

UNIFORM FINE SCHEDULE

INTENT

It is the intent of the Uniform Fine Schedule to assist the sentencing judge in determining the appropriate fine to be imposed as a condition of the sentence in a particular case and to minimize disparity in sentencing for similar offenses and offenders. This schedule is not intended to supplant or to minimize a court's authority to impose a just sentence.

APPLICABILITY

These guidelines shall apply to all courts of record and not of record whenever a criminal fine may be imposed.

In determining whether a fine is appropriate to impose as a condition of the sentence for a public offense, a judge should consider several factors, including aggravating and/or mitigating circumstances set forth in the [Adult Sentencing and Release Guidelines](#), Tab 6, the cumulative effect of probation conditions, and the ability of the defendant to pay.

The amounts listed in the Uniform Fine Schedule may be used as a starting point for setting monetary bail as a condition of pretrial release, however, an individual's ability to pay must be considered **consistent with Appendix J of the Code of Judicial Administration**. ~~Utah Code section 77-20-1. Section 77-20-1 addresses additional pretrial release conditions and considerations.~~

In those parking, traffic, and infraction cases where the defendant is not required to appear and is mailed a citation indicating the fine amount, pursuant to Utah Code of Judicial Administration Rule 4-701, the amount may be increased \$50 if the defendant fails to appear or to pay within fourteen days after receiving the citation. The amount may be increased by an additional \$75 if the defendant fails to appear or to pay within forty days after receiving the citation. For information on how to calculate the surcharge on delinquent enhancements, contact the Administrative Office of the Courts.

TRAFFIC RELATED OFFENSES

Overweight Violations

The assessing court shall retain the first \$50 of the fine for offenses under Utah Code sections 72-7-404 and 72-7-406. The remainder of the fine shall be paid in accordance with Utah Code section 78A-7-120. *See* Gross Weight Chart for fines.

Traffic

A \$30 accident fee may be added to traffic violations resulting in an accident.

In either adult or juvenile court, if an accident has occurred, it may be considered by the court as an aggravating circumstance, and the fine/amount for the cited offense (which caused the accident) may be increased by the indicated amount.

All traffic offenses involving personal injury or death require a MANDATORY APPEARANCE.

A credit of \$8 ~~may~~ **must** be applied towards a fine imposed on any motor vehicle violation for the operator of a motorcycle or motor-driven cycle, class 3 electric assisted bicycle or auticycle not fully enclosed if the operator was 21 years old at the time of violation AND the operator was wearing protective head gear (Utah Code section 41-6a-1505), except for DUI offenses.

Nonresident Violator Compact

At the present time the following states are not members of the Nonresident Violator Compact (NRVC) and will not act on a request to suspend the driver's license of a person, who has been issued a traffic citation in the State of Utah and who failed to appear or contact the court on the citation: Alaska, California, Michigan, Montana, Oregon, and Wisconsin.

All other states, including the District of Columbia, are members of this compact and, with the exception of the following traffic offenses, will act on a request to suspend a driver license if the request reaches that state within six months of the date of the violation:

1. Those offenses requiring a mandatory appearance such as driving under the influence; failure to stop in the event of an accident causing death, personal injuries, or damage to property; and offenses that the directors of the compact have determined to require a mandatory appearance such as driving on suspension, driving on revocation, etc.
2. Parking or standing violations.
3. Highway weight limit violations.
4. Violations of the law governing the transportation of hazardous materials.

Because a request under the NRVC must reach a state within six months, it must be received by the Utah Driver License Division no later than 5 months after the issuance of the citation. There is no FTC in the NRVC, only FTAs. If partial payment is accepted by the court, that payment constitutes an appearance and the court cannot issue an FTC against the out-of-state driver.

PROCEEDING ON CITATION

Utah Code section 77-7-21 allows that in certain circumstances, a court may proceed with a matter on citation in lieu of an information. It states that where provided in the Uniform Fine Schedule, an individual may remit a fine without making a personal appearance before the court. Proceeding on citation, however, is permitted in limited cases and may not be allowed under circumstances specified in Utah Code section 77-7-21(1)(b).

