

**JUDICIAL COUNCIL  
AGENDA**

**Friday  
August 28, 1998**

Resort Center Lodge & Inn  
1415 Lowell Ave  
Park City

Payday Room (aka) Lake Placid Room

\*\*\*\*\*

*Chief Justice Richard C. Howe, Presiding*

<b><u>Item:</u></b>	<b><u>Time:</u></b>	<b><u>Subject:</u></b>	<b><u>Presenter:</u></b>
1.	8:30 a.m.	Continental Breakfast .....	
2.	9:00 a.m.	Welcome - Approval of Minutes ..... (Tab 1- July 1 & 3, 1998)	Chief Justice Howe
3.	9:10 a.m.	Report from Chairman .....	Chief Justice Howe
4.	9:25 a.m.	State Court Administrator's Report .....	Daniel J. Becker
5.	9:40 a.m.	Judicial Council Sub-Committee .... Reports (Tab 2)	Hon. Pamela T. Greenwood Management Committee Report Hon. Michael K. Burton Policy and Planning Committee Report Hon. Anthony W. Schofield Liaison Committee Report
6.	10:00 a.m.	Utah Sentencing Commission Update .....	Edward McConkie Executive Director
7.	10:15 a.m.	Judicial Conduct Commission Update .....	Steven Stewart Executive Director
8.	10:30 a.m.	Break .....	
9.	10:45 a.m.	Education Standing Committee Update .....	Hon. Judith Atherton
10.	11:00 a.m.	Biannual Jury Inclusiveness Report .....	Tim Shea (Tab 3 - Required by 4-404)

11. 11:10 a.m. Budget Administration Discussion ..... Daniel J. Becker
12. 11:40 a.m. Approval of Amendment to Council Rules ..... Tim Shea  
2-205 & 4-608  
(Tab 4)
13. 12:00 p.m. Executive Session ..... Chief Justice Howe
14. **News Articles (information)**  
(Tab 5)
15. **Consent Calendar**  
(Tab 6)

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

1. Senior Justice Court Judge Certification ..... Richard H. Schwermer  
(Hon. Peggy Memmott)
2. Uniform Fine and Bail Schedule ..... D. Mark Jones
3. Application for Certification Active Senior Judge Status ..... Holly M. Bullen  
(Hon. Franklyn B. Matheson)
4. Appointment of Justice Stewart to the Judicial ..... Holly M. Bullen  
Performance Evaluation Standing Committee
5. Reappointment of Judge Wilson to Judicial Performance ..... Holly M. Bullen  
Evaluation Standing Committee
6. Interpreter Advisory Panel - Appointment/Reappointment ..... Holly M. Bullen  
of Members
7. Reappointment of Judge Wilkins, Judge Thorne & ..... Holly M. Bullen  
Claudia Page to Technology Standing Committee
8. Senior Justice Court Judge Certification ..... Richard H. Schwermer  
(Judge William Keetch)
9. New Appointments to the Racial and Ethnic Fairness ..... Jennifer Yim  
Task Force  
(Chris J. Martinez & Jesse M. Soriano)

10. Amendments to the Code of Judicial Administration ..... Peggy Gentles  
for Adoption

**Next Meeting:**

**September 8, 1998**

**Snowbird**

~~DRAFT~~  
Approved

**JUDICIAL COUNCIL  
MINUTES**

\*\*\*\*\*

Wednesday  
July 1, 1998

Sun Valley, Idaho  
Sawtooth Room

\*\*\*\*

*Chief Justice Richard C. Howe, Presiding*

**Members Present:**

Chief Justice Richard C. Howe  
Hon. Pamela T. Greenwood  
Hon. Lynn Payne for Hon. Robert Braithwaite  
Hon. Michael Glasmann  
Hon. Anne M. Stirba  
Hon. Anthony W. Schofield  
Hon. Leonard H. Russon  
Hon. Stan Truman  
Hon. Michael K. Burton  
Hon. John Sandberg  
James Jenkins, Esq.  
Hon. Stephen Van Dyke  
Hon. Kay A. Lindsay  
Hon. Kent Nielsen

**Staff Present:**

Daniel J. Becker  
Myron K. March  
Raymond H. Wahl  
Timothy Shea  
Richard H. Schwermer  
D. Mark Jones  
Marilyn Branch  
Cindy Williamson

**Guests:**

Karin Hobbs  
Hon. Jerald Jensen  
Hon. Hans Q. Chamberlain  
Hon. James Davis  
Steven Stewart, Esq.  
Fran Wikstrom, Esq.

**Welcome/Approval of Minutes:**

Chief Justice Howe welcomed guests, members and staff to the meeting.



**Motion:**

A motion was made by Judge Stirba to amend the minutes of May 28, 1998 by deleting the following sentence on page two, paragraph two: The alternate position will not be a voting position. The motion was seconded by Judge Glasmann and carried unanimously.

**Motion:**

A motion was made by James Jenkins to amend the minutes of May 28, 1998 by substituting the word authorize for the word appropriate on page six, fifth paragraph, sixth sentence. The motion was seconded and carried unanimously.

**Motion:**

A motion was made by James Jenkins to approve the minutes of May 28, 1998 as amended. The motion was seconded by Judge Greenwood and carried unanimously.

**Report from Chairman:**

Judges from the Second, Third and Fourth Districts have voiced their concerns to Chief Justice Howe about clerks being overworked and underpaid. The Chief Justice stated that something needs to be done to increase clerks' salaries so that the court system can remain competitive with the private sector. The Chief Justice noted that benefits in the courts are substantial.

**State Court Administrator's Report:**

Hon. Michael L. Hutchings has announced his retirement effective no later than December 7, 1998. However, the judge indicated that he may actually leave as early as August 1998.

Hon. William Thorne inadvertently did not meet the filing deadline for retention election. Governor Leavitt has expressed his intent to reappoint Judge Thorne to the bench, if his name is submitted by the Nominating Commission.

Recently, Dan Becker and Myron March met with the Governor's new Chief of Staff, Ted Stewart. Mr. Becker reported that Mr. Stewart has an appreciation for the role of the judiciary. During the meeting the issues of clerical staffing and law clerks were discussed.

The Administrative Office of the Courts has recently received two federal Byrne grants. The grants will support a case management/delay reduction project and a juvenile court drug court program.

Hon. Gordon Low of the First Judicial District was recently appointed to the Judicial Conduct Commission.

On June 19, 1998, a memorandum was mailed to presiding judges about speciality courts. The intent of the memorandum is to provide notice that speciality courts are going to be evaluated and there needs to be sufficient information maintained to ensure proper evaluation of the courts' effectiveness, future application and cost.

The Judicial Council will hold its Annual Planning Meeting in Park City on August 26-28, 1998. Budget materials will be mailed to all Council members for review one week prior to the meeting.

#### **Management Committee Report:**

Judge Greenwood stated that the minutes accurately reflect the meeting of the Management Committee held on June 11, 1998.

#### **Policy and Planning Committee Report:**

Judge Burton indicated that the minutes accurately reflect the meeting of the Policy and Planning Committee held on May 28, 1998.

#### **Liaison Committee Report:**

Judge Schofield reported that the Liaison Committee addressed two pieces of legislation. The Committee has recommended support of legislation dealing with ex parte communication involved in interviewing children. The bill should be modified to specifically allow private interviews, with the consent of the parties involved. The Committee voted to oppose legislation on the Eviction for Illegal Activities.

#### **Budget Process:**

At the request of members of the Management Committee, Dan Becker reviewed the budget process in advance of the planning session in August. The courts have a \$90 million budget which is administered under the rules and structure provided both by the Legislature and by the State Division of Finance.

Basically, the process has three components: a) preparation process; b) approval process; and c) administration of the budget. The preparation process involves a variety of different individuals beginning with the Administrative Office Fiscal Officer, Fred Jayne. Mr. Jayne provides instructions to court executives, who then review their budgets and meet with presiding judges and others. The court executives and judges consider the needs of their districts, both in terms of what their ongoing needs are and future needs. Thereafter, the court executives prepare

a proposal and then meet with court level administrators and the fiscal officer to discuss each of the budget requests. These requests are collapsed into a presentation that is made by the court level administrator to the appropriate board level. The boards then set priorities in 1% increments which are advanced to the Judicial Council. Prior to the boards' submission of their requests to the Council, they are submitted to Dan Becker. Mr. Becker analyzes not just what the individual boards are requesting but also the system as a whole. Mr. Becker applies the Governor's 2% guideline and then prepares a separate set of recommendations for submission to the Judicial Council. The Council considers all of the requests and sets its priorities.

The approval process begins with the submission of the Council's priorities to the Governor's Office and also to the Legislature. As a separate branch of government the courts would like to have the Governor include all of the court's request in his budget but the courts may also submit the budget requests directly to the Legislature in its entirety.

Administration of the budget is a very important part of the process. One component encompasses the period of time between March 1999 - April 15, 1999. This is the period of time that the court focuses on what the budget is going to be for the fiscal year beginning in July 1999. The budget that has been approved by the Legislature is then reduced to an object level detail which is submitted to the Division of Finance and includes: a) actual 1997 budget; b) authorized 1998 budget; and c) appropriated 1999 budget. There are shortages inherent in the operating budget and the shortages are adjusted by lap salaries and turn over savings. Lap salaries and turn over savings are both used for one time expenditures. However, turnover savings may also be used for salary surveys, career ladder advancement, promotions, and other salary adjustments.

In response to a question asked by a Council member, Mr. Becker indicated budget issues outside the ordinary operating procedure of the court should be brought to the Judicial Council, i.e., these concerning policy decisions. The issue of clerks' salaries was discussed at length by members of the Council.

#### **Public Confidence Goal: Progress and National Agenda:**

Last year the Judicial Council developed a goal for itself that public confidence in the judiciary should be strengthened and maintained. When the Council met in Sun Valley in 1997, it established several objectives to meet the desired goal. Ultimately, the Council arrived at three objectives: a) develop a feedback mechanism for judges and staff; b) provide for a customer service orientation on part of judges and staff; and c) minimize delay in matters brought before the court. Mr. Becker was then asked to come back before the Council to convert the objectives into initiatives.

The first initiative Mr. Becker suggested to the Council was to provide the public with an assistance telephone line. The customer service line began in February 1998 and is fully operational. The project did not receive new money but rather was the conversion of an existing

position in the Administrative Office of the Courts for a one year period. The program will be assessed in one year with quarterly reports provided to the Judicial Council.

The second initiative was to assess the services the courts are providing to internal customers. To that end, a survey has been sent to managers within the court system asking what kind of job the Administrative Office of the Courts is doing. The survey provided specific feedback on individual offices. Now department heads have something concrete to work on with their staff in terms of trying to address certain issues where they have fallen short. In addition to individual offices, the survey addressed issues about the office in general, i.e., the Administrative Office of the Courts has made progress with the relationships between the office and court executives over the last couple of years, chief probation officers voiced concern about not being part of the system and the lack of communication, and the difficulty of some understanding the budget process. As a result of the survey, staff at the AOC will address budget concerns and the relationship with chief probation officers. The second step of the survey is for court executives to conduct a similar survey within the districts of internal customers, i.e., judges, clerks, law enforcement, attorneys, etc.

Another focus in the area of customer service will be a management study of clerks' offices. A study will be conducted in both the District and Juvenile Courts in the Third District with the assistance of the National Center for State Courts (NCSC). A technical assistance team will be sent to Utah at no cost to Utah. Staff from the NCSC will review the offices and assess customer service and office organization for both the Third District and Juvenile Court Clerks' Offices. The recommendations from this study will allow the AOC to apply customer service initiatives to offices throughout the state. The study will begin in August 1998.

The third initiative is to stress the importance of the timely resolution of disputes. The AOC has received a grant to implement a special project which will address case management and delay reduction. D. Mark Jones, District Court Administrator, will be the project manager.

The fourth initiative is to conduct a public opinion poll to assess public trust and confidence generally. Chief Justice Howe and Dan Becker discussed this initiative in the context of a national effort that is underway. The NCSC has requested that each state name a task force to address this issue. No task force has been named in Utah because both the Chief Justice and Mr. Becker thought it best to delay naming a task force until after the National Conference of Chief Justices and State Court Administrators meet in August to discuss this initiative.

#### **Update on Juvenile State Supervision and the Juvenile Justice Task Force Agenda:**

Ray Wahl, Juvenile Court Administrator, reported on the State Supervision Program which is a component of the Juvenile Sentencing Guidelines. As part of the program, the Juvenile Court received funding to hire approximately 60 new probation officers statewide. The purpose of the Guidelines is: a) to embrace the concept of proportionality; b) to ensure early

intervention; and c) to create an additional sentencing category.

Mr. Wahl distributed a handout which compares compliance or implementation of the Guidelines in the first quarter July 1, 1997 to September 30, 1997 to the third quarter which is January 1, 1998 to March 31, 1998. In the first quarter there were very few state supervision programs and this resulted in a small number of referrals to the State Supervision Program. There has been speculation that the aggravating/mitigating circumstances of the Guidelines have something to do with whether a judge uses a particular sentencing category. In addition, there is speculation that the probation officer's recommendation has a great deal to do with implementation of the Guidelines. However, neither of those issues have been collected on the data base yet. As of July 13, there have been changes in the data base to where those items will be collected and then the impact of aggravating and mitigating circumstances can be determined.

Overall, the Juvenile Court has embraced the balanced approach to supervising delinquent children which includes an accountability aspect of dealing with delinquents, service delivery and victim awareness impact. State supervision is a good example of how the balanced approach has been implemented in the Juvenile Court system. Mr. Wahl explained specifically how the Fifth District Juvenile Court has implemented the Guidelines.

Next, Mr. Wahl reported on the Juvenile Justice Task Force Agenda. The Task Force has been re authorized for a third year by the Legislature. The Task Force will be examining what has been produced as a result of those funds. The Task Force's agenda will include; a) truancy; b) youth courts and c) legislative changes that need to take place as a result of the decision of the Dept. of Human Services to streamline procedures.

#### **Recording Criminal Fines as Civil Judgments:**

Tim Shea reviewed a debt collection bill that the Council approved last year which has been amended as it relates to converting fines to civil judgments. The legislation is bifurcated and affects the courts and the Office of State Debt Collection, and is currently under review by an interim committee of the Legislature.

The legislation affects both criminal and civil judgments, each having unique ramifications. A Legislative committee has been working with the State Office of Debt Collection (OSDC) to put in place a method of transferring accounts receivable to the OSDC for collection. The committee has observed that if the legislation passes, there will no longer be a distinction between criminal and civil judgments. Judgments that come about as a result of the criminal process would continue to have additional features but all of them would have aspects of a civil judgment.

Members of the Council expressed concern about certain issues, i.e., if transferred, how does a judge forgive part of a fine and how do you release or satisfy a judgment? Judge Greenwood suggested that the matter be referred to the Liaison Committee because of the

complicated nature of the legislation.

**Motion:**

A motion was made by Judge Greenwood to refer the issue of recording a criminal fine as a civil judgment to the Liaison Committee for a detailed review of the concepts. The motion was seconded by Judge Van Dyke. The motion carried unanimously.

**Justice Court Board - Update:**

Hon. Jerald Jensen was present to provide the Justice Court Board update to the Council. He presented issues that the Justice Court Board has dealt with in the past, and will address in the future. Judge Jensen stressed the importance of understanding the varied nature of the Justice Court.

Judge Jensen provided a brief overview of Justice Court Demographics conducted approximately two years ago which included the following: a) 51% of Justice Courts handle less than 100 cases per month; b) 9% of Justice Courts handle more than 500 cases per month; c) 47% of Justice Court judges have been on the bench less than five years; d) 67% of Justice Court judges spend 20 hours or less per week on work loads; e) 33% of Justice Courts do not have a bailiff in the court at all times; f) 67% of Justice Court judges have an annual salary of \$15,000 or less; and g) 42% of Justice Court judges have an annual salary of \$7,000 or less.

Next, Judge Jensen indicated that everyone involved with the Justice Court Study Committee has been pleased with the overall results of the Committee. Judge Jensen expressed his appreciation to Judge Schofield and others for their hard work. Basically, HB 460 addressed more rigid standards for establishing and/or dissolving a justice court. Elimination of statutory language regarding the sunset date and the bill also make it more difficult for a mayor in a municipality to dismiss a sitting judge without first showing just cause. Judge Jensen stressed the need to further address and hopefully eliminate concurrent jurisdiction.

The other issues of primary importance to the Justice Court are education and training, which he was appreciative of the additional resources being provided, traffic schools, court referees and teen courts, which he believes the Council should monitor for possible problems. Judge Jensen encouraged members of the Council to focus attention on the inconsistent application of rules in the Justice Court.

**Juvenile Court Board - Update:**

Judge Hans Q. Chamberlain, Chair of the Juvenile Court Board, was present on behalf of the Board and summarized the Board's most recent accomplishments and pending issues. The Juvenile Court has implemented legislative mandates through judges and probation officers. The Juvenile Court was given a substantial amount of money to implement new sentencing

guidelines. Juvenile Court probation staff and the Board of Juvenile Court Judges have spent considerable time on guideline implementation from a systemic basis, as well as, through judges and individual districts to see whether or not the sentencing guidelines are being followed.

State supervision within the Fifth Judicial District is working well. Judge Chamberlain expressed concern about allowing youth to advance to a certain level before they are placed on state supervision. However, youth placed on state supervision in the Fifth District enjoy a very high rate of success. There is an intent to measure the guidelines with respect to implementation and long term effects. As a result of the sentencing guidelines, the Juvenile Court received sixty new probation officers. Judge Chamberlain expressed his appreciation to the Human Resource Dept. and the Education Dept. in training the new probation officers.

The Juvenile Court is in the process of trying to update the Juvenile Justice Information System. Judge Chamberlain recognized Hon. Mark Andrus, Ron Oldroyd, Rolen Yoshinaga, and Eric Leeson for their efforts on this project. A presentation will be made to the Judicial Council once the committee makes their recommendations formal.

Juvenile Court mediation requires parents to meet with other parties in an attempt to resolve problems before they get to the adjudication level. Thus far, there have been 120 mediation referrals with an 85% success rate. The court is also involved in the offender mediation program which has had 134 referrals with a 96% success rate.

The Legislature funded another judge for the second district. It is Judge Chamberlain's understanding that the Second District Juvenile Court has committed to provide a day per week in the First District in order to assist Judge Burbank, who has the highest caseload in the system. In addition, Judge Johansen in the Seventh District has a very high caseload and judges are providing him assistance when they are able to.

Next, Judge Chamberlain indicated that the issue of family court is a high priority with the juvenile court. The Board is planning a two-day meeting in September to discuss the matter in detail.

Judge Chamberlain stated that his term as chair of the Board expires in September and that Judge Jeril Wilson will be named as the next chair.

#### **Juvenile Drug Court Grant:**

During the June meeting of the Judicial Council, the Council considered a request to submit an additional grant which would be used to enhance the existing Drug Court Program in the Third District Juvenile Court. The Council elected not to approve the submission of the enhancement grant. Today, Dan Becker requested that this matter be brought before the Council for further discussion.

### **Motion:**

Based upon the memorandum submitted by Dan Becker, Judge Stirba made a motion to accept the request for a Juvenile Drug Court grant. The motion was seconded by Judge Glasmann and carried with eight in favor and three opposed.

### **Update - Court of Appeals:**

Judge James Davis reported that when the Supreme Court and the Court of Appeals moved into the Scott M. Matheson Courthouse the clerks' offices were combined. The court has also come on-line with a new appellate court information system.

The most significant recent focus of the court has been the Appellate Mediation Office. The program has proven to be very successful and its success is largely attributable to Judge Michael Wilkins and Karin Hobbs. The program is funded by the court with the exception of the parties' attorneys fees. The cases are chosen at random in an effort to validate statistics. One of the best things about the mediation program is that there are no remands and also the settlement of related issues in the trial courts. The public relations aspect of the program has also been a benefit.

Karin Hobbs explained the mediation process, the gross settlement rate of 44%, and the general benefits of Appellate Court Mediation which include the following:

- Provides a public service to the judicial system - explains decisional process in trial courts and educates regarding the appellate court's role
- Provides opportunity for mutually satisfactory outcomes
- Improves the public image of the judicial system
- Faster, cheaper - more creative
- Results in comprehensive/customized agreements
- Preserves relationships/allows healing
- Creates workable resolutions
- Produces agreements with a high rate of compliance
- Provides neutral forum to work through differences
- May repair relationships between attorneys

### **Judicial Conduct Commission - Informal Resolution of Complaint, Rule Amendment:**

Steven Stewart, Executive Director, and Fran Wikstrom, Chair of the Judicial Conduct Commission, were present to speak on behalf of the Commission. Mr. Stewart indicated that both he and Mr. Wikstrom would explain the current rules of the Judicial Conduct Commission, the amendment and what it does and then speak to the policy considerations behind the rule.



Rule 9 of the Judicial Conduct Commission's Rules provides for two forms of informal resolution of complaints; the first is a dismissal with an admonition and the second is a private reprimand. Lately, whenever a private reprimand has been issued, the judge has been asked to consent that information concerning it, not the details, be disclosed to the complainant. This also holds true on dismissals with admonitions. However, the Commission encountered a problem with a dismissal with an admonition in that the judge does not receive a copy of the complaint. The Commission felt that it was unfair to issue a dismissal with an admonition unless the judge had a chance to be informed and possibly respond. Recently, there have been no dismissals with admonitions issued.

After reviewing this matter, the Commission asked Mr. Stewart to do a survey of other states and prepare an informal resolution of the complaint procedure which has resulted in the proposed amendment to Rule 9. All language relating to private reprimands and dismissals with admonitions have been eliminated. The new proposal reads as follows: "At any time after the institution of a preliminary investigation, the Commission may informally: (1) Reprimand a judge for conduct that is unacceptable; (2) Admonish the judge that the judge's conduct appears improper; (3) Direct professional counseling and assistance for a judge, including a medical examination, and monitor the judge's subsequent behavior; (4) Impose conditions of a judge's conduct or instruct a judge to make specific changes in particular matters of conduct; and (5) Resolve a complaint by any other appropriate means consistent with these rules."

