76-5-111(2)(iii)	ABUSE OR NEGLECT OF A VULNERABLE ADULT LIKELY TO PRODUCE DEATH OR SERIOUS PHYSICAL INJURY - CRIMINAL NEGLIGENCE	MA	Y	375	
76-5-111(3)(i)	ABUSE OR NEGLECT OF A VULNERABLE ADULT - INTENTIONAL OR KNOWING	MA	Y	375	
76-5-111(3)(ii)	ABUSE OR NEGLECT OF A VULNERABLE ADULT - RECKLESS	MB		300	
76-5-111(3)(iii)	ABUSE OR NEGLECT OF A VULNERABLE ADULT - CRIMINAL NEGLIGENCE	MC		225	
76-5-111(4)(i)	EXPLOITATION OF A VULNERABLE ADULT - INTENTIONAL OR KNOWING AND EXCEEDING \$5000	F2	Y	550	
76-5-111(4)(ii)	EXPLOITATION OF A VULNERABLE ADULT - RECKLESS	MA	Y	375	
76-5-111(4)(iii)	EXPLOITATION OF A VULNERABLE ADULT - CRIMINAL NEGLIGENCE	MB		300	
76-5-111.1(4)	FAILURE TO REPORT ABUSE, NEGLECT OR EXPLOITATION OF A VULNERABLE ADULT	MB		300	
76-5-112	RECKLESS ENDANGERMENT	MA	Y	375	
76-5-113(2)(a)	ENDANGERMENT OF A CHILD OR VULNERABLE ADULT - KNOWING OR INTENTIONAL EXPOSURE TO C/S OR DRUG PARAPHERNALIA	F3	Y	500	
76-5-113(2)(b)	ENDANGERMENT OF A CHILD OR VULNERABLE ADULT - KNOWING OR INTENTIONAL EXPOSURE TO C/S OR DRUG PARAPHERNALIA RESULTING IN SUBSTANTIAL BODILY INJURY	F2	Y	550	

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76-5-113(2)(c)	ENDANGERMENT OF A CHILD OR VULNERABLE ADULT - KNOWING OR INTENTIONAL EXPOSURE TO C/S OR DRUG PARAPHERNALIA RESULTING IN DEATH	F1	Y	600	
76-5-113(3)(a)	SURREPTICIOUS ADMINISTRATION OF POISONOUS SUBSTANCE	F2	Y	550	
76-5-113(3)(b)	SURREPTICIOUS ADMINISTRATION OF C/S OR PRESCRIPTION DRUG	F3	Y	500	
76-5-113(3)(c)	SURREPTICIOUS ADMINISTRATION OF DELETERIOUS SUBSTANCE OR ALCOHOL	MA	Y	375	
76-5-202	AGGRAVATED MURDER	F1	Y	600	
76-5-203	MURDER	F1	Y	600	
76-5-205	MANSLAUGHTER	F2	Y	550	
76-5-206	NEGLIGENT HOMICIDE	MA	Y	375	
76-5-207	AUTOMOBILE HOMICIDE	F3	Y	500	Lifetime Alcohol Restricted Driver
76-5-207.5	AUTOMOBILE HOMICIDE INVOLVING TEXT OR EMAIL WHILE DRIVING	F2	Y	550	
76-5-208(1)(a)	CHILD ABUSE HOMICIDE - RECKLESS	F1	Y	600	
76-5-208(1)(b)-(c)	CHILD ABUSE HOMICIDE - CRIMINAL NEGLIGENCE OR INTENTIONAL/KNOWING	F2	Y	550	
76-5-209	HOMICIDE BY ASSAULT	F3	Y	500	
76-5-301	KIDNAPPING	F2	Y	550	
76-5-301.1	CHILD KIDNAPPING	F1	Y	600	
76-5-302	AGGRAVATED KIDNAPPING	F1	Y	600	
76-5-303	CUSTODIAL INTERFERENCE	MB		300	
76-5-304(1)	UNLAWFUL DETENTION	MB		300	
76-5-304(2)	UNLAWFUL DETENTION OF A MINOR	MB		300	
76-5-309(1)	HUMAN TRAFFICKING FOR FORCED LABOR OR SEXUAL EXPLOITATION	F2	Y	550	
76-5-309(2)	HUMAN SMUGGLING OF 1 OR MORE PEOPLE FOR PROFIT	F3	Y	500	
76-5-309(4)(a)	FINANCIAL BENEFIT FROM HUMAN TRAFFICKING	F2	Y	550	
76-5-309(4)(b)	FINANCIAL BENEFIT FROM	F3	Y	500	
76-5-310(1)	AGGRAVATED HUMAN TRAFFICKING	F1	Y	600	
76-5-310(1)	AGGRAVATED HUMAN SMUGGLING	F1	Y	600	
76-5-401	UNLAWFUL SEXUAL ACTIVITY WITH A MINOR	F3	Y	500	
76-5-401.1	SEXUAL ABUSE OF A MINOR	MA	Y	375	



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76-5-401.2(2)(a)-(b)	UNLAWFUL SEXUAL CONDUCT WITH A 16 OR 17 YEAR OLD - SEXUAL INTERCOURSE, SEXUAL ACT OR PENETRATION	F3	Y	500	
76-5-401.2(2)(c)	UNLAWFUL SEXUAL CONDUCT WITH A 16 OR 17 YEAR OLD - TOUCHING	MA	Y	375	
76-5-402	RAPE	F1	Y	600	
76-5-402.1	RAPE OF A CHILD	F1	Y	600	
76-5-402.2	OBJECT RAPE	F1	Y	600	
76-5-402.3	OBJECT RAPE OF A CHILD	F1	Y	600	
76-5-403(1)	SODOMY	MB		300	
76-5-403(2)	FORCIBLE SODOMY	F1	Y	600	
76-5-403.1	SODOMY ON A CHILD	F1	Y	600	
76-5-404(2)(a)	FORCIBLE SEXUAL ABUSE	F2	Y	550	
76-5-404(2)(b)	FORCIBLE SEXUAL ABUSE CAUSING SERIOUS BODILY INJURY	F1	Y	600	
76-5-404.1(3)	SEXUAL ABUSE OF A CHILD	F2	Y	550	
76-5-404.1(4)	AGGRAVATED SEXUAL ABUSE OF A CHILD	F1	Y	600	
76-5-405	AGGRAVATED SEXUAL ASSAULT	F1	Y	600	
76-5-412(2)(a)	CUSTODIAL SEXUAL RELATIONS	F3	Y	500	
76-5-412(2)(a)	CUSTODIAL SEXUAL RELATIONS WITH PERSON	F2	Y	550	
76-5-412(4)(a)	CUSTODIAL SEXUAL MISCONDUCT	MA	Y	375	
76-5-412(4)(a)	CUSTODIAL SEXUAL MISCONDUCT WITH PERSON	F3	Y	500	
76-5-413(2)(a)	CUSTODIAL SEXUAL RELATIONS OR MISCONDUCT WITH YOUTH RECEIVING STATE SERVICES	F3	Y	500	
76-5-413(2)(a)	CUSTODIAL SEXUAL RELATIONS OR MISCONDUCT WITH YOUTH RECEIVING STATE SERVICES WITH	F2	Y	550	
76-5b-201	SEXUAL EXPLOITATION OF A MINOR	F2	Y	550	
76-5b-202	SEXUAL EXPLOITATION OF A VULNERABLE ADULT	F3	Y	500	
76-6-102(1)	ARSON WITH INTENT TO DEFRAUD	F2	Y	550	
76-6-102((1)(b)	ARSON OF PROPERTY OF ANOTHER WITH DAMAGE \$5000+ OR CAUSING SERIOUS BODILY INJURY	F2	Y	550	
76-6-102(1)(b)	ARSON OF PROPERTY OF ANOTHER WITH DAMAGE \$1500 TO \$4999, SUBSTANTIAL BODILY INJURY OR ENDANGERING HUMAN LIFE	F3	Y	500	
76-6-102(1)(b)	ARSON WITH DAMAGE \$500 TO \$1499	F2	Y	550	

**Juvenile Court Fine Schedule by Offenses**

76-6-102(1)(b)	ARSON WITH DAMAGE > \$500	MB		300	
76-6-103	AGGRAVATED ARSON	F1	Y	600	
76-6-104	RECKLESS BURNING - OTHER	INF		150	
76-6-104(1)(a)-(b)	RECKLESS BURNING - ENDANGERING HUMAN LIFE OR FAILING TO TAKE MEASURES TO PUT IT OUT	MA	Y	375	
76-6-104(1)(c)	RECKLESS BURNING - FAILING TO REMOVE FLAMMABLE MATERIALS	MB		300	
76-6-104(1)(d)	RECKLESS BURNING - DAMAGE TO PROPERTY OF ANOTHER > \$1500	MA	Y	375	
76-6-104(1)(d)	RECKLESS BURNING - DAMAGE TO PROPERTY OF ANOTHER \$500 TO \$1499	MB		300	
76-6-104(1)(d)	RECKLESS BURNING - DAMAGE TO PROPERTY OF ANOTHER \$150 TO \$499	MC		225	
76-6-104.5(3)(a)	ABANDONED FIRE - NO DAMAGE	MC		225	
76-6-104.5(3)(b)	ABANDONED FIRE - PROPERTY DAMAGE < \$1000	MB		300	
76-6-104.5(3)(c)	ABANDONED FIRE - PROPERTY DAMAGE > \$1000	MA	Y	375	
76-6-105(2)(a)	CAUSING A CATASTROPHE - KNOWING AND WITH USE OF WMD	F1	Y	600	
76-6-105(2)(b)	CAUSING A CATASTROPHE - KNOWING W/O WMD	F2	Y	550	
76-6-105(2)(b)	CAUSING A CATASTROPHE KNOWING - RECKLESS	MA	Y	375	Upon conviction, Court must order that defendant pay expenses unless court finds reimbursement to be inappropriate.
76-6-106(2)(a)	CRIMINAL MISCHIEF - DESTROY PROPERTY TO DEFRAUD INSURER	F3	Y	500	If the offense involves graffiti, the court MAY order the minor to clean up any graffiti for 8 hours on a first adjudication, for 16 hours on a second adjudication, or for 24 hours on a third adjudication. The court MAY also order alternative forms of restitution or repair to the damaged property. The minor or the minor's parents SHALL be responsible for removal costs.

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76-6-106(2)(b)(i)(A)	CRIMINAL MISCHIEF - RECKLESS ENDANGERMENT OF HUMAN LIFE	MA	Y	375	If the offense involves graffiti, the court MAY order the minor to clean up any graffiti for 8 hours on a first adjudication, for 16 hours on a second adjudication, or for 24 hours on a third adjudication. The court MAY also order alternative forms of restitution or repair to the damaged property. The minor or the minor's parents SHALL be responsible for removal costs.
76-6-106(2)(b)(i)(B)	CRIMINAL MISCHIEF - RECKLESS ENDANGERMENT OF HUMAN HEALTH OR SAFETY	MB		300	If the offense involves graffiti, the court MAY order the minor to clean up any graffiti for 8 hours on a first adjudication, for 16 hours on a second adjudication, or for 24 hours on a third adjudication. The court MAY also order alternative forms of restitution or repair to the damaged property. The minor or the minor's parents SHALL be responsible for removal costs.
76-6-106(2)(b)(ii)	CRIMINAL MISCHIEF - RECKLESS INTERRUPTION OF CRITICAL INFRASTRUCTURE	F2	Y	550	All felonies and class A misdemeanors require a mandatory court appearance.
76-6-106(2)(c)	CRIMINAL MISCHIEF - INTENTIONAL DAMAGE, DEFACE, DESTROY PROPERTY	MB		300	Enhanceable offense based on value of damages. If the offense involves graffiti, the court may require the minor to clean up the graffiti and may also order alternative forms of restitution or repair to the damaged property. The minor or the minor's legal guardian shall be responsible for removal costs.

**Juvenile Court Fine Schedule by Offenses**

76-6-106(2)(d)	CRIMINAL MISCHIEF - RECKLESSLY SHOOT OR PROPEL MISSILE	MB		300	Enhanceable offense based on value of damages. If the offense involves graffiti, the court may require the minor to clean up the graffiti and may also order alternative forms of restitution or repair to the damaged property. The minor or the minor's legal guardian shall be responsible for removal costs.
76-6-107(2)	GRAFFITI DAMAGE <\$300	MB		300	Court shall order restitution.
76-6-108	DAMAGE OR INTERRUPT A COMMUNICATION DEVICE	MB		300	
76-6-109(3)(a)	OFFENSES AGAINST TIMBER, MINING OR AGRICULTURAL INDUSTRIES	MC		1000 min.	Enhanced to MB. Fine of at least \$1000 in addition to any imprisonment the Court may impose.
76-6-109(3)(b)	OFFENSES AGAINST TIMBER, MINING OR AGRICULTURAL INDUSTRIES	MB	Y	2500 min.	Enhanced to MA. Fine of at least \$2500 in addition to any imprisonment the Court may impose.
76-6-109(3)(c)	OFFENSES AGAINST TIMBER, MINING OR AGRICULTURAL INDUSTRIES	MA	Y	5000 min.	Enhanced to F3. Fine of at least \$5000 in addition to any imprisonment the Court may impose.
76-6-109(3)(d)	OFFENSES AGAINST TIMBER, MINING OR AGRICULTURAL INDUSTRIES	F3	Y	7500 min.	Enhanced to F2. Fine of at least \$7500 in addition to any imprisonment the Court may impose.
76-6-109(3)(e)	OFFENSES AGAINST TIMBER, MINING OR AGRICULTURAL INDUSTRIES	F2	Y	10000 min.	Fine of at least \$10000 in addition to any imprisonment the Court may impose.
76-6-110(3)(a)	OFFENSES COMMITTED AGAINST ANIMAL INTERPRISES	MC		1000 min.	Enhanced to MB. Fine of at least \$1000 in addition to any imprisonment the Court may impose.
76-6-110(3)(b)	OFFENSES COMMITTED AGAINST ANIMAL INTERPRISES	MB	Y	2500 min.	Enhanced to MA. Fine of at least \$2500 in addition to any imprisonment the Court may impose.
76-6-110(3)(c)	OFFENSES COMMITTED AGAINST ANIMAL INTERPRISES	MA	Y	5000 min.	Enhanced to F3. Minimum fine of \$5000 and any term of imprisonment the Court may impose.

**Juvenile Court Fine Schedule by Offenses**

76-6-110(3)(d)	OFFENSES COMMITTED AGAINST ANIMAL INTERPRISES	F3	Y	7500 min.	Enhanced to F2. Minimum fine of \$7500 and any term of imprisonment the Court may impose.
76-6-110(3)(e)	OFFENSES COMMITTED AGAINST ANIMAL INTERPRISES	F2	Y	10000 min.	Fine of at least \$10000 in addition to any imprisonment the Court may impose.
76-6-111(3)(a)	WANTON DESTRUCTION OF LIVESTOCK VALUE < \$500	MB		300	
76-6-111(3)(b)	WANTON DESTRUCTION OF LIVESTOCK VALUE \$500 TO \$1500	MA	Y	375	
76-6-111(3)(c)	WANTON DESTRUCTION OF LIVESTOCK VALUE \$1501 TO \$5000	F3	Y	500	
76-6-111(3)(d)	WANTON DESTRUCTION OF LIVESTOCK VALUE < \$500	F2	Y	550	
76-6-202	BURGLARY	F3	Y	500	
76-6-203	AGGRAVATED BURGLARY	F1	Y	600	
76-6-204	BURGLARY OF A VEHICLE	MA	Y	375	
76-6-204.5	BURGLARY OF A RAILROAD CAR	F3	Y	500	
76-6-205	MANUFACTURE OR POSSESS INSTRUMENT FOR BURGLARY OR THEFT	MB		300	
76-6-206	CRIMINAL TRESPASS - CONDO UNIT	INF		150	
76-6-206	CRIMINAL TRESPASS	MB		300	If the offense involves graffiti, the court MAY order the minor to clean up any graffiti for 8 hours on a first adjudication, for 16 hours on a second adjudication, or for 24 hours on a third adjudication. The court MAY also order alternative forms of restitution or repair to the damaged property. The minor or the minor's parents SHALL be responsible for removal costs.
76-6-206	CRIMINAL TRESPASS IN A DWELLING	MA	Y	375	

**Juvenile Court Fine Schedule by Offenses**

76-6-206.1(2)(a)	CRIMINAL TRESPASS OF ABANDONED OR INACTIVE MINE	MB		300	If the offense involves graffiti, the court MAY order the minor to clean up any graffiti for 8 hours on a first adjudication, for 16 hours on a second adjudication, or for 24 hours on a third adjudication. The court MAY also order alternative forms of restitution or repair to the damaged property. The minor or the minor's parents SHALL be responsible for removal costs.
76-6-206.1(2)(b)	CRIMINAL TRESPASS OF ABANDONED OR INACTIVE MINE - REMOVING, DESTROYING OR TAMPERING WITH WARNING SIGN OR OTHER PROTECTION	MA	Y	375	
76-6-206.2	CRIMINAL TRESPASS ON STATE PARK LANDS	MB		300	Requires specific mens rea. If the offense involves graffiti, the court may order the minor to clean up the graffiti and may order other alternative forms of restitution or repair to the damaged property. The minor or minor's legal guardian shall be responsible for removal costs.
76-6-206.3(2)	CRIMINAL TRESPASS ON AGRICULTURAL OR RANGE LAND	MB		300	May be liable for civil damages. If the offense involves graffiti, the court may order the minor to clean up the graffiti and may order other alternative forms of restitution or repair to the damaged property. The minor or minor's legal guardian shall be responsible for removal costs.