For any class B or class C misdemeanor or any infraction listed as "Mandatory Appearance," the court may allow a defendant to voluntarily remit the fine and other penalties in lieu of appearance, unless the charge:

1. is a domestic violence offense;
2. is a DUI or driving with measurable controlled substance offense; or
3. appears to affect a victim or requires restitution.

For all other infractions, the court may allow the defendant to voluntarily remit the fine and other penalties in lieu of appearance.

SENTENCING

The felony matrix and misdemeanor matrix are guidelines for assessing penalties and fines after adjudication of a case requiring a mandatory appearance. The matrices include a broad range of fines from the statutory maximum to a base minimum within each category of offense. The matrices are to be used in conjunction with the criminal history assessment criteria. From the base financial sanction in each category, the schedules provide an escalation of the fine in correlation with the points accumulated in the criminal history criteria. The matrices also specify when both incarceration and a fine may be appropriate. Pre-sentence investigation reports include the criminal history data necessary to place the defendant's case on the matrix. In those cases where a pre-sentence report is not available, a defendant's criminal history should be verified before placing the defendant's case on the matrix. The defendant's ability to pay should be considered in determining whether or not to impose a fine and, if a fine is imposed, in establishing a payment plan.

CRIMINAL HISTORY ASSESSMENT FOR USE IN SENTENCING

The General Disposition Matrix, consistent with the Utah [Adult Sentencing and Release Guidelines \(Forms 1 & 5\)](#), classifies a defendant's criminal history in 5 categories from excellent (0-3 points), good (4-7 points), moderate (8-11 points), fair (12-15 points), and poor (16+ points). The appropriate classification is determined by summing points assessed in the Criminal History Scoring Section of Forms 1 & 5 of the Utah Adult Sentencing and Release Guidelines.

In assessing fines for Class A and B Misdemeanor offenses, excluding statutorily mandated fine amounts, the criminal disposition matrix is as follows:

GENERAL DISPOSITION MATRIX		
Misdemeanors		
CRIMINAL HISTORY	Class A Misdemeanors	Class B Misdemeanors
	Persons or Drugs	Persons or Drugs
POOR	\$2,500	\$1,000
FAIR	\$2,010	\$860
MODERATE	\$1,510	\$660
GOOD	\$1,010	\$460
EXCELLENT	\$510	\$260

THE AMOUNTS IN THIS MATRIX DO NOT INCLUDE THE SURCHARGE.

Additional Considerations in Assessing Fines:

- Fines for Class C Misdemeanors may be assessed from \$100 to \$750 using the same classification considerations per Utah Code section 76-3-301.
- Consider Jail on 2nd Offense.
- Fines for infractions may be assessed from \$0 to \$500.
- Credit is allowed towards fines for time served in jail at the rate of \$100 day.
- Credit is allowed towards fines for community service at a rate of not less than \$10/hr., per Utah Code section 76-3-301.7.

2021 UNIFORM FINE SCHEDULE

ANY OFFENSE NOT SPECIFICALLY NAMED ON THE FINE SCHEDULE AND NOT CONTAINED IN A SPECIFIC FINE SCHEDULE SHALL BE AS FOLLOWS:		
<u>FELONIES</u>	<u>FINE</u>	<u>COMMENTS</u>
<ul style="list-style-type: none"> • 1st degree with minimum mandatory sentence 	\$25,000	Mandatory Appearance
<ul style="list-style-type: none"> • Other 1st degree 	\$20,000	Mandatory Appearance
<ul style="list-style-type: none"> • 2nd degree 	\$10,000	*Mandatory Appearance
<ul style="list-style-type: none"> • 3rd degree 	\$5,000	*Mandatory Appearance
<u>MISDEMEANORS OTHER THAN LOCAL ORDINANCES</u>	Recommended/Maximum	
<ul style="list-style-type: none"> • Class A 	\$1960/ 2500	*Mandatory Appearance
<ul style="list-style-type: none"> • Class B 	\$690/1000	*Mandatory Appearance
<ul style="list-style-type: none"> • Class C 	\$350/ 750	
<ul style="list-style-type: none"> • Infractions 	**\$110/750	
<u>LOCAL ORDINANCES</u>	Recommended/Maximum	
<ul style="list-style-type: none"> • Class B 	\$350/1000	*Mandatory Appearance
<ul style="list-style-type: none"> • Class C 	\$180/750	
<ul style="list-style-type: none"> • Infractions 	\$110/750	