A key element of the amendment is contained in the last sentence of the proposed rule: "If a judge accepts informal discipline, the Commission shall notify the complainant(s) of that fact, unless the Commission finds that notification is not in the interest of justice, and may, in its sole discretion, notify the complainants concerning the nature of the discipline." Mr. Stewart indicated that informal discipline requires acceptance of the judge which results in two alternatives; informal discipline and formal discipline. After discussion, the Council recommended that resolution of a complaint be substituted for the word discipline in the first sentence and that the word resolution be substituted for the word discipline in the last sentence.

Justice Russon stressed that the Commission's authority is derived from Article 8, Section 13 of the Utah Constitution which says that the Legislature by statute shall set forth or establish the procedures of the Commission. The Legislature has given the Commission the authority to make rules in Section 78-7-30.

The task force issued a report in which they addressed the Commission's communication with complainants. The task force concluded that persons who file judicial conduct complaints are entitled to certain information about the status and final disposition of the complaints, information which would not be regarded as breach of the confidential hearings provision of Article 8, Section 13 of the Utah Constitution. Current practice by the Commission has been to interpret Section 13 very restrictively, such that a complainant is given little or no information about any action taken with respect to the complaint unless it reached the Supreme Court. The task force recommended that if the Commission issued a private reprimand or a dismissal with an

admonition, that the complainant should be given notification of the fact but not the details. In dealing with this issue, it created some problems because the phrase private reprimand seems to indicate that it will remain private. Thus, the difficulty arises when there is a private reprimand issued with notification to the complainant. With this explanation, members of the Judicial Council offered a variety of suggestions to Mr. Stewart and Mr. Wikstrom for their consideration.

**Executive Session-Adjourn:**

A motion was made for Council members to move into executive session, after which Chief Justice Howe adjourned the meeting.

**JUDICIAL COUNCIL  
MINUTES**

\*\*\*\*\*

Friday  
July 3, 1998

Sun Valley, Idaho  
\*\*\*\*\*

**Members Present:**

Chief Justice Richard C. Howe  
Hon. Robert Braithwaite  
Hon. Anne M. Stirba  
Hon. Stephen Van Dyke  
Hon. Kent Nielsen  
Hon. John Sandberg  
Hon. Kay A. Lindsay  
Hon. Stanley Truman  
Hon. Michael K. Burton  
Hon. Leonard H. Russon  
Hon. Michael Lyon for Hon. Michael Glasmann  
James Jenkins, Esq.

**Staff Present:**

Daniel J. Becker  
Myron K. March  
Marilyn Branch  
Richard H. Schwermer  
Raymond H. Wahl  
Timothy Shea  
Cindy Williamson

**Guests:**

Charlotte Miller, President, Utah State Bar  
John Baldwin, Executive Director, Utah State Bar

**Welcome:**

Chief Justice Howe welcomed guests, members and staff to the meeting. The Chief Justice expressed his appreciation to Charlotte Miller, President, Utah State Bar, James Jenkins, President Elect, and John Baldwin, Executive Director, for their service to the Utah State Bar.

John Baldwin indicated he has compared the relationship between the Bar and the Judiciary in Utah and it far surpasses other relationships he has seen in other states. The Bar and Judiciary in Utah have a commitment and a willingness to discuss issues and review matters collectively to try to resolve them. Mr. Baldwin believes that the Access to Justice Program has been a very important part of the Bar's work and the Bar is appreciative of the assistance of the Judiciary. Another joint project has been the Utah Electronic Law Project (UELP). This concept embraces the idea of filing documents by computer by attorneys and the public.

Charlotte Miller, President, Utah State Bar, indicated that she has enjoyed being President

of the Bar. Ms. Miller stated that the Bar Commission is working hard to accomplish the goals of the Bar. The Bar has been more actively engaged in Legislative issues this past year and is also working toward review of the Bar admission process which is a core function of the Bar.

James Jenkins stated that he has enjoyed the last two years on the Judicial Council and is looking forward to his service on the Utah State Bar as President in the upcoming year. Mr. Jenkins said that his service on the Council has given him an advantage and a different perspective as he takes on the challenge of Bar President. His observation of the relationship between the Bar and the Judiciary is that it is "heads and shoulders" above Bar and Judiciary relationships in other states. Next, Mr. Jenkins indicated that future plans of the Bar will focus on legal assistant licensing, improved attorney discipline, improved communication within the Bar and additional access to justice programs. Mr. Jenkins stated that he will continue to serve on the Council through at least the August planning session and that the Bar Commission will name a replacement.

#### **Family Court Study Process:**

Chief Justice Howe stated he has perceived that there is a great deal of interest in the concept of a Family Court. The Chief Justice, Dan Becker, Hon. Gordon Low, Hon. Jeril Wilson, and Tim Shea attended a Family Court Conference in Philadelphia, Pennsylvania. Chief Justice Howe indicated that there was a lot of valuable information presented during the conference but that he has no preconceived notion of what should happen in Utah.

A suggestion was made that James B. Lee's task force report of approximately four years ago be presented during a public meeting, where participants from both inside and outside the courts would be invited to attend. Following that meeting, other groups would be invited to various meetings to provide input on the idea of a Family Court.

Tim Shea recited the history of the task force report, its recommendations and a proposal for the family court study process which initiated discussion among members of the Council about the following:

- Review of the Family Court concept by the Board of District Court and Juvenile Court Judges
- The need for an external perspective on what problems a family court would address
- That the study agenda not presuppose that legislation will be required
- The need for a comprehensive review of programs in other states
- That the short comings of Utah's present system be identified and addressed before consideration of implementing a new system
- A break down of component pieces, and a realization that there is a continuum
- The possible expansion of Judicial Council meetings to allow time in which to discuss the Family Court proposal in detail
- Public hearings

- Inclusion of a variety of interested groups.

Dan Becker suggested that the ideas and comments from today's meeting be reduced to writing and brought back before the Judicial Council during the August meeting to clarify the approach to the Family Court Study.

**Adjourn:**

There being no further business, the meeting was adjourned.

**MANAGEMENT COMMITTEE  
MEETING  
MINUTES**

\*\*\*\*\*

**Thursday  
August 13, 1998**

Scott M. Matheson Courthouse  
Administrative Office of the Courts  
450 South State Street  
Salt Lake City, Utah

\*\*\*\*\*

Hon. Pamela T. Greenwood, Presiding

**Members Present:**

Chief Justice Richard C. Howe  
Hon. Pamela T. Greenwood  
Hon. John Sandberg  
Hon. Michael Glasmann  
Hon. William Barrett for Hon. Anne Stirba

**Staff Present:**

Daniel J. Becker  
Myron K. March  
Kim Allard  
Rolen Yoshinaga  
D. Mark Jones  
Raymond H. Wahl  
Holly M. Bullen  
Tim Shea  
Brent Johnson  
Peggy Gentles  
Jennifer Yim  
Cindy Williamson

**Welcome:**

Judge Greenwood welcomed guests, members and staff to the meeting.

**Judicial Council Agenda - August 26-28, 1998:**

The Council agenda for August 26-28, 1998, was discussed, changes suggested and implemented.

**Report from the Chief Justice:**

Chief Justice Howe received a letter from judges in the Third Judicial District encouraging Judicial Council involvement in the restructuring of the Judicial Conduct Commission. Chief Justice Howe will discuss this subject during the report of the Chief Justice on the Council agenda.

### **Justice Court Inter-Local Agreement:**

Brent Johnson indicated that several municipal justice courts in central Utah have made a proposal to enter into an inter-local cooperative agreement and form a single justice court. Mr. Johnson has also been informed that two different municipalities are going to form an inter-local cooperative agreement for a justice court but one of those municipalities has a justice court and one does not. The first issue is when several municipalities all have justice courts and they want to enter into an inter-local agreement, what should the Council's involvement be? The second issue to be considered is when several municipalities enter into an inter-local agreement, some having justice courts and some not, what should the Council's involvement be?

After discussion, members of the Management Committee suggested that the Judicial Council ascertain whether a justice court meets appropriate standards when a different level of court results from an inter-local cooperative agreement. Mr. Johnson was instructed to draft the appropriate rule change to be processed in the usual manner.

### **State Court Administrator's Report:**

The courts received a grant in the amount of \$33,500 from the State Justice Institute (SJI) to fund the second year of a staff position for the Racial and Ethnic Fairness Task Force.

During the last meeting of the Capital Facilities Standing Committee there was consideration of forming an internal committee to update and monitor the capital facilities' master plan. The Judicial Council charged the Committee with updating the master plan on a regular basis. Dan Becker asked members of the Management Committee if particular judges might have a special interest in serving on this Committee.

Holly Bullen reviewed an updated list of judges currently serving on various committees. After discussion, members of the Management Committee suggested that the following individuals be contacted and asked if they would like to serve on the internal committee: Hon. Christine Durham, Hon. Parley Baldwin, and Hon. Charles "Bo" Behrens.

### **Web Page Applications:**

Kim Allard, Web Publisher, was present to provide an update on the Internet and Intranet. The Internet was fully operational on January 1, 1998. At the present, there are 500-600 inquiries per week on the Internet by external users. Since January 1, 1998, some major additions to the site include the following: a) Appellate Court Opinions; b) Supreme Court and Court of Appeals calendars; c) a roster of certified arbitrators and mediators. The Intranet is used by internal personnel and is accessible by password only. The Intranet application to be released in the near future will include committee information, the Data Warehouse, and an employees' directory. Of particular interest, is a clerks' training manual presented in an automated format.

Dan Becker expressed his appreciation to Ms. Allard for her presentation and stated that he feels the Web Page is a powerful tool for information sharing. Access to the Intranet will require each workstation to be loaded with Netscape software, which is in progress.

#### **CORIS Review:**

In response to a letter written by Judge Robert Braithwaite, Rolen Yoshinaga provided a CORIS update to members of the Management Committee. CORIS replaced the TCIS system and the fundamental difference between the two systems is that TCIS was a free form program while CORIS operates on a selection process. This program has changed the work of clerks because it provides a definite sequence to be followed when entering computer data. Consistency and standardization of data was an objective in replacing the freeform format which varied by clerk.

CORIS implementation is complete with the exception of Manti and Beaver. The new computer system will always be a work in progress. There are three areas of concern; a) speed; b) how often the computer suffers from down time; and c) screen changes. Since implementation there has been additional time spent on increased testing, which has decreased the speed in which various items are introduced into the districts. There are efforts underway to increase network speed throughout the state by the end of October. Other hardware and software, and line changes which will improve speed will be dependent on new funding. Members of the Management Committee suggested that Mr. Yoshinaga provide this information to Judge Braithwaite, as well as, the Board of District Court Judges, and include this presentation as part of the report of the Technology Standing Committee at the planning meeting.

Next, Mr. Yoshinaga indicated that electronic filing is on the verge of being ready to implement. Electronic filing has the potential to impact the work of clerks in that it eliminates some data entry. A suggestion was made that Mr. Yoshinaga attempt a pilot project in a district that expresses a willingness to do so.

#### **Family Court Process:**

Tim Shea suggested that a public hearing and panel discussion on the proposal for a family court be held following the regularly scheduled Judicial Council meeting on October 27, 1998, at 3:00 p.m. in conference room A, first floor of the Scott M. Matheson Courthouse. The public will be invited, as well as representatives from various allied agencies. The meeting will address the report of the Family Court Task Force, chaired by James B. Lee and co-chaired by Hon. Judith Billings. Judge Billings will lead the panel discussion on October 27.

#### **Applications, Appointments & Reappointments:**

Holly Bullen requested that the following applications, appointments and reappointments



be considered by the Management Committee and placed on the consent calendar of the Judicial Council: a) application for certification for active senior judge status of Franklyn B. Matheson; b) appointment of Justice Stewart to the Judicial Performance Evaluation Standing Committee; c) reappointment of Judge Wilson to the Judicial Performance Evaluation Standing Committee; d) reappointment of Judge Wilkins, Judge Thorne and Claudia Page to the Technology Standing Committee; and e) appointment/reappointment of members to the Interpreter Advisory Panel.

**Motion:**

A motion was made by Judge Sandberg to approve the applications, appointments and reappointments as requested and place them on the consent calendar of the Council. The motion was seconded by Judge Glasmann and carried unanimously.

**Juvenile Court Commissioner-Third Judicial District:**

Myron March indicated Richard Birrell, Juvenile Court Commissioner, has announced his retirement. The nominating commission for the selection of a new commissioner has been appointed and will be chaired by Hon. Charles "Bo" Behrens. Interviews for the position will take place on September 4, 1998. Mr. March stated that Commissioner Birrell is the only Juvenile Court Commissioner in the state and requested that the position be "double filled" for one month while Commissioner Birrell trains the new Commissioner.

**Motion:**

A motion was made by Judge Glasmann to approve the salary overlap for the purpose of adequate training. The motion was seconded by Judge Sandberg and carried unanimously.

**Case Management Project:**

D. Mark Jones stated that the Administrative Office recently received Byrne Grant funding to hire a project director for the case management project. The project director along with assistance from an advisory committee, will assist in designing what information should be collected, react to that information and develop models to further enhance case management. Mr. Jones distributed a list of names of proposed individuals to serve on the committee.

**Motion:**

A motion was made by Judge Glasmann to approve the list presented by Mr. Jones. The motion was seconded by Judge Sandberg and carried unanimously.

**Report to State Justice Institute (SJI) on Justice Court Judge Performance:**

Peggy Gentles requested that the Management Committee accept the Report to the State

Justice Institute on Justice Court Judge Performance. The report contains no policy recommendations only survey procedure.

**Motion:**

A motion was made by Judge Sandberg to authorize distribution of the report in the name of the Judicial Council to the State Justice Institute. The motion was seconded by Judge Glasmann and carried unanimously.

**New Appointments to the Racial and Ethnic Fairness Task Force:**

Jennifer Yim indicated that the Task Force on Racial and Ethnic Fairness would like to expand its current membership by two members. Ms. Yim, on behalf of the Task Force, asked that members of the Management Committee consider the appointments of Jesse Soriano and Chris Martinez. If approved, the composition of the Task Force would number thirty-two.

**Motion:**

A motion was made by Judge Glasmann to approve the appointments of Jesse Soriano and Chris Martinez to the Racial and Ethnic Fairness Task Force and place the matter on the consent calendar of the Council. The motion was seconded by Judge Sandberg and carried unanimously.

**Other Business:**

Judge Sandberg said he had been contacted about the restriction on judges as it relates to solicitation of charitable funds. Several individuals requested that Judge Sandberg bring this matter before the Judicial Council to ask that the Canon of Judicial Ethics be amended to allow for certain types of solicitation on behalf of churches. There has been concern voiced that this restriction violates the First Amendment.

**Motion:**

A motion was made by Judge Sandberg to place the issue on the next Judicial Council agenda. The motion failed for lack of a second.

**Executive Session:**

A motion was made to move into executive session. The motion was seconded and carried unanimously.

**Adjourn:**

There being no further business, Judge Greenwood adjourned the meeting.

<b>Jury Inclusiveness Analysis</b>				
<b>County</b>	<b>Estimated County Adult Population</b>	<b>Master Jury List July 1, 1998</b>	<b>Difference</b>	<b>Percent Difference</b>
Beaver	3,706	6,694	2,988	81%
Box Elder	24,355	48,875	24,520	101%
Cache	55,420	90,509	35,089	63%
Carbon	13,856	25,843	11,987	87%
Daggett	507	1,070	563	111%
Davis	134,590	199,889	65,299	49%
Duchesne	8,245	16,217	7,972	97%
Emery	6,244	11,998	5,754	92%
Garfield	2,726	6,697	3,971	146%
Grand	5,497	12,075	6,578	120%
Iron	18,049	30,865	12,816	71%
Juab	4,352	9,989	5,637	130%
Kane	3,794	9,158	5,364	141%
Millard	7,198	18,776	11,578	161%
Morgan	4,129	6,258	2,129	52%
Piute	986	2,159	1,173	119%
Rich	1,096	3,541	2,445	223%
Salt Lake	559,300	690,088	130,788	23%
San Juan	7,884	15,560	7,676	97%
Sanpete	12,993	21,833	8,840	68%
Sevier	10,895	18,216	7,321	67%
Summit	16,526	31,021	14,495	88%
Tooele	19,539	35,786	16,247	83%
Uintah	15,024	28,661	13,637	91%
Utah	207,208	301,628	94,420	46%
Wasatch	7,617	14,559	6,942	91%
Washington	48,425	78,701	30,276	63%
Wayne	1,538	2,785	1,247	81%
Weber	119,992	183,455	63,463	53%
<b>State Total</b>	<b>1,321,691</b>	<b>1,922,906</b>	<b>601,215</b>	<b>45%</b>

# Administrative Office of the Court

Chief Justice Richard C Howe  
Chair Utah Judicial Council

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator  
450 So. State St.  
P.O.Box 140241  
Salt Lake City, Utah 84114-0241  
Phone: (801) 578-3800  
Fax: (801) 578-3843

## MEMORANDUM

**To:** Utah Judicial Council  
**From:** Peggy Gentles, Staff Attorney *PG*  
**Subject:** Judicial Council's Use of Emergency Rulemaking  
**Date:** August 13, 1998

Amendments to Judicial Council Rules are published for comment twice a year. The usual practice is to have the effective date of the changes coincide with publication of Utah Court Rules Annotated or the supplement following the comment period. However, if the Council adopts a rule under its emergency rulemaking, the Council establishes effective date prior to the comment period. The emergency rule is published for comment with the next set of proposed changes and is in effect during the comment period. A statement is included indicating that the rule was amended under the Council's emergency rulemaking power.

I have reviewed the rules published for comment for the last three years. The following is a breakdown of the number of rules published and the number that were adopted under the Council's emergency rulemaking power:

PUBLICATION DATE	NUMBER OF RULES PUBLISHED FOR COMMENT	NUMBER OF EMERGENCY RULES
Fall 98	30	1 (necessitated by court reporter changes effective Jan. 1998)
Spring 98	12	1 (judicial performance evaluation rule change for 1998 attorney survey)
Fall 97	28	15 (incl. change Council meeting rules to parallel OPMA; changes concerning keeping official record and access to videotape records; providing for 5 nominees for Third District judicial vacancies)
Spring 97	28	2 (ADR and ethics advisory committee composition)
Fall 96	65	0
Spring 96	6	0

**Rule 2-205. Expedited ~~[Emergency]~~ rulemaking procedure.**

**Intent:**

To assure that issues of an urgent nature can be addressed in a timely fashion without sacrificing accountability and public comment.

**Applicability:**

This rule shall apply to all rules initiated and promulgated by the Council.

**Statement of the Rule:**

Notwithstanding other provisions of this Code, if the Council determines by affirmative vote of a majority of the members present that it is in the best interests of the judiciary ~~[to delay the comment period until after adoption of a rule]~~ for a rule to be effective prior to publication for comment under Rule 2-203, the Council may take final action on a rule without waiting for the comment period and make the rule effective at any time after final action. ~~[The Council shall distribute the rule and an invitation to comment to the persons listed in Rule 2-203. After the expiration of at least 45 days from the effective date of the rule, the]~~ The rule shall be published for comment pursuant to Rule 2-203. The Council shall consider any comments and shall ratify, amend, or repeal the rule. The Council has the discretion to redistribute the rule for public comment.

HOUSE OF REPRESENTATIVES  
STATE OF UTAH

*Put on Council  
agenda  
White letter*

REPRESENTATIVE JOHN L. VALENTINE  
ASSISTANT MAJORITY WHIP

58TH DISTRICT  
UTAH COUNTY  
857 EAST 970 NORTH  
OREM, UTAH 84057  
RES. 224-1693 / BUS. 373-6345  
FAX 377-4991

STANDING COMMITTEES: REVENUE AND TAXATION;  
EXECUTIVE APPROPRIATIONS  
APPROPRIATIONS: COMMERCE AND REVENUE

July 7, 1998

Chief Justice Richard C. Howe  
Utah Supreme Court  
450 South State  
PO Box 140210  
Salt Lake City, UT 84114-0210

Dear Chief Justice Howe:

Senator Robert Montgomery and I, as chairmen of the Judicial Rules Review Committee, have reviewed proposed modifications to the rules which are now subject to the comment period ending July 6, 1998. We did not call a meeting of our committee to discuss these rules - in general, we did not find that the amendments raised significant questions related to our committee's purposes.

However, the amendment to **Rule 2-205. Expedited [Emergency] rulemaking procedure** (copy attached) is of interest to us. It seems that changes to this rule allow expedited procedures to rules that are not generally considered emergencies, but are instead "in the best interests of the judiciary". Because this expedited rule making process allows the Council to establish rules prior to public comment, we would appreciate any information that may help us understand why this amendment is necessary.

We appreciate this opportunity to be heard regarding the judicial rule-making process and look forward to your response.

Sincerely,

*John Valentine*  
Rep. John L. Valentine

Chairs, Judicial Rules Review Committee

*Robert Montgomery*  
Sen. Robert F. Montgomery

## **Rule 4-608. Trials de novo of justice court proceedings in criminal cases.**

### **Intent:**

To establish uniform procedures governing trials de novo of justice court adjudications.

### **Applicability:**

This rule shall apply to district and justice courts in trial de novo proceedings where the notice of appeal is filed with the justice court.

### **Statement of the Rule:**

#### **(1) General Provisions.**

(A) Right to trial de novo. Any party to a judgment of the justice court may obtain a trial de novo.

(B) Venue. The trial de novo of a justice court adjudication in a criminal case shall be heard in the district court location nearest to and in the same county as the justice court from which the appeal is taken. Either party may move for a change of venue under the applicable Rules of Criminal Procedure.