**Juvenile Court Fine Schedule by Offenses**

76-6-206.3(3)	CRIMINAL TRESPASS ON AGRICULTURAL OR RANGE LAND - CUTTING, DESTROYING, OR RENDERING INEFFECTIVE FENCING	MB		300	May be liable for civil damages. If the offense involves graffiti, the court may order the minor to clean up the graffiti and may order other alternative forms of restitution or repair to the damaged property. The minor or minor's legal guardian shall be responsible for removal costs.
76-6-301	ROBBERY	F2	Y	550	
76-6-302	AGGRAVATED ROBBERY	F1	Y	600	
76-6-404	THEFT	MB		300	
76-6-404.5	WRONGFUL APPROPRIATION	MB		300	
76-6-404.7	THEFT OF MOTOR VEHICLE FUEL	MB		300	
76-6-405	THEFT BY DECEPTION	MB		300	
76-6-406	THEFT BY EXTORTION	MB		300	
76-6-407	THEFT OF MISLAID/LOST/MISTAKEN	MB		300	
76-6-408	THEFT BY RECEIVING STOLEN PROPERTY	MB		300	
76-6-409	THEFT OF SERVICES	MB		300	
76-6-409.1	POSSESSION OF DEVICES FOR THEFT OF SERVICES	MA	Y	375	
76-6-409.3	THEFT OF UTILITY OR CABLE SERVICES	MB		300	
76-6-409.6	UNLAWFUL USE OF TELECOMMUNICATION DEVICE	MB		300	
76-6-409.7	POSSESSION OF UNLAWFUL TELECOMMUNICATION DEVICE	MB		300	
76-6-409.8	SALE OF UNLAWFUL TELECOMMUNICATION DEVICE	F3	Y	500	
76-6-409.9	MANUFACTURE OF UNLAWFUL TELECOMMUNICATION DEVICE	F3	Y	500	
76-6-410.5	THEFT OF A RENTAL VEHICLE	MB		300	
76-6-413	RELEASE OF FUR-BEARING ANIMALS	F3	Y	500	
76-6-417	TAMPERING WITH OFFICIAL U.S. NOTICE	INF		150	
76-6-502	POSSESSION OF FORGED WRITING DEVICE	F3	Y	500	
76-6-503.5	WRONGFUL LIENS AND FRAUDULENT HANDLING OF RECORDABLE WRITINGS	F3	Y	500	
76-6-504	TAMPERING WITH RECORDS	MB		300	
76-6-505	ISSUING A BAD CHECK OR DRAFT	MB		300	

**Juvenile Court Fine Schedule by Offenses**

76-6-506.2	UNLAWFUL USE OF FINANCIAL CARD	MB		300	
76-6-506.3	UNLAWFUL ACQUISITION, POSSESSION OR TRANSFER OF FINANCIAL CARD	MB		300	
76-6-506.6	UNAUTHORIZED FACTORING OF CREDIT CARD SALES DRAFTS	MB		300	
76-6-506.7	OBTAINING ENCODED INFORMATION ON A FINANCIAL TRANSACTION CARD WITH INTENT TO	F3	Y	500	
76-6-507	DECEPTIVE BUSINESS PRACTICES	MB		300	
76-6-508	BRIBERY OF OR RECEIVING BRIBE BY PERSON IN BUSINESS OF SELECTION, APPRAISAL OR CRITICISM OF GOODS OR SERVICES	MA	Y	375	
76-6-509	BRIBERY OF A LABOR OFFICIAL	F3	Y	500	
76-6-510	BRIBE RECEIVING BY A LABOR OFFICIAL	F3	Y	500	
76-6-511	DEFRAUDING CREDITORS	MA	Y	375	
76-6-512	ACCEPTANCE OF DEPOSIT BY INSOLVENT FINANCIAL INSTITUTION	F3	Y	500	
76-6-513	UNLAWFUL DEALING OF PROPERTY BY A FIDUCIARY	MB		300	
76-6-514	BRIBERY OR THREAT TO INFLUENCE CONTEST	F3	Y	500	
76-6-515	USING OR MAKING SLUGS	MB		300	
76-6-516	CONVEYANCE OF REAL ESTATE W/O SPOUSE'S CONSENT	F3	Y	500	
76-6-517	MAKING A FALSE CREDIT REPORT	MA	Y	375	
76-6-518	CRIMINAL SIMULATION	MB		300	
76-6-520	CRIMINAL USURY	F3	Y	500	
76-6-521(1)(a)	FRAUDULENT INSURANCE ACT WITH INTENT TO DEFRAUD	MB		300	
76-6-521(1)(b)-(c)	FRAUDULENT INSURANCE ACT - KNOWING	MB		300	
76-6-522	EQUITY SKIMMING OF A VEHICLE	F3	Y	500	
76-6-523	OBSTRUCTION OF LEASING OF REAL PROPERTY FOR NATURAL RESOURCE PRODUCTION	F3	Y	7500 min.	Minimum fine of \$7500.
76-6-524	FALSIFYING INFORMATION FOR PRECONSTRUCTION SERVICE LIEN	MB		300	
76-6-602	RETAIL THEFT	MB		300	
76-6-602	RETAIL THEFT - SHOPLIFTING	MB		300	
76-6-602(2)	RETAIL THEFT - PRICE SWITCHING	MB		300	



**Juvenile Court Fine Schedule by Offenses**

76-6-608	USE OF THEFT DETECTION SHIELDING DEVICE	MB		300	
76-6-703(1)	COMPUTER CRIMES	MB		300	
76-6-801	LIBRARY THEFT	MB		300	
76-6-803	MUTILATING OR DAMAGING LIBRARY MATERIAL	MB		300	
76-6-803.30	FAILURE TO RETURN LIBRARY MATERIAL	MB		300	
76-6-901	ALTER, REMOVE OR DESTROY ANTIQUITIES W/O LANDOWNER'S CONSENT	MB		300	
76-6-901	REPRODUCE OR FALSIFY ANTIQUITIES	MB		300	
76-6-1002	DAMAGE TO MAIL	MB		300	
76-6-1003	MAIL THEFT	MA	Y	375	
76-6-1102(3)	IDENTITY FRAUD	F3	Y	500	
76-6-1105(2)(a)	UNLAWFUL POSSESSION OF IDENTIFYING DOCUMENT	MA	Y	375	
76-6-1105(2)(b)	UNLAWFUL POSSESSION OF MULTIPLE IDENTIFYING DOCUMENTS	F3	Y	500	
76-6-1203	MORTGAGE FRAUD	MA	Y	375	
76-6a-3	PARTICIPATING IN A PYRAMID SCHEME	MB		300	
76-6a-3	OPERATING A PYRAMID SCHEME	F3	Y	500	
76-7-101	BIGAMY	F3	Y	500	
76-7-101.5	CHILD BIGAMY	F2	Y	550	
76-7-102	INCEST	F3	Y	500	
76-7-103	ADULTERY	MB		300	
76-7-104	FORNICATION	MB		300	
76-7-201	CRIMINAL NONSUPPORT	MA	Y	375	
76-7-203	SALE OF CHILD	F3	Y	500	
76-7-324	VIOLATING RESTRICTIONS ON PUBLIC FUND FOR CONTRACEPTIVE OR ABORTION SERVICES	MB		300	
76-7-325	VIOLATION OF NOTICE TO PARENT OR GUARDIAN OF	MC		225	
76-8-103	BRIBERY OR OFFERING A BRIBE	F3	Y	500	
76-8-104	THREATS TO INFLUENCE OFFICIAL OR POLITICAL	MA	Y	375	
76-8-105	RECEIVING OR SOLICITING BRIBE BY PUBLIC SERVANT	F3	Y	500	
76-8-106	RECEIVING BRIBE OR BRIBERY FOR ENDORSEMENT OF PERSON AS PUBLIC	MB		300	
76-8-107	ALTERATION OF PROPOSED LEGISLATIVE BILL OR RESOLUTION	F3	Y	500	
76-8-108	ALTERATION OF ENROLLED LEGISLATIVE BILL OR	F3	Y	500	
76-8-109	FAILURE TO DISCLOSE CONFLICT OF INTEREST	MB		300	

**Juvenile Court Fine Schedule by Offenses**

76-8-110	PEACE OFFICER ACTING AS COMPENSATED COLLECTION AGENT	MC		225	
76-8-201	OFFICIAL MISCONDUCT IN OFFICE	MB		300	
76-8-202	UNLAWFUL ACTS BASED ON "INSIDE" INFORMATION	MA	Y	375	
76-8-203	UNOFFICIAL MISCONDUCT	MB		300	
76-8-301	INTERFERENCE WITH PUBLIC SERVANT	MB		300	
76-8-301.5	FAILURE TO DISCLOSE IDENTITY	MB		300	
76-8-302	PICKETING OR PARADING IN OR NEAR COURT	MB		300	
76-8-303	PREVENTION OF LEGISLATURE OR PUBLIC SRVANTS FROM MEETING OR ORGANIZING	F3	Y	500	
76-8-304	DISTURBING LEGISLATURE OR OFFICIAL MEETING	MB		300	
76-8-305	INTERFERENCE WITH ARRESTING OFFICE	MB		300	
76-8-305.5	FAILURE TO STOP AT COMMAND OF LAW	MA	Y	375	
76-8-306	OBSTRUCTION OF JUSTICE IN CRIMINAL INVESTIGATIONS	MA	Y	375	
76-8-306.5	OBSTRUCTING SERVICE OF A BOARD OF PARDONS' WARRANT OR A	F3	Y	500	
76-8-307	FAILURE TO AID PEACE OFFICER	MB		300	
76-8-308	ACCEPTANCE OF BRIBE OR BRIBERY TO PREVENT CRIMINAL PROSECUTION	MA	Y	375	
76-8-309(1)(b)	ESCAPE BY A PRISONER BY FRAUD	F3	Y	500	
76-8-309(1)(c)	ESCAPE BY A PRISONER	F2	Y	550	
76-8-309(2)	AGGRAVATED ESCAPE BY A PRISONER	F1	Y	600	
76-8-311.1	UNLAWFUL ITEMS IN A SECURED AREA	F3	Y	500	
76-8-311.3	ITEMS PROHIBITED IN CORRECTIONAL AND MENTAL HEALTH FACILITIES	MB		300	
76-8-312	BAIL JUMPING - FELONY	F3	Y	500	
76-8-312	BAIL JUMPING - INFRACTION	INF		150	
76-8-312	BAIL JUMPING - MISDEMEANOR	MB		300	
76-8-313	THREATENING ELECTED OFFICIALS - ASSAULT WITH BODILY INJURY	F3	Y	500	
76-8-313	THREATENING ELECTED OFFICIALS - ASSAULT	MB		300	
76-8-316(1)	INFLUENCING, IMPEDING OR RETALIATING AGAINST A	F3	Y	500	

**Juvenile Court Fine Schedule by Offenses**

76-8-316(2)	INFLUENCING, IMPEDING OR RETALIATING AGAINST A JUDGE OR MEMBER OF BOARD OF PARDONS - ASSAULT	F2	Y	550	
76-8-316(3)	INFLUENCING, IMPEDING OR RETALIATING AGAINST A JUDGE OR MEMBER OF BOARD OF PARDONS - AGGRAVATED ASSAULT OR ATTEMPTED MURDER	F1	Y	600	
76-8-317	REFUSAL TO COMPLY WITH ORDER TO EVACUATE IN LOCAL OR STATE EMERGENCY	MB		300	
76-8-402	MISUSING PUBLIC MONIES	F3	Y	500	
76-8-405	FAILURE TO PAY OVER FINE, FORFEITURE, OR FEE	MB		300	
76-8-406	OBSTRUCTING COLLECTION OF REVENUE	MB		300	
76-8-407	REFUSING TO GIVE TAX ASSESSMENT INFORMATION OR GIVING FALSE INFORMATION	MB		300	
76-8-408	GIVING FALSE TAX RECEIPT OR FAILING TO GIVE RECEIPT	MB		300	
76-8-409	REFUSING TO GIVE TAX ASSESSOR LIST OF EMPLOYEES	MB		300	
76-8-410	DOING BUSINESS W/O LICENSE	MB		300	
76-8-411	TRAFFICKING IN WARRANTS	MB		300	
76-8-412	STEALING, DESTROYING OR MUTILATING PUBLIC	F3	Y	500	
76-8-413	STEALING, DESTROYING OR MUTILATING PUBLIC RECORDS BY NON-CUSTODIAN	MA	Y	375	
76-8-414	RECORDING FALSE OR FORGED INSTRUMENTS	F3	Y	500	
76-8-415	DAMAGING OR REMOVING MONUMENTS OF OFFICIAL SURVEYS	MB		300	
76-8-416	TAKING TOLL OR MAINTAINING ROAD, BRIDGE OR FERRY W/O AUTHORITY	MB		300	
76-8-417	TAMPERING WITH OFFICIAL U.S. NOTICE	INF		150	
76-8-418	DAMAGING JAILS	F3	Y	500	
76-8-419	DAMAGING HIGHWAYS OR BRIDGES	MA	Y	375	
76-8-420	REMOVING OR DAMAGING ROAD SIGNS	MB		300	
76-8-502	FALSE OR INCONSISTENT MATERIAL STATEMENTS	F2	Y	550	
76-8-503	FALSE OR INCONSISTENT STATEMENTS	MB		300	
76-8-504	WRITTEN FALSE STATEMENT	MB		300	

**Juvenile Court Fine Schedule by Offenses**

76-8-504.5	FALSE STATEMENTS - PRELIMINARY HEARING	MA	Y	375	
76-8-504.6	FALSE OR MISLEADING INFORMATION	MB		300	
76-8-506	FALSE INFORMATION TO LAW ENFORCEMENT OR GOVERNMENT	MB		300	
76-8-507	FALSE PERSONAL INFORMATION TO PEACE OFFICER	MC		225	
76-8-507	FALSE PERSONAL INFORMATION TO PEACE	MA	Y	375	
76-8-508	TAMPERING WITH WITNESS	F3	Y	500	
76-8-508.3	RETALIATION AGAINST A WITNESS	F3	Y	500	
76-8-508.5	TAMPERING WITH JUROR	F3	Y	500	
76-8-509	EXTORTION OF BRIBERY TO DISMISS CRIMINAL PROCEEDING	F2	Y	550	
76-8-510.5	TAMPERING WITH EVIDENCE	MA	Y	375	
76-8-511	FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD	MB		300	
76-8-512	IMPERSONATING AN OFFICER	MB		300	
76-8-513	FALSE JUDICIAL OR OFFICIAL NOTICE	MB		300	
76-8-601	WRONGFUL COMMENCEMENT OF ACTION IN JUSTICE COURT	MB		300	
76-8-602	ASSUMING LIABILITY FOR CONFERRING JURISDICTION UPON JUSTICE COURT JUDGE	MB		300	
76-8-703	INTERFERING WITH CAMPUS ACTIVITY	MC		225	
76-8-704	VIOLATION OF RULE OR REGULATION - FAILURE TO LEAVE WHEN ORDERED	MC		225	
76-8-705	WILLFUL INTERFERENCE WITH LAWFUL ACTIVITIES OF STUDENTS OR FACULTY	MC		225	
76-8-710	DISRUPTION OF ACTIVITIES IN OR NEAR SCHOOL BUILDING - FAILURE TO LEAVE	MB		300	
76-8-710	DISRUPTION OF ACTIVITIES IN OR NEAR SCHOOL BUILDING - FAILURE TO LEAVE - SUBSEQUENT OFFENSE	MA	Y	375	
76-8-712	RE-ENTRY OF CAMPUS OR FACILITY AFTER DENIAL OF	MB		300	
76-8-712	RE-ENTRY OF CAMPUS OR FACILITY AFTER DENIAL OF ENTRY - SUBSEQUENT OFFENSE	MA	Y	375	