* Unless otherwise authorized by Utah Code of Judicial Administration, Rule 7-301 and Utah Code section 77-7-21

** On an infraction, defendant cannot be held in jail in lieu of posting the fine.

***Local ordinances are subject to security surcharge.

****The amounts listed in the Uniform Fine Schedule may be used as a starting point for setting monetary bail as a condition of pretrial release, however, an individual's ability to pay must be considered in accordance with Utah Code section 77-20-1. Section 77-20-1 addresses additional pretrial release conditions and considerations.

2021 DUI Fine Table

Utah Code section 41-6a-505 outlines minimum mandatory fines that must be imposed upon conviction for driving under the influence of alcohol, drugs, or a combination of both. In addition to these fines, Utah Code section 51-9-401 requires that a 90% criminal surcharge be paid on each fine imposed by the court. Finally, Utah Code requires that a security surcharge be assessed in addition to any fine or other surcharge: \$53 in district court (Utah Code § 78A-2-601) and \$60 in justice court (Utah Code § 78A-7-122). The tables below outline these amounts.

	In District Court	In Justice Court
MISDEMEANOR DUI First Conviction	\$1,383	\$1,390
Minimum Mandatory Fine <i>41-6a-505(1)(a)(v) and (3)(a)(v)</i>	\$700	
Criminal Surcharge (90%) <i>51-9-401(1)(b)(i)(C)</i>	\$630	
Security Surcharge <i>District: 78A-2-601(1); Justice: 78A-7-122(1)</i>	\$53	\$60

	In District Court	In Justice Court
MISDEMEANOR DUI Prior Conviction within 10 Years	\$1,573	\$1,580
Minimum Mandatory Fine <i>41-6a-505(5)(a)(v) and (7)(a)(v)</i>	\$800	
Criminal Surcharge (90%) <i>51-9-401(1)(b)(i)(C)</i>	\$720	
Security Surcharge <i>District: 78A-2-601(1); Justice: 78A-7-122(1)</i>	\$53	\$60

	In District Court
FELONY DUI (if prison is suspended and probation ordered)	\$2,903
Minimum Mandatory Fine <i>41-6a-505(9)(a) and (11)(a)</i>	\$1,500
Criminal Surcharge: 90% <i>51-9-401(1)(b)(i)(C)</i>	\$1,350
Security Surcharge <i>78A-2-601(1)</i>	\$53

Judges may find the [Utah DUI Statutory Overview](#) to be a convenient sentencing tool. This document is maintained by the Utah Substance Use and Mental Health Advisory (USAAV+) Council.

Note –The DUI Statutory Overview is not maintained by the courts or approved by the Judicial Council and may not be current. Please refer to current statutes to validate accuracy.

GUIDE TO THE UNIFORM FINE SCHEDULE

The Uniform Fine Schedule is published in both .pdf (Adobe Acrobat) and .xls (Excel) file formats. The .pdf format is organized for ease of printing and the .xls format has been provided for ease in sorting. You can access these files at:

http://www.utcourts.gov/resources/rules/ucja/append/c_fineba/

Violation Code Column (Violation Code)

The code for the violation based on Utah statute.

Description Column (Description)

Description of the applicable violation.

Mandatory Appearance Column (Man App)

This column is marked Y (Yes) if a court appearance is required to resolve this offense or N (No) if no appearance is necessary and the offense can be resolved by paying the designated fine.

Default Severity Column (Deflt Sev)

The severity of the offense as determined by statute.

Suggested Fine Column, Includes Security Surcharge (\$60) (Suggest Fine)

The total Suggested Fine and Security Surcharge. This includes the \$60 security surcharge for justice courts.

Compliance Credit Column (Comp Credit)

This is the amount of credit given for complying with violation requirements prior to resolving the offense. The "Comment" column describes the compliance required.