#### **(2) Criminal appeals.**

(A) General provisions. The trial de novo of a justice court adjudication in a criminal case shall be held in accordance with Rule 4-803 governing trials de novo in small claims cases, except that no bond for costs on appeal or filing fees shall be required of a criminal defendant.

(B) The notice of appeal. The notice of appeal must be filed within thirty days of the entry of judgment. The justice court shall transmit to the district court a certified copy of the docket, the information or waiver of information, the judgment and sentence and other papers filed in the case within twenty days after receipt of the notice of appeal.

(C) Stay of judgment. Upon the filing of the notice of appeal~~[and the issuance of a certificate of probable cause as provided for in the Rules of Criminal Procedure]~~, the judgment of the justice court shall be stayed. The justice court judge may set bail as provided by Section 77-20-1.

(D) Orders governing trial de novo. Upon the filing of the notice of appeal, the district court shall issue all further orders governing the trial de novo, including posting of bail and release from custody.

(E) Disposition. The trial de novo shall be conducted in the district court as if the matter were originally filed in that court and the disposition of fine revenue shall be according to district court procedures. Upon entry of the judgment or final order of the district court, the clerk of the district court shall transmit to the justice court which rendered the original judgment notice of the manner of disposition of the case. Such notice shall be for informational purposes only and shall not be construed as a remand of the case inasmuch as a remand of a de novo proceeding is not authorized.

(F) Appeal from de novo review. The prosecution may take an appeal from a de novo review of the district court only as provided for in the Rules of Criminal Procedure.

(G) Traffic convictions. Notwithstanding the filing of a notice of appeal, if a person is convicted of a traffic offense in justice court, the justice court shall require the person to surrender all of his or her license certificates and the justice court shall forward them with the record of conviction to the Driver License Division within ten days as provided in Utah Code Ann. Section 41-2-126.



# Administrative Office of the Courts

Chief Justice Michael D. Zimmerman  
Chair Utah Judicial Council

April 27, 1998

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator

Chief Justice Richard C. Howe, Chair  
Utah Judicial Council  
450 South State Street  
Salt Lake City, Utah 84114

Dear Chief Justice Howe:

I am writing on behalf of the Board of Justice Court Judges in response to the proposed changes to Rule 4-608 of the Code of Judicial Administration. The Board's understanding is that comments are currently being solicited regarding this change to the rules governing the stay of judgment related to an appeal from a criminal matter in justice courts.

Currently parties follow the same process for stays of judgments in justice courts as they do for stays in district court. That is, if a stay is desired, the party must request a certificate of probable cause from the justice court judge. The proposed rule would grant an automatic stay upon appeal.

The Board of Justice Court Judges has essentially three concerns with this proposal. First, currently there are very few appeals in criminal matters in the justice courts, something around five hundred per year. Many of those who appeal do not ask for a stay of judgment, but most who do request a stay are granted a stay. Under this proposed change, even those who don't ask for a stay would be granted a stay. This means defendants ordered to incarceration for public safety reasons would automatically be released subject to the bail provision, and it means that restitution and other orders included in the sentence would not begin. This seems to be an unnecessary delay for those cases in which a stay would not have been requested.

The second concern is really the fundamental issue at hand here, and that is what the role of the justice courts is. This rule casts all powers of the court and the judge in a somewhat temporary and ephemeral light. There are times when a defendant needs to be incarcerated forthwith, and public safety would be endangered to do otherwise. A court with jurisdiction over a particular offense and a particular defendant ought to be able to have its sentence executed absent the showings that a certificate for probable cause proceeding would otherwise require.

Finally, a predicted ancillary effect of this rule would be that appeals would increase. The increase will come from those defendants who do not dispute the judgment of the court, but are

Chief Justice Richard C. Howe  
April 21, 1998  
Page 2

unable or unwilling to immediately comply with the sentence. With an automatic stay of sentence, there is absolutely no reason not to appeal the justice court decision and roll the dice again at the district court level.

For the above reasons, we unanimously oppose the amendments proposed to Rule 4-608. The Board is not persuaded that because of the standard of review for justice court appeals a different appellate process is necessary. The presumption should remain that the justice court judge has made a sound decision that should be enforced, absent some showing on the part of the defendant showing otherwise. Nonetheless, in order to alleviate the perceived concerns that exist about instances where probable cause certificates should be granted but are not, the Board proposes a different alteration of the process.

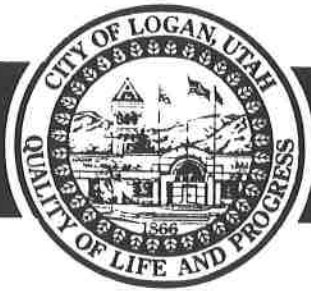
The Board proposes that the probable cause procedure remain as is, but that the rules of criminal procedure be altered to provide that as soon as a request for a stay is denied, the defendant has the ability to immediately request a redetermination of the stay by the district court with jurisdiction. This would allow those cases where a stay is requested and granted to proceed as they would have otherwise, and it allows those cases where stays are denied to be subject to further review. The district court, who would now have jurisdiction over the matter, could then view the stay issue anew. If the district court agrees with the defendant that the stay should be lifted, then the district court can lift the stay and the defendant will have suffered no significant prejudice. If the district court believes that the stay should continue to be denied, then the integrity of the process and the presumption due the justice courts will be preserved, and the additional bail determination proposed by the rule will not be necessary.

Ultimately this issue comes down to a case of district judges not being confident that they have the authority to immediately review a probable cause determination made by a justice court judge below. Rather than change the entire presumption surrounding justice court sentences and their enforcement, it seems to the Board the better course is to clarify the authority of the district court and allow that court to immediately exercise its jurisdiction in the best interest of the process and the public. If the role of the district court is clarified by rule, then the Board believes this issue will be resolved, defendants rights will be addressed, and no ancillary harm to the rest of the justice court process will be done.

Thank you for your consideration of our proposal, and please contact me if the Board can be of any further assistance.

Sincerely,

  
Jerald L. Jensen, Chair  
Board of Justice Court Judges



## City of Logan Municipal Justice Court



May 20, 1998

Peggy Gentles  
Staff Attorney  
Administrative Office of the Courts  
P.O. Box 140241  
Salt Lake City, Utah 84114-0241

RE: Proposed Amendments to Rule 4-608

Dear Peggy:

In regard to the amendment to the above rule amendment proving for an automatic stay from judgments on trial de novo from justice court, the rule is simple and easy to follow, but it does not protect the public as a whole and in some cases the defendant.

Two actual examples should suffice to show the problem. (1) An individual pleads guilty to a driving under the influence and a presentence report is received indicating that the individual is a danger to himself and others and needs to be immediately placed in jail until he can be placed in an inpatient treatment program. The court implements the recommendations, the individual appeals, certificate of probable cause denied by justice court and same day approved by district court.

That very weekend the individual is found in a field badly injured from a motorcycle accident which was the result of alcohol. The individual is now a living vegetable. (2) An individual pleads guilty to assault, criminal mischief and interference with officer and a presentence report is received indicating that defendant was a maximum supervision risk and should be placed in jail. This individual has been stalking the victim and threatened harm to the victim. The court implements the recommendation, an appeal is taken, a certificate of probable cause denied by the justice court, and the terms of release of the individual modified by the district court. There are other examples in which the interests of the victim, defendant or society would have been not served if a stay of the judgment in justice court had been granted.

In other cases, terms of release pending appeal can be implemented to protect the victim, defendant and society including bail, counseling and no contact orders etc. The new amendment only provides for bail.

The new rule does not provide for appeal from a motion suppress denial by the parties just a trial de novo. Where is the judicial economy in this?

The new rule encourages sentencing shopping by providing a trial de novo for every case whether or not the individual plead guilty or was found guilty. There should be specific provisions for the appeal of a sentence and a trial de novo for the person that exercised his or her right to trial in the justice court. May be this could be coordinated with the right to withdraw a plea of guilty in 30 days.

In short, the new rule is too simple and does not do justice to the victims, defendant or society. If you have any questions, please let me know.

Sincerely,

Cheryl A. Russell  
Justice Judge

SALT LAKE COUNTY JUSTICE COURT

JUDGE PEGGY ACOMB

2001 S State St #S4200  
Salt Lake City, Utah 84190-1500  
(801) 468-3429



May 20, 1998

Peggy Gentiles  
Staff Attorney  
Administrative Office of the Court's  
P.O.Box 140241  
Salt Lake City, UT 84114-0241

Re: Proposed Amendment to Rule 4-608  
Trials De Novo

Dear Ms. Gentiles,

I write in opposition to the proposed amendments to rule 4-608 which would require an automatic stay of the sentence imposed in a Justice Court. In my view, this is a step backward to the not so good old days when, in fact, this was the status of the law.

The use of Certificates of Probable Cause provide not only a uniform approach between court levels, but provide the trial court at the Justice level the flexibility to make decisions for the safety and well-being of victims and their families as well as controlling defendants who may have already absented themselves from the court several times and will likely do so again pending appeal.


The numbers of appeals from Justice Courts is very small. However, those which are appealed tend to be the more serious cases with a lot at stake (relatively speaking). The judge needs to be able to determine whether a given defendant will pose any risk pending appeal.

Rule 27 URCrP clearly sets out an appropriate procedure using Certificates of Probable cause, even providing a remedy if the judge below refuses to issue same. The court above can issue the Certificate if necessary. A change in 4-608 would set up a direct conflict with Rule 27.

Any minor local problems which may be occurring around the state should be resolved in favor of education of the judges to the status of the law as it is, not changing it to meet their needs.

Thank you for your attention.

Sincerely,

  
Peggy Acomb  
Justice Court Judge

cc: Justice Court Board



# Sandy Justice Court

JUDGE SUSAN WEIDAUER

May 28, 1998

Peggy Gentles  
Staff Attorney  
Administrative Office of the Courts  
P. O. Box 140241  
Salt Lake City, UT 84114-0241

Re: Proposed Rule Change - Rule 4-608

Dear Ms. Gentles:

Removal of the Certificate of Probable Cause requirement is consistent with the concept of trial de novo. However we would suggest that the apparent limitation on the authority of the Justice Court Judge to set bail only to assure appearance is unnecessarily restrictive. A better approach would be to allow bail as in other cases so as to allow the Justice Court Judge to consider other factors such as the danger presented to the community by the appellant remaining at large pending appeal. This is especially important in multiple offender D.U.I. and domestic violence cases. It would, of course, be subject to review by the District Court.

Very truly yours,

A handwritten signature in cursive script, reading "Susan Weidauer".  
Judge Susan Weidauer

A handwritten signature in cursive script, reading "Donald Sawaya".  
Judge Donald Sawaya

rule1.doc

# Administrative Office of the Court

Chief Justice Richard C Howe  
Chair Utah Judicial Council

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator  
450 So. State St.  
P.O.Box 140241  
Salt Lake City, Utah 84114-0241  
Phone: (801) 578-3800  
Fax: (801) 578-3843

**TO:** JUDICIAL COUNCIL

**FROM:** D. MARK JONES

**REF:** UNIFORM FINE & BAIL SCHEDULE CHANGES

**DATE:** AUGUST 17, 1998

---

There are both a written and a computer uniform fine and bail forfeiture schedule. The written schedule contains the most frequently used violations as recommended by the Uniform Fine and Bail Schedule Committee chaired by Judge Brent West. The written schedule is annually updated and approved by the Judicial Council. The computer schedule is maintained and updated on an ongoing basis by Debbie Thurman.

**Speeding in Construction or Maintenance Zone (Page 9):** The best known change to the bail schedule this year is the doubling of fines in construction zones. This is a separate schedule for bail amounts in the bail schedule for this offense. The bail amounts are double the corresponding bail amounts for simple traffic violations. There was a transportation code recodification and those changes are reflected in the new schedule.

**No Insurance (Page 7):** The mandatory penalty of Uninsured Vehicles was included in the schedule. The fine increased to \$400 for the first offense and \$1000 for each subsequent offense.

**Radar Jamming Devices/Jamming Radar Prohibited (Page 10):** The bail amount for the new offense of radar jamming devices is \$100.

**Driving Under the Influence of Alcohol and/or Drugs (Page 2):** Driving under the influence with a conditional license was given a \$1500 bail amount.

**Possess or Sale of Crystal Iodine (Page 13):** Controlled Substances Precursor amendments make the possession or sale of more than two ounces of crystal iodine a Class A misdemeanor with a bail amount of \$1850.

**Possession of Ephedrine or Pseudoephedrine (Page 13):** Possession or sale of more than two ounces of ephedrine or pseudoephedrine has also a bail amount of \$1850.

**Unauthorized Person Operate Vehicle in Impound Lot (Page 6):** The operation of a vehicle by an unauthorized person in an impound lot is a Class C misdemeanor with a \$270 bail.

**Wrongful Appropriation (Page 15):** Wrongful appropriation is punishable 1 degree lower than the appropriate theft. Wrongful appropriation is when a person exercises or obtains the unauthorized control over the property of another without the consent of the owner with the intent to temporarily appropriate, possess or use the property.

**Operate Personal Intro Service Without Registration (Page 12):** It is now a Class B misdemeanor with a \$555 bail to operate personal introduction services without registration. (I don't know why this is a Class B misdemeanor).

**Unlawful Body Piercing / Tattooing of a Minor (Page 17):** Unlawful body piercing/tattooing of a minor without parental consent is a Class C misdemeanor with a \$270 bail amount.

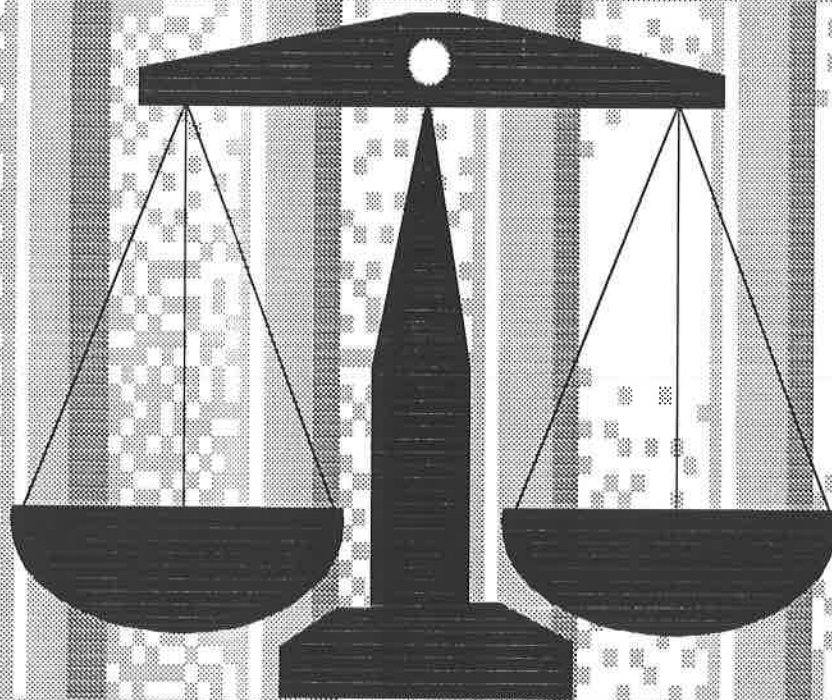
**Failure to Pay Fare (Page 12):** It is an infraction with a \$50 bail amount to ride a transit vehicle without payment of the applicable fee.

**Traffic Fine Surcharge (Salt Lake County):** Finally, in Salt Lake County there is a \$10 surcharge added to all moving violations including municipal and county ordinances.

There were other errors or inconsistencies corrected by the Committee. Many of these changes were recommended by clerks and judges during the past year. The Committee thanks them for their contributions.



STATE OF UTAH  
UNIFORM FINE &  
BAIL FORFEITURE  
SCHEDULE



JULY, 1998



# TABLE OF CONTENTS

## UNIFORM MISDEMEANOR FINE/BAIL SCHEDULE

NARRATIVE EXPLANATION OF SCHEDULE .....	<u>PAGE</u> i-iii
CRIMINAL HISTORY ASSESSMENT .....	vi
GENERAL DISPOSITION MATRIX - FELONIES .....	vii
GENERAL DISPOSITION MATRIX - MISDEMEANORS .....	viii-ix
SURCHARGE CHART .....	x-xi
UNIFORM FINE/BAIL SCHEDULE	

	<u>PAGE</u>
Chapter I - Traffic Violations	
Accidents .....	2
Alcohol & Drugs .....	2
Driver License & Related Provision .....	3
Failure to Yield, Right-of-Way Violations .....	4
Mechanical Condition, Faulty Equipment and Related Items .....	4
Non-Moving Violations .....	5
Passing Violations Wrong Side and Wrong Way .....	7
Reckless Driving, Exhibition Driving & Other Dangerous Violations .....	7
Speeding Violations .....	8
Stopping Violations .....	9
Turning, Lane Change, Backing and Signaling Violations .....	9
Various Violations Not Covered Elsewhere .....	9
Chapter II - Criminal Code Violations .....	11
Chapter III - Wildlife Resource Violations .....	16
Chapter IV - Boating/Parks & Recreation Violations .....	28
Off-Highway Vehicles .....	34
Parks and Recreation Violations .....	37
Chapter V - Division of State Lands & Forestry .....	42
Chapter VI - Common Motor Carrier Violations .....	44
Overload Bail Schedule .....	48

## UNIFORM FINE/BAIL SCHEDULE

### PURPOSE

It is the intent of the Uniform Fine/Bail Schedule to provide assistance to the sentencing judge in determining the appropriate fine or bail to be assessed in a particular case and to minimize disparity of fines/bails imposed by different courts for similar offenses. This schedule is not intended to deprive nor minimize the authority of the court to impose a sentence deemed just in the discretion of the judge.

### ASSUMPTIONS

The penalty for all public offenses should include a financial sanction as a minimum base from which the judge may determine the total sentence, dependent upon aggravating and/or mitigating circumstances of an individual case.

The cumulative effect of appropriate penalties such as probation, community service, surcharges, restitution, victim reparation, rehabilitation treatment programs, home confinement, court costs and periods of incarceration, should constitute the total sentence.

The enhancement or reduction to the basic fine should reflect the severity of the offense, the extent of victim injury or property damage loss, the risk which the offender poses to society, the offender's criminal and person history, and related factors. (Specific aggravating and mitigating circumstances are set forth on pages C and D.)

### APPLICATION

#### Bail Column

The bail column is used to set bail to ensure the defendant's appearance. This amount is also used when the defendant is not required to appear in court and will voluntarily forfeit the bail to dispose of the case. The applicable surcharge has been added to all bail amounts where a surcharge is to be assessed.

Note: A \$7.00 fee in addition to the bail amounts shown should be added in courts of record to offenses under Title 41. This fee is for the courts complex account.

Also, Beginning July 1, 1998, all courts in Salt Lake County shall collect an additional \$10.00 Traffic surcharge. The entire traffic surcharge shall be paid to the local government. If payment in full is not received, the payoff order is: Surcharge, Traffic Surcharge, Fine.

#### Surcharge

63-63a-1, U.C.A. provides that "A surcharge shall be paid on all criminal fines, penalties and forfeitures imposed by the courts. The surcharge shall be 85% upon conviction of a felony, class A misdemeanor, violation of Article 5, Chapter 6, Title 41, Driving While Intoxicated and Reckless Driving, or any class B misdemeanor not classified within Title 41, including violation of comparable county or municipal ordinances. The surcharge shall be 35% upon conviction of any offense, including violation of county or municipal ordinances not subject to the 85% surcharge, except:

(a) non-moving traffic violations; and

(b) when the court orders the offender to perform community service work in lieu of paying a fine.

No surcharge should be imposed in non-moving traffic offenses. If an offense is considered "non-moving," this is indicated in the "comments" column. The Uniform Fine/Bail 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.

See charts starting on page H to assist in figuring the surcharge.

#### FTA/FTC Column

The FTA/FTC column in the Uniform Bail Schedule pertains to several different laws.

FTA Failure to appear - Driver has not made contact with the court for a citation issued to them. As soon as contact is made with the court a clearance should be sent to Driver License Division.

FTC - Failure to Comply - Driver has not followed through with what was ordered by the court. Clearance should not be sent to DLD until the driver has complied with every thing. Drivers License Division will only suspend once for the FTC.

#### Utah - Licensed Driver

If a Utah-licensed driver fails to initially appear or pay a fine on a violation with a "Y" in the FTA/FTC column then a request can be made to the Utah Drivers License Division to suspend the violator's license. This request must be made within three years from the date of the citation for the Division to act on that request.

A license suspended because of either failure to appear or failure to comply in Utah will remain suspended for 10 years.

#### 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 drivers license of a person issued a traffic citation in the State of Utah who fails to appear or contact the court on the citation: Alaska, California, Michigan, Montana, Oregon and Wisconsin.

The rest of the 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 drivers license if this request reaches the home state within six months of the date of the violation:

1. Those offenses requiring a mandatory appearance under section 41-6-166, U.C.A., such as driving under the influence, failure to stop in event of an accident causing death, personal injuries, or damage to property, and those 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.

Since a request under the NRVC must reach the home state within six months it must be received by the Utah Drivers License Division no later than 5 months after the issuance of the citation, but sooner would be preferable in case there are problems.

There is no FTC in the NRVC, only FTA's. If partial payment is accepted by the court, that constitutes an appearance and the court cannot issue an FTC against an out-of-state driver like they can against a Utah driver.

#### Report to Drivers License Column

All of the 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 drivers license then a record of a conviction for an offense with a "Y" in the Report to Driver License Column should be sent to the Utah Division of Driver License Division within 10 days of the conviction or bail forfeiture. [See section 41-6-173, U.C.A., and section 53-3-218, U.C.A.]

A report of a plea held in abeyance for a Utah-licensed driver should also be reported. However, do not send a report when the citation is dismissed because of the violator's compliance with the plea in abeyance agreement. A report of a plea in abeyance never gets on the record other than the court record of a Utah-licensed driver for this information is not available to the person's insurance company and a dismissal will not be recorded.