**Juvenile Court Fine Schedule by Offenses**

76-8-713	RE-ENTRY OF CAMPUS OR FACILITY BY NON-STUDENT	MB		300	
76-8-713	RE-ENTRY OF CAMPUS OR FACILITY BY NON-STUDENT AFTER DENIAL OF ENTRY - SUBSEQUENT OFFENSE	MA	Y	375	
7-8-802	DESTRUCTION OF PROPERTY TO INTERFERE WITH DEFENSE OR WAR	F2	Y	550	
76-8-803	CAUSING OR OMITTING TO NOTE DEFECTS IN ARTICLES USED FOR DEFENSE OR WAR	F3	Y	500	
76-8-807	ENTERING POSTED PREMISES W/O PERMISSION	MC		225	
76-8-810	VIOLATION OF ORDER RELATING TO USE OF HIGHWAYS	MC		225	
76-8-902	ADVOCATING SYNDICALISM OR SABOTAGE	F3	Y	500	
76-8-903	ASSEMBLY FOR ADVOCATING SYNDICALISM OR SABOTAGE	F3	Y	500	
76-8-904	PERMITTING USE OF PROPERTY FOR ASSEMBLY ADVOCATING SYNDICALISM OR SABOTAGE	MB		300	
76-8-1101(1)(b)	OPERATING W/O TAX LICENSE	MB		500 - 1000	Fine \$500 to \$1000.
76-8-1101(1)(c)	FAILURE TO SUPPLY TAX RETURN OR SUPPLYING A	F3	Y	1000 - 5000	Minimum fine \$1000, maximum fine \$5000.
76-8-1101(1)(d)(i)	EVADING TAX	F2	Y	1500 - 25000	Minimum fine \$1500, maximum fine \$25000.
76-8-1206	PUBLIC ASSISTANCE FRAUD	MB		300	
76-8-1301(1)	FALSE STATEMENTS REGARDING UNEMPLOYMENT INSURANCE	MB		300	
76-8-1301(2)	FALSE STATEMENTS REGARDING UNEMPLOYMENT INSURANCE BY OFFICER OR AGENT	MB		300	
76-8-1301(3)	UNEMPLOYMENT INSURANCE FRAUD	MA	Y	375	
76-8-1301(4)	DISCLOSURE OF UNEMPLOYMENT	MC		225	
76-8-1401	DISRUPTION OF SCHOOL ACTIVITIES - REENTRY	MB		300	
76-8-1403	EVADING LAW ENFORCEMENT BY GOING ON	MA	Y	375	
76-9-101	RIOTING	MB		300	
76-9-101	RIOTING CAUSING BODILY INJURY, ARSON OR USING DANGEROUS WEAPONS	F3	Y	500	

**Juvenile Court Fine Schedule by Offenses**

76-9-102	DISORDERLY CONDUCT - DESIST AFTER REQUEST	INF		150	
76-9-102	DISORDERLY CONDUCT	MC		225	
76-9-103	DISRUPTING A MEETING OR PROCESSION	MB		300	
76-9-104	FAILURE TO DISPERSE	MC		225	
76-9-105(2)(a)	MAKING A FALSE ALARM RELATING TO WMD	F2	Y	550	
76-9-105(2)(b)	MAKING A FALSE ALARM	MB		300	
76-9-106	DISRUPTING OPERATION OF A SCHOOL	MB		300	
76-9-107	UNAUTHORIZED ENTRY OF SCHOOL BUS	MB		300	
76-9-108	DISRUPTING FUNERAL OR	MB		300	
76-9-201(3)(a)	ELECTRONIC COMMUNICATION HARASSMENT	MB		300	
76-9-201(3)(b)	ELECTRONIC COMMUNICATION HARASSMENT AGAINST A MINOR	MA	Y	375	
76-9-202(2)(a)-(b)	REFUSING TO SURRENDER PHONE LINE FOR REPORT OF AN EMERGENCY OR ASKING FOR USE OF A PHONE UNDER PRETEXT OF EMERGENCY WHEN NO EMERGENCY EXISTS	MC		225	
76-9-202(2)(c)	FALSE REPORT OF AN EMERGENCY	MB		300	
76-9-202(3)(c)	FALSE REPORT OF AN EMERGENCY REGARDING WMD	F2	Y	550	
76-9-301	CRUELTY TO ANIMALS	MC		225	
76-9-301	AGGRAVATED CRUELTY TO ANIMALS	MB		300	
76-9-301.1(1)	DOG FIGHTING	MB		300	
76-9-301.1(2)	TRAINING DOGS FOR DOG	F3	Y	500	Maximum fine \$25000.
76-9-301.5	SPECTATING AT A DOG FIGHT	MB		300	
76-9-301.8	BESTIALITY	MB		300	
76-9-304	ALLOWING VICIOUS ANIMAL TO GO AT LARGE	MB		300	
76-9-306(2)	CAUSING INJURY OR ATTEMPTING TO CAUSE INJURY TO POLICE ANIMAL	F3	Y	500	
76-9-306(3)	TORMENTING A POLICE ANIMAL OR INTERFERING WITH HANDLER OF POLICE ANIMAL	MA	Y	375	
76-9-307(2)	INJURY TO SERVICE ANIMAL	MA	Y	375	

**Juvenile Court Fine Schedule by Offenses**

76-9-307(3)	OWNER OF ANIMAL FAILING TO EXERCISE CONTROL OVER ANIMAL CAUSING SUBSTANTIAL BODILY INJURY TO A SERVICE ANIMAL OR INABILITY TO FUNCTION AS A SERVICE ANIMAL AS A RESULT OF ATTACK	MA	Y	375	
76-9-307(4)	CHASING OR HARASSING A	MB		300	
76-9-307(5)	OWNER OF ANIMAL FAILING TO EXERCISE CONTROL OVER ANIMAL CAUSING CHASING OR HARASSING OF SERVICE ANIMAL	MB		300	
76-9-402	PRIVACY VIOLATION	MC		225	
76-9-403	COMMUNICATION ABUSE	MB		300	
76-9-404	CRIMINAL DEFAMATION	MB		300	
76-9-407	ABUSE OF PERSONAL IDENTITY	MB		300	
76-9-509	CONVEYING LIBELOUS MATERIAL TO NEWSPAPER OR BROADCASTING STATION	MB		300	
76-9-601	ABUSE OF A FLAG	MB		300	
76-9-701(1)	INTOXICATION - FIRST OFFENSE	MB		300	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court MAY reduce suspension period if minor completes educational series.
76-9-701(1)	INTOXICATION - SECOND OFFENSE	MB		300	Court SHALL order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment. Court SHALL suspend driver license if 13 to 18 years old. Court SHALL order educational series and MAY order screening.
76-9-702(2)	LEWDNESS	MB		300	
76-9-702(3)	SEXUAL BATTERY	MA	Y	375	
76-9-702.3	PUBLIC URINATION	MC		225	
76-9-702.5	LEWDNESS INVOLVING A CHILD	MA	Y	375	

**Juvenile Court Fine Schedule by Offenses**

76-9-702.5	LEWDNESS INVOLVING A CHILD - BY SEX OFFENDER OR PERSON WITH PREVIOUS	F3	Y	500	
76-9-702.7(1)	VOYEURISM - RECORDING	MA	Y	375	
76-9-702.7(1)	VOYEURISM INVOLVING A CHILD UNDER 14- RECORDING	F3	Y	500	
76-9-702.7(3)	VOYEURISM - DISTRIBUTION	F3	Y	500	
76-9-702.7(3)	VOYEURISM INVOLVING A CHILD UNDER 14 - DISTRIBUTION	F2	Y	550	
76-9-702.7(4)	VOYEURISM - VIEWING	MB		300	
76-9-702.7(4)	VOYEURISM INVOLVING A CHILD UNDER 14 - VIEWING	MA	Y	375	
76-9-704	FAILURE TO REPORT FINDING A HUMAN BODY	MB		300	
76-9-704	ABUSE OR DESECRATION OF A HUMAN BODY	F3	Y	500	
76-9-705	PARTICIPATION IN AN ULTIMATE FIGHTING MATCH	MA	Y	375	
76-9-706	FALSE REPRESENTATION OF MILITARY AWARD	MC		225	
76-9-803(1)	SOLICITING OR RECRUITING MINOR TO JOIN STREET GANG	MB		300	
76-9-803(2)	INTIMIDATING MINOR TO JOIN STREET GANG	MA	Y	375	
76-9-804	POSSESSION OF DANGEROUS WEAPON BY CONVICTED CRIMINAL GANG OFFENDER	MA	Y	375	
76-9-902	GANG LOITERING - FAILURE TO DISPERSE	MB		300	
76-10-102	ADVERTISING CIGARETTES AND TOBACCO	MB		300	
76-10-103	PERMITTING MINORS TO USE TOBACCO IN PLACE OF BUSINESS	MC		225	
76-10-104	PROVIDING TOBACCO TO A MINOR	MC		225	
76-10-104.1	PROVIDING TOBACCO PARAPHERNALIA TO MINORS	MC		225	
76-10-105(1)	BUYING OR POSSESSING CIGAR, CIGARETTE, ELECTRONIC CIGARETTE OR TOBACCO BY 18 YEAR OLD PLUS	MC		225	Fine \$60 minimum. Court shall order tobacco education program.
76-10-105(2)	BUYING OR POSSESSING CIGAR, CIGARETTE, ELECTRONIC CIGARETTE OR TOBACCO BY A MINOR	INF		150	Fine \$60 minimum. Court shall order tobacco education program.
76-10-105.1	MAIL ORDER SALE OF TOBACCO	MC		225	
76-10-105.1	PARENT OR GUARDIAN PURCHASING TOBACCO FOR	MC		225	



**Juvenile Court Fine Schedule by Offenses**

76-10-105.3	SALE OR GIFT OF CLOVE CIGARETTES	MB		300	
76-10-107	ABUSE OF PSYCHOTOXIC CHEMICAL SOLVENTS	MB		300	
76-10-107.5	ABUSE OF NITROUS OXIDE	MA	Y	375	
76-10-111	GIFT OR FREE DISTRIBUTION OF SMOKELESS TOBACCO OR ELECTRONIC CIGARETTES	MC		225	
76-10-112	FREE DISTRIBUTION OF CIGARETTES OR OTHER TOBACCO PRODUCTS	MC		225	
76-10-201	INTERFERENCE WITH WATER FLOW	MB		300	
76-10-201(2)	PLACING INAPPROPRIATE MATERIALS IN RECYCLING BIN	INF		150	Fine up to \$750.
76-10-202	TAKING WATER OUT OF TURN OR IN EXCESS AMOUNT	MB		300	
76-10-203	OBSTRUCTION OF WATER GATES	MB		300	
76-10-204	DAMAGING BRIDGE, DAM, CANAL OR WATER-RELATED STRUCTURE	F3	Y	500	
76-10-302	FAILURE TO MARK EXPLOSIVES CONTAINER	MB		300	
76-10-303	POWDER HOUSE WITHIN 300' FEET OF RESIDENCE OR TRAVELED ROAD	MB		300	
76-10-304	FAILURE TO MARK CONTAINERS OF EXPLOSIVES	MA	Y	375	
76-10-306(3)	KNOWING, INTENTIONAL OR RECKLESS POSSESSION OF EXPLOSIVE, CHEMICAL OR INCENDIARY DEVICE	F2	Y	550	
76-10-306(4)	USE OR ATTEMPT TO USE EXPLOSIVE, CHEMICAL OR INCENDIARY DEVICE	F1	Y	600	
76-10-306(5)	REMOVAL OF EXPLOSIVE, CHEMICAL OR INCENDIARY DEVICE	F2	Y	550	
76-10-306(6)	POSSESSION OF EXPLOSIVE, CHEMICAL OR INCENDIARY DEVICE PARTS	F3	Y	500	
76-10-402	MANUFACTURE, POSSESS OR SELL WMD	F1	Y	600	
76-10-403	MANUFACTURE, POSSESS OR SELL HOAX WMD	F2	Y	550	
76-10-503(2)	CATEGORY I RESTRICTED PERSON PURCHASE OR POSSESS FIREARM	F2	Y	550	
76-10-503(2)	CATEGORY I RESTRICTED PERSON PURCHASE OR POSSESS DANGEROUS WEAPON	F3	Y	500	
76-10-503(3)	CATEGORY II RESTRICTED PERSON PURCHASE OR POSSESS FIREARM	F3	Y	500	
76-10-503(3)	CATEGORY II RESTRICTED PERSON PURCHASE OR	MA	Y	375	

**Juvenile Court Fine Schedule by Offenses**

76-10-504(1)	CARRYING CONCEALED DANGEROUS WEAPON	MB		300	
76-10-504(2)	CARRYING CONCEALED LOADED FIREARM	MA	Y	375	
76-10-504(3)	CARRYING CONCEALED SAWED-OFF SHOTGUN OR RIFLE	F2	Y	550	
76-10-504(4)	USING CONCEALED FIREARM IN COMMISSION OF A VIOLENT FELONY	F2	Y	550	
76-10-505	CARRYING LOADED FIREARM IN VEHICLE OR ON STREET	MB		300	
76-10-505.5(3)(a)	POSSESSION OF A DANGEROUS WEAPON ON OR ABOUT SCHOOL PREMISES	MB		300	
76-10-505.5(3)(b)	POSSESSION OF FIREARM OR SAWED-OFF SHOTGUN ON OR ABOUT SCHOOL PREMISES	MA	Y	375	
76-10-506	THREATENING WITH OR USING A DANGEROUS WEAPON IN A QUARREL OR FIGHT	MA	Y	375	
76-10-507	POSSESSION OF DEADLY WEAPON WITH INTENT TO ASSAULT	MA	Y	375	
76-10-508	DISCHARGE OF FIREARM FROM VEHICLE, NEAR HIGHWAY OR IN DIRECTION OF ANY PERSON OR VEHICLE	MB		300	
76-10-508.1(1)	FELONY DISCHARGE OF A FIREARM	F3	Y	500	Imprisonment from three to five years.
76-10-508.1(2)	FELONY DISCHARGE OF A FIREARM - CAUSING BODILY INJURY	F2	Y	550	Imprisonment from three to fifteen years.
76-10-508.1(3)	FELONY DISCHARGE OF A FIREARM - CAUSING SERIOUS BODILY INJURY	F1	Y	600	
76-10-509	POSSESSION OF DANGEROUS WEAPON BY MINOR	MB		300	
76-10-509.4	POSSESSION OF SAWED-OFF RIFLE OR SHOTGUN, OR FULLY AUTOMATIC WEAPON BY A MINOR	MB		300	
76-10-509.5	PROVIDING SAWED-OFF RIFLE OR SHOTGUN, OR FULLY AUTOMATIC WEAPON BY A MINOR	MB		300	
76-10-509.6	PARENT OR GUARDIAN PROVIDING FIREARM TO MINOR	MA	Y	375	
76-10-509.7	PARENT OR GUARDIAN KNOWING OF MINOR'S POSSESSION OF DANGEROUS WEAPON	MB		300	
76-10-509.9	SALE OF FIREARM TO JUVENILE	F3	Y	500	