Non-Moving Traffic Column (Non Mov)

This column is marked Y (Yes) if the offense is a non-moving traffic violation and N (No) if the offense is not a non-moving traffic violation. No surcharge should be imposed in non-moving traffic offenses. The Utah Judicial Council, through the designated Uniform Fine Committee, has the responsibility to define which offenses are moving and which are non-moving. They have established definitions as follows: Moving violations involve an act or omission dealing with the actual driving of the motor vehicle, *e.g.*: failure to yield, speeding. Non-moving violations encompass status or conditions of the vehicle or driver license violations, *e.g.*: not registered, not licensed, broken equipment.

Surcharge Column (Surch)

Utah Code section 51-9-401(1)(a) provides that “[a] surcharge shall be paid on all criminal fines, penalties and forfeitures imposed by the courts.” It also provides that “[t]he surcharge shall be (i)

90% upon conviction of a (A) felony; (B) class A misdemeanor; (C) violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; or (D) class B misdemeanor not classified within Title 41, Motor Vehicles, including violation of comparable county or municipal ordinances, or (ii) 35% upon conviction of any other offense, including violation of county or municipal ordinances not subject to the 90% surcharge.” Under the statute, a surcharge may not be imposed: “(a) upon non-moving traffic violations; (b) upon court orders when the offender is ordered to perform compensatory service work in lieu of paying a fine; and (c) upon penalties assessed by the juvenile court as part of the non-judicial adjustment of a case under Section 78A-6-602.”

Report to Driver License Division Column (DLD Rpt)

This column will be marked Y (Yes) if the offense is reportable to the Utah Driver License Division and N (No) if not reportable. All states and the Canadian Provinces are members of the compact that shares information regarding convictions for traffic violations. If the convicted violator has a Utah, an out-of-state, or a Canadian driver license, a record of a conviction for an offense with a “Y” in this column will be sent to the Utah Driver License Division within 10 days of the conviction or bail forfeiture. *See* Utah Code section 77-7-25 and Utah Code section 53-3-218.

A plea in abeyance in Utah will not assess points to a driving record. A plea in abeyance may be handled differently in the motorist’s home state.

Plea in Abeyance

For a Utah non-CDL (commercial driver license) driver:

A plea in abeyance does not assess points on the driver’s motor vehicle record (MVR).

For a CDL (commercial driver license) driver:

A plea in abeyance will be reflected as a citation on the MVR for a CDL driver because federal law prohibits the Driver License Division (DLD) from masking or deferring judgment for a traffic citation for CDL drivers. If the violation requires a mandatory CDL license disqualification, DLD will also take action on an abeyance.

For a non-resident, non-CDL driver:

A plea in abeyance disposition may or may not result in assessed points on a license issued in a NRVC (Non-Resident Violator Compact) state. Drivers should contact their home state driver license division to determine if a plea in abeyance disposition in Utah will be recognized as a conviction or a diversion.

Report to Bureau of Criminal Identification Column (BCI Rpt)

This column will be marked Y (Yes) if the offense is reportable to the Utah Bureau of Criminal Identification (BCI) and N (No) if it is not reportable. Offenses are determined reportable by the Utah Bureau of Criminal Identification.

Transportation Code (Trns)

This column is used to designate transportation requirements for individuals arrested in a county other than the county from which the warrant was issued. (Utah Code of Judicial Administration Rule 4-613.)

C - Requires transportation only within the county.

S - Requires transportation within the state.

Unless otherwise ordered by the court, warrants for the following offenses will require transportation from the county in which the defendant is arrested:

- felonies.
- class A misdemeanors.
- class B misdemeanors charged under Utah Code, Title 76, Chapter 5 (Offenses Against the Person), Title 76, Chapter 10, Part 5 (Weapons), and Title 41, Chapter 6a, Part 5 (Driving Under the Influence and Reckless Driving).

Unless otherwise ordered by the court, warrants for the following offenses will require transportation only within the county from which the warrant originates:

- class B misdemeanors not included in the felony, class A and B Misdemeanors noted above.
- class C misdemeanors.

Comment Column (Comments)

This field may contain comments regarding offense codes.