If a plea is held in abeyance for other than a Utah-license driver, do not report it to the Utah Drivers License Division. Utah does not make a record of a plea in abeyance for an out-of-state or a Canadian driver and some of the other states and Canadian Provinces do not have a plea in abeyance provision and will record the report as a conviction. Therefore do not send in report for pleas held in abeyance for drivers not licensed in Utah.

#### Sentencing

The felony matrix and misdemeanor matrix are guidelines for setting FINE 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. They are to be used in conjunction with the criminal history assessment criteria, which are listed below. 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 where incarceration is likely to be appropriate in addition to the fine. Presentence investigation reports prepared by Adult Probation and Parole Division will include the criminal history data necessary to place the defendant's case on the matrix.

Note: The fine guidelines used in the matrix do not include surcharge. The surcharge must be assessed in addition to this amount.

#### Application to Adults/Juveniles

Effective July 1, 1994 the Judicial Council approved a separate Bail Schedule for the Juvenile Court. This Bail Schedule then only applies to adults, although the two Bail Schedules are the same with respect to the minors charged with minor traffic violations. Copies of the separate Juvenile Bail Schedule can be obtained from the Administrative Office of the Courts.

### Justice Courts - Payment of Fine

When fine payments are made over time, the last payment may need to be adjusted so that the correct amounts are paid to the fine and surcharge.

For example, the fine including surcharge for a Theft Class B Misdemeanor charge is \$555. The breakout would be fine - \$300.00 and surcharge (85%) - \$255.00. The defendant pays \$100 over the next five months and \$55 the last month. The court splits each payment according to the payment percentages. \$54 is kept by local government and \$46 is sent to the state for surcharge. The \$55 is broken out \$29.73 to fine and 25.27 to surcharge. The payments total - fine \$299.73 and surcharge \$255.27. In order for the amounts paid to equal the amount due, the last payment should be adjusted with \$30 being kept and \$25 sent to the state. This now matches the original receivable.

	<u>Not adjusted</u>		<u>Adjusted</u>	
	Fine	Surcharge	Fine	Surcharge
1 <sup>st</sup> Payment	54.00	46.00	54.00	46.00
2 <sup>nd</sup> Payment	54.00	46.00	54.00	46.00
3 <sup>rd</sup> Payment	54.00	46.00	54.00	46.00
4 <sup>th</sup> Payment	54.00	46.00	54.00	46.00
5 <sup>th</sup> Payment	54.00	46.00	54.00	46.00
6 <sup>th</sup> Payment	<u>29.73</u>	<u>25.27</u>	<u>30.00</u>	<u>25.00</u>
	299.73	255.27	300.00	255.00

## AGGRAVATING AND MITIGATING CIRCUMSTANCES

### Aggravating Circumstances

Consider aggravating circumstances only if they are not an element of the offense.

1. Established instances of repetitive criminal conduct.
2. Offender presents a serious threat of violent behavior.
3. Victim was particularly vulnerable.
4. Injury to person or property was unusually extensive.
5. Offense was characterized by extreme cruelty or depravity.
6. There were multiple charges or victims.
7. Offender's attitude is not conducive to supervision in a less restrictive setting.
8. Offender continued criminal activity subsequent to arrest.
9. Other (specify) \_\_\_\_\_

### Mitigating Circumstances

1. Offender's criminal conduct neither caused nor threatened serious harm.
2. Offender acted under strong provocation.
3. There were substantial grounds to excuse or justify criminal behavior, though failing to establish a defense.
4. Offender is young.
5. Offender assisted law enforcement in the resolution of other crimes.
6. Restitution would be severely compromised by incarceration.
7. Offender's attitude suggests amenability to supervision.
8. Crime victim does not want defendant to be incarcerated.
9. Offender has exceptionally good employment and/or family relationships.
10. Imprisonment or amount of fine would entail excessive hardship on offender or dependents.
11. Other (specify) \_\_\_\_\_

## CRIMINAL HISTORY ASSESSMENT

The attached criminal disposition matrix classifies a person'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 (16-28 points). The appropriate classification is determined by scores obtained by summing points assessed in each of the six criteria as follows:

1. Prior Felony Conviction(s); up to 8 points if a person has more than 3 felony convictions.
2. Prior Misdemeanor Conviction(s); up to 4 points if a person has more than 7 misdemeanor convictions.
3. Prior Juvenile Referrals; up to 4 points if the person was committed to a secure facility or 3 points if the collection of felonies and misdemeanors exceeded 4 counting felonies as 1 and misdemeanors as 1/3.
4. Supervision History; up to 4 points depending on the prior level of supervision in either the juvenile or adult system and revocation history.
5. Supervision Risk; up to 4 points based on previous reporting, absconding or escape history.
6. Weapons Enhancement; up to 4 points based on the use of weapons.

Total possible points are 28, least possible 0. Aggravating and mitigating circumstances are also a part of the sentence and release guidelines.

# GENERAL DISPOSITION MATRIX FELONIES

## CRIME SEVERITY

	CAPITAL	1ST DEGREE		PERSON CRIMES			OTHER CRIMES		CRIMES AGAINST CHILD	
		MUR 11	OTHER	HOMICIDE 2ND SEX	2ND DEG 3RD SEX	3RD DEG	2ND DEG	3RD DEG	2ND DEG	3RD DEG
VAL HISTORY Cf	Poor	\$10,000 ▲	\$10,000 ▲	\$10,000 ▲	\$5,000 ▲	\$5,000 ▲	\$10,000 \$5,000	\$5,000 \$2,500	\$10,000 ▲	\$5,000 ▲
	Fair						\$5,000 \$2,500	\$2,500 \$1,500		
	Moderate		\$5,000	\$5,000	\$2,500	\$2,500	\$2,500	\$1,500	\$5,000	\$2,500
	Good	\$5,000	\$5,000	\$5,000 \$2,500	\$2,500 \$1,500	\$2,500 \$1,500			\$5,000 \$2,500	\$2,500 \$1,500
	Excellent	\$5,000 \$2,500	\$2,500 \$1,500	\$2,500 \$1,500	\$1500 \$600	\$1500 \$600	\$1,500	\$600	\$2,500 \$1,500	\$1500 \$600

DRUG DISTRIBUTION OF OR INTENT TO DISTRIBUTE OVER \$500 &  
RESIDENTIAL BURGLARY SHOULD BE "PERSON" CRIMES

	PRISON
	PROBATION

AMOUNTS DO NOT INCLUDE SURCHARGE



Misd

CRIMINAL HISTORY	Class A Misdemeanors			Class B Misdemeanors		
	Persons or Drugs	Property	Other	Persons + Drugs	Property	Other
POOR	\$2,500	\$2,500	\$2,500	\$1,000	\$1,000	\$1,000
	\$2,000	\$2,000	\$2,000	\$800	\$800	\$800
FAIR	\$2,000	\$2,000	JAIL	\$800	\$800	\$800
	\$1,500	\$1,500	\$1,500	\$600	\$600	\$600
MODERATE	\$1,500	\$1,500	\$1,500	\$600	\$600	\$600
	\$1,000	\$1,000	\$1,000	\$400	\$400	\$400
GOOD	\$1,000	\$1,000	\$1,000	\$400	\$400	\$400
	\$500	\$500	\$500	\$200	\$200	\$200
EXCELLENT	\$500	\$500	\$500	\$200	\$200	\$200
	\$200	\$200	\$200	\$50	\$50	\$50

AMOUNTS DO NOT INCLUDE SURHCARGE ON THIS MATRIX

Class C Misdemenaors - \$750 to \$50

Consider Jail on 2nd Offense

Infractions - \$500 to \$0

Credit allowed towards fine for tim sereved in jail: \$25.00 day

Credit allowed towards fine for community service: No more than \$5/hr

Prior Record	DUI <sup>1</sup> UCA 41-6-44	Revocation UCA 53-3-227	Alcohol Related Reckless UCA 41-6-44.6(2)	Hit & Run
3 or More Offenses	3d Deg. Felony: Mand. Min. \$2775.00  Class A: Mand. Min. \$3700.00	Not Applicable	\$1850 \$1387.50	\$1850.00 \$925.00
2nd Offense	Mand. Min. \$1480.00	Not Applicable	\$1387.50 \$925.00	\$925.00 \$647.50
1st Offense	Mand. Min. \$1295.00	Class B: \$1387.50 Mand. Min.  Class C: \$1012.50 Mand. Min.	\$925.00 \$277.50	\$647.50 \$185.00

**Amounts include surcharge.**

---

<sup>1</sup> For purposes of DUI law, prior offense means conviction within the six years.

# SURCHARGE CHART

Base Fine	35% Surcharge	Total
\$20.00	\$7.00	\$27.00
\$25.00	\$8.75	\$33.75
\$30.00	\$10.50	\$40.50
\$35.00	\$12.25	\$47.25
\$40.00	\$14.00	\$54.00
\$45.00	\$15.75	\$60.75
\$50.00	\$17.50	\$67.50
\$55.00	\$19.25	\$74.25
\$60.00	\$21.00	\$81.00
\$65.00	\$22.75	\$87.75
\$70.00	\$24.50	\$94.50
\$75.00	\$26.25	\$101.25
\$80.00	\$28.00	\$108.00
\$85.00	\$29.75	\$114.75
\$90.00	\$31.50	\$121.50
\$95.00	\$33.25	\$128.25
\$100.00	\$35.00	\$135.00
\$125.00	\$43.75	\$168.75
\$150.00	\$52.50	\$202.50
\$175.00	\$61.25	\$236.25
\$200.00	\$70.00	\$270.00
\$225.00	\$78.75	\$303.75
\$250.00	\$87.50	\$337.50
\$275.00	\$96.25	\$371.25
\$300.00	\$105.00	\$405.00
\$325.00	\$113.75	\$438.75
\$350.00	\$122.50	\$472.50
\$375.00	\$131.25	\$506.25
\$400.00	\$140.00	\$540.00
\$425.00	\$148.75	\$573.75
\$450.00	\$157.50	\$607.50
\$475.00	\$166.25	\$641.25
\$500.00	\$175.00	\$675.00
\$525.00	\$183.75	\$708.75
\$550.00	\$192.50	\$742.50
\$575.00	\$201.25	\$776.25
\$600.00	\$210.00	\$810.00
\$625.00	\$218.75	\$843.75
\$650.00	\$227.50	\$877.50
\$675.00	\$236.25	\$911.25
\$700.00	\$245.00	\$945.00
\$725.00	\$253.75	\$978.75
\$750.00	\$262.50	\$1,012.50
\$775.00	\$271.25	\$1,046.25
\$800.00	\$280.00	\$1,080.00
\$825.00	\$288.75	\$1,113.75
\$850.00	\$297.50	\$1,147.50
\$875.00	\$306.25	\$1,181.25
\$900.00	\$315.00	\$1,215.00
\$925.00	\$323.75	\$1,248.75
\$950.00	\$332.50	\$1,282.50
\$975.00	\$341.25	\$1,316.25
\$1,000.00	\$350.00	\$1,350.00

Base Fine	85% Surcharge	Total
\$50.00	\$42.50	\$92.50
\$55.00	\$46.75	\$101.75
\$60.00	\$51.00	\$111.00
\$65.00	\$55.25	\$120.25
\$70.00	\$59.50	\$129.50
\$75.00	\$63.75	\$138.75
\$80.00	\$68.00	\$148.00
\$85.00	\$72.25	\$157.25
\$90.00	\$76.50	\$166.50
\$95.00	\$80.75	\$175.75
\$100.00	\$85.00	\$185.00
\$150.00	\$127.50	\$277.50
\$200.00	\$170.00	\$370.00
\$250.00	\$212.50	\$462.50
\$300.00	\$255.00	\$555.00
\$350.00	\$297.50	\$647.50
\$400.00	\$340.00	\$740.00
\$450.00	\$382.50	\$832.50
\$500.00	\$425.00	\$925.00
\$550.00	\$467.50	\$1,017.50
\$600.00	\$510.00	\$1,110.00
\$650.00	\$552.50	\$1,202.50
\$700.00	\$595.00	\$1,295.00
\$750.00	\$637.50	\$1,387.50
\$800.00	\$680.00	\$1,480.00
\$850.00	\$722.50	\$1,572.50
\$900.00	\$765.00	\$1,665.00
\$950.00	\$807.50	\$1,757.50
\$1,000.00	\$850.00	\$1,850.00
\$1,200.00	\$1,020.00	\$2,220.00
\$1,400.00	\$1,190.00	\$2,590.00
\$1,600.00	\$1,360.00	\$2,960.00
\$1,800.00	\$1,530.00	\$3,330.00
\$2,000.00	\$1,700.00	\$3,700.00
\$2,200.00	\$1,870.00	\$4,070.00
\$2,400.00	\$2,040.00	\$4,440.00
\$2,600.00	\$2,210.00	\$4,810.00
\$2,800.00	\$2,380.00	\$5,180.00
\$3,000.00	\$2,550.00	\$5,550.00
\$3,200.00	\$2,720.00	\$5,920.00
\$3,400.00	\$2,890.00	\$6,290.00
\$3,600.00	\$3,060.00	\$6,660.00
\$3,800.00	\$3,230.00	\$7,030.00
\$4,000.00	\$3,400.00	\$7,400.00
\$4,200.00	\$3,570.00	\$7,770.00
\$4,400.00	\$3,740.00	\$8,140.00
\$4,600.00	\$3,910.00	\$8,510.00
\$4,800.00	\$4,080.00	\$8,880.00
\$5,000.00	\$4,250.00	\$9,250.00
\$6,000.00	\$5,100.00	\$11,100.00
\$7,000.00	\$5,950.00	\$12,950.00
\$8,000.00	\$6,800.00	\$14,800.00
\$9,000.00	\$7,650.00	\$16,650.00
\$10,000.00	\$8,500.00	\$18,500.00

# SURCHARGE CHART

Base Fine	35% Surcharge	Total
\$14.81	\$5.19	\$20.00
\$18.52	\$6.48	\$25.00
\$22.22	\$7.78	\$30.00
\$25.93	\$9.07	\$35.00
\$29.63	\$10.37	\$40.00
\$33.33	\$11.67	\$45.00
\$37.04	\$12.96	\$50.00
\$40.74	\$14.26	\$55.00
\$44.44	\$15.56	\$60.00
\$48.15	\$16.85	\$65.00
\$51.85	\$18.15	\$70.00
\$55.56	\$19.44	\$75.00
\$59.26	\$20.74	\$80.00
\$62.96	\$22.04	\$85.00
\$66.67	\$23.33	\$90.00
\$70.37	\$24.63	\$95.00
\$74.07	\$25.93	\$100.00
\$92.59	\$32.41	\$125.00
\$111.11	\$38.89	\$150.00
\$129.63	\$45.37	\$175.00
\$148.15	\$51.85	\$200.00
\$166.67	\$58.33	\$225.00
\$185.19	\$64.81	\$250.00
\$203.70	\$71.30	\$275.00
\$222.22	\$77.78	\$300.00
\$240.74	\$84.26	\$325.00
\$259.26	\$90.74	\$350.00
\$277.78	\$97.22	\$375.00
\$296.30	\$103.70	\$400.00
\$314.81	\$110.19	\$425.00
\$333.33	\$116.67	\$450.00
\$351.85	\$123.15	\$475.00
\$370.37	\$129.63	\$500.00
\$388.89	\$136.11	\$525.00
\$407.41	\$142.59	\$550.00
\$425.93	\$149.07	\$575.00
\$444.44	\$155.56	\$600.00
\$462.96	\$162.04	\$625.00
\$481.48	\$168.52	\$650.00
\$500.00	\$175.00	\$675.00
\$518.52	\$181.48	\$700.00
\$537.04	\$187.96	\$725.00
\$555.56	\$194.44	\$750.00
\$574.07	\$200.93	\$775.00
\$592.59	\$207.41	\$800.00
\$611.11	\$213.89	\$825.00
\$629.63	\$220.37	\$850.00
\$648.15	\$226.85	\$875.00
\$666.67	\$233.33	\$900.00
\$685.19	\$239.81	\$925.00
\$703.70	\$246.30	\$950.00
\$722.22	\$252.78	\$975.00
\$740.74	\$259.26	\$1,000.00

Base Fine	85% Surcharge	Total
\$27.03	\$22.97	\$50.00
\$29.73	\$25.27	\$55.00
\$32.43	\$27.57	\$60.00
\$35.14	\$29.86	\$65.00
\$37.84	\$32.16	\$70.00
\$40.54	\$34.46	\$75.00
\$43.24	\$36.76	\$80.00
\$45.95	\$39.05	\$85.00
\$48.65	\$41.35	\$90.00
\$51.35	\$43.65	\$95.00
\$54.05	\$45.95	\$100.00
\$81.08	\$68.92	\$150.00
\$108.11	\$91.89	\$200.00
\$135.14	\$114.86	\$250.00
\$162.16	\$137.84	\$300.00
\$189.19	\$160.81	\$350.00
\$216.22	\$183.78	\$400.00
\$243.24	\$206.76	\$450.00
\$270.27	\$229.73	\$500.00
\$297.30	\$252.70	\$550.00
\$324.32	\$275.68	\$600.00
\$351.35	\$298.65	\$650.00
\$378.38	\$321.62	\$700.00
\$405.41	\$344.59	\$750.00
\$432.43	\$367.57	\$800.00
\$459.46	\$390.54	\$850.00
\$486.49	\$413.51	\$900.00
\$513.51	\$436.49	\$950.00
\$540.54	\$459.46	\$1,000.00
\$648.65	\$551.35	\$1,200.00
\$756.76	\$643.24	\$1,400.00
\$864.86	\$735.14	\$1,600.00
\$972.97	\$827.03	\$1,800.00
\$1,081.08	\$918.92	\$2,000.00
\$1,189.19	\$1,010.81	\$2,200.00
\$1,297.30	\$1,102.70	\$2,400.00
\$1,405.41	\$1,194.59	\$2,600.00
\$1,513.51	\$1,286.49	\$2,800.00
\$1,621.62	\$1,378.38	\$3,000.00
\$1,729.73	\$1,470.27	\$3,200.00
\$1,837.84	\$1,562.16	\$3,400.00
\$1,945.95	\$1,654.05	\$3,600.00
\$2,054.05	\$1,745.95	\$3,800.00
\$2,162.16	\$1,837.84	\$4,000.00
\$2,270.27	\$1,929.73	\$4,200.00
\$2,378.38	\$2,021.62	\$4,400.00
\$2,486.49	\$2,113.51	\$4,600.00
\$2,594.59	\$2,205.41	\$4,800.00
\$2,702.70	\$2,297.30	\$5,000.00
\$3,243.24	\$2,756.76	\$6,000.00
\$3,783.78	\$3,216.22	\$7,000.00
\$4,324.32	\$3,675.68	\$8,000.00
\$4,864.86	\$4,135.14	\$9,000.00
\$5,405.41	\$4,594.59	\$10,000.00

## 1998 UNIFORM FINE/BAIL SCHEDULE

ANY OFFENSE NOT SPECIFICALLY NAMED ON THE BAIL SCHEDULE, AND NOT CONTAINED IN A SPECIFIC FINE/BAIL SCHEDULE ESTABLISHED BY A BOARD OF JUDGES, SHALL BE AS FOLLOWS:

	<u>BAIL</u>	<u>COMMENTS</u>
<b>Felonies:</b>		
1st degree with minimum mandatory sentence	25,000.00	Mandatory Court Appearance
Other 1st degree	20,000.00	Mandatory Court Appearance
2nd degree	10,000.00	*Mandatory Court Appearance
3rd degree	5,000.00	*Mandatory Court Appearance
<b>Misdemeanors other than local ordinances:</b>		
	<u>BAIL ***</u>	
Class A	1,850.00	*Mandatory Court Appearance
Class B	555.00	*Mandatory Court Appearance
Class C	270.00	
Infractions	100.00**	
<b>Local ordinances</b>		
Class B	100.00	*Mandatory Court Appearance
Class C	50.00	50.00
Infraction	25.00	25.00

\* Unless otherwise authorized by Rule 7-301.

\*\* On an infraction, defendant cannot be held in jail in lieu of posting bail. This bail only for purpose of disposing of charge at clerk's office.