**Juvenile Court Fine Schedule by Offenses**

76-10-521	UNLAWFUL MARKING OF PISTOL OR REVOLVER	MA	Y	375	
76-10-522	ALTERATION OF NUMBER OR MARK ON PISTOL	MA	Y	375	
76-10-527(1)	REQUESTING CRIMINAL HISTORY UNDER FALSE PRETENSES OR DISSEMINATING CRIMINAL BACKGROUND INFORMATION	MA	Y	375	
76-10-527(2)	PURCHASING OR TRANSFERRING FIREARM AFTER MAKING FALSE STATEMENT OF INFORMATION REQUIRED FOR BACKGROUND CHECK	F3	Y	500	
76-10-527(3)	DEALER PROVIDING FIREARM IN VIOLATION OF LAW	F3	Y	500	
76-10-527(4)	PURCHASING FIREARM WITH INTENT TO RESELL OR TRANSPORT OUT OF STATE	F3	Y	500	
76-10-528	CARRYING DANGEROUS WEAPON WHILE UNDER INFLUENCE OF ALCOHOL OR DRUGS	MB		300	
76-10-529	POSSESSION OF DANGEROUS WEAPON, FIREARM, OR EXPLOSIVES IN AIRPORT - RECKLESSLY OR WITH CRIMINAL NEGLIGENCE	INF		150	
76-10-530	TRESPASS WITH FIREARM IN HOUSE OF WORSHIP OR PRIVATE RESIDENCE	INF		150	
76-10-602	USE OF PERSON'S NAME W/O CONSENT TO SOLICIT CONTRIBUTIONS	MB		300	
76-10-603	USE OF NAME W/O CONSENT ON STATIONARY OR AS ONE WHO CONTRIBUTED TO ORGANIZATION	MB		300	
76-10-702	FRAUDULENT SIGNING OF STOCK SUBSCRIPTIONS	MB		300	
76-10-703	FRAUDULENT DOCUMENTS RELATING TO ORGANIZATION OR INCREASE OF CAPITAL STOCK	F3	Y	500	
76-10-704	MISREPRESENTING PERSON AS OFFICER, AGENT OR MEMBER	MB		300	
76-10-706	UNLAWFUL ACTS BY DIRECTOR, OFFICER OR AGENT	F3	Y	500	
76-10-707	FALSE REPORTS	MB		300	
76-10-708	REFUSING INSPECTION OF BOOKS	MB		300	
76-10-802	BEFOULING WATERS	MB		300	

**Juvenile Court Fine Schedule by Offenses**

76-10-803	MAINTAINING OR FAILING TO REMOVE PUBLIC NUISANCE	MB		300	
76-10-805	UNLAWFUL DISPOSAL OF CARCASS OR OFFAL	MB		300	
76-10-807	VIOLATION OF ORDER ENJOINING PUBLIC NUISANCE	MB		300	
76-10-902	FRAUDULENT PRACTICES TO AFFECT MARKET PRICE OF METAL	MB		300	
76-10-903	UNFAIR DISCRIMINATION IN COMPETITIVE PRACTICES	MC		225	
76-10-906	UNFAIR DISCRIMINATION BY BUYER OF MILK, CREAM OR BUTTER FAT	MB		300	
76-10-910	FALSIFICATION OF SELLER'S STATEMENT TO DEALER	MB		300	
76-10-914	ILLEGAL ANTICOMPETITIVE ACTIVITIES	F	Y	500	Fine up to \$100000, imprisonment up to three years, or both.
76-10-1002	FORGING OR COUNTERFEITING TRADEMARK, TRADE NAME OR DEVICE	MB		300	
76-10-1003	SELLING GOODS UNDER COUNTERFEITED TRADEMARK, TRADE NAME OR DEVICE	MB		300	
76-10-1004	SALES IN CONTAINERS WITH REGISTERED TRADEMARK OF SUBSTITUTED ARTICLES	MB		300	
76-10-1006	SELLING OR DEALING WITH ARTICLES BEARING REGISTERED TRADEMARK WITH INTENT TO DEFRAUD	MB		300	
76-10-1007	USE OF REGISTERED TRADEMARK W/O CONSENT	MB		300	
76-10-1102(1)	GAMBLING/OR ALLOWING GAMBLING 1ST OFFENSE	MB		300	
76-10-1104	GAMBLING PROMOTION	MB		300	
76-10-1104.5	ADVERTISEMENT OR SOLICITATION FOR PARTICIPATION IN LOTTERIES	MB		300	
76-10-1105	POSSESS A GAMBLING DEVICE/RECORD	MB		300	
76-10-1109	THEFT BY CONFIDENCE GAME	MB		300	
76-10-1204	DISTRIBUTING PORNOGRAPHIC MATERIAL	MB		300	Enhanceable based on age of person distributing, but limited to MB for under 16.

**Juvenile Court Fine Schedule by Offenses**

76-10-1205	INDUCING ACCEPTION OF PORNOGRAPHIC MATERIAL	F3	Y		Minimum \$1000 fine plus \$10 for each article exhibited up to maximum allowed by law, and incarceration, unsuspended, for not less than 30 days.
76-10-1206	DEALING IN MATERIAL HARMFUL TO A MINOR	MB		300	Enhanceable based on age of person distributing, but limited to MB for under 16.
76-10-1207	FAILURE TO QUIT PREMISES AFTER LANDLORD PROVIDES NOTICE OF LEASE CANCELLATION DUE TO VIOLATION	MA	Y	375	
76-10-1214	CONSPIRACY TO COMMIT PORNOGRAPHY/HARMFUL MATERIALS VIOLATION	F3	Y		Minimum \$1000 fine , and imprisonment, unsuspended, for not less than 60 days. F2 for subsequent offenses, with minimum fine of \$5000 and imprisonment, unsuspended for at least 1 year.
76-10-1222	DISTRIBUTION OF PORNOGRAPHIC FILM	MA	Y		Minimum \$1000 fine, and imprisonment, unsuspended, for not less than 60 days for each separate offense. Subsequent offenses are F3, with minimum fine of \$5000 and imprisonment, unsuspended for at least 6 months.
76-10-1223	DISTRIBUTION OR EXHIBITION OF FILM W/O QUALIFICATION	MB		300	
76-10-1228	INDECENT PUBLIC DISPLAY	MA	Y		Minimum fine of \$500 and incarceration, unsuspended, for at least 30 days.
76-10-1229	DISTRIBUTION OF PORNOGRAPHIC MATERIAL THROUGH CABLE TV	MA	Y	375	
76-10-1235	ACCESSING PORNOGRAPHIC/INDECENT MATERIAL ON SCHOOL PROPERTY	MB		300	Enhanceable based on age of person distributing, but limited to MB for under 18.
76-10-1302	PROSTITUTION	MB		300	
76-10-1303	PATRONIZING A PROSTITUTE	MB		300	
76-10-1304	AIDING PROSTITUTION	MB		300	
76-10-1305	EXPLOITING PROSTITUTION	F3	Y	500	
76-10-1306	AGGRAVATED EXPLOITATION OF PROSTITUTION	F2	Y	550	

**Juvenile Court Fine Schedule by Offenses**

76-10-1309	PROSTITUTION BY PERSON WITH HIV	F3	Y	500	
76-10-1309	PATRONIZING A PROSTITUTE BY PERSON WITH HIV	F3	Y	500	
76-10-1309	SEXUAL SOLICITATION BY PERSON WITH HIV	F3	Y	500	
76-10-1313	SEXUAL SOLICITATION	MB		300	
76-10-1504(1)	BUS HIJACKING	F1	Y	600	
76-10-1504(2)	ASSAULT WITH INTENT TO COMMIT BUS HIJACKING	F2	Y	550	
76-10-1504(3)	ASSAULT WITH INTENT TO COMMIT BUS HIJACKING WITH USE OF A DANGEROUS WEAPON	F1	Y	600	
76-10-1504(4)	BOARDING A BUS WITH CONCEALED DANGEROUS WEAPON	F3	Y	500	
76-10-1506	THREATENING BREACH OF PEACE, DISORDERLY CONDUCT, FOUL LANGUAGE, OR USE OF C/S, LIQUOR OR TOBACCO ON A BUS	MC		225	
76-10-1509	OBSTRUCTING OPERATION OF BUS	MC		225	
76-10-1510	CONSPIRACY TO COMMIT OBSTRUCTION OF OPERATION OF BUS	MC		225	
76-10-1603(1)	BENEFITTING FROM UNLAWFUL ACTS	F2	Y	550	
76-10-1603(2)-(3)	PARTICIPATING IN OR GAINING INTEREST IN AN ENTERPRISE WITH A PATTERN OF UNLAWFUL ACTIVITY	F2	Y	550	
76-10-1801	COMMUNICATIONS FRAUD	MB		300	
76-10-1903(1)(a)-(c)	MONEY LAUNDERING	F2	Y	550	
76-10-1903(d)	ACCEPTING PROPERTY REPRESENTED TO BE PROCEEDS OF UNLAWFUL ACTIVITY	F3	Y	500	
76-10-1906(1)(c)(1)	MONEY LAUNDERING (FAILURE TO REPORT)	MC		225	
76-10-1906(1)(d)	MONEY LAUNDERING IN FURTHERANCE OF COMMISSION OF ANY OTHER VIOLATION OF STATE LAW OR	MC		225	
76-10-2002(1)(a)-(f)	BURGLARY OF RESEARCH FACILITY	F2	Y	550	
76-10-2002(1)(g)	BURGLARY OF RESEARCH FACILITY	MA	Y	375	
76-10-2201	UNLAWFUL BODY PIERCING AND TATOOING	MB		300	
76-10-2202	LEAVING A CHILD UNATTENDED IN A VEHICLE	MC		225	

# Juvenile Court Fine Schedule by Offenses

76-10-2301	CONTRIBUTING TO DELINQUENCY OF A MINOR	MB		300	
76-10-2402(1)(a)	COMMERCIAL OBSTRUCTION	MA	Y	375	
76-10-2402(2)	COMMERCIAL OBSTRUCTION WITH INTENT TO INTERFERE WITH OPERATION OF	F2	Y	550	
76-10-2501(2)(a)	UNLAWFUL USE OF A LASER POINTER AT A LAW ENFORCEMENT OFFICER	INF		150	
76-10-2501(2)(b)	UNLAWFUL USE OF A LASER POINTER AT A LAW ENFORCEMENT OFFICER	MC		225	
76-10-2601	FAILURE TO FENCE SHAFT OR WELL	MB		300	
76-10-2702	LITTERING ON A PARK, RECREATION AREA,	MC		225	Minimum fine of \$100.
76-10-2801(2)	POSSESS OR USE VEHICLE WITH CONTRABAND	MA	Y	375	
76-10-2801(3)	FACILITATE STORAGE OR CONCEALMENT OF CONTRABAND IN VEHICLE	F3	Y	500	
76-10-2901(2)(a), (c), or (d)	TRANSPORT, ENCOURAGE OR INDUCE ALIEN TO ENTER UTAH OR ENGAGE IN CONSPIRACY	F3	Y	500	
76-10-2901(2)(b)	CONCEAL ILLEGAL ALIEN	MA	Y	375	
77-23a-4.5	IMPLANTING AN ELECTRONIC IDENTIFICATION DEVICE	MA	Y	375	
77-23a-13	INSTALLING A TRACE DEVICE W/O COURT ORDER	MB		300	
77-23b-2(a)	INTERFERENCE WITH ACCESS TO STORED COMMUNICATION	MB		300	
77-23b-2(a)	INTERFERENCE WITH ACCESS TO STORED COMMUNICATION FOR PURPOSES OF	F3	Y	500	
77-32-202(6)(d)	FALSE STATEMENT IN AFFIDAVIT OF INDIGENCY	MB		300	
77-36-2.4	VIOLATION OF PROTECTIVE ORDER	MA	Y	375	
77-36-2.5	CONTACTING DV VICTIM FOLLOWING ARREST	MB		300	
78B-1-115	MISREPRESENTATION BY JUROR	MC		225	
78B-5-705(1)	FALSE STATEMENTS IN AN AFFIDAVIT	MB		300	
79-2-404	CIRCUMVENTING CONTRACT FOR HEALTH INSURANCE	INF		150	

\*Standard fine based on Juvenile Fine Schedule. Fine may be increased or decreased based on aggravating or mitigating circumstances.

Amounts include surcharge and court security fee.

F = Unspecified Felony

MU = Unspecified Misdemeanor

U = Unspecified Offense

# **TAB 10**





## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

### MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Judicial Council  
**From:** Tim Shea *TS*  
**Date:** June 11, 2012  
**Re:** Rules allowing electronic media coverage and possession and use of portable electronic devices

After meeting with the chair and staff to the Study Committee on Technology Brought into the Courtroom, the Policy and Planning Committee recommends that these two rules be published for comment:

- CJA 04-0401.01. Electronic media coverage of court proceedings. New. Replaces Rule 4-401. Permits electronic media coverage of any public court hearing. Describes application and approval process. Establishes factors for denying electronic media coverage. Describes limits.
- CJA 04-0401.02. Possession and use of portable electronic devices. New. Permits possession and use of portable electronic devices in courthouses. Allows judge to restrict use in courtrooms.

These rules include amendments to the rule and policy recommended by the Study Committee, but both adhere to the Study Committee's recommendations, which the Judicial Council endorsed at its April meeting.

**Rule 4-401.01. Electronic media coverage of court proceedings.** Most of the changes to the original rule recommended by the Study Committee involve reorganizing some provisions and simplifying the language. The only substantive amendment is paragraph (4)(A), which adds audio recording to the equipment that can be used for electronic media coverage and limits the pools to one operator and one piece of equipment for each type of technology.

**Rule 4-401.02. Possession and use of portable electronic devices.** To implement its policy, the Study Committee recommended a policy statement, but the Policy and Planning Committee recommends a rule to give the issue a higher profile and greater weight of authority. Most of the changes to the original policy recommendation involve reformatting the text as a rule, reorganizing some provisions, and simplifying the language. The only substantive amendment is paragraph (3)(B)(iii), which will more

The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.

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clearly recognize the authority of the judge to restrict the use of portable electronic devices in the courtroom under any circumstances, but encourages the judge not to exercise that discretion except in limited circumstances.

Encl. Draft rules

**Rule 4-401.01 Electronic media coverage of court proceedings.**

**Intent:**

To establish uniform standards and procedures for electronic media coverage of court proceedings.

To permit electronic media coverage of proceedings while protecting the right of parties to a fair trial, personal privacy and safety, the decorum and dignity of proceedings, and the fair administration of justice.

**Applicability:**

This rule applies to the courts of record and not of record.

This rule governs electronic media coverage of proceedings that are open to the public.

**Statement of the Rule:**

**(1) Definitions.**

(1)(A) "Judge" as used in this rule means the judge, justice, or court commissioner who is presiding over the proceeding.

(1)(B) "Proceeding" as used in this rule means any trial, hearing, or other matter that is open to the public.

(1)(C) "Electronic media coverage" as used in this rule means recording or transmitting images or sound of a proceeding.

(1)(D) "News reporter" as used in this rule means any person who gathers, records, photographs, reports, or publishes information for the primary purpose of disseminating news and information to the public, and any newspaper, magazine, or other periodical publication, press association or wire service, radio station, television station, satellite broadcast, cable system or other organization with whom that person is connected.

**(2) Presumption of electronic media coverage; restrictions on coverage.**

(2)(A) There is a presumption that electronic media coverage by a news reporter shall be permitted in public proceedings. The judge may prohibit or restrict electronic media coverage only if the judge finds that the reasons for doing so are sufficiently compelling to outweigh the presumption.

(2)(B) When determining whether the presumption of electronic media coverage has been overcome and whether such coverage should be prohibited or restricted beyond the limitations in this rule, a judge shall consider some or all of the following factors:

(2)(B)(i) whether there is a reasonable likelihood that electronic media coverage will prejudice the right of the parties to a fair proceeding;

(2)(B)(ii) whether there is a reasonable likelihood that electronic media coverage will jeopardize the safety or well-being of any individual;

(2)(B)(iii) whether there is a reasonable likelihood that electronic media coverage will jeopardize the interests or well-being of a minor;

(2)(B)(iv) whether there is a reasonable likelihood that electronic media coverage will constitute an unwarranted invasion of personal privacy of any party or witness;

(2)(B)(v) whether electronic media coverage will create adverse effects greater than those caused by media coverage without recording or transmitting images or sound;

(2)(B)(vi) the adequacy of the court's physical facilities for electronic media coverage;

(2)(B)(vii) the public interest in and newsworthiness of the proceeding;

(2)(B)(viii) potentially beneficial effects of allowing public observation of the proceeding through electronic media coverage; and

(2)(B)(ix) any other factor affecting the fair administration of justice.

(2)(C) If the judge prohibits or restricts electronic media coverage, the judge shall make particularized findings orally or in writing on the record. Any written order denying a request for electronic media coverage shall be made part of the case record.