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

# CHAPTER I

## TRAFFIC VIOLATIONS

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
All traffic offenses involving personal injury or death require a MANDATORY APPEARANCE.								
<u>ACCIDENTS</u>								
41-6-29	Failure to remain at scene of accident/personal injury or death (Class A)	1,850.00	Mandatory Court Appearance	A	85%	Y	Y	B03
41-6-30	Failure to remain at scene of accident	405.00	Mandatory Court Appearance	C	35%	Y	Y	B04
41-6-31	Failure to give name and assistance	405.00	Mandatory Court Appearance	C	35%	Y	Y	B04
41-6-32	Failure to report accident with unattended vehicle	200.00	Mandatory Court Appearance	C	35%	Y	Y	B04
41-6-35	Failure to make a written report of all accidents more than \$400 or personal injury	100.00	Non-Moving Violation	C	No Surcharge	N	N	
*	Accident	30.00						
<u>ALCOHOL AND DRUGS</u>								
41-6-44	Driving under the influence of alcohol and/or drugs (Class B)	1,500.00	Mandatory Court Appearance See DUI matrix for sentencing	B	85%	Y	Y	A08
	(Class A)	2,000.00	Enhanceable Offense					
41-6-44(3)	Driving under the influence of alcohol and/or drugs with personal injury (Class A)	2,000.00	Mandatory Court Appearance See DUI matrix for sentencing	A	85%	Y	Y	A08

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

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

ADD ADDITIONAL \$7.00 TO BAIL AMOUNT ON ALL TRAFFIC VIOLATIONS. SALT LAKE COUNTY COURTS ADD \$10 TRAFFIC SURCHARGE

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL ***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
41-6-44.6	Driving with measurable controlled substance	750.00	Mandatory Court Appearance Enhanceable Offense	B	85%	Y	Y	A27
53-3-418	Driving Under the Influence Commercial License	1850.00	Mandatory Court Appearance	B	85%	Y	Y	A08
<u>DRIVER LICENSE AND RELATED PROVISIONS</u>								
53-3-202	No valid license (Includes motorcycle operator's license) (expired license)	40.00	Non-Moving Violation 10.00 suspended upon proof of valid license	C	No Surcharge	Y	Y	B51
53-3-202	Never obtained license	75.00	Non-Moving Violation	C	No Surcharge	Y	Y	B51
53-3-203	Allow unlicensed person to drive	75.00	Non-Moving Violation	C	No Surcharge	Y	Y	B51
53-3-208	Violating terms of license restrictions (not wearing glasses) Commercial Vehicle	40.00 100.00	Non-Moving Violation	C	No Surcharge	Y	Y	D27
53-3-210	Violation of learner's permit	40.00	Non-Moving Violation	C	No Surcharge	Y	Y	D27
53-3-213	Improper Class of Commercial License	75.00	Non-Moving Violation 10.00 suspended upon proof of valid license	C	No Surcharge	Y	Y	B91
53-3-216	Change of Address	40.00	Non-Moving Violation	C	No Surcharge	Y	Y	
53-3-217	No valid license in possession	40.00	Non-Moving Violation Suspended or dismissed upon proof of valid license	C	No Surcharge	Y	Y	B51
53-3-227(2)	Denied License	50.00	Non-Moving Violation	C	No Surcharge	Y	Y	B23
53-3-227(2)	Suspension or Revocation (Class C)	300.00	Mandatory Court Appearance Non-Moving violation	C	No Surcharge	Y	Y	B20
53-3-227(3)	Revocation (Class B)	750.00	Mandatory Court Appearance Non-Moving violation	B	No Surcharge	Y	Y	B25

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

ADD ADDITIONAL \$7.00 TO BAIL AMOUNT ON ALL TRAFFIC VIOLATIONS. SALT LAKE COUNTY COURTS ADD \$10 TRAFFIC SURCHARGE

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
53-3-229	Loaning or defacing license	135.00	Mandatory Court Appearance	C	35%	Y	Y	B92 Loaning
53-3-232	Conditional license / operate vehicle with alcohol in body	1500.00	Mandatory Court Appearance	B	85%	Y	Y	
53-3-404	Never obtained commercial license	100.00	Non-Moving Violation	C	No surcharge	Y	Y	B41 Altering B24
53-3-406	More than one commercial drivers license	300.00		B	85%			
53-3-407(1C)	Qualification of commercial drivers license	100.00		B	85%			
53-3-412	No hazardous material endorsement	100.00		B	85%			
<u>FAILURE TO YIELD, RIGHT-OF-WAY VIOLATIONS</u>								
<u>Except</u>	All right of way violations	50.00		C	35%	Y	Y	N01
41-6-76	Failure to yield to emergency vehicle	75.00		C	35%	Y	Y	N04
41-6-80.1	Failure to yield to a blind person	75.00		C	35%	Y	Y	N08
<u>MECHANICAL CONDITION, FAULTY EQUIPMENT AND RELATED ITEMS</u>								
Faulty equipment offenses (involving lights, brakes, mirrors, etc.) or lack of required equipment	40.00	Non-Moving Violation 10.00 suspended upon compliance			No Surcharge	N	Y	E30
41-6-98	Operating illegal tractor, etc., on highway	40.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-6-105	Failure to secure parked vehicle	40.00	Non-Moving Violation	I	No Surcharge	N	N	--

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.  
ADD ADDITIONAL \$7.00 TO BAIL AMOUNT ON ALL TRAFFIC VIOLATIONS. SALT LAKE COUNTY COURTS ADD \$10 TRAFFIC SURCHARGE



<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
41-6-128	Load projecting to the rear Commercial Vehicle	40.00 60.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-6-147	Mufflers							
	(1) No working muffler	40.00	Non-Moving Violation	C	No Surcharge	N	Y	E35
	(2) Excessive fumes or smoke	40.00	Non-Moving Violation	C	No Surcharge	N	Y	
	(3) Disabling an air pollution control device	100.00	Non-Moving Violation	B	No Surcharge	N	Y	
41-6-148	Improper mirrors (POE)	40.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-6-148.40	No safety chain to secure towed vehicle	40.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-6-149	Safe installation of tinted windshield	50.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-6-150.10	No mud flaps (POE)	40.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-6-155	Unsafe Vehicle / Faulty Equip Commercial Vehicle	40.00 100.00	Non-Moving Violation	C	No Surcharge	N	N	--
<u>NON-MOVING VIOLATIONS</u>								
41-1a-214	No registration in vehicle	40.00	Non-Moving Violation Dismissed upon proof of valid registration	C	No Surcharge	N	Y	B51
41-1a-227	No camper registration	40.00	Non-Moving Violation 10.00 suspended upon compliance	C	No Surcharge	N	N	--
41-1a-229	Failure to display gross weights	40.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-1a-229(3)	Improper gross weight displayed	100.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-1a-404	Failure to display license plate	40.00	Non-Moving Violation 10.00 suspended upon compliance	C	No Surcharge	N	Y	B43

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

ADD ADDITIONAL \$7.00 TO BAIL AMOUNT ON ALL TRAFFIC VIOLATIONS. SALT LAKE COUNTY COURTS ADD \$10 TRAFFIC SURCHARGE

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
41-1a-414	Handicapped Parking	100.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-1a-1101(6)	Unauthorized person operate vehicle in impound lot	270.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-1a-1303	Failure to register towed vehicle	40.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-1a-1303(1)	Failure to register or expired Commercial Vehicle	40.00 100.00	Non-Moving Violation \$10 suspended upon compliance	C	No Surcharge	N	Y	B51
41-1a-1303(2)	New resident failure to register Effective Until 9/30/97 10/1/97 or after	200.00 1,000.00	Non-Moving Violation \$150 Suspended upon compliance \$800 Suspended upon compliance	C	No Surcharge	N	Y	B51
41-1a-1304	Operate in excess of gross weight registration	75.00	Non-Moving Violation	C	No Surcharge	N	Y	B54
41-1a-1305	Using plates registered to another vehicle Commercial Vehicle	100.00 750.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-1a-1310	(1) Failure to deliver title by non-dealer	250.00	Non-Moving Violation	B	No Surcharge	N	N	--
	(2) No odometer disclosure statement	40.00	Non-Moving Violation Non-mandatory appearance	B	No Surcharge	N	N	--
	(3) Disconnected odometer	40.00	Non-Moving Violation Non-mandatory appearance	B	No Surcharge	N	N	--
	(4) Altered odometer	100.00	Non-Moving Violation Mandatory appearance	B	No Surcharge	N	N	--
	(5) Failure to adjust odometer or affix notice	100.00	Non-Moving Violation Mandatory appearance	B	No Surcharge	N	N	--
	(6) Remove or alter notice of adjustment	100.00	Non-Moving Violation Mandatory appearance	B	No Surcharge	N	N	--
	(7) Failure to record odometer reading on title	40.00	Non-Moving Violation Non-mandatory appearance	B	No Surcharge	N	N	--
	(8) Accept or give incomplete odometer statement	40.00	Non-Moving Violation Non-mandatory appearance	B	No Surcharge	N	N	--

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

ADD ADDITIONAL \$7.00 TO BAIL AMOUNT ON ALL TRAFFIC VIOLATIONS. SALT LAKE COUNTY COURTS ADD \$10 TRAFFIC SURCHARGE

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
41-3-201	Acting as dealer, etc., without license	1,850.00	Mandatory Court Appearance	A	85%	N	N	--
41-3-210	Various dealer violations	150.00	Non-mandatory Appearance	B	No Surcharge	N	N	--
41-3-301	Dealer failure to deliver title	1850.00	Mandatory Court Appearance	A	85%	N	N	--
41-3-303	Dealer issuing temporary tag improperly	100.00	Non-mandatory Appearance	B	No Surcharge	N	N	--
41-3-501	Misuse of special plate by dealer Commercial Vehicle	100.00 250.00	Non-mandatory Appearance	B	No Surcharge	N	N	--
41-3-504	Improper special plate display	50.00	Non-Moving Violation	B	No Surcharge	N	N	--
53-8-205	No safety inspection	40.00	Non-Moving Violation	C	No Surcharge	N	Y	B55
	Commercial Vehicle	100.00	10.00 suspended upon compliance 20.00 suspended upon compliance					
53-8-208	Fraudulent inspection Commercial Vehicle	200.00 250.00	Mandatory Court Appearance	C	35%	N	Y	B55
41-12a-302	No insurance	400.00	Mandatory Court Appearance Non Moving Violation	B	No Surcharge	Y	Y	D36
41-12a-303.2	No proof of insurance	400.00	Non-Moving Violation Dismissed upon proof of valid insurance at the time. If no proof, it becomes Mandatory Court Appearance	B	No Surcharge	Y	Y	B74

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

ADD ADDITIONAL \$7.00 TO BAIL AMOUNT ON ALL TRAFFIC VIOLATIONS. SALT LAKE COUNTY COURTS ADD \$10 TRAFFIC SURCHARGE

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
<u>PASSING VIOLATIONS, WRONG SIDE AND WRONG WAY</u>								
41-6-	All passing violations	50.00		C	35%	Y	Y	M70
41-6-53, 58	Driving on wrong side of roadway (left of center)	50.00		C	35%	Y	Y	N70
41-6-53.5	Left Lane Restriction	60.00		C	35%	Y	Y	M49
41-6-63.10	Divided Highway crossing Divided position	50.00		C	35%	Y	Y	M51
<u>RECKLESS DRIVING, EXHIBITION DRIVING &amp; OTHER DANGEROUS VIOLATIONS</u>								
41-6-13	Failure to comply with order of police	75.00	Non-Moving Violation	C	No Surcharge	Y	Y	M08
41-6-45	Reckless driving	555.00	*Mandatory Court Appearance Enhanceable Offense	B	85%	Y	Y	M84
41-6-51(1)	Exhibition driving	75.00		C	35%	Y	Y	S95
41-6-51	Racing	200.00	Mandatory Court Appearance	C	35%	Y	Y	S95
<u>SPEEDING VIOLATIONS</u>								
41-6-46	Speeding							
	MPH Over Speed Limit:							
	1-10 MPH	40.00		C	35%	Y	Y	S51
	11-15 MPH	50.00		C	35%	Y	Y	S61
	16-20 MPH	60.00		C	35%	Y	Y	S61
	21-25 MPH	80.00		C	35%	Y	Y	S71
	26-30 MPH	100.00		C	35%	Y	Y	S71
	31-35 MPH	120.00		C	35%	Y	Y	S81
	36-40 MPH	140.00		C	35%	Y	Y	S81
	41+ MPH	405.00	Mandatory Court Appearance	C	35%	Y	Y	S91

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

ADD ADDITIONAL \$7.00 TO BAIL AMOUNT ON ALL TRAFFIC VIOLATIONS. SALT LAKE COUNTY COURTS ADD \$10 TRAFFIC SURCHARGE

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL ***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
41-6-46	Speed too fast for existing conditions (no accident)	50.00	Non-mandatory Appearance	C	35%	Y	Y	S94
41-6-48.5	Speeding in a School Zone <i>First Offense</i> MPH Over Speed Limit: 0-9 MPH 10-19 MPH 20+ MPH <i>Second or Subsequent Offense</i> MPH Over Speed Limit 0-9 MPH 10-19 MPH 20+ MPH	   67.50 168.75 371.25  67.50 303.75 708.75	Minimum Mandatory Fines Enhanceable Offense	C	35%	Y	Y	S99
41-6-49	Driving too slow	50.00		C	35%	Y	Y	S96
41-6-13(3)	Speeding in Construction or Maintenance zone MPH Over Speed Limit: 1-10 MPH 11-15 MPH 16-20 MPH 21-25 MPH 26-30 MPH 31-35 MPH 36-40 MPH 41+ MPH	  80.00 100.00 120.00 160.00 200.00 240.00 280.00 810.00		C C C C C C C C	35% 35% 35% 35% 35% 35% 35% 35%	Y Y Y Y Y Y Y Y	Y Y Y Y Y Y Y Y	S51 S61 S61 S71 S71 S81 S81 S91
			Mandatory Court Appearance	C	35%	Y	Y	
<b><u>STOPPING VIOLATIONS</u></b>								
Article 13 / 14	All Stopping Violations	50.00		C	35%	Y	Y	M14
41-6-97	<u>Except:</u> Failure of buses and trucks to stop at railroad crossings	75.00		C	35%	N	N	--
41-6-100.10	Failure to stop for school bus	135.00	Enhanceable Offense	C	35%	Y	Y	M14

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

ADD ADDITIONAL \$7.00 TO BAIL AMOUNT ON ALL TRAFFIC VIOLATIONS. SALT LAKE COUNTY COURTS ADD \$10 TRAFFIC SURCHARGE

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
<u>TURNING, LANE CHANGE, BACKING AND SIGNALING VIOLATIONS</u>								
41-6-61 Through 41-6-69 except 41-6-62, 41-6-63 and 41-6-64	All improper turns, lane travel, signaling and backing	50.00		C	35%	Y	Y	M40, N40 N50, N82
<u>VARIOUS VIOLATIONS NOT COVERED ELSEWHERE</u>								
41-6-23	Disobeying traffic control device	50.00		C	35%	Y	Y	M14
41-6-24	Traffic Control Signal	50.00		C	35%	Y	Y	M14
41-6-44.20(2)	Open container in vehicle	100.00	Non-Moving Violation	C	No Surcharge	N	Y	A32
41-6-52.7	Radar jamming devices / jamming radar prohibited	100.00	Non - Moving Violation	C	No Surcharge	N	Y	
41-6-62	Following too close	50.00		C	35%	Y	Y	M34
41-6-64	Limited access roadway	50.00		C	35%	Y	Y	M01
41-6-82	Soliciting rides	40.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-6-90.5	Motor assisted scooters viol	40.00	Non-Moving Violation	C	No Surcharge	N	N	--
41-6-103.5(4)	School Bus Parking Zone viol	50.00		I	No Surcharge	N	N	
41-6-107.8	Failure to wear protective headgear	40.00	Non-Moving Violation	I	No Surcharge	N	N	--
41-6-109(2)	Passenger on unauthorized portion of vehicle	40.00	Non-Moving Violation	I	No Surcharge	N	N	--
41-6-110	Failure to maintain control on Mountain Road	50.00		C	35%			

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

ADD ADDITIONAL \$7.00 TO BAIL AMOUNT ON ALL TRAFFIC VIOLATIONS. SALT LAKE COUNTY COURTS ADD \$10 TRAFFIC SURCHARGE

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
41-6-138	Slow moving vehicle emblem	40.00	Non-Moving Violation	C	No Surcharge		N	N
41-6-148.20	Child Restraint	75.00	Non-Moving Violation Dismissed upon proof of purchase or acquisition of device	I	No Surcharge		N	Y
41-6-168	Failure to appear	*70.00	Non-Moving Violation	C	No Surcharge		N	N
41-6-182	Failure to wear seat belt	10.00	Non-Moving Violation	I	No Surcharge		N	Y

---

\* When defendant fails to appear, the bail will be increased by \$20 when a delinquent notice is sent and increased an additional \$50 when a warrant is issued.

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

ADD ADDITIONAL \$7.00 TO BAIL AMOUNT ON ALL TRAFFIC VIOLATIONS. SALT LAKE COUNTY COURTS ADD \$10 TRAFFIC SURCHARGE

CHAPTER II

CRIMINAL VIOLATIONS

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>ETA/FTC</u>	<u>ACD CODE</u>
13-30-103	Operate Personal Intro service without registration	555.00	Mandatory Court Appearance	B	85%			
17A-2-1061	Failure to pay fare	50.00		I	35%			
32A-12-203	Unlawful sale or supply of alcohol to minors	460.00	Mandatory Court Appearance	A	85%			
32A-12-206	Selling more than 2 liters of alcohol	370.00	Mandatory Court Appearance	B	85%			
32A-12-209(1)	Unlawful purchase, possession or consumption by minors	460.00	Mandatory Court Appearance	B	85%			
32A-12-209(3)	Unlawful possession or consumption by minor on limo or bus	370.00	Mandatory Court Appearance	B	85%			
32A-12-217	Unlawful permitting possession or consumption by minor on limo or bus	280.00	Mandatory Court Appearance	I	35%			
38-9-5(1)	Filing of a wrongful lien	555.00	Mandatory Court Appearance	B	85%			
41-1a-1311	Depriving owner of vehicle (joyriding)	1,850.00	*Mandatory Court Appearance	A	85%			
41-1a-1314	Joyriding	1,850.00	Mandatory Court Appearance	A	85%			
41-6-103	Parking, stop or stand on sidewalk or within crosswalk	25.00	Non-Moving Violation	C	No Surcharge			
41-6-104	Parking on the roadway	25.00	Non-Moving Violation	C	No Surcharge			

\* Unless otherwise authorized by Rule 7-301.

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.



<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
41-6-114	Littering	100.00	Non-Moving Violation	C	No Surcharge	N	Y	D67
58-37-8(2aiii)	Knowingly being present where controlled subst is being used	555.00	Mandatory Court Appearance	B	85%	Y	Y	A33
58-37-8(2aiv)	Possession of an altered or forged prescription	555.00	Mandatory Court Appearance	B	85%	N	N	—
58-37-8(2biii)	Possession of marijuana less than 16 ounces	1,850.00	Mandatory Court Appearance	A	85%	Y	Y	A33
58-37-8(2e)	Possession of a controlled substance 1oz. or less	555.00	Mandatory Court Appearance	B	85%	Y	Y	A33
58-37a-5	Possession of drug paraphernalia	370.00	Mandatory Court Appearance	B	85%	Y	Y	
58-37c-19	Possess or sale of crystal iodine	1,850.00	Mandatory Court Appearance	A	85%	Y	Y	A33
58-37c-20	Possession or ephedrine or pseudoephedrine	1,850.00	Mandatory Court Appearance	A	85%	Y	Y	A33
72-7-302(1b)	Removing Road Signs and Barriers (Class B)	555.00	Mandatory Court Appearance	B	85%			
72-7-302(2)	Removing Road Sign with injury	1,850.00	Mandatory Court Appearance	A	85%			
72-7-409	Uncovered garbage truck	92.50	Mandatory Court Appearance	B	85%			
76-5-102	Assault (Class B)	925.00	*Mandatory Court Appearance	B	85%	N	N	—
76-5-102(3)	Assault with substantial bodily injury	1,850.00	*Mandatory Court Appearance	A	85%	N	N	—

\* Unless otherwise authorized by Rule 7-301.

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL ***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
76-5-102.4	Assault against peace officer on duty (Class A)	1,850.00	*Mandatory Court Appearance	A	85%	N	N	--
76-5-106.5	Stalking, Class A if one prior	1,850.00	Mandatory Court Appearance	A	85%	N	N	--
76-5-106.5(2)	Stalking	555.00	Mandatory Court Appearance	B	85%			
76-5-107	Terroristic threats against life or property	555.00	Mandatory Court Appearance	B	85%			
76-5-107.5(3)	Hazing	555.00	Mandatory Court Appearance	B	85%			
	(Class B) if not aggravated (Class A) motor vehicle	1,850.00	Mandatory Court Appearance	A	85%			
76-5-109.1	Domestic Violence in presence of a child	1,850.00	Mandatory Court Appearance	A	85%			
76-5-108	Violation of protective order	1,850.00	Mandatory Court Appearance	A	85%			
76-5-401.1	Sexual abuse of a minor	1,850.00	Mandatory Court Appearance	A	85%			
76-6-106(c)	Criminal mischief Less than 300	555.00	*Mandatory Court Appearance	B	85%			
	300 - 1,000	1,850.00	*Mandatory Court Appearance	A	85%			
76-6-106(c)	Graffiti violations Damage less than 300	555.00	*Mandatory Court Appearance	B	85%			
	300 - 1,000	1,850.00	*Mandatory Court Appearance	A	85%			
76-6-206(2b)	Criminal trespass (Infraction) notice or knowledge of	**50.00		I	35%			
76-6-206(2a)	Criminal trespass (Class C) with intent to annoy or injure	135.00		C	35%			

\* Unless otherwise authorized by Rule 7-301.

\*\* Four hours of community service (clean-up littered area).

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTC/FTA</u>	<u>ACD CODE</u>
76-6-206(2a)	Criminal Trespass within Dwelling	555.00	Mandatory Court Appearance	B	85%			
76-6-404.5	Wrongful Appropriation	555.00	Mandatory Court Appearance (Punishable 1 degree lower than theft)	B	85%			
76-6-412	Theft (Class A) Property value 300 to 1000	1,850.00	*Mandatory Court Appearance Enhanceable Offense	A	85%			
76-6-412	Theft (Class B) Less than \$300	555.00	Mandatory Court Appearance	B	85%			
76-6-505	Issuing a bad check less than \$300 (Class B)	650.00	*Mandatory Court Appearance	B	85%			
	\$300 to \$1,000 (Class A)	1,850.00	*Mandatory Court Appearance	A	85%			
76-6-1002	Damage to mail receptacle							
76-6-1003	Mail Theft less than \$300 (Class B)	555.00	*Mandatory Court Appearance	B	85%			
	\$300 to \$1,000 (Class A)	1,850.00	*Mandatory Court Appearance	A	85%			
76-8-305	Interference with arresting officer	555.00	*Mandatory Court Appearance	B	85%			
76-8-306	Obstructing justice (Class B)	555.00	*Mandatory Court Appearance	B	85%			
76-8-309	Escape from custody	555.00	*Mandatory Court Appearance	B	85%			
76-8-410	Failure to obtain a business license	185.00		B	85%			
76-8-506	Giving false information to police (Class B)	370.00	*Mandatory Court Appearance	B	85%			
76-8-507	Giving false personal identity to police (Class C)	100.00		C	35%			
76-9-101	Rioting	555.00	*Mandatory Court Appearance	B	85%			

\* Unless otherwise authorized by Rule 7-301.

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
76-9-102	Disorderly conduct (Class C)	280.00	*Mandatory Court Appearance	C	35%			
	continues after request to stop Disorderly conduct (Infraction)	**100.00		I	35%			
76-9-105	False fire alarm	370.00	*Mandatory Court Appearance	B	85%			
76-9-201	Telephone harassment	555.00	*Mandatory Court Appearance	B	85%			
76-9-701	Public intoxication (Class C)	50.00		C	35%			
76-9-702	Gross Lewdness (Class A)	1,850.00	*Mandatory Court Appearance	A	85%			
76-9-702(1)	Lewdness (Class B)	555.00	Mandatory Court Appearance	B	85%			
76-9-702.5	Lewdness Involving a Child 14 or under (Class A)	1,850.00	*Mandatory Court Appearance	A	85%			
76-10-105	Possession of Tobacco by Minor	50.00		C	35%			
76-10-104	Adult selling tobacco to adolescent							
	1st offense	280.00		C	35%			
	2nd offense	370.00	Mandatory Court Appearance	B	85%			
	3rd offense	1,850.00	Mandatory Court Appearance	A	85%			
76-10-107	Glue sniffing (psychotoxic)	370.00	Mandatory Court Appearance	B	85%			
76-10-112	Free cigarette distribution							
	1st offense (Class C)	200.00		C	35%			
	2nd or subsequent (Class B)	555.00	Mandatory Court Appearance	B	85%			
76-10-504	Carrying a concealed weapon	555.00	*Mandatory Court Appearance	B	85%			
	2nd Offense	1,850.00	*Mandatory Court Appearance	A	85%			
76-10-505	Loaded firearm	185.00		B	85%			

\* Unless otherwise authorized by Rule 7-301.

\*\* On an infraction, defendant cannot be held in jail in lieu of posting bail. This bail only for purpose of disposing of charge at clerk's office.

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
76-10-508	Discharging of firearms	185.00	Mandatory Court Appearance	B	85%	Y	Y	U09
76-10-804	Maintaining a nuisance	185.00	Mandatory Court Appearance	B	85%			
76-10-1102	Gambling							
	1st offense	555.00	*Mandatory Court Appearance	B	85%			
	2nd conviction	1,850.00	*Mandatory Court Appearance	A	85%			
76-10-1302	Prostitution							
	1st Offense - Class B	555.00	*Mandatory Court Appearance	B	85%			
	2nd Offense - Class A	1,850.00		A	85%			
76-10-1303	Patronizing a Prostitute	555.00	*Mandatory Court Appearance	B	85%			
76-10-1304	Aiding prostitution							
	1st Offense - Class B	925.00	Mandatory Court Appearance	B	85%			
	2nd Offense - Class A	1,850.00	Mandatory Court Appearance	A	85%			
76-10-1313	Sexual solicitation							
	1st Offense - Class B	555.00	Mandatory Court Appearance	B	85%			
	2nd Offense - Class A	1,850.00	Mandatory Court Appearance	A	85%			
76-10-1906	Money laundering (knowingly)							
	Class C	405.00		C	35%			
	Class A	1,850.00	Mandatory Court Appearance	A	85%			
76-10-2002	Security of research facilities	1,850.00	Mandatory Court Appearance	A	85%			
76-10-2201	Unlawful body piercing / tattooing of a minor	270.00	Mandatory Court Appearance	C	35%			
77-7-22	Failure to appear	*92.50	Note this is not a mandatory court appearance	B	85%			
77-36-3(2b)	Violation of protective order in spouse abuse case	1,850.00	Mandatory Court Appearance	A	85%			

\* Unless otherwise authorized by Rule 7-301.

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DL</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
77-36-3.1	Violation of no contact order (city may prosecute)	1,850.00	Mandatory Court Appearance	A	85%			
78-3a-19	Contributing to the delinquency of a minor	925.00	*Mandatory Court Appearance	B	85%			
78-12a-4(1)	Falsifying a return of service to the court	1,850.00	Mandatory Court Appearance	A	85%			
78-12a-4(2)	Billing falsely for process service	270.00	Mandatory Court Appearance	C	35%			

\* Unless otherwise authorized by Rule 7-301.

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

CHAPTER III  
WILDLIFE RESOURCES VIOLATIONS

<u>W.L Code</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>STATUTE</u>
<u>LICENSE VIOLATIONS:</u>						
1	Fishing without a license	111.00	Dismissed upon proof of a valid license	B	85%	23-19-1
5	Harvesting brine shrimp without a valid COR	1850.00		B	85%	23-19-1
2	Hunting without a Valid License/permit/tag	185.00	\$40 Suspended upon proof of a valid license	B	85%	23-19-1
15	Hunting big Game without a valid license/ permit / tag (RESIDENT)	555.00		B	85%	23-19-1
45	Hunting Big Game Without a Valid License / permit / tag (non-resident)	1400.00		B	85%	23-19-1
Hunting on a posted hunting unit without a permit						
54	Big Game, Cougar, Bear, Threatened or Endangered	185.00		B	85%	23-23-10
49	Migratory birds, Upland Game, Nongame birds	74.00		B	85%	23-23-10
52	Hunting / fishing without a valid stamp	81.00		C	35%	R657
51	Hunting / fishing with an unsigned stamp	54.00		C	35%	R657
41	Pursuing cougar / bear without a valid pursuit permit	185.00		B	85%	23-19-1
172	Operating a commercial hunting area without a valid COR	555.00		B	85%	23-17-6
6	Unlawful purchase/application of a license/permit/tag/cor	185.00		B	85%	23-19-5
3	Trapping Furbearers without a valid license/permit/tag	555.00		B	85%	23-19-1
9	Unlawful purchase/selling of a license without hunter safety certificate	111.00		B	85%	23-19-11
13	Unlawful purchase of a license without furharvester education certificate	111.00		B	85%	23-19-11.5
10	Willful unlawful sale of a license (misdating, proof of residency, incomplete, proof of hunter education)	185.00		B	85%	23-19-15

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>WL CODE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>STATUTE</u>
7	Imitation or counterfeiting of a COR/license/permit/tag	925.00	Mandatory Court Appearance	A	85%	23-19-6
8	Unlawful purchase of a license/ while on revocation	555.00	Mandatory Court Appearance	B	85%	23-19-9
173	Unlawful purchase of more than one permit	135.00		C	85%	R657
12	Hunting / fishing/ trapping with another persons license / permit/ tag in possession	135.00		C	35%	R657
116	Dealing in furs without a valid Certificate of Registration	555.00		B	85%	23-18-5
Use / transfer / lending of a license /permit / tag / COR						
63	All Species except for those listed in #4	185.00		B	85%	23-19-1
4	Desert Bighorn, Rocky Mtn Bighorn, Buffalo ,Cougar, Bear, Goat and Moose	555.00		B	85%	23-19-1
160	Unlawful purchase / application of a license / permit / tag - waiting period violation	135.00		C	35%	R657
161	Unlawful purchase of a license / permit / tag/ COR - after failing to comply with wildlife citation	555.00		B	85%	23-19-19.5
11	Unlawful alteration of a license/	555.00		B	85%	23-20-27
<u>UNLAWFUL TAKING / POSSESSION / TRANSPORTATION / SELLING OF PROTECTED WILDLIFE</u>						
76	Unlawful possession / destruction / taking of / protected birds (nest, egg, etc.)	185.00		B	85%	23-20-3
118	Unlawful possession of antlers / horns	185.00		B	85%	23-20-3
136	Unlawful purchase, sale, barter of protected wildlife or parts	555.00		B	85%	23-20-3
148	Harassing protected wildlife	555.00		B	85%	23-20-3
64	Unlawful Methods of Hunting Migratory Birds - Over bait	465.00		B	85%	23-20-3
65	Unlawful Methods of Hunting Migratory Birds - Use of (electron calls, sink box, boat under power, unlawful weapon, doves off power / phone lines, toxic shot)	138.00		B	85%	23-20-3
66	Unlawful Methods of Hunting Migratory Birds - unplugged shotgun	55.00		B	85%	23-20-3

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.



<u>WL CODE</u>	<u>DESCRIPTION</u>	<u>BAIL ***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>STATUTE</u>
83	Unlawful Methods of Fishing (firearms, chemicals, explosives) permit/tag/COR	465.00		B	85%	23-20-3
82	Unlawful Methods of Fishing (more than pole, hands, unattended pole, chumming, live minnows, corn in possession, set lines spearing, rafts, etc)	74.00		B	85%	23-20-3
91	Unlawful taking / possession of Protected Wildlife - Fish over / under legal size limit	74.00		B	85%	23-20-3
81	Unlawful Methods of Fishing (unlawful bait, use of lures/ bait in fly only area, etc)	74.00		B	85%	23-20-3
Unlawful taking / possession of Protected Wildlife - Unlawful methods						
61	Upland Game, Furbearers, Nongame Birds	93.00		B	85%	23-20-3
23	Big Game, Cougar, Bear Threatened or Endangered	555.00		B	85%	23-20-3
Unlawful Taking / possession of protected Wildlife - Before / after legal hours						
22	Big Game, Cougar, Bear, Furbearers Threatened or Endangered	555.00		B	85%	23-20-3
53	Migratory Birds	185.00+ \$1 / minute		B	85%	23-20-3
80	Upland Game, Fish, Nongame Birds, Nongame Fish	93.00		B	85%	23-20-3
166	Brine Shrimp	1850.00		B	85%	23-20-3
Unlawful Taking / possession of protected wildlife - Without a valid license, permit, tag, COR, bill of sale or invoice						
27	Big Game, Cougar, Bear, Furbearers, Threatened or Endangered	555.00		B	85%	23-20-3
56	Migratory Birds, Upland Game, Fish, Nongame Birds, Nongame fish	185.00		B	85%	23-20-3
165	Brine Shrimp	1850.00		B	85%	23-20-3
79	Unlawful Taking / Possession of a protected wildlife without a valid hunting unit permit					
	Small Game, Waterfowl	185.00		B	85%	23-20-3
	Big Game	555.00		B	85%	23-20-3

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>WL CODE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>STATUTE</u>
Unlawful Taking / possession of Protected Wildlife - Overlimit						
44	Big Game, Cougar, Bear, Furbearers, Threatened or Endangered	555.00		B	85%	23-20-3
57	Migratory Birds, Upland Game, Nongame birds	93.00		B	85%	23-20-3
92	Fish	74.00		B	85%	23-20-3
Unlawful Taking / possession of protected wildlife - Out of season						
26	Big Game, Cougar, Bear, Furbearers , Threatened or Endangered,	555.00		B	85%	23-20-3
58	Migratory birds, upland Game, Fish, Nongame birds/fish	93.00		B	85%	23-20-3
168	Brine Shrimp	1850.00		B	85%	23-20-3
Unlawful Taking/ Possession of protected wildlife - In a closed / wrong area						
20	Big Game, Cougar, Bear, Furbearers, Threatened or Endangered	555.00		B	85%	23-20-3
60	Migratory birds, upland Game, Fish, Nongame birds/fish	93.00		B	85%	23-20-3
138	Brine Shrimp	1850.00		B	85%	23-20-3
Unlawful Taking / Possession of protected Wildlife - Wrong sex / species / age						
21	Big Game, Cougar, Bear, Furbearers, Threatened or Endangered	555.00		B	85%	23-20-3
59	Migratory birds, Upland Game, Fish, Nongame birds/fish	93.00		B	85%	23-20-3
88	Fish	93.00		B	85%	23-20-3
24	Unlawful taking / possession of protected wildlife Antler point restriction	555.00		B	85%	23-20-3
Unlawful transportation / shipping of protected wildlife						
117	Migratory Birds, Upland Game, Fish, Nongame birds/fish	185.00		B	85%	23-20-3
143	Big Game, Cougar, Bear, Threatened or Endangered	555.00		B	85%	23-20-3

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>WL CODE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>STATUTE</u>
<u>WANTON DESTRUCTION OF PROTECTED WILDLIFE</u>						
68	Wanton Destruction of Protected wildlife illegally taken - Unlawful methods of fishing (more than 1 pole, chumming, live minnows, corn, set lines, spearing, etc.					
	Class B	185.00		B	85%	23-20-4
	Class A	925.00	Mandatory Court Appearance	A	85%	
69	Wanton Destruction of Protected wildlife illegally taken - Unlawful methods of fishing (unlawful bait, use of lure in fly only area etc.)					
	Class B	185.00		B	85%	23-20-4
	Class A	925.00	Mandatory Court Appearance	A	85%	
70	Wanton Destruction of Protected wildlife illegally taken - Unlawful methods of fishing (firearms, chemicals, explosives.)					
	Class B	925.00	Mandatory Court Appearance	B	85%	23-20-4
	Class A	1850.00	Mandatory Court Appearance	A	85%	
Wanton Destruction of Protected Wildlife illegally taken - Unlawful methods (spotlighting, illegal weapons, bait, canned hunts, will call hunts, trapping, aircraft, dogs, unmarked traps, etc.						
30	Big Game, Cougar, Bear, Furbearers, Threatened or Endangered					
	Class B	555.00		B	85%	23-20-4
	Class A	1850.00	Mandatory Court Appearance	A	85%	
129	Migratory birds, Upland Game, Nongame Birds					
	Class B	185.00		B	85%	23-20-4
	Class A	925.00	Mandatory Court Appearance	A	85%	
Wanton Destruction of Protected wildlife illegally taken - Before or after legal hours						
43	Big Game, Cougar, Bear, Furbearers, Threatened or Endangered					
	Class B	555.00		B	85%	23-20-4
	Class A	1850.00	Mandatory Court Appearance	A	85%	
47	Migratory birds, Upland Game, Nongame birds					
	Class B	185.00	+ \$1 / minute	B	85%	23-20-4
	Class A	925.00	Mandatory Court Appearance	A	85%	
48	Fish					
	Class B	185.00	+\$1/ minute	B	85%	23-20-4
	Class A	925.00	Mandatory Court Appearance	A	85%	
163	Brine Shrimp					
	Class B	1850.00		B	85%	23-20-4
	Class A	4625.00	Mandatory Court Appearance	A	85%	

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>WL CODE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>STATUTE</u>
Wanton Destruction of Protected Wildlife illegally taken - Without a valid license, permit, tag, COR, bill of sale or invoice						
28	Big Game, Cougar, Bear, Furbearers, Threatened or Endangered					
	Class B	555.00		B	85%	23-20-4
	Class A	1850.00	Mandatory Court Appearance	A	85%	
86	Migratory birds, Upland Game, Nongame birds					
	Class B	185.00		B	85%	23-20-4
	Class A	925.00	Mandatory Court Appearance	A	85%	
164	Brine Shrimp					
	Class B	1850.00		B	85%	23-20-4
	Class A	4625.00	Mandatory Court Appearance	A	85%	
62	Wanton Destruction of Protected wildlife - without a valid posted hunting unit permit					
	Class B	555.00		B	85%	23-20-4
	Class A	1850.00	Mandatory Court Appearance	A	85%	
Wanton Destruction of Protected wildlife illegally taken - overlimit						
33	Big Game, Cougar, Bear, Furbearers, Threatened or Endangered					
	Class B	555.00		B	85%	23-20-4
	Class A	1850.00	Mandatory Court Appearance	A	85%	
71	Migratory birds, Upland Game, Nongame birds					
	Class B	185.00	+ \$10 per animal	B	85%	23-20-4
	Class A	925.00	Mandatory Court Appearance	A	85%	
89	Fish					
	Class B	74.00	+ \$10 per fish, 1 to 4 fish over	B	85%	23-20-4
	Class B	185.00	+ \$10 per fish, 5 or more fish	B	85%	23-20-4
	Class A	925.00	Mandatory Court Appearance	A	85%	
Wanton Destruction of Protected wildlife illegally taken - out of season						
32	Big Game, Cougar, Bear, Furbearers, Threatened or Endangered					
	Class B	555.00		B	85%	23-20-4
	Class A	1850.00	Mandatory Court Appearance	A	85%	
119	Migratory birds, Upland Game, Nongame birds					
	Class B	185.00	+ \$25 per animal	B	85%	23-20-4
	Class A	925.00	Mandatory Court Appearance	A	85%	
169	Brine Shrimp					
	Class B	1850.00		B	85%	23-20-4
	Class A	4625.00		A	85%	23-20-4

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>WL CODE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>STATUTE</u>
Wanton Destruction of Protected wildlife illegally taken - closed area						
31	Big Game, Cougar, Bear, Furbearers, Threatened or Endangered					
	Class B	555.00		B	85%	23-20-4
	Class A	1850.00	Mandatory Court Appearance	A	85%	
87	Migratory birds, Upland Game, Nongame birds					
	Class B	185.00		B	85%	23-20-4
	Class A	925.00	Mandatory Court Appearance	A	85%	
162	Brine Shrimp					
	Class B	1850.00		B	85%	23-20-4
	Class A	4625.00	Mandatory Court Appearance	A	85%	
Wanton destruction of Protected wildlife illegally taken - Wrong Sex						
14	Big Game, Cougar, Bear, Furbearers, Threatened or Endangered					
	Class B	555.00		B	85%	23-20-4
	Class A	1850.00	Mandatory Court Appearance	A	85%	
84	Migratory birds, Upland Game, Nongame birds					
	Class B	185.00		B	85%	23-20-4
	Class A	925.00	Mandatory Court Appearance	A	85%	
29	Wanton Destruction of Protected Wildlife illegally taken - Antler point restriction	1850.00	Mandatory Court Appearance	A	85%	23-20-4
16	Wanton Destruction of Protected Wildlife illegally taken - fish under legal size limit	74.00	+ 10.00 per fish	B	85%	23-20-4
	Class A	925.00	Mandatory Court Appearance	A	85%	23-20-4
<u>MISCELLANEOUS HUNTING AND TRAPPING VIOLATIONS</u>						
Failure to properly Tag						
19	Big Game, Cougar, Bear, Furbearers, Threatened or Endangered	185.00		B	85%	23-20-30
78	Migratory Birds, Upland Game	74.00		B	85%	23-20-30
18	Failure to Tag Big Game, Cougar, Bear, Furbearers, Threatened or Endangered	555.00		B	85%	23-20-30
85	Failure to tag Migratory Birds, Upland Game	185.00		B	85%	23-20-30

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>WL CODE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>STATUTE</u>
<u>MISCELLANEOUS HUNTING AND TRAPPING VIOLATIONS</u>						
145	Hunting without proper adult supervision	111.00		B	85%	23-20-20
67	Unlawful possession of toxic shot	81.00		C	35%	R657
17	Hunting with a used or detached tag	135.00		C	35%	R657
55	Failure to retrieve migratory waterfowl	54.00		C	35%	R657
77	Unlawful discharge of a firearm on a waterfowl management area	54.00		C	35%	R657
46	Unlawful baiting or methods of baiting bear, (without COR, unauthorized bait material, failure to remove bait, failure to post station)	135.00		C	35%	R657
171	Unlawful methods of trapping (exposed illegal bait, improperly spaced jaws, unmarked traps, spotlighting, failure to check traps)	135.00		C	35%	R657
40	Failure to have wildlife checked / sealed in specified amount of time	135.00		C	35%	R657
157	Spotlighting without a valid permit	185.00		B	85%	23-13-17
158	Unlawful methods of spotlighting	185.00		B	85%	23-13-17
159	Spotlighting	135.00		C	35%	R657
38	Failure to leave evidence of a sex / species attached	81.00		C	35%	R657
39	Possession of unquivered arrows in a vehicle	54.00		C	35%	R657
128	Shooting in a restricted or closed area	135.00		C	35%	R657
120	Destroying, removing, possessing another's traps	135.00		C	35%	R657
37	Failure to wear specified amount of hunter orange	111.00		B	85%	23-20-31

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>WL CODE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>STATUTE</u>
<u>MISCELLANEOUS WILDLIFE VIOLATIONS</u>						
121	Allowing protected wildlife to waste or spoil	555.00		B	85%	23-20-8
42	Unlawful donation of protected wildlife	185.00		B	85%	23-20-9
137	Unlawful utilization of wildlife for financial gain of commercial venture	555.00		B	85%	23-13-13
135	Unlawful receiving of protected wildlife by butcher / locker plant / storage plant	185.00		B	85%	23-20-10
132	Destruction of private property	370.00		B	85%	23-20-15
123	Interfering with an officer	555.00		B	85%	23-20-18
147	Aiding / assisting (will be cited with another violation)		Will be the same severity as violation			23-20-23
125	Failure to stop vehicle or fleeing from officer	555.00		B	85%	23-20-24
146	Failure to produce license, devices, and wildlife upon demand of an officer	111.00		B	85%	23-20-25
124	Assaulting an Officer	1850.00	Mandatory Court Appearance	A	85%	23-20-26
154	Unlawful interference with legal hunters / hunting activity	555.00		B	85%	23-20-29
140	Unlawful release of protected wildlife - Aquatic Species	1110.00	Mandatory Court Appearance	A	85%	23-13-14
141	Unlawful release of protected wildlife - other protected wildlife	555.00		A	85%	23-13-14
139	Unlawful holding of protected wildlife in captivity	555.00		B	85%	23-13-4
144	Unlawful importation of protected wildlife	555.00		B	85%	23-13-5
131	Destroying DWR signs / property	370.00		B	85%	23-20-13
133	Trespassing	148.00		B	85%	23-20-14
130	Criminal Trespass	135.00		C	35%	
156	Posting public land	555.00		B	85%	23-20-14
122	Failure to stop at a roadblock	555.00	Mandatory Court Appearance	B	85%	77-23-104

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>W.L. CODE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>STATUTE</u>
<u>MISCELLANEOUS AQUATIC VIOLATIONS</u>						
167	Unlawful possession of corn / bait while fishing	54.00		C	35%	R657
153	Unlawful diversion / drainage of public waters	555.00	Mandatory Court Appearance	B	85%	23-15-3
152	Pollution of public waters	555.00	per day / municipality	B	85%	
		185.00	per day / individual	B	85%	23-15-6
			Mandatory Court Appearance			
95	Unlawful seining of protected wildlife	185.00		B	85%	23-15-8
142	Unlawful possession / transportation of live protected aquatic wildlife	185.00	Mandatory Court Appearance	B	85%	23-15-9
<u>BRINE SHRIMP VIOLATIONS</u>						
97	Failure to have seiner or alternate seiner at harvest location	675.00		C	35%	R657
102	Failure to have correct size letters or numbers	675.00		C	35%	R657
98	Failure to have helper card on person	675.00		C	35%	R657
104	Interfering with another harvester - Harvesting within 300 yards	675.00		C	35%	R657
107	Unlawful return of brine shrimp eggs to Great Salt Lake	675.00		C	35%	R657
99	Failure to display orange flag on boat with COR	675.00		C	35%	R657
113	Failure to provide accurate harvest records	675.00		C	35%	R657
114	Failure to submit annual report	675.00		C	35%	R657
96	Failure to have COR at harvest location	675.00		C	35%	R657
105	Interfering with another harvester - Disturbing a streak	675.00		C	35%	R657
106	Interfering with another harvester - Removing eggs without permission	675.00		C	35%	R657
100	Failure to have ID letters or numbers on boat / vehicle / camper / house trailer / motorhome / boom	675.00		C	35%	R657
103	Unattended Boom	675.00		C	35%	R657

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.