(2)(D) Any reasons found sufficient to prohibit or restrict electronic media coverage shall relate to the specific circumstances of the case rather than merely reflect generalized views or preferences.

(3) Duty of news reporters to obtain permission; termination or suspension of coverage.

(3)(A) News reporters shall file a written request for permission to provide electronic media coverage of a proceeding at least 24 hours before the proceeding; however, upon a showing of good cause, the judge may grant a request on shorter notice.

60 (3)(B) A judge may terminate or suspend electronic media coverage at any time  
61 without prior notice if the judge finds that continued electronic media coverage is no  
62 longer appropriate based upon consideration of one or more of the factors in Paragraph  
63 (2)(B). If permission to provide electronic media coverage is terminated or suspended,  
64 the judge shall make the findings required in Paragraphs (2)(C) and (2)(D).

65 (4) Conduct in the courtroom; pool coverage.

66 (4)(A) Electronic media coverage is limited to one audio recorder and operator, one  
67 video camera and operator, and one still camera and operator. If more than one news  
68 reporter has requested permission to provide electronic media coverage, it is the  
69 responsibility of news reporters to determine who will participate at any given time, how  
70 they will pool their coverage, and how they will share audio, video or photographic files  
71 produced by pool coverage. The pool equipment operators shall use equipment that is  
72 capable of sharing audio, video or photographic files to pool recipients in a generally  
73 accepted format. The pooling arrangement shall be reached before the proceedings  
74 without imposing on the judge or court staff. Neither the judge nor court staff shall be  
75 called upon to resolve disputes concerning pool arrangements.

76 (4)(B) News reporters shall designate a representative with whom the court may  
77 consult regarding pool coverage, and shall provide the court with the name and contact  
78 information for such representative.

79 (4)(C) Tripods may be used, but not flash or strobe lights. Normally available  
80 courtroom equipment shall be used unless the judge or a designee approves  
81 modifications, which shall be installed and maintained without public expense. Any  
82 modifications, including microphones and related wiring, shall be as unobtrusive as  
83 possible, shall be installed before the proceeding or during recess, and shall not  
84 interfere with the movement of those in the courtroom.

85 (4)(D) The judge may position news reporters, equipment, and operators in the  
86 courtroom. Proceedings shall not be disrupted. Equipment operators and news  
87 reporters in the courtroom shall:

88 (4)(D)(i) not use equipment that produces loud or distracting sounds;

(4)(D)(ii) not place equipment in nor remove equipment from the courtroom nor change location while court is in session;

(4)(D)(iii) conceal any identifying business names, marks, call letters, logos or symbols;

(4)(D)(iv) not make comments in the courtroom during the court proceedings;

(4)(D)(v) not comment to or within the hearing of the jury or any member thereof at any time before the jury is dismissed;

(4)(D)(vi) present a neat appearance and conduct themselves in a manner consistent with the dignity of the proceedings;

(4)(D)(vii) not conduct interviews in the courtroom except as permitted by the judge; and

(4)(D)(vii) comply with the orders and directives of the court.

(5) Violations. In addition to contempt and any other sanctions allowed by law, a judge may remove from the proceeding anyone violating this rule or the court's orders and directives and terminate or suspend electronic media coverage.

(6) Limitations on electronic media coverage. Notwithstanding an authorization to conduct electronic media coverage of a proceeding, and unless expressly authorized by the judge, there shall be no:

(6)(A) electronic media coverage of a juror or prospective juror until the person is dismissed;

(6)(B) electronic media coverage of the face of a person known to be a minor;

(6)(C) electronic media coverage of an exhibit or a document that is not part of the official public record;

(6)(D) audio recording or transmission of the content of bench conferences or in-chambers hearings; or

(6)(E) audio recording or transmission of the content of confidential communications between counsel and client, between clients, or between counsel.

(7) Except as provided by this rule, recording or transmitting images or sound of a proceeding without the express permission of the judge is prohibited. This rule shall not

118 diminish the authority of the judge conferred by statute, rule, or common law to control  
119 the proceedings or areas immediately adjacent to the courtroom.

120

1     **Rule 4-401.02. Possession and use of portable electronic devices.**

2     Intent:

3     To permit the use of portable electronic devices in courthouses and courtrooms,  
4     subject to local restrictions.

5     Applicability:

6     This rule applies to the courts of record and not of record.

7     Statement of the Rule:

8     (1) Definitions.

9     (1)(A) "Judge" as used in this rule means the judge, justice, or court commissioner  
10    who is presiding over the proceeding.

11    (1)(B) "Portable electronic device" as used in this rule means any device that can  
12    record or transmit data, images or sounds, or access the internet, including a pager,  
13    laptop/notebook/personal computer, handheld PC, PDA, audio or video recorder,  
14    wireless device, cellular telephone, or electronic calendar.

15    (2) Possession and use of portable electronic devices in a courthouse.

16    (2)(A) A person may possess and use a portable electronic device anywhere in a  
17    courthouse, except as limited by this rule or directive of the judge.

18    (2)(B) All portable electronic devices are subject to screening or inspection at the  
19    time of entry to the courthouse and at any time within the courthouse in accordance with  
20    Rule 3-414.

21    (2)(C) All portable electronic devices are subject to confiscation if there is reason to  
22    believe that a device is or will be used in violation of this rule. Violation of this rule or  
23    directive of the judge may be treated as contempt of court.

24    (3) Restrictions.

25    (3)(A) Use of portable electronic devices in common areas. The presiding judges  
26    may restrict the time, place, and manner of using a portable electronic device to  
27    maintain safety, decorum, and order of common areas of the courthouse, such as  
28    lobbies and corridors.

29    (3)(B) Use of portable electronic devices in courtrooms.

30    (3)(B)(i) A person may silently use a portable electronic device inside a courtroom.



31 (3)(B)(ii) A person may not use a portable electronic device to record or transmit  
32 images or sound of court proceedings except in accordance with Rule 4-401.01.

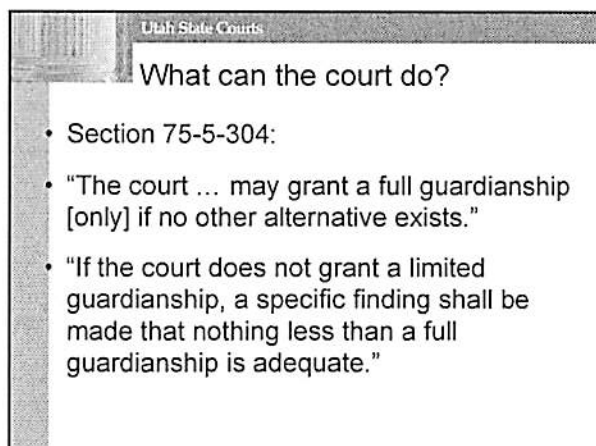
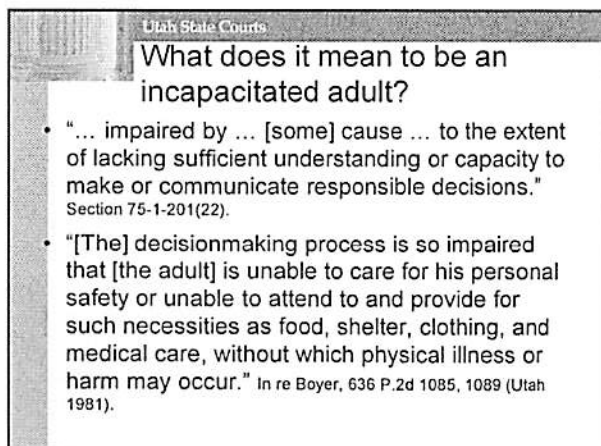
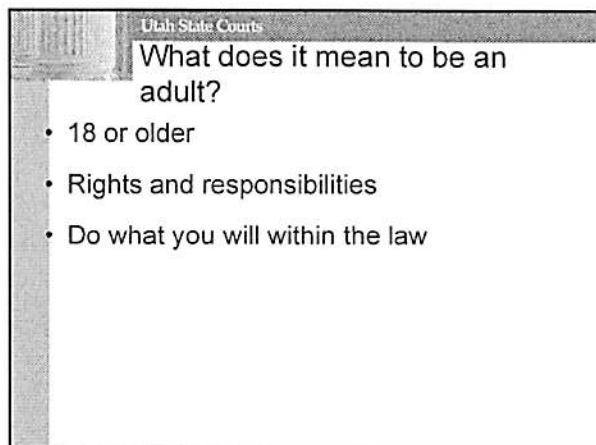
33 (3)(B)(iii) A judge may further restrict use of portable electronic devices in his or her  
34 courtroom. Judges are encouraged not to impose further restrictions unless use of a  
35 portable electronic device might interfere with the administration of justice, disrupt the  
36 proceedings, pose any threat to safety or security, compromise the integrity of the  
37 proceedings, or threaten the interests of a minor.

38 (3)(B)(iv) During trial and juror selection, prospective, seated, and alternate jurors  
39 are prohibited from researching and discussing the case they are or will be trying. Once  
40 selected, jurors shall not use a portable electronic device while in the courtroom and  
41 shall not possess an electronic device while deliberating.

42 (4) Use of portable electronic devices in court chambers. A person may not use a  
43 portable electronic device in chambers without prior approval from the judge.

44 (5) Instruction to witnesses. It should be anticipated that observers in the courtroom  
45 will use portable electronic devices to transmit news accounts and commentary during  
46 the proceedings. Judges should instruct counsel to instruct witnesses who have been  
47 excluded from the courtroom not to view accounts of other witnesses' testimony before  
48 giving their own testimony.

# TAB 11



Utah State Courts

### What are the consequences of a plenary guardianship?

- Section 75-5-312:
- "Absent a specific limitation ... in the order ... the guardian has the same powers, rights, and duties respecting the ward that a parent has respecting the parent's unemancipated minor child ...."

Utah State Courts

### What powers, rights, and duties does a parent have respecting a minor child?

- Where to live
- Who to associate with
- What religion to practice
- How to spend money
- Discipline
- What healthcare to receive

Utah State Courts

### What further powers, rights and duties does a guardian have for an incapacitated adult?

- How to invest your life savings
- How to run the business you built
- End of life decisions
- Consent to commitment to a mental health care facility or to a care facility for persons with an intellectual disability
- Consent to sterilization

Utah State Courts

- Is deciding whether a person is incapacitated a grave responsibility?
- Do we devote to that decision the measured time, discretion and judgment it deserves?

## Utah State Courts

## The purpose of guardianship

- "... necessary or desirable as a means of providing continuing care and supervision of the incapacitated person." 75-5-304(1)
- Not to facilitate the guardian's relationship with the respondent.

## Utah State Courts

## The court's role

- The court must not only decide whether the respondent is incapacitated; the court also has a duty to protect the respondent's rights during the proceeding, and to protect the respondent from harm after appointing a guardian.

## Utah State Courts

## Problems in Utah

- A guardian is alleged to have murdered the person they were charged to protect.
- A guardian is alleged to have embezzled \$143K of the protected person's money.
- Guardians with whom the court lost contact are relieved of the obligation to file annual reports.
- Respondents routinely do not attend the hearing but no visitor is ever appointed.

## Utah State Courts

## Problems in Utah

- Attorneys routinely represent the respondent while providing forms for the "pro se" petitioner to complete.
- In at least two cases petitioner was appointed guardian, but the protected person's spouse was never served with the petition. In one of those cases, the guardian evicted the spouse from the marital home.

Utah State Courts

### Problems in Utah

- Court appointed petitioner guardian of her adult granddaughter who was not incapacitated. Grandma wanted to get granddaughter on grandma's health insurance.

Utah State Courts

### How can a visitor help?

- Is the case ready for a hearing?
- Should the respondent be excused from the hearing?
- Is the protected person safe, well-treated, engaged to the fullest extent of their incapacity?
- Is the guardian filing required reports? Are the reports complete and correct?
- Where is the guardian?

Utah State Courts

### Volunteer Court Visitor Program

- End of the first year of a 3-year SJI grant
- Two paid coordinators
- Steering Committee
- Work products
- Recruit, screen and train volunteers
- Volunteers' roles
- Lawyers are going to complain

Utah State Courts

### What do he have so far?

- Forms to request a visitor and assign a visitor
- Visitors' report forms
  - Excuse respondent from the hearing
  - Protected person's well-being
  - Guardian's whereabouts
  - Monitoring annual reports
  - Preparing file for the hearing

Utah State Courts

### What do we have so far?

- Volunteer recruitment webpage and application
- Volunteer resource webpage and forms
- 10-hour orientation program
- 5 training and resource manuals
- Volunteer survey
- Judge and staff survey

Utah State Courts

### Recruit, screen and train

- Community partners; public advertizing
- Background check and interview
- 10-hour orientation program
- 10 volunteers have completed training
- 10 more applicants
- 3 applicants rejected
- 2 requests from outside the pilot districts
- 1 assignment in Third District

Utah State Courts

### What else is planned?

- Volunteer program
- Apply lessons learned
- Measure and report results
- Grant applications to continue and expand the program

Utah State Courts

### What else is planned?

- Legislation
- Modernize the definition of "incapacity"
- Recognize the judge's discretion to direct the visitor's inquiries
- Increase and standardize the minimum requirements for a professional guardian
- Require that the guardian develop a management plan

Utah State Courts

### What else is planned?

- Public information and forms
- Webpage with information about guardianship and alternatives
- A petition and supporting documents that adhere to legal requirements

Utah State Courts

### What else is planned?

- Rules
- Background check to qualify as a guardian
- Roster of pre-qualified attorneys to represent the respondent
- Guardian's decision making standards
- Better define the visitor's role

Utah State Courts

### What else is planned?

- Education
- Benchbook
- Classroom instruction for judges and clerks

Utah State Courts

Questions?

Comments?

Reservations?



# TAB 12



## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

### MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Judicial Council  
**From:** Tim Shea *TS*  
**Date:** June 18, 2012  
**Re:** Definition of "full-time" judge

The Policy and Planning Committee renews its recommendation that the Judicial Council recommend to the Supreme Court a definition of a "full-time" judge in the Code of Judicial Conduct. The Code distinguishes those provisions that apply to a part-time judge and those that apply to a full-time judge, but it does not define those terms.

When the committee recommended a definition at the Judicial Council's last meeting, the Council directed the committee to allow another month so the Board of Justice Court Judges and individual judges could provide input.

The committee has considered that input and recommends the attached definition. The definition, which the Board has since endorsed, is essentially the same as recommended before. But the committee recommends delaying the effective date for incumbent judges. Delaying the effective date has the effect of a temporary, rather than a permanent, grandparent clause.

The Board and several justice court judges recommended a grandparent clause exempting incumbent judges from the new definition. The committee was convinced of the need to accommodate judges who have built their professions, combining judging and practicing law, under the allowances of the current Code. But the committee recommends against an outright exemption. Delaying the effective date for incumbent judges will require them—ultimately—to wind down a law practice or to resign from at least some judgeships, but also will allow them time to adjust to the financial implications of doing so.

The date recommended as the effective date for incumbent judges is January 2, 2017, the first Monday in January after the 2016 elections. This date marks the beginning of a new term for all but a handful of incumbent judges. The remainder will begin their next term January 5, 2015, knowing of the eventual effective date.

The mission of the Utah Judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.

450 South State Street / POB 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3808 / Fax: 801-578-3843 / email: [tims@email.utcourts.gov](mailto:tims@email.utcourts.gov)

**Code of Judicial Conduct****APPLICATION**

The Application section establishes when the various Rules apply to a judge or judicial candidate.

**I. APPLICABILITY OF THIS CODE**

(A) The provisions of the Code apply to all full-time judges. Parts II through IV of this section identify those provisions that apply to three distinct categories of part-time judges. Canon 4 applies to judges and judicial candidates.

(B) A judge, within the meaning of this Code includes a court commissioner.

(C) A "full-time" judge, within the meaning of this Code, includes any judge of a court of record. A "full-time" judge also includes a judge of a court not of record who:

(1) serves in a court whose judicial weighted caseload measure, as approved by the Judicial Council, shows the need for at least 1.0 judges; or

(2) serves in more than one court whose total judicial weighted caseload measure, as approved by the Judicial Council, shows the need for at least 1.0 judges.

(D) Paragraphs (C)(1) and (C)(2) apply to a judge appointed on or after [the effective date of this rule] on the day of his or her appointment, and to judges appointed before [the effective date of this rule] on January 2, 2017.