<u>WL CODE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>STATUTE</u>
<u>FIREARM VIOLATIONS</u>						
34	Unlawful possession of a firearm	81.00		C	35%	R657
35	Unlawful possession of a firearm - By an archer / muzzle loader	81.00		C	35%	R657
36	Unlawful possession of a firearm - by pursuit permittee	81.00		C	35%	R657
126	Carry loaded firearm in/on vehicle	185.00		B	85%	76-10-505
127	Shooting from vehicle from across highway	185.00		B	85%	76-10-508
75	Discharge a firearm within 600 ft of a building	111.00		B	85%	76-10-508
134	Carrying Dangerous weapon under the influence of drugs/alcohol	1500.00	Mandatory Court Appearance	B	85%	76-10-528
<u>OTHER VIOLATIONS</u>						
150	Motorized vehicle in restricted area	108.00		C	35%	41-22-13
151	Littering	185.00		B	85%	41-6-14
155	Unlawful possession of wood products	135.00		C	35%	78-38-417

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

# CHAPTER IV

## BOATING/PARKS AND RECREATION VIOLATIONS

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
41-1a-803(4)	Altered hull identification number or outboard motor serial number	810.00	Mandatory Court Appearance	C	35%	
73-18-4(1)	Failure to obey a waterway marker	111.00		B	85%	
73-18-4(3)	Failure to comply with zoned water	111.00		B	85%	
73-18-6(1)	Failure to number or display numbers properly	74.00	5.00 suspended upon compliance	B	85%	
73-18-7(1)	Failure to register, expired, or improper registration	74.00	10.00 suspended upon compliance	B	85%	
73-18-7(3)	No registration card in vessel	74.00	Dismissed upon proof of a valid registration card	B	85%	
73-18-8	Insufficient approved, proper size, or serviceable personal flotation devices on board	74.00	+ 10.00 for each additional deficiency	B	85%	
73-18-8(1e)	Failure to have Type IV PFD on board	74.00		B	85%	
73-18-8(2)	Failure to display navigation lights between sunset and sunrise	74.00		B	85%	
73-18-8(3)	Improper ventilation	74.00		B	85%	
73-18-8(4)	Non-approved or inadequate number of fire extinguishers on board	74.00	+ 10.00 for each additional deficiency	B	85%	

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
73-18-8(5)	Non-approved or inadequate backfire flame control device	74.00		B	85%	
73-18-8.1(1)	No capacity/certification label	111.00		B	85%	
73-18-8.1(2)	Operated/gave permission to operate an overloaded/over-powered vessel	138.75		B	85%	
73-18-8.1(3)	Altered/defaced/removed capacity/certification label	280.00	Mandatory Court Appearance	B	85%	
73-18-8.1(3)	Operated/gave permission to operate a vessel with the capacity certification label altered/defaced/removed	280.00	Mandatory Court Appearance	B	85%	
73-18-10(1)	Failure to keep records by a boat livery	111.00		B	85%	
73-18-10(2)	Failure to equip a vessel with the required safety equipment by a boat livery	138.75		B	85%	
73-18-12	Reckless operation of a vessel	555.00	Mandatory Court Appearance	B	85%	
73-18-12.2(1)	Operated a vessel under the influence of alcohol and/or drugs	1,500.00	Mandatory Court Appearance	B	85%	
73-18-12.2(2)	Operated a vessel under the influence of alcohol and/or drugs with bodily injury (Class A)	2,000.00	Mandatory Court Appearance	A	85%	
73-18-13(1)	Failure to give name and assistance at an accident	555.00	Mandatory Court Appearance	B	85%	

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL ***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
73-18-13(4)	Gave false information regarding an accident in an oral or written report	1,850.00	Mandatory Court Appearance	A	85%	
73-18-15.2	Person under 16 operate motorboat / sailboat without adult on board, or a single-person capacity MB or SB without direct supervision of adult	111.00		B	85%	
73-18-15.3	Operation of Personal Watercraft prohibited between sunrise/sunset	74.00		B	35%	
73-18-16	Held a marine event without proper authorization	280.00	Mandatory Court Appearance	B	85%	
73-18-20(2)	Failure to comply with the order of a LEA officer	138.75		B	85%	
73-18-20(3)	Failure to stop at command of a law enforcement officer	1,850.00	Mandatory Court Appearance	A	85%	
73-18a-2	Littered or deposited waste etc. into the waters of this state or lands adjacent to waters	230.00	Mandatory Court Appearance	B	85%	
73-18a-3(1)	Allowed a marine toilet to discharge inadequately treated body waste in waters	925.00	Mandatory Court Appearance	B	85%	
73-18c-302	Operate Watercraft w/o Owner/operator security	300.00	Mandatory Court Appearance	B	85%	
73-18c-304	No evidence of Owner / operator security	300.00	Dismissed upon proof of valid insurance at the time. If no proof, Mandatory Court Appearance	B	85%	
R651-203-5	Approached within 150 feet of a diver's flag	111.00		B	85%	

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL ***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
R651-204-1	Placed a waterway marker without authorization	280.00	Mandatory Court Appearance	B	85%	
R651-204-2	Placed a permanent or anchored object without authorization	280.00	Mandatory Court Appearance	B	85%	
R651-204-3	Removed, destroyed, or damaged an authorized waterway marker	370.00	Mandatory Court Appearance	B	85%	
R651-206-1 (2)	Carried passengers for hire on a lake or reservoir without an operator permit	280.00	Mandatory Court Appearance	B	85%	
R651-206-1 (9)	Carried passengers for hire in an unfamiliar vessel on a lake or reservoir	138.75		B	85%	
R651-206-2 (2)	Carried passengers for hire on a river without a river guide permit	280.00	Mandatory Court Appearance	B	85%	
R651-206-2 (12)	Carried passengers for hire on an unfamiliar river	138.75		B	85%	
R651-206-2 (13)	Carried passengers for hire on a whitewater river without one of the guides possessing an advanced first aid card	138.75		B	85%	
R651-212	Failure to display or to properly display the registration	74.00	Dismissed upon compliance	B	85%	
R651-213(4)	Improper use or display of a dealer number and registration	111.00		B	85%	

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
R651-215-5	Type IV PFD not immediately available or other types of PFD not readily accessible	74.00		B	85%	
R651-215-6	Carried a Type V PFD which was not approved for the actively engaged in	74.00	+ 10.00 for each additional deficiency	B	85%	
R651-215-7	On a whitewater river without the proper PFD type	74.00	+ 10.00 for each additional deficiency	B	85%	
R651-215-8	Carried passengers for hire, on a river, without proper PFD type and/or a Type IV ring buoy type PFD on vessels over 26 ft	111.00	+ 20.00 for each additional deficiency	B	85%	
R651-215-10	Carried passengers for hire without the proper PFD type and/or type IV ring buoy type PFD on vessels over 26 feet	111.00	+ 20.00 for each additional deficiency	B	85%	
R651-215-11 (2)	Failure to wear a PFD while on board a waterjet or a sailboat	74.00	+ 10.00 for each additional deficiency	B	85%	
R651-215-11 (3)	Failure to have passenger under 12 wear a PFD while on board	74.00	+ 10.00 for each additional deficiency	B	85%	
R651-215-11 (4)	Failure to wear a PFD on a vessel while on a river	74.00	+ 10.00 for each additional deficiency	B	85%	
R651-219-1	Failure to have a sound producing device on board	74.00		B	85%	
R651-219-2	Failure to have a bailing device on board	74.00		B	85%	
R651-219-3	Failure to have a spare paddle on board	74.00		B	85%	

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL ***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
R651-219-4	Failure to have a visual distress signal on board an airboat	74.00		B	85%	
R651-219-5	Required safety equipment not in good or serviceable condition	74.00		B	85%	
R651-219-6	Displayed red or blue flashing lights or sounded a siren	280.00	Mandatory Court Appearance	B	85%	
R651-221	No lease or rental agreement on board a livery boat	74.00		B	85%	
R651-222	Inadequate muffling of exhaust	111.00	20.00 suspended upon compliance	B	85%	
R651-223-1	Failure to notify a LEA Officer within 48 hrs of a accident	280.00	Mandatory Court Appearance	B	85%	
R651-223-3	Failure to submit a written report within 10 days of a reportable accident	111.00		B	85%	
R651-224-1	No observer on board while towing water skier or other device	74.00		B	85%	
R651-224-2	Towed a water skier or other device between sunset and sunrise	74.00		B	85%	
R651-224-3	Failure to display or display properly a water ski flag	74.00		B	85%	
R651-224-4	Failure to wear a PFD or water ski belt by a person being towed	74.00	+ 10.00 for each additional deficiency	B	85%	
R651-225-1	Failure to obey rules of the road	111.00		B	85%	
R651-225-2	Failure to obey speed and proximity	111.00		B	85%	

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
R651-225-4	Operator or passenger on unauthorized portion of vessel	74.00		B	85%	
R651-801-1	Engaged in swimming in a prohibited area	74.00		B	85%	
R651-802-1 (1)	Failure to display a scuba diver's flag while scuba diving	74.00		B	85%	
R651-802-1 (2)	Leaving a scuba diver's flag displayed when diving is not taking place	74.00		B	85%	
R651-802-1 (3)	Failure to light a scuba diver's flag while scuba diving after sunset or before sunrise	74.00		B	85%	
R651-802-1 (5)	Placed a scuba diver's flag in a congested area	74.00		B	85%	
R651-802-1 (6)	Engaged in scuba diving without a valid certificate or accompanied by an instructor	138.75		B	85%	
<u>OFF-HIGHWAY VEHICLES</u>						
41-22-3(1a)	Operated or transported; or gave permission to operate or transport an OHV on public land, street, or highway without current registration	40.00	Non-Moving Violation See UCA 41-22-17	C	No Surcharge	
41-22-3(1b)	Dealer sold an OHV which could be used/ transported on public land/street/highway without current registration	60.00	Non-Moving Violation	C	No Surcharge	

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.



<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL ***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
41-22-3(4)	No registration card on OHV	40.00	Non-Moving Violation Dismissed upon proof of a valid registration card	C	No Surcharge	
41-22-4(1)	Fraudulent application for OHV registration	675.00	Mandatory Court Appearance	C	35%	
41-22-4(2)	Altered manufacturer's serial number on an OHV	675.00	Mandatory Court Appearance	C	35%	
41-22-4(3)	Fraudulent use or display of OHV registration	202.50	Mandatory Court Appearance	C	35%	
41-22-5.5 (1a)	Fraudulent application for OHV implement of husbandry reg.	675.00	Mandatory Court Appearance See UCA 41-22-17	C	35%	
41-22-5.5 (3)	Operated an OHV implement of husbandry adjacent to a roadway without the required registration	40.00	Non-Moving Violation	C	No Surcharge	
41-22-5.5(4)	Improper use of a registered OHV implement of husbandry	40.00		C	35%	
41-22-10.1(1)	Operate OHV on public land, street, or highway not designated as open by the controlling agency	100.00		C	35%	
41-22-10.7(a)	Operated an OHV without adequate brakes	40.00	Non-Moving Violation 10.00 suspended upon compliance	C	No Surcharge	
41-22-10.7(b)	Operated an OHV without headlights or taillights between sunset and sunrise	40.00	Non-Moving Violation 10.00 suspended upon compliance	C	No Surcharge	
41-22-10.7(c)	Operated an OHV without a muffler or noise control device	40.00	Non-Moving Violation 10.00 suspended upon compliance	C	No Surcharge	

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
41-22-10.7(d)	Operate OHV without safety flag when operating on sand dunes	40.00	Non-Moving Violation 10.00 suspended upon compliance	C	No Surcharge	
41-22-10.8(1)	In a competitive event or under 18 and operated an OHV without a helmet (infraction max \$50)	40.00	Non-Moving Violation	I	No Surcharge	
41-22-11	Placed an OHV regulatory sign without authorization	135.00	Mandatory Court Appearance	C	35%	
41-22-12.1	Operated a wheeled vehicle in excess of 700 pounds on a maintained snowmobile trail	75.00	See UCA 41-22-17	C	35%	
41-22-12.5 (1a)	Operated an OHV on private land without permission from owner	100.00		C	35%	
41-22-12.5 (1d)	Obstructed access to private land without owner's permission	40.00	Non-Moving Violation	C	No Surcharge	
41-22-12.5(2)	Removed, destroyed, or damaged: an OHV regulatory sign, fence, or gate	135.00	Mandatory Court Appearance	C	35%	
41-22-13	Operated an OHV in connection with acts of vandalism, harassment of wildlife etc.	202.50	Mandatory Court Appearance	C	35%	
41-22-14	Operated an OHV under the influence of alcohol and/or drugs (also see Section 41-6-44)	1,500.00	Mandatory Court Appearance	B	85%	
41-22-15	Held an organized OHV event without proper authorization	202.50	Mandatory Court Appearance	C	35%	
41-22-29(1)	Under 8 years of age and operated OHV on public land	40.00	Non-Moving Violation	I	No Surcharge	

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
R651-401-2	Failure to display or properly display the base decal	40.00	Non-Moving Violation Dismissed upon compliance	C	No Surcharge	
R651-401-3	Failure to display or properly display registration validation stickers	40.00	Non-Moving Violation Dismissed upon compliance	C	No Surcharge	
R651-403-1 (4)	Improper use or display of a dealer registration	60.00	Non-Moving Violation	C	No Surcharge	
R651-405-2	Failure to display or to properly display the OHV implement of husbandry sticker	40.00	Non-Moving Violation Dismissed upon compliance	C	No Surcharge	
<u>PARKS AND RECREATION VIOLATIONS</u>						
R651-602-1	Landing or taking off of aircraft within a state park	280.00	Mandatory Court Appearance	B	85%	
R651-602-2	Air delivery or pickup of person or thing within a state park	280.00	Mandatory Court Appearance	B	85%	
R651-602-3	Launching or landing of gliders or other devices within a state park	280.00	Mandatory Court Appearance	B	85%	
R651-603-1	Pet not on leash or confined	74.00		B	85%	
R651-603-2	Animals prohibited from public buildings, etc.	74.00		B	85%	
R651-603-3	Leaving animal unattended	74.00		B	85%	
R651-603-4	Vicious, dangerous, or noisy animal	185.00		B	85%	
R651-603-5	Hunting wildlife within a park closed to hunting	555.00	Mandatory Court Appearance	B	85%	

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
R651-603-6	Hunting within one mile of park facilities	555.00	Mandatory Court Appearance	B	85%	
R651-603-7	Trapping without a permit	555.00	Mandatory Court Appearance	B	85%	
R651-603-9	Harassing wildlife	280.00	Mandatory Court Appearance	B	85%	
R651-603-10	Livestock grazing without permit	280.00	Mandatory Court Appearance	B	85%	
R651-603-11	Tying an animal that caused damage or blocked access	74.00		B	85%	
R651-603-12	Horses on developed trails closed to horses	111.00		B	85%	
R651-603-13	Livestock in a developed area	111.00		B	85%	
R651-604-1	Audio-producing device too noisy	138.75		B	85%	
R651-604-2	Use of a public address system without permission	138.75		B	85%	
R651-605-1	Begging prohibited	74.00		B	85%	
R651-605-2	Soliciting prohibited	74.00		B	85%	
R651-606-1	Camping in undeveloped areas	74.00		B	85%	
R651-606-2	Occupying a reserved campsite	74.00		B	85%	
R651-606-3	Campsites having more than two vehicles and eight persons	74.00		B	85%	
R651-606-4	Failure to pay camping fees	74.00		B	85%	
R651-606-5	Exceeded length of stay in campground	74.00		B	85%	

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL ***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
R651-606-6	Unauthorized use of showers	74.00		B	85%	
R651-606-7	Parking or camping in closed area	74.00		B	85%	
R651-606-8	Exceed 2:00 p.m. checkout time	74.00		B	85%	
R651-606-9	Littering in campsite	280.00	Mandatory Court Appearance	B	85%	
R651-606-10	Quiet Hours violation	138.75		B	85%	
R651-608-1	Illegal public assembly	280.00	Mandatory Court Appearance	B	85%	
R651-608-2	Illegal event	280.00	Mandatory Court Appearance	B	85%	
R651-609	Possession of fireworks	74.00		B	85%	
R651-611-1	Failure to pay park fee	74.00		B	85%	
R651-611-3	Transferring fee receipts	74.00		B	85%	
R651-612	Possession or use of firearms	185.00	Mandatory Court Appearance	B	85%	
R651-613-1	Lighting or maintaining a fire in prohibited area	111.00		B	85%	
R651-613-2	Unattended fire	111.00		B	85%	
76-6-104.5	Abandoned Fire					
	Damage \$150 to 300	270.00	*Mandatory Court Appearance	C	35%	
	300 - 1,000	555.00	*Mandatory Court Appearance	B	85%	
	1000 or greater	1850.00	*Mandatory Court Appearance	A	85%	
R651-613-3	Throwing/dropping burning material	111.00		B	85%	
R651-613-4	Smoking or lighting fires during a restricted period	280.00	Mandatory Court Appearance	B	85%	

---

\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
R651-614-1	Fishing from or within 100 feet of public floats or docks	74.00		B	85%	
R651-614-2	Ice fishing when prohibited	111.00		B	85%	
R651-615-1	Blocking traffic prohibited	74.00		B	85%	
R651-615-2	Parking in undesignated area	74.00		B	85%	
R651-615-4	Vehicle operation in closed area	185.00		B	85%	
R651-615-5	Off-highway operation in an undesignated area	185.00		B	85%	
R651-616	Organized sports in an undesignated area	74.00		B	85%	
R651-618-1	Picnicking in an undesignated area	74.00		B	85%	
R651-619-2	Possession of alcohol in excess of one gallon	111.00		B	85%	
R651-619-3	Possession of alcohol in an undesignated area	74.00		B	85%	
R651-620-1	Vandalism	370.00	Mandatory Court Appearance	B	85%	
R651-620-2	Vandalism of public building	370.00	Mandatory Court Appearance	B	85%	
R651-620-3	Plant and soil removal	74.00		B	85%	
R651-620-4	Rolling of rocks into valleys	111.00		B	85%	
R651-620-5	Cutting of firewood	74.00		B	85%	
R651-622	Technical rock climbing prohibited	111.00		B	85%	

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL ***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
R651-623	Posting of printing matter prohibited	74.00		B	85%	
R651-624-1	Illegal disposing of garbage	280.00	Mandatory Court Appearance	B	85%	
R651-624-2	Draining refuse improperly	280.00	Mandatory Court Appearance	B	85%	
R651-624-3	Cleaning food or washing at a campground hydrant	111.00		B	85%	
R651-624-4	Illegal depositing of body waste	280.00	Mandatory Court Appearance	B	85%	
R651-624-5	Fish cleaning at hydrants	111.00		B	85%	
R651-624-6	Urinating or defecating prohibited unless in toilet facility	138.75		B	85%	
R651-626	Roller skating or skate-boarding in an undesignated area	74.00		B	85%	
R651-627	Swimming in an undesignated area	111.00		B	85%	
R651-628-1	Riding bicycles or other vehicles in an undesignated area	111.00		B	85%	
R651-628-2	Blocking normal use of a trail is prohibited	111.00		B	85%	
R651-630	Unsupervised children under 12	74.00		B	85%	
R651-631	Winter sports in an undesignated area	111.00		B	85%	

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

CHAPTER V  
DIVISION OF STATE LANDS AND FORESTRY

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL ***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
65a-3-1(1ai)	Without written authorization: removes, extracts, uses, consumes or destroys any mineral resource, gravel, sand, soil, vegetation, cultural resource or improvement on State lands	460.00	Mandatory Court Appearance	B	85%	
65A-3-1(1aii)	Without written authorization: grazes livestock on State land	460.00	Mandatory Court Appearance	B	85%	
65A-3-1(1aiii)	Without written authorization: uses, occupies, or constructs improvements or structures on State lands	460.00	Mandatory Court Appearance	B	85%	
65A-3-1(1aiv)	Uses or occupies State lands for more than 30 days after the cancellation or expiration of written authorization	460.00	Mandatory Court Appearance	B	85%	
65A-3-1(1av)	Without written authorization: knowingly and willfully uses state lands for commercial gain	925.00	Mandatory Court Appearance	B	85%	
65A-3-2(1a)	Throws or places a glowing or flaming substance which may cause a fire on a highway or wildland	925.00	Mandatory Court Appearance	B	85%	
65A-3-2(1b)	Obstructs the state forester or any of his deputies, in performance of controlling	925.00	Mandatory Court Appearance	B	85%	
65A-3-2(1c)	Refuses to assist in the controlling of a fire, without good and sufficient reason	925.00	Mandatory Court Appearance	B	85%	

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.