**COMMENT**

[1] The Rules in this Code have been formulated to address the ethical obligations of any person who serves a judicial function and are premised upon the supposition that a uniform system of ethical principles should apply to all those authorized to perform judicial functions.

[2] The determination of which category and, accordingly, which specific Rules apply to an individual judicial officer depends upon the facts of the particular judicial service.

**II. ACTIVE SENIOR JUDGE**

An active senior judge appointed under Rule 11-201 of the Rules of Judicial Administration is not required to comply:

(A) at any time with Rule 3.8 (Appointments to Fiduciary Positions);

(B) with Rule 3.9 (Service as Arbitrator or Mediator), except while serving as a judge; or

(C) at any time with Rule 3.11(B) (Financial, Business, or Remunerative Activities).

**COMMENT**

[1] For the purposes of this section, an active senior judge is subject to this Code during any term of office to which he or she has been appointed to serve.

**III. PART-TIME JUSTICE COURT JUDGE**

A part-time justice court judge , including an active senior justice court judge appointed under Rule 11-203 of the Rules of Judicial Administration,

(A) is not required to comply:

(1) with Rules 2.10(A) and 2.10(B) (Judicial Statements on Pending and Impending Cases) and 3.14 (Reimbursement of Expenses and Waivers of Fees or Charges) except while serving as a judge; or

(2) at any time with Rules 3.4 (Appointments to Governmental Positions), 3.8 (Appointments to Fiduciary Positions), 3.9 (Service as Arbitrator or Mediator), 3.10 (Practice of Law), and 3.11 (Financial, Business, or Remunerative Activities)); and

(B) shall not practice law in the court on which the judge serves nor act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.

**COMMENT**

[1] When a part-time justice court judge is no longer serving as a judge, that person may act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto only with the informed consent of all parties, and pursuant to any applicable Rules of Professional Conduct.

**IV. JUDGE PRO TEMPORE**

A judge pro tempore appointed under Rule 11-202 of the Rules of Judicial Administration shall not practice law in the same small claims division in which

the judge serves. The same small claims division means the courthouse at which the judge serves and includes small claims appeals heard at that courthouse. A judge pro tempore is not required to comply:

(A) except while serving as a judge, with Rules 1.2 (Promoting Confidence in the Judiciary), 2.4 (External Influences on Judicial Conduct), 2.10 (Judicial Statements on Pending and Impending Cases), or 3.2 (Appearances before Governmental Bodies and Consultation with Government Officials); or

(B) at any time with Rules 3.4 (Appointments to Governmental Positions), 3.6 (Affiliation with Discriminatory Organizations), 3.7 (Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities), 3.8 (Appointments to Fiduciary Positions), 3.9 (Service as Arbitrator or Mediator), 3.10 (Practice of Law), 3.11 (Financial, Business, or Remunerative Activities), 3.13 (Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or Other Things of Value), 4.1 (Political and Campaign Activities of Judges and Judicial Candidates in General), 4.2 (Political and Campaign Activities of Judges in Retention Elections), and 4.3 (Activities of Judges Who Become Candidates for Nonjudicial Office).

#### V. SENIOR JUDGE

A senior judge is not required to comply with the provisions of this Code.

#### VI. TIME FOR COMPLIANCE

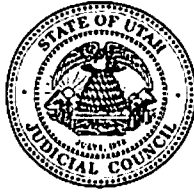
A person to whom this Code becomes applicable shall comply immediately with its provisions, except that as to Rules 3.8 (Appointments to Fiduciary Positions) and 3.11 (Financial, Business, or Remunerative Activities) compliance shall occur as soon as reasonably possible, but in no event later than one year after the Code becomes applicable to the judge.

#### COMMENT

[1] If serving as a fiduciary when selected as judge, a new judge may, notwithstanding the prohibitions in Rule 3.8, continue to serve as fiduciary, but only for that period of time necessary to avoid serious adverse consequences to the beneficiaries of the fiduciary relationship and in no event longer than one year. Similarly,

91 if engaged at the time of judicial selection in a business activity, a new judge may,  
92 notwithstanding the prohibitions in Rule 3.11, continue in that activity for a reasonable  
93 period but in no event longer than one year.  
94

# TAB 13



## Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, Utah Judicial Council

June 6, 2012

Daniel J. Becker  
State Court Administrator  
Raymond Wahl  
Deputy Court Administrator

### MEMORANDUM

**TO:** Management Committee  
Utah Judicial Council

**FROM:** Nancy Volmer, Public Information Office

**RE:** Committee Appointments

---

The chair of the Standing Committee on Judicial Outreach, Judge Carolyn McHugh, recommends the following committee appointments:

1. Jesse Soriano's first term on the Judicial Outreach Committee has expired. Mr. Soriano has agreed to serve a second, three-year term.
2. Second District Juvenile Court Judge Paul Iwasaki's second term on the Judicial Outreach Committee has expired. The Board of Juvenile Court Judges recommends 3<sup>rd</sup> District Court Judge Julie Lund be appointed to represent the Juvenile Court on the committee. Judge Lund's biography is attached.

#### **Rule 3-114. Judicial Outreach Standing Committee on Judicial Outreach**

Intent of the committee:

- To foster a greater role for judges in service to the community.
- To provide leadership and resources for outreach.
- To improve public trust and confidence in the judiciary.

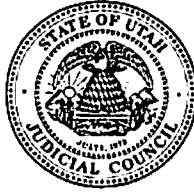
The mission of the Utah judiciary is to provide an open, fair,  
efficient, and independent system for the advancement of justice under the law.



## **Judge Julie V. Lund**

Judge Julie V. Lund was appointed to the Third District Juvenile Court in November 2010 by Governor Gary R. Herbert. She serves Salt Lake, Summit, and Tooele counties. Judge Lund graduated in 1981 from the University of Colorado—Boulder with a B.A. in Political Science and received her law degree from the University of Utah College of Law in 1986. She was employed in a civil litigation practice until 1995, when she joined the Child Protection Division of the Utah Attorney General's office. Judge Lund was named the Attorney of the Year in 2003. She served as division chief for three years prior to her appointment to the bench. Judge Lund has served on the Standing Committee on Child and Family Law and the Salt Lake Children's Justice Center Advisory Board. She is currently vice president of the Board of Trustees for the SJ Quinney College of Law and a member of the executive committee of the Salt Lake County Bar Association.

2/11



Chief Justice Christine Durham  
Chair, Utah Judicial Council

## **MEMORANDUM**

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To: Judicial Council Management Committee**  
**From: Courts Facility Planning Committee**  
**Date: June 6, 2012**  
**Re: Courts Facility Planning Committee Membership**

The Committee is requesting the Judicial Council reappointment of Judge Steven L. Stream the Castle Dale Justice Court Judge for a second term on the Courts Facility Planning Committee. Judge Stream has been a valuable member of the committee and is very interested in serving a second term.

The Committee is requesting a special waiver of the two term limit on members of the Courts Facility Planning Committee, Mimi Locker from the University Of Utah School Of Architecture has served on the committee and been a very valuable part of the committee for the last six years. Her prospective as a professor at the only school of architecture in the state has added insight and new ideas that have been and we believe will continue to be of great value to the committee. Please consider this special waiver of the rule and reappoint Mimi Locher for a third term on the Courts Facility Planning Committee.

The retirement of Paul Vance vacated the Trial Court Executive position on the Courts Facility Planning Committee. Working through Ray Wahl, we have sent out a request to the TCEs for volunteers to replace Paul. Wendell Roberts has asked to be considered for appointment to the committee as the TCE representative on the Committee.

We are requesting that the Management committee consider these actions to fill these positions on the Courts Facility Planning Committee and forward their names to the Judicial Council for consideration.

Thank you for your consideration.

June, 21, 2012

To: Judicial Council

From: Dan Becker

Subject: Representation Committee Appointment

In his report to the Judicial Council on May 29, 2012, Judge Steve Roth requested that Ron Gordon, executive director of the Commission on Criminal and Juvenile Justice (CCJJ), be appointed to the representation committee. The interest in Mr. Gordon being added to the committee is due to the role that CCJJ would play in coordinating any research activities that may be undertaken to support the committee's work.

Because Judge Roth's report was listed as an information item on the May 29<sup>th</sup> agenda, this matter was subsequently brought to the Management Committee which is recommending Judicial Council approval for adding Mr. Gordon to the Representation Committee.

# TAB 14

## Mobile Devices and Planners

### Resources:

Section 08 Accounts Payable, 08-00 00 Payment Processing

Section 17 Employee Reimbursements, for procedure to be reimbursed for business calls.

Sections 17-01.00 and 17-02.00 for procedure to reimburse the state for personal calls.

### Purpose:

This policy establishes what can and cannot be purchased for or reimbursed to judges and employees for either a cell phone, planner, or smart mobile device.

### Definitions:

- A "cell phone" is a device which can make and receive telephone calls and text messages over a radio link.
- A "planner" is a paper calendar such as a Franklin planner or equivalent.
- A "smart mobile device" is a multi-purpose electronic device based on an operating system that allows it to run applications. The device is cordless, mobile, and is capable of voice and video communication, internet browsing, and geo-location and can operate autonomously. A smart mobile device includes tablets and smart phones.

### Policy:

1. As provided in this policy, the court will purchase for a judge or employee a planner or reimburse a judge or employee for a smart mobile device, but not both.
2. The court will purchase for a judge or employee a planner starter pack or refill and up to \$40 for a cover, if needed for the employee's work and subject to available funding and authorization by the court executive or deputy court administrator. The planner is the property of the judge or employee.
3. The court will reimburse a judge or employee \$150 toward the purchase of a smart mobile device upon approval by the court executive (for judges/employees) or deputy court administrator (for court executives and AOC personnel). The smart mobile device is the property of the judge or employee. Service/data plans will not be purchased by the courts. The court executive or deputy court administrator will approve the request if:
  - a. the judge or employee is full-time, not on probation, and employed for at least one year;

- b. the employee reasonably needs the smart mobile device for work;
- c. the judge or employee has not been reimbursed for a smart mobile device within the previous three years;
- d. any smart mobile device for which the employee has been reimbursed is not sufficient for the anticipated work; and
- e. the funds are available.
4. The judge or employee shall pay the state \$150 prorated if he/she terminates employment less than three years from the date the court reimburses the employee for the purchase. If a judge or employee reimburses the state, he/she shall write a check to the Administrative Office of the Courts with the home unit and object code indicated.
5. The court executive or designee shall track purchases within the district, and the deputy court administrator or designee shall track purchases within the AOC.
6. For proper payment processing (regarding purchases) refer to Section 08 Accounts payable.

## **State Owned Cell Phones**

1. Upon the approval of the court executive or deputy court administrator and subject to the availability of funds, the court will purchase a cell phone for presiding judges and for judges and staff who, in the course of their duties, travel between locations for the purpose of conducting job related functions. The cell phone is the property of the state. Billings will be paid locally and will be charged against the home unit of the respective judge or employee. Upon leaving the position of presiding judge, the cell phone may be reassigned to the successor.
2. The court shall purchase the cell phone plan, which should provide adequate minutes and geographical range required for business purposes. The judge or employee is responsible for the cost of directory assistance. A request to increase plan minutes must be demonstrated through a review of monthly bills and sign-off by the court executive or deputy court administrator.
3. A cell phone purchase price should not exceed \$100, unless approved by the court executive or deputy court administrator. Preference should be given to free or low cost phones included with the cell phone service. All rebate offers should be made payable to the State of Utah and coded to the court unit as FINET object code 6126 Wireless Communication Services.
4. The court has adopted a minimum life of 36 months for cell phones. A need to replace a cell phone before the 36 month time period must be demonstrated to the court executive or designee. Early replacement should be limited to cell phone failure or free upgrade/replacement.
5. If a judge or employee terminates employment, the judge or employee has the option of purchasing the cell phone. The purchase price is the cost of the cell

phone, prorated on a basis that the cell phone's life expectancy is 36 months. The cost of any accessories should also be prorated on the same basis. Prior to leaving employment the judge or employee must confirm that the cell phone number has been removed from the court's account and set up on a private account. If the judge or employee does not choose to purchase the cell phone, it may be provided to another employee or sent to the State of Utah, Division of Surplus Property in accordance with the "Surplus of State Electronic Media and telecommunication Equipment" policies and procedures.

6. Judges and employees assigned a state-owned cell phone must reimburse the state for personal use minutes that exceed the daytime minutes in the plan (excluding unlimited night & weekend minutes). The judge/employee must review the cell phone bill monthly and document any personal calls outside the plan, sign, date, and return to court executive or designee.
7. If a cell phone is lost or damaged due to an employee's negligence, the court executive or designee will determine if the employee will be required to pay all or a portion of the replacement cost.
8. Abuse of a business cell phone will result in disciplinary action per HR Personnel Policies and Procedures, Section 610.
9. The court executive must approve the judge's/employee's use of a personal cell phone for business purposes and reimbursement. The court executive may establish a reimbursement maximum dollar amount for personal cell business calls per month.
10. A judge/employee, using a personal cell phone, should submit for reimbursement for business calls by:
  - a. Dividing the monthly plan cost (without taxes) by the number of daytime minutes included in the plan to arrive at a "per minute" rate. **For example:**  $\$49.99/400 = 12.5$  cents; round up to 13 cents.
  - b. Place a check mark (✓) next to business calls listed on the cell phone bill. Total the number of business minutes. Multiply the "per minute" rate by the number of business minutes for the month to arrive at a total cell phone reimbursement amount. **For example:** 50 minutes X .13 = \$6.50
  - c. If the judge/employee exceeds the daytime minutes due to business calls, multiply the business call minutes at the increased "per minute" rate charged for exceeding day-time minutes for the partial or full reimbursement amount. **For example:** The increased "per minute charge" is .30 cents. The number of business minutes equaled 50 minutes. 20 of the 50 minutes are charged at the increased per minute charge of .30 cents. The calculation for reimbursement would be 30 minutes X .13 = \$3.90 plus 20 minutes X .30 = \$6.00 for a TOTAL OF \$9.90.
  - d. If the judge/employee exceeds the off-peak minutes and incurs off-peak business call charges, multiply the "per minute" rate charged for exceeding

off-peak minutes by the number of business minutes for the partial or full reimbursement amount. See example in c above.

- c. Submit a copy of the cell phone bill with the completed FI-48 Employee Reimbursement/Earnings Request Form to the employee responsible for reviewing and approving the reimbursement. Refer to Section 17-01.00 for reimbursement through payroll.



# TAB 15



## Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

### MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

**To:** Judicial Council  
**From:** Tim Shea *TS*  
**Date:** June 11, 2012  
**Re:** Rules for comment

In addition to the rules discussed on the regular agenda, the Policy and Planning Committee recommends that the following rules be published for comment:

CJA 02-0204. Local supplemental rules. Amend. Modifies the process by which local rules are approved.

CJA 04-0202.01. Definitions. Amend. Excludes from the definition of a "record" documents prepared or received by a person in the person's private capacity and documents that do not relate to the public's business.

CJA 04-0202.02. Records classification. Amend. Removes investigative subpoenas from the list of protected records. Section 77-22-2 will regulate access to investigative subpoenas. Changes the classification of PSI reports from private to protected. Designates additional circumstances in which the name of a minor is public. Classifies as "protected" records subject to the attorney client privilege.

CJA 04-0202.03. Records access. Amend. Clarifies who has access to a private or a protected court record.

CJA 04-0202.05. Request to access an administrative record; research; request to classify an administrative record; request to create an index. Amend. Permits releasing non-public records for research purposes if the interests favoring the research are greater than or equal to the interests favoring closure.

CJA 04-0405. Juror and witness fees and expenses. Amend. Requires prosecutors to certify to the number of miles for which a witness is entitled to payment.

Encl. Draft rules

The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.

450 South State Street / POB 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3808 / Fax: 801-578-3843 / email: [tims@email.utcourts.gov](mailto:tims@email.utcourts.gov)

**Rule 2-204. Local supplemental rules.**

**Intent:**

To establish the authority of local courts to adopt local supplemental rules for the administration of the courts.

To ensure that local supplemental rules are adopted consistently with this Code.

To establish a procedure for the adoption and ratification of local supplemental rules.

**Applicability:**

This rule shall apply to all courts of record and not of record.

**Statement of the Rule:**

~~(1) Subject to paragraph (7) of this rule, the presiding judges of all multi-judge courts and The judges of single-judge courts may adopt such rules as they deem necessary~~  
needed to supplement this Code and to govern the administration of their courts.

(2) Local supplemental rules shall be approved by ~~both the presiding judge and by a majority of the judges in the judicial district, or, in single-judge courts, by the judge.~~

~~(3) Upon approval of the rule by the presiding judge, the local supplemental rule shall be submitted through general counsel to the appropriate Board for review. In emergency circumstances, proposed rules shall be effective immediately upon the approval of the presiding judge until final action by the Council. The appropriate Board shall review the rule for consistency with this Code, its potential application to courts of equal jurisdiction and its potential application to all courts of record and not of record.~~

~~(4) If the proposed rule is consistent with the provisions of this Code, approved by the Board may adopt it as a local supplemental rule and the Board shall submit it to the Council for ratification; the Board may adopt it as a Board rule and submit it to the Council for ratification; or the Board may refer the rule to the Council for consideration and adoption as a Council rule. The Council shall publish the rule for comment as provided in Rule 2-203 and establish an effective date, which may be an expedited effective date, as provided in Rule 2-205 and Rule 2-206.~~

~~(5) Rules which are ratified by the Council as either local supplemental rules or Board rules or which are adopted as Council rules shall be forwarded to the Administrative Office for publication published in this Code.~~

31       ~~(6) Rules which are inconsistent with the provisions of this Code or for other reasons~~  
32       ~~are not adopted by the Board or adopted or ratified by the Council shall be referred back~~  
33       ~~to the local court with an explanation and any recommendations for modification.~~  
34       ~~(7) Local supplemental rules shall not be adopted by the Board or the local court~~  
35       ~~without ratification by the Council.~~  
36

**Rule 4-202.01. Definitions.**

Intent:

To provide a uniform definition for special terms.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

As used in these rules:

(1) "Access" means to inspect and obtain a copy.

(2) "Court record" means a record prepared, owned, received, or retained by a court or the administrative office of the courts.

(3) "Record" means books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, data or other materials, regardless of form or characteristics, that are reproducible.

(4) "Record" does not mean any of the following unless received into evidence:

(4)(A) drafts, calendars, notes or similar materials prepared for the originator's personal use or for the personal use of an individual for whom the originator works;

(4)(B) document prepared or received by an individual in the individual's private capacity or document prepared or received by an individual that is unrelated to the public's business;

~~(4)(B)~~ (4)(C) materials legally owned by an individual in the individual's private capacity;

~~(4)(C)~~ (4)(D) materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the courts;

~~(4)(D)~~ (4)(E) proprietary software or software developed or purchased by or for the courts for its own use;

~~(4)(E)~~ (4)(F) junk mail or commercial publications received by the courts or an official or employee of the courts; or

~~(4)(F)~~ (4)(G) materials contained in the collection of libraries open to the public.

**1 Rule 4-202.02. Records classification.**

**2 Intent:**

**3 To classify court records as public or non-public.**

**4 Applicability:**

**5 This rule applies to the judicial branch.**

**6 Statement of the Rule:**

**7 (1) Court records are public unless otherwise classified by this rule.**

**8 (2) Public court records include but are not limited to:**

**9 (2)(A) abstract of a citation that redacts all non-public information;**

**10 (2)(B) aggregate records without non-public information and without personal identifying  
11 information;**

**12 (2)(C) arrest warrants, but a court may restrict access before service;**

**13 (2)(D) audit reports;**

**14 (2)(E) case files;**

**15 (2)(F) committee reports after release by the Judicial Council or the court that requested  
16 the study;**

**17 (2)(G) contracts entered into by the judicial branch and records of compliance with the  
18 terms of a contract;**

**19 (2)(H) drafts that were never finalized but were relied upon in carrying out an action or  
20 policy;**

**21 (2)(I) exhibits, but the judge may regulate or deny access to ensure the integrity of the  
22 exhibit, a fair trial or interests favoring closure;**

**23 (2)(J) financial records;**

**24 (2)(K) indexes approved by the Management Committee of the Judicial Council,  
25 including the following, in courts other than the juvenile court; an index may contain any  
26 other index information:**

**27 (2)(K)(i) amount in controversy;**

**28 (2)(K)(ii) attorney name;**

**29 (2)(K)(iii) case number;**

**30 (2)(K)(iv) case status;**

- 31 (2)(K)(v) civil case type or criminal violation;
- 32 (2)(K)(vi) civil judgment or criminal disposition;
- 33 (2)(K)(vii) daily calendar;
- 34 (2)(K)(viii) file date;
- 35 (2)(K)(ix) party name;
- 36 (2)(L) name, business address, business telephone number, and business email
- 37 address of an adult person or business entity other than a party, but the name of a juror
- 38 or prospective juror is private until released by the judge;
- 39 (2)(M) name, address, telephone number, email address, date of birth, and last four
- 40 digits of the following: driver's license number; social security number; or account
- 41 number of a party;
- 42 (2)(N) name, business address, business telephone number, and business email
- 43 address of a lawyer appearing in a case;
- 44 (2)(O) name, business address, business telephone number, and business email
- 45 address of court personnel other than judges;
- 46 (2)(P) name, business address, and business telephone number of judges;
- 47 (2)(Q) name, gender, gross salary and benefits, job title and description, number of
- 48 hours worked per pay period, dates of employment, and relevant qualifications of a
- 49 current or former court personnel;
- 50 (2)(R) opinions, including concurring and dissenting opinions, and orders entered in
- 51 open hearings;
- 52 (2)(S) order or decision classifying a record as not public;
- 53 (2)(T) private record if the subject of the record has given written permission to make
- 54 the record public;
- 55 (2)(U) probation violation reports;
- 56 (2)(V) publications of the administrative office of the courts;
- 57 (2)(W) record in which the judicial branch determines or states an opinion on the rights
- 58 of the state, a political subdivision, the public, or a person;
- 59 (2)(X) record of the receipt or expenditure of public funds;
- 60 (2)(Y) record or minutes of an open meeting or hearing and the transcript of them;

(2)(Z) record of formal discipline of current or former court personnel or of a person regulated by the judicial branch if the disciplinary action has been completed, and all time periods for administrative appeal have expired, and the disciplinary action was sustained;

(2)(AA) record of a request for a record;

(2)(BB) reports used by the judiciary if all of the data in the report is public or the Judicial Council designates the report as a public record;

(2)(CC) rules of the Supreme Court and Judicial Council;

(2)(DD) search warrants, the application and all affidavits or other recorded testimony on which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;

(2)(EE) statistical data derived from public and non-public records but that disclose only public data;

(2)(FF) Notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be a felony if committed by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the delinquency history summary of the person are public records. The delinquency history summary shall contain the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses.

(3) The following court records are sealed:

(3)(A) records in the following actions:

(3)(A)(i) Title 78B, Chapter 6, Part 1, Utah Adoption Act six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Title 78B, Chapter 15, Part 8, Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed; and

(3)(B) expunged records;

(3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code Section 77-23a-15;



- 91 (3)(D) records showing the identity of a confidential informant;
- 92 (3)(E) records relating to the possession of a financial institution by the commissioner of
- 93 financial institutions under Utah Code Section 7-2-6;
- 94 (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;
- 95 (3)(G) records designated as sealed by rule of the Supreme Court;
- 96 (3)(H) record of a Children's Justice Center investigative interview after the conclusion
- 97 of any legal proceedings; and
- 98 (3)(I) other records as ordered by the court under Rule 4-202.04.
- 99 (4) The following court records are private:
- 100 (4)(A) records in the following actions:
- 101 (4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;
- 102 (4)(A)(ii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed;
- 103 and
- 104 (4)(A) (iii) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are
- 105 sealed; and
- 106 (4)(B) records in the following actions, except that the case history; judgments, orders
- 107 and decrees; letters of appointment; and the record of public hearings are public
- 108 records:
- 109 (4)(B)(i) Title 30, Husband and Wife, except that an action for consortium due to
- 110 personal injury under Section 30-2-11 is public;
- 111 (4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;
- 112 (4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;
- 113 (4)(B)(iv) Title 78B, Chapter 7, Protective Orders;
- 114 (4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;
- 115 (4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and
- 116 Enforcement Act;
- 117 (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
- 118 (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
- 119 (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this
- 120 subparagraph (B);

121 (4)(C) aggregate records other than public aggregate records under subsection (2);  
122 (4)(D) alternative dispute resolution records;  
123 (4)(E) applications for accommodation under the Americans with Disabilities Act;  
124 (4)(F) citation, but an abstract of a citation that redacts all non-public information is  
125 public;  
126 (4)(G) judgment information statement;  
127 (4)(H) judicial review of final agency action under Utah Code Section 62A-4a-1009;  
128 (4)(I) the following personal identifying information about a party: driver's license  
129 number, social security number, account description and number, password,  
130 identification number, maiden name and mother's maiden name, and similar personal  
131 identifying information;  
132 (4)(J) the following personal identifying information about a person other than a party:  
133 residential address, personal email address, personal telephone number; date of birth,  
134 driver's license number, social security number, account description and number,  
135 password, identification number, maiden name, mother's maiden name, and similar  
136 personal identifying information;  
137 (4)(K) medical, psychiatric, or psychological records;  
138 (4)(L) name of a minor, except that the name of a minor party is public in the following  
139 district and justice court proceedings:  
140 (4)(L)(i) name change of a minor;  
141 (4)(L)(ii) guardianship or conservatorship for a minor; and  
142 (4)(L)(iii) felony, misdemeanor or infraction;  
143 (4)(L)(iv) child protective orders; and  
144 (4)(L)(v) custody orders and decrees;  
145 (4)(M) personnel file of a current or former court personnel or applicant for employment;  
146 (4)(N) photograph, film or video of a crime victim;  
147 ~~(4)(O) presentence investigation report;~~  
148 ~~(4)(P)-(4)(O)~~ record of a court hearing closed to the public or of a child's testimony taken  
149 under URCrP 15.5:

150 ~~(4)(P)(i)-(4)(O)(i)~~ permanently if the hearing is not traditionally open to the public and  
151 public access does not play a significant positive role in the process; or  
152 ~~(4)(P)(ii)-(4)(O)(ii)~~ if the hearing is traditionally open to the public, until the judge  
153 determines it is possible to release the record without prejudice to the interests that  
154 justified the closure;  
155 ~~(4)(Q)-(4)(P)~~ record submitted by a senior judge or court commissioner regarding  
156 performance evaluation and certification;  
157 ~~(4)(R)-(4)(Q)~~ record submitted for in camera review until its public availability is  
158 determined;  
159 ~~(4)(S)-(4)(R)~~ reports of investigations by Child Protective Services;  
160 ~~(4)(T)-(4)(S)~~ victim impact statements;  
161 ~~(4)(U)-(4)(T)~~ other records as ordered by the court under Rule 4-202.04.  
162 (5) The following court records are protected:  
163 (5)(A) attorney's work product, including the mental impressions or legal theories of an  
164 attorney or other representative of the courts concerning litigation, privileged  
165 communication between the courts and an attorney representing, retained, or employed  
166 by the courts, and records prepared solely in anticipation of litigation ~~and not subject to~~  
167 discovery or a judicial, quasi-judicial, or administrative proceeding;  
168 (5)(B) records that are subject to the attorney client privilege;  
169 ~~(5)(B)-(5)(C)~~ bids or proposals until the deadline for submitting them has closed;  
170 ~~(5)(C)-(5)(D)~~ budget analyses, revenue estimates, and fiscal notes of proposed  
171 legislation before issuance of the final recommendations in these areas;  
172 ~~(5)(D)-(5)(E)~~ budget recommendations, legislative proposals, and policy statements,  
173 that if disclosed would reveal the court's contemplated policies or contemplated courses  
174 of action;  
175 ~~(5)(E)-(5)(F)~~ court security plans;  
176 ~~(5)(F)-(5)(G)~~ investigation and analysis of loss covered by the risk management fund;  
177 ~~(5)(G) investigative subpoenas under Utah Code Section 77-22-2;~~  
178 (5)(H) memorandum prepared by staff for a member of any body charged by law with  
179 performing a judicial function and used in the decision-making process;

180 (5)(I) confidential business records under Utah Code Section 63G-2-309;  
181 (5)(J) record created or maintained for civil, criminal, or administrative enforcement  
182 purposes, audit or discipline purposes, or licensing, certification or registration  
183 purposes, if the record reasonably could be expected to:  
184 (5)(J)(i) interfere with an investigation;  
185 (5)(J)(ii) interfere with a fair hearing or trial;  
186 (5)(J)(iii) disclose the identity of a confidential source; or  
187 (5)(J)(iv) concern the security of a court facility;  
188 (5)(K) record identifying property under consideration for sale or acquisition by the court  
189 or its appraised or estimated value unless the information has been disclosed to  
190 someone not under a duty of confidentiality to the courts;  
191 (5)(L) record that would reveal the contents of settlement negotiations other than the  
192 final settlement agreement;  
193 (5)(M) record the disclosure of which would impair governmental procurement or give  
194 an unfair advantage to any person;  
195 (5)(N) record the disclosure of which would interfere with supervision of an offender's  
196 incarceration, probation or parole;  
197 (5)(O) record the disclosure of which would jeopardize life, safety or property;  
198 (5)(P) search warrants and search warrant affidavits before the filing of the return;  
199 (5)(Q) strategy about collective bargaining or pending litigation;  
200 (5)(R) test questions and answers;  
201 (5)(S) trade secrets as defined in Utah Code Section 13-24-2;  
202 (5)(T) record of a Children's Justice Center investigative interview before the conclusion  
203 of any legal proceedings;  
204 (5)(U) presentence investigation report; and  
205 ~~(5)(U)~~ (5)(V) other records as ordered by the court under Rule 4-202.04.  
206 (6) The following are juvenile court social records:  
207 (6)(A) correspondence relating to juvenile social records;  
208 (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations,  
209 substance abuse evaluations, domestic violence evaluations;

210 (6)(C) medical, psychological, psychiatric evaluations;  
211 (6)(D) pre-disposition and social summary reports;  
212 (6)(E) probation agency and institutional reports or evaluations;  
213 (6)(F) referral reports;  
214 (6)(G) report of preliminary inquiries; and  
215 (6)(H) treatment or service plans.  
216 (7) The following are juvenile court legal records:  
217 (7)(A) accounting records;  
218 (7)(B) discovery filed with the court;  
219 (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes,  
220 findings, orders, decrees;  
221 (7)(D) name of a party or minor;  
222 (7)(E) record of a court hearing;  
223 (7)(F) referral and offense histories  
224 (7)(G) and any other juvenile court record regarding a minor that is not designated as a  
225 social record.  
226

**Rule 4-202.03. Records access.**

Intent:

To identify who may access court records.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) Any person may access a public court record.

(2) An adoptive parent or adult adoptee may obtain a certified copy of the adoption decree upon request and presentation of positive identification. Otherwise, no one may access a sealed court record except by order of the court. A judge may review a sealed record when the circumstances warrant.

(3) The following may access a private court record:

(3)(A) the subject of the record;

~~(3)(B) the attorney for the subject of the record or an individual who has a power of attorney from the subject of the record;~~

~~(3)(C) (3)(B) the parent or guardian of the subject of the record if the subject is an unemancipated minor or under a legal incapacity;~~

~~(3)(D) a person with a notarized release from the subject of the record or the subject's legal representative dated no more than 90 days before the date the request is made;~~

~~(3)(E) (3)(C) a party or attorney for a party to litigation in which the record is filed;~~

~~(3)(F) (3)(D) an interested person to an action under the Uniform Probate Code;~~

~~(3)(G) (3)(E) the person who submitted the record;~~

(3)(F) the attorney for a person who may access the private record or an individual who has a written power of attorney from the person or the person's attorney;

(3)(G) an individual with a release from a person who may access the private record signed and notarized no more than 90 days before the date the request is made;

(3)(H) anyone by court order;

(3)(I) court personnel, but only to achieve the purpose for which the record was submitted;

31 (3)(J) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and  
32 (3)(K) a governmental entity with which the record is shared under Rule 4-202.10.  
33 (4) The following may access a protected court record:  
34 (4)(A) the person or governmental entity whose interests are protected by closure;  
35 (4)(B) the parent or guardian of the person whose interests are protected by closure  
36 if the person is an unemancipated minor or under a legal incapacity;  
37 (4)(C) the person who submitted the record;  
38 ~~(4)(B)-(4)(D)~~ (4)(D) the attorney for the person who submitted the record or for the person  
39 or governmental entity whose interests are protected by closure or for the parent or  
40 guardian of the person if the person is an unemancipated minor or under a legal  
41 incapacity or an individual who has a power of attorney from such person or  
42 governmental entity;  
43 ~~(4)(C) the parent or guardian of the person whose interests are protected by closure~~  
44 ~~if the person is an unemancipated minor or under a legal incapacity;~~  
45 ~~(4)(D)-(4)(E)~~ (4)(E) an person individual with a notarized release from the person who  
46 submitted the record or from the person or governmental entity whose interests are  
47 protected by closure or their legal representative dated or from the parent or guardian of  
48 the person if the person is an unemancipated minor or under a legal incapacity signed  
49 and notarized no more than 90 days before the date the request is made;  
50 ~~(4)(E)-(4)(F)~~ (4)(F) a party or attorney for a party to litigation in which the record is filed;  
51 ~~(4)(F) the person who submitted the record;~~  
52 (4)(G) anyone by court order;  
53 (4)(H) court personnel, but only to achieve the purpose for which the record was  
54 submitted;  
55 (4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and  
56 (4)(J) a governmental entity with which the record is shared under Rule 4-202.10.  
57 (5) The following may access a juvenile court social record:  
58 (5)(A) all who may access private records, except that a juvenile court competency  
59 evaluation, psychological evaluation or sex behavior risk assessment may be accessed

only with the approval of a juvenile court judge, who will permit access required by due process of law in a manner that serves the best interest of the child;

(5)(B) a prosecuting attorney;

(5)(C) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record in the juvenile justice system or criminal justice system;

(5)(D) the Department of Human Services, school districts, and vendors with whom they or the courts contract (who shall not permit further access to the record) but only for court business.

(6) The following may access a juvenile court legal record:

(6)(A) all who may access the juvenile court social record;

(6)(B) a law enforcement agency;

(6)(C) a children's justice center;

(6)(D) a public or private agency providing services to the subject of the record or to the subject's family; and

(6)(E) the victim of a delinquent act may access the disposition order entered against the defendant.

(7) Court personnel shall permit access to court records only by authorized persons. The court may order anyone who accesses a non-public record not to permit further access, the violation of which may be contempt of court.

(8) If a court or court employee in an official capacity is a party in a case, the records of the party and the party's attorney are subject to the rules of discovery and evidence to the same extent as any other party.



**Rule 4-202.05. Request to access an administrative record; research; request to classify an administrative record; request to create an index.**

**Intent:**

To establish the process for accessing an administrative court record, aggregate records and court records for the purpose of research.

**Applicability:**

This rule applies to court records associated with the administration of the judiciary, aggregate records and indexes, and requests to access non-public records for the purpose of research.

**Statement of the Rule:**

(1) A request to access a public court record shall be presented in writing to the custodian of the record unless the custodian waives the requirement. A request to access a non-public court record to which a person is authorized access shall be presented in writing to the custodian of the record. A written request shall contain the requester's name, mailing address, daytime telephone number and a description of the record requested. If the record is a non-public record, the person making the request shall present identification.

(2)(A) A request to access a private or protected court record, including aggregate records, to which the person is not authorized access shall be presented in writing to the state court administrator. The request shall contain the requester's name, mailing address, daytime telephone number, a description of the record and a statement of facts, authority and argument in support of the request. If the state court administrator allows access, the state court administrator may impose any reasonable conditions to protect the interests favoring closure. The person making the request shall sign an agreement to be bound by the conditions.

(2)(B) Before allowing access to a private or protected record to someone not authorized access, the state court administrator shall mail notice of the request for access to any person whose interests are protected by closure and allow 10 business days for that person to submit a statement of facts, authority and argument in support of closure.

31 (2)(C)(i) The state court administrator may disclose non-public court records,  
32 including records associated with a case other than sealed records, for research  
33 purposes without the notice required in this rule if the state court administrator decides  
34 that the research is bona fide and cannot reasonably be completed without disclosure of  
35 the records, and the interests favoring the research ~~outweigh~~ are greater than or equal  
36 to the interests favoring closure.

37 (2)(C)(ii) If the state court administrator discloses non-public court records for  
38 research purposes, the researcher shall sign a written statement acknowledging that  
39 violating the agreement may be grounds for criminal prosecution under Utah Code  
40 Section 63-2-801. The agreement may include any reasonable condition to protect the  
41 interests favoring closure, including an agreement to:

42 (2)(C)(ii)(a) maintain the integrity, confidentiality and security of the records;

43 (2)(C)(ii)(b) return or destroy records from which a person can be identified as soon  
44 as the research has been completed;

45 (2)(C)(ii)(c) not disclose the record, except for the purpose of auditing or evaluating  
46 the research and the auditor or evaluator agrees not to disclose the record;

47 (2)(C)(ii)(d) use the record only for the described research;

48 (2)(C)(ii)(e) indemnify the courts for any damages awarded as a result of injury  
49 caused by the research; and

50 (2)(C)(ii)(f) if the research involves human subjects, comply with state and federal  
51 laws regulating research involving human subjects.

52 (2)(C)(iii) A request to access a court record under this rule is also governed by Rule  
53 4-202.06 and Rule 4-202.07.

54 (3) A request to classify a court record as private or protected shall be presented in  
55 writing to the state court administrator. The request shall contain the relief sought and a  
56 statement of facts, authority and argument in support of the request. The state court  
57 administrator may deny access to the record until the determination is entered.

58 (4) In deciding whether to allow access to a court record or whether to classify a  
59 court record as private or protected, the decision maker may consider any relevant

60 factor, interest or policy presented by the parties, including but not limited to the  
61 interests described in Rule 4-202.

62 (5) A request to identify a data element as an index shall be presented in writing to  
63 the state court administrator. The request shall contain the relief sought and a statement  
64 of facts, authority and argument in support of the request. The state court administrator  
65 shall present the request to the Management Committee, which shall consider the  
66 request in the same manner as provided for appeals in Rule 4-202.07.  
67

**Rule 4-405. Juror and witness fees and expenses.**

Intent:

To develop a uniform procedure for payment of juror and witness expenses.

Applicability:

This rule shall apply to all trial courts of record.

Statement of the Rule:

(1) Fees.

(1)(A) The courts shall pay the fee established by statute for all jurors of the courts of record. The courts shall pay the fee established by statute for witnesses subpoenaed by the prosecutor or by an indigent defendant in criminal cases in the courts of record and in actions in the juvenile court. The courts shall pay no fee to a witness appearing for a hearing that was canceled or postponed with at least 24 hours notice to the parties, excluding Saturdays, Sundays, and holidays. The parties shall notify witnesses when a hearing is canceled or postponed.

(1)(B) A subsequent day of attendance shall be:

(1)(B)(i) for a witness, attendance on a subsequent day of the hearing regardless of whether the hearing is continued to a contiguous business day, but only if the hearing was actually called on the first day; and

(1)(B)(ii) for a juror, attendance on a subsequent day during the juror's term of availability, as defined in Rule 4-404(3)(B), regardless of whether attendance is for the same trial.

(1)(C) A witness requesting payment shall present a subpoena on which appears the certification of the attorney general, county attorney, district attorney or legal defender of the number of days the witness attended court, as defined in subsection (1)(B).

(2) Mileage. The courts shall reimburse the cost of travel at the rate established by statute for those jurors and witnesses to whom the court pays a fee. A witness in a criminal case or juvenile court case traveling from out of state to whom the court pays a witness fee shall be reimbursed the cost of round trip airfare or round trip travel at \$.20 per mile, as determined by the court.

(3) Meals and refreshments.

31 (3)(A) Meals for jurors shall be provided if the case has been submitted to the jury  
32 and the jury is in the process of deliberating the verdict or if the jury is sequestered. A  
33 lunch meal may be provided to jurors impaneled to try a case if it is anticipated that the  
34 matter will not be concluded by 2:00 p.m. on the final day of trial and the trial judge finds  
35 that provision of a lunch meal will assist in expediting the conclusion of the trial.

36 (3)(B) A witness in a criminal case or a juvenile court case traveling from outside the  
37 county to whom the court pays a witness fee may be reimbursed for meals.

38 (3)(C) Payment for meals for jurors and eligible in-state witnesses shall not exceed  
39 the rates adopted by the Department of Administrative Services.

40 (3)(D) Refreshments may be provided to a jury during the course of trial, upon order  
41 of the judge. Payment for refreshments shall not exceed \$3.00 per person per day.

42 (4) Lodging. Lodging for jurors shall be paid if the judge orders the jury sequestered,  
43 if the juror must travel more than 100 miles one-way from the juror's residence to the  
44 courthouse and the judge orders that lodging be paid, or if the judge orders that lodging  
45 be paid due to inclement weather. A witness in a criminal case or juvenile court case to  
46 whom the court pays a witness fee traveling from outside the county shall be provided  
47 lodging only upon a determination by the court executive that returning to the point of  
48 origin on the date in question places a hardship upon the witness or that the  
49 reimbursement for travel for repeat appearances is greater than the cost of lodging.  
50 Unless unavailable, lodging costs shall not exceed the rates adopted by the Department  
51 of Administrative Services.

52 (5) Method and record of payment.

53 (5)(A) The payment of juror and witness fees and mileage shall be by check made  
54 payable to the individual, or the court may reimburse the county or municipal  
55 government for the payment of the fee or mileage allowance.

56 (5)(B) The court shall pay eligible expenses of jurors directly to the vendor. Jurors  
57 shall not be required to incur the expense and seek reimbursement. The court may pay  
58 the eligible expenses of witnesses directly to the vendor or may reimburse the witness  
59 or the county or municipal government for the expense.

(5)(C) Jurors. Jurors must present a summons for payment for the first day of service. If a juror does not present a summons, the clerk may certify that the juror was summoned. The clerk shall file the summons and shall record the attendance of jurors for payment, including subsequent days of service.

(5)(D) Witnesses in criminal cases and juvenile court cases. Witnesses in criminal cases and juvenile court cases must present a subpoena for payment. If the subpoena is issued on behalf of an indigent defendant, it shall bear the certificate of defense counsel that the witness has appeared on behalf of the defendant at state expense, regardless of the number of days for which the witness is eligible for payment. If the subpoena is issued on behalf of the prosecution, the prosecutor shall certify the number of days and the number of miles for which the witness is eligible for payment. The clerk shall file the subpoena and record of attendance. If a witness does not present a subpoena, the clerk may record the witness' attendance and mailing address that is certified by the prosecutor or defense counsel.

(5)(E) The clerk of the court shall enter the payment due the juror or witness in the State Accounting System (FINET) within 10 calendar days after receipt of certification. The state will mail the payment to the juror or witness within 3 days. The clerk of court shall maintain both a list of undeliverable juror and witness checks and the checks. A payment is considered abandoned one year after it became payable and will be sent to the Division of Unclaimed Property pursuant to the Utah Code.

(6) Audit of records. At least once per month, the clerk of the court or a designee shall compare the jurors summoned and the witnesses subpoenaed with the FINET log of payments. Any unauthorized payment or other irregularity shall be reported to the court executive and the audit department of the Administrative Office of the Courts. The Administrative Office of the Courts shall include the audit of juror and witness payments within the scope of their regularly scheduled audits.

**ADDITIONAL COUNCIL MEETING  
HANDOUTS**



1 Rule 4-503. Mandatory electronic filing.

2 Intent:

3 To require that documents in district court civil cases be filed electronically.

4 To provide for exceptions.

5 Applicability:

6 This rule applies in the district court.

7 Statement of the Rule:

8 (1) Except as provided in Paragraph (2), pleadings and other papers filed in civil  
9 cases in the district court on or after April 1, 2013 shall be electronically filed using the  
10 electronic filer's interface.

11 (2)(A) A self-represented party who is not a lawyer may file pleadings and other  
12 papers using any means of delivery permitted by the court.

13 (2)(B) A lawyer whose request for a hardship exemption from this rule has been  
14 approved by the Judicial Council may file pleadings and other papers using any means  
15 of delivery permitted by the court. To request an exemption, the lawyer shall submit the  
16 request to the Judicial Council's General Counsel on a form approved by the Judicial  
17 Council.

18 (2)(C) Pleadings and other papers in probate cases may be filed using any means of  
19 delivery permitted by the court until July 1, 2013, at which time they shall be  
20 electronically filed using the electronic filer's interface.

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## Today's Judicial Council Meeting

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To: jodyg@email.utcourts.gov

Mon, Jun 25, 2012 at 8:25 AM

**Subject:** Today's Judicial Council Meeting

UTAH JUDICIAL COUNCIL MEMBERS AND STAFF:

One of the items that may be on your agenda this morning involves a new rule to define the line between FULL and PART-TIME justice court judges. As a Chapter 7 trustee appointed and serving in the United States Bankruptcy Court (13 years), an attorney (30 years), a justice court judge (16 years) in two cities, and a current member of the Board of Justice Court Judges, I would like to share my perspectives.

The limited purpose of the P&P committee's proposed amendment to the Applicability section of the Code of Judicial Conduct is explained in its April 17, 2012, cover memorandum as being: *"to clarify the current provision that prohibits full-time judges from practicing law."* Actually, however, the proposed amendment goes far beyond that limited purpose and would have apparently unintended collateral consequences. A much narrower amendment, such as I have attached, could more precisely accomplish the stated purpose. Please give it your consideration.

I also invite you to consider my own circumstances (as one example of the significant collateral damage to both individuals and communities that is possible) as you review this matter. Under the committee proposal, if I were determined to be a full-time judge, not only would I have to cease my now part-time law practice, but also I would be required (Rule 3.8) to resign as Chapter 7 Trustee (fiduciary) from hundreds of active bankruptcy cases I am administering and liquidating. Nor would I be able to serve as a mediator/arbitrator (Rule 3.9); or be employed for any non-family business entity (Rule 3.11); or even to serve without compensation on a non-law related community committee (Rule 3.4). Recently, for example, I volunteered to serve on a "Fire-wise" committee in my community. That would be prohibited if I am considered a full-time judge under the proposal. Not only would it have a drastically negative impact on me and other "part-time" judges, but also it would significantly reduce the pool of qualified applicants for justice court judge positions as they become available.

My primary occupation is as a trustee/attorney. Would I also be considered a full-time judge under the proposal?

Tuesdays I hold court in North Salt Lake from 9:00 a.m. to 5:00 p.m. And almost every Thursday, I also hold court in Centerville from 2:00 to about 8:00 p.m. Adding judicial training, justice court board or committee

service, and the occasional jury trial (Fridays), my combined total judicial service averages only slightly more than 15 weekly hours, and has not significantly changed in the past four years. Ironically, however, under the proposed rule, I would have been considered a full-time judge in each of the three prior years (but not this year). Below are the annual weighted caseload numbers for these two justice courts.

	2009 2011	2010 2012	
Centerville City		.47	
.55		.52	.44
North Salt Lake		<u>.59</u>	
<u>.55</u>	<u>.53</u>	<u>.52</u>	
Total			
	1.06	1.10	
	1.05	.96	

You can draw and define the line based on hours, compensation, or cases. Please consider other approaches that are tailored and targeted more precisely to accomplish the limited stated purpose which was defining when "a person is so thoroughly identified as a judge that the person should not be permitted to practice law." It seems incredible, that I would be so identified when working less than two days a week as a judge. But, even if less than two days is enough, please do not also take away all opportunities for other non-law practice compensation and public service. At a minimum, please revise the proposed rule before recommending it to the Supreme Court so that it only limits legal practice under Rule 3.10 of the Code of Judicial Conduct. Part-time judges are already precluded from practicing any criminal law in any court, and subject to the other secondary employment restrictions found in 78A-7-206.

Finally, there is another group of justice court judges who are clearly considered by their employing entity and the knowledgeable public as part-time, but who also would be caught in the unintended consequences of the committee proposal unless it is changed. Large justice courts frequently employ one or more full-time judges, as well as one or more specifically part-time judges. Such part-time judges in a large multi-judge court work and receive compensation on a part-time basis, and they contemplated continued other employment when applying for the part-time position. They should not suddenly be forced to stop the practice of law, much less all other compensated and public service endeavors. Again, not only would such improperly affect their reasonable settled expectations, but also it would drastically reduce the pool of qualified judicial applicants to replace them when they quit.

Please revised the proposal so that it protects the community interests in having the largest pool of future qualified potential judges, and in not forcing presently established judges to resign, both to their and their communities' detriment.

Sincerely,

David L. Miller