<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>
65A-3-2(1c)	Fires any tracer or incendiary ammunition except within military reservations	925.00	Mandatory Court Appearance	B	85%	
65A-8-9(2)	Burning without a permit during closed fire season (June 1 - October 31)	925.00	Mandatory Court Appearance	B	85%	
65A-8-10	Violation of fire closure or hazardous area closure order or proclamation	460.00	Mandatory Court Appearance	B	85%	
R632-110	Operating off highway vehicles in areas not designated as open on State lands	150.00				
R632-70-21	Operating motor vehicles on Sovereign lands	150.00				
	Camped in undesignated area on Sovereign lands	150.00				

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

CHAPTER VI

COMMON MOTOR CARRIER VIOLATIONS  
REGULATIONS PURSUANT TO 54-6-18 AND 63-49-8(5) (c) U.C.A.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
4-24-17	Transporting livestock without proof of ownership	50.00	Non-Moving Violation	B	No Surcharge	N	N	
41-1A-402(2)	Fail to display validation decal	40.00	Non-Moving Violation		No Surcharge			
41-3-506	Special Plate (expired)	100.00	Non-Moving Violation		No Surcharge			
41-6-106(B)	Backing on limited access	100.00		B	35%			
41-6-154	Transport Hazardous Material	200.00		B	35%			
59-13-320	No fuel permits	100.00	Non-Moving Violation 20.00 suspended with proof of valid permit	B	No Surcharge	N	N	
72-7-402	Failure to obtain oversize permit or violation thereof	100.00	Non-Moving Violation	B	No Surcharge	N	N	
72-7-403	Towing requirements and limitations of vehicles	185.00	If weight is specified, use overload schedule.	B	85%	N	N	
72-7-404	Gross registered weight (See chart)		Non-Moving Violation	B	No Surcharge	N	N	
72-7-405(4)	Refusal to stop and/or submit to measurement or weighing and/or refusal to comply with officers directive	250.00	Mandatory Ct Appearance	B	85%	N	N	
72-7-406	Violation of oversize and/or overweight permits	300.00	Non-Moving Violation	B	No Surcharge	N	N	
72-7-408	Restrictions on use because of climatic conditions	150.00	If weight is specified, use bail for UCA 41-1a-1304	B	85%	N	N	

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL ***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
72-7-409	Loads on vehicles - confining, securing and fastening load							
	Non-commercial vehicles	40.00		B	85%	N	N	
	Commercial vehicle	250.00		B	85%	N	N	
72-9-105	Information lettered on motor carrier vehicle	100.00		B	85%			
72-9-502	Failure to Stop at POE	250.00	Non-Moving Violation Enhanceable Offense	B	No Surcharge	N	N	
78-38-4.5	No proof of ownership of forest products	100.00	Non-Moving Violation	B	No Surcharge	N	N	
Regulation # 172.200	No shipping papers	200.00	Non-Moving Violation	B	No Surcharge	N	N	
Regulation # 172.500	Hazardous materials without proper placards	500.00	Non-Moving Violation	B	No Surcharge	N	N	
Regulation # 172.502	Placarded when not hauling hazardous materials	200.00	Non-Moving Violation	B	No Surcharge	N	N	
Regulation # 173.24	Leaking hazardous materials	1,850.00	Mandatory Court Appearance	B				
Regulation # 177.817	No shipping papers	200.00	Non-Moving Violation	B	No Surcharge	N	N	
Regulation # 177.824	Hazardous materials without proper test dates	500.00	Non-Moving Violation	B	No Surcharge	N	N	
Regulation # 383.21	Operating commercial vehicle with more than one license	500.00	Non-Moving Violation	B	No Surcharge			
Regulation # 390.21	No company name/USDOT number displayed	100.00	Non-Moving Violation	B	No Surcharge	N	N	

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
Regulation # 391.11	Unqualified driver	100.00	Non-Moving Violation	B	No Surcharge	Y	Y	B24
Regulation # 391.21	Driver not 21 Improper class	100.00	Non-Moving Violation	B	No Surcharge	Y	Y	B91
Regulation # 391.41(A)	No medical card or expired card if required	100.00	Non-Moving Violation 20.00 suspended upon compliance/proof of valid card	B	No Surcharge	N	N	--
Regulation # 392.4	Drugs	600.00	Mandatory Court Appearance	B		Y	Y	A33
Regulation # 392.5	Intoxicating beverage	600.00	Mandatory Court Appearance	B		N	N	--
Regulation # 392.7(a)	Operating a CMV with radar detector	100.00	Non-Moving Violation	B	No Surcharge	N	N	--
Regulation # 392.7(b)	Requiring or permitting driver to use radar detector	100.00	Non-Moving Violation	B	No Surcharge	N	N	--
Regulation # 392.11	Failure to stop at railroad crossing	200.00	Mandatory Court Appearance	B	No Surcharge	N	N	--
Regulation # 392.5	Measurable amount of alcohol	600.00	Mandatory Court Appearance	B	85%	N	N	--
Regulation # 392.60	Carrying unauthorized person	60.00	Non-Moving Violation	B	No Surcharge	N	N	--
Regulation # 392.61	Unauthorized driver	100.00	Non-Moving Violation	B	No Surcharge	Y	Y	B51
Regulation # 393.43	No or inoperable breakaway device	100.00	Non-Moving Violation	B	No Surcharge	Y	Y	B51

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
Regulation # 393.6	Cracked Windshield	40.00	Non-Moving Violation	B	No Surcharge	Y	Y	B51
Regulation # 393.102	Load not properly secured	250.00	Non-Moving Violation Use UCA 72-7-409	B	No Surcharge	N	N	
Regulation # 393.106	No headache rack	100.00	Non-Moving Violation	B	No Surcharge	N	N	
Regulation # 395.3(A1)	Excess of 10 hour rule	100.00	Non-Moving Violation	B	No Surcharge	Y	Y	B51
Regulation # 395.3(A2)	Excess of 15 hour rule	100.00	Non-Moving Violation	B	No Surcharge	Y	Y	B51
Regulation # 395.3(B1)	Excess of 60 hour rule	100.00	Non-Moving Violation	B	No Surcharge	Y	Y	B51
Regulation # 395.3(B2)	Excess of 70 hour rule	100.00	Non-Moving Violation	B	No Surcharge	Y	Y	B51
Regulation # 395.8(K-3)	Previous 7 days not in drivers possession (log book)	200.00	Non-Moving Violation Shut Down 8 Hours	B	No Surcharge	N	N	
Regulation # 395.8 (A)	Falsification of log book	500.00	Non-Moving Violation Shut Down 8 Hours	B	No Surcharge	N	N	
Regulation # 395.8 (B)	Log book entries not current less than 70 hours	100.00	Non-Moving Violation Shut Down 8 Hours	B	No Surcharge	N	N	
	Log book entries not current More than 70 hours	200.00	Non-Moving Violation Shut Down 8 Hours	B	No Surcharge	N	N	
Regulation # 395.13 (B-2)	No log book in driver's possession when required	300.00	Non-Moving Violation Shut Down 8 Hours	B	No Surcharge	N	N	
Regulation # 396.3(A)	Faulty equipment	100.00	Non-Moving Violation use UCA 54-6-46	B	No Surcharge	N	N	

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

<u>STATUTE</u>	<u>DESCRIPTION</u>	<u>BAIL ***</u>	<u>COMMENTS</u>	<u>CLASS</u>	<u>SURCHARGE</u>	<u>RPT TO DRIV LIC</u>	<u>FTA/FTC</u>	<u>ACD CODE</u>
Regulation # 397.9(B)	No written route plan	150.00	Non-Moving Violation For Class A/B Explosives	B	No Surcharge	N	N	
Regulation # 397.19	No written route plans (Class A & B explosives)	150.00	Non-Moving Violation	B	No Surcharge	N	N	
Regulation # 400.2A6	Trailer positioning	60.00	Non-Moving Violation	B	No Surcharge	N	N	
Regulation # 400.4	Fail to obtain overweight permit	300.00	Non-Moving Violation	B	No Surcharge	Y	Y	B51
Users Manual 500.4(5) 600.10	No/improper escort vehicle	100.00	Non-Moving Violation Use 500.4(5) for all violations except mobile/ modular homes use 600.10	B	No Surcharge	N	N	
<u>PSC RULES</u>								
R746-350	No lease papers or placards on leased vehicles	100.00	Non-Moving Violation	B	No Surcharge	N	N	
R746-350-5	No form D stamp	100.00	Non-Moving Violation 20.00 suspended upon proof of valid stamp	B	No Surcharge	N	N	

---

\*\*\*NOTE: ALL BAIL AMOUNTS NOW INCLUDE SURCHARGE EXCEPT WHERE "NO SURCHARGE" IS INDICATED.

Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross
2000	50.00	50.00	2700	158.00	185.00	3400	186.00	220.00	4100	214.00	255.00
2020	131.00	151.00	2720	159.00	186.00	3420	187.00	221.00	4120	215.00	256.00
2040	132.00	152.00	2740	160.00	187.00	3440	188.00	222.00	4140	216.00	257.00
2060	132.00	153.00	2760	160.00	188.00	3460	188.00	223.00	4160	216.00	258.00
2080	133.00	154.00	2780	161.00	189.00	3480	189.00	224.00	4180	217.00	259.00
2100	134.00	155.00	2800	162.00	190.00	3500	190.00	225.00	4200	218.00	260.00
2120	135.00	156.00	2820	163.00	191.00	3520	191.00	226.00	4220	219.00	261.00
2140	136.00	157.00	2840	164.00	192.00	3540	192.00	227.00	4240	220.00	262.00
2160	136.00	158.00	2860	164.00	193.00	3560	192.00	228.00	4260	220.00	263.00
2180	137.00	159.00	2880	165.00	194.00	3580	193.00	229.00	4280	221.00	264.00
2200	138.00	160.00	2900	166.00	195.00	3600	194.00	230.00	4300	222.00	265.00
2220	139.00	161.00	2920	167.00	196.00	3620	195.00	231.00	4320	223.00	266.00
2240	140.00	162.00	2940	168.00	197.00	3640	196.00	232.00	4340	224.00	267.00
2260	140.00	163.00	2960	168.00	198.00	3660	196.00	233.00	4360	224.00	268.00
2280	141.00	164.00	2980	169.00	199.00	3680	197.00	234.00	4380	225.00	269.00
2300	142.00	165.00	3000	170.00	200.00	3700	198.00	235.00	4400	226.00	270.00
2320	143.00	166.00	3020	171.00	201.00	3720	199.00	236.00	4420	227.00	271.00
2340	144.00	167.00	3040	172.00	202.00	3740	200.00	237.00	4440	228.00	272.00
2360	144.00	168.00	3060	172.00	203.00	3760	200.00	238.00	4460	228.00	273.00
2380	145.00	169.00	3080	173.00	204.00	3780	201.00	239.00	4480	229.00	274.00
2400	146.00	170.00	3100	174.00	205.00	3800	202.00	240.00	4500	230.00	275.00
2420	147.00	171.00	3120	175.00	206.00	3820	203.00	241.00	4520	231.00	276.00
2440	148.00	172.00	3140	176.00	207.00	3840	204.00	242.00	4540	232.00	277.00
2460	148.00	173.00	3160	176.00	208.00	3860	204.00	243.00	4560	232.00	278.00
2480	149.00	174.00	3180	177.00	209.00	3880	205.00	244.00	4580	233.00	279.00
2500	150.00	175.00	3200	178.00	210.00	3900	206.00	245.00	4600	234.00	280.00
2520	151.00	176.00	3220	179.00	211.00	3920	207.00	246.00	4620	235.00	281.00
2540	152.00	177.00	3240	180.00	212.00	3940	208.00	247.00	4640	236.00	282.00
2560	152.00	178.00	3260	180.00	213.00	3960	208.00	248.00	4660	236.00	283.00
2580	153.00	179.00	3280	181.00	214.00	3980	209.00	249.00	4680	237.00	284.00
2600	154.00	180.00	3300	182.00	215.00	4000	210.00	250.00	4700	238.00	285.00
2620	155.00	181.00	3320	183.00	216.00	4020	211.00	251.00	4720	239.00	286.00
2640	156.00	182.00	3340	184.00	217.00	4040	212.00	252.00	4740	240.00	287.00
2660	156.00	183.00	3360	184.00	218.00	4060	212.00	253.00	4760	240.00	288.00
2680	157.00	184.00	3380	185.00	219.00	4080	213.00	254.00	4780	241.00	289.00

Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross
4800	242.00	290.00	5500	325.00	325.00	6200	360.00	360.00	6900	395.00	395.00
4820	243.00	291.00	5520	326.00	326.00	6220	361.00	361.00	6920	396.00	396.00
4840	244.00	292.00	5540	327.00	327.00	6240	362.00	362.00	6940	397.00	397.00
4860	244.00	293.00	5560	328.00	328.00	6260	363.00	363.00	6960	398.00	398.00
4880	245.00	294.00	5580	329.00	329.00	6280	364.00	364.00	6980	399.00	399.00
4900	246.00	295.00	5600	330.00	330.00	6300	365.00	365.00	7000	400.00	400.00
4920	247.00	296.00	5620	331.00	331.00	6320	366.00	366.00	7020	401.00	401.00
4940	248.00	297.00	5640	332.00	332.00	6340	367.00	367.00	7040	402.00	402.00
4960	248.00	298.00	5660	333.00	333.00	6360	368.00	368.00	7060	403.00	403.00
4980	249.00	299.00	5680	334.00	334.00	6380	369.00	369.00	7080	404.00	404.00
5000	250.00	300.00	5700	335.00	335.00	6400	370.00	370.00	7100	405.00	405.00
5020	301.00	301.00	5720	336.00	336.00	6420	371.00	371.00	7120	406.00	406.00
5040	302.00	302.00	5740	337.00	337.00	6440	372.00	372.00	7140	407.00	407.00
5060	303.00	303.00	5760	338.00	338.00	6460	373.00	373.00	7160	408.00	408.00
5080	304.00	304.00	5780	339.00	339.00	6480	374.00	374.00	7180	409.00	409.00
5100	305.00	305.00	5800	340.00	340.00	6500	375.00	375.00	7200	410.00	410.00
5120	306.00	306.00	5820	341.00	341.00	6520	376.00	376.00	7220	411.00	411.00
5140	307.00	307.00	5840	342.00	342.00	6540	377.00	377.00	7240	412.00	412.00
5160	308.00	308.00	5860	343.00	343.00	6560	378.00	378.00	7260	413.00	413.00
5180	309.00	309.00	5880	344.00	344.00	6580	379.00	379.00	7280	414.00	414.00
5200	310.00	310.00	5900	345.00	345.00	6600	380.00	380.00	7300	415.00	415.00
5220	311.00	311.00	5920	346.00	346.00	6620	381.00	381.00	7320	416.00	416.00
5240	312.00	312.00	5940	347.00	347.00	6640	382.00	382.00	7340	417.00	417.00
5260	313.00	313.00	5960	348.00	348.00	6660	383.00	383.00	7360	418.00	418.00
5280	314.00	314.00	5980	349.00	349.00	6680	384.00	384.00	7380	419.00	419.00
5300	315.00	315.00	6000	350.00	350.00	6700	385.00	385.00	7400	420.00	420.00
5320	316.00	316.00	6020	351.00	351.00	6720	386.00	386.00	7420	421.00	421.00
5340	317.00	317.00	6040	352.00	352.00	6740	387.00	387.00	7440	422.00	422.00
5360	318.00	318.00	6060	353.00	353.00	6760	388.00	388.00	7460	423.00	423.00
5380	319.00	319.00	6080	354.00	354.00	6780	389.00	389.00	7480	424.00	424.00
5400	320.00	320.00	6100	355.00	355.00	6800	390.00	390.00	7500	425.00	425.00
5420	321.00	321.00	6120	356.00	356.00	6820	391.00	391.00	7520	426.00	426.00
5440	322.00	322.00	6140	357.00	357.00	6840	392.00	392.00	7540	427.00	427.00
5460	323.00	323.00	6160	358.00	358.00	6860	393.00	393.00	7560	428.00	428.00
5480	324.00	324.00	6180	359.00	359.00	6880	394.00	394.00	7580	429.00	429.00



Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross
7600	430.00	430.00	8300	548.00	465.00	9000	590.00	500.00	9700	632.00	535.00
7620	431.00	431.00	8320	549.00	466.00	9020	591.00	501.00	9720	633.00	536.00
7640	432.00	432.00	8340	550.00	467.00	9040	592.00	502.00	9740	634.00	537.00
7660	433.00	433.00	8360	552.00	468.00	9060	594.00	503.00	9760	636.00	538.00
7680	434.00	434.00	8380	553.00	469.00	9080	595.00	504.00	9780	637.00	539.00
7700	435.00	435.00	8400	554.00	470.00	9100	596.00	505.00	9800	638.00	540.00
7720	436.00	436.00	8420	555.00	471.00	9120	597.00	506.00	9820	639.00	541.00
7740	437.00	437.00	8440	556.00	472.00	9140	598.00	507.00	9840	640.00	542.00
7760	438.00	438.00	8460	558.00	473.00	9160	600.00	508.00	9860	642.00	543.00
7780	439.00	439.00	8480	559.00	474.00	9180	601.00	509.00	9880	643.00	544.00
7800	440.00	440.00	8500	560.00	475.00	9200	602.00	510.00	9900	644.00	545.00
7820	441.00	441.00	8520	561.00	476.00	9220	603.00	511.00	9920	645.00	546.00
7840	442.00	442.00	8540	562.00	477.00	9240	604.00	512.00	9940	646.00	547.00
7860	443.00	443.00	8560	564.00	478.00	9260	606.00	513.00	9960	648.00	548.00
7880	444.00	444.00	8580	565.00	479.00	9280	607.00	514.00	9980	649.00	549.00
7900	445.00	445.00	8600	566.00	480.00	9300	608.00	515.00	10000	650.00	550.00
7920	446.00	446.00	8620	567.00	481.00	9320	609.00	516.00	10020	651.00	551.00
7940	447.00	447.00	8640	568.00	482.00	9340	610.00	517.00	10040	652.00	552.00
7960	448.00	448.00	8660	570.00	483.00	9360	612.00	518.00	10060	654.00	553.00
7980	449.00	449.00	8680	571.00	484.00	9380	613.00	519.00	10080	655.00	554.00
8000	450.00	450.00	8700	572.00	485.00	9400	614.00	520.00	10100	656.00	555.00
8020	451.00	451.00	8720	573.00	486.00	9420	615.00	521.00	10120	657.00	556.00
8040	452.00	452.00	8740	574.00	487.00	9440	616.00	522.00	10140	658.00	557.00
8060	453.00	453.00	8760	576.00	488.00	9460	618.00	523.00	10160	660.00	558.00
8080	453.00	454.00	8780	577.00	489.00	9480	619.00	524.00	10180	661.00	559.00
8100	536.00	455.00	8800	578.00	490.00	9500	620.00	525.00	10200	662.00	560.00
8120	537.00	456.00	8820	579.00	491.00	9520	621.00	526.00	10220	663.00	561.00
8140	538.00	457.00	8840	580.00	492.00	9540	622.00	527.00	10240	664.00	562.00
8160	540.00	458.00	8860	582.00	493.00	9560	624.00	528.00	10260	666.00	563.00
8180	541.00	459.00	8880	583.00	494.00	9580	625.00	529.00	10280	667.00	564.00
8200	542.00	460.00	8900	584.00	495.00	9600	626.00	530.00	10300	668.00	565.00
8220	543.00	461.00	8920	585.00	496.00	9620	627.00	531.00	10320	669.00	566.00
8240	544.00	462.00	8940	586.00	497.00	9640	628.00	532.00	10340	670.00	567.00
8260	546.00	463.00	8960	588.00	498.00	9660	630.00	533.00	10360	672.00	568.00
8280	547.00	464.00	8980	589.00	499.00	9680	631.00	534.00	10380	673.00	569.00

Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross
10400	674.00	570.00	11100	716.00	605.00	11800	758.00	640.00	12500	925.00	675.00
10420	675.00	571.00	11120	717.00	606.00	11820	759.00	641.00	12520	926.00	676.00
10440	676.00	572.00	11140	718.00	607.00	11840	760.00	642.00	12540	928.00	677.00
10460	678.00	573.00	11160	720.00	608.00	11860	762.00	643.00	12560	929.00	678.00
10480	679.00	574.00	11180	721.00	609.00	11880	763.00	644.00	12580	931.00	679.00
10500	680.00	575.00	11200	722.00	610.00	11900	764.00	645.00	12600	932.00	680.00
10520	681.00	576.00	11220	723.00	611.00	11920	765.00	646.00	12620	933.00	681.00
10540	682.00	577.00	11240	724.00	612.00	11940	766.00	647.00	12640	935.00	682.00
10560	684.00	578.00	11260	726.00	613.00	11960	768.00	648.00	12660	936.00	683.00
10580	685.00	579.00	11280	727.00	614.00	11980	769.00	649.00	12680	938.00	684.00
10600	686.00	580.00	11300	728.00	615.00	12000	770.00	650.00	12700	939.00	685.00
10620	687.00	581.00	11320	729.00	616.00	12020	891.00	651.00	12720	940.00	686.00
10640	688.00	582.00	11340	730.00	617.00	12040	893.00	652.00	12740	942.00	687.00
10660	690.00	583.00	11360	732.00	618.00	12060	894.00	653.00	12760	943.00	688.00
10680	691.00	584.00	11380	733.00	619.00	12080	896.00	654.00	12780	945.00	689.00
10700	692.00	585.00	11400	734.00	620.00	12100	897.00	655.00	12800	946.00	690.00
10720	693.00	586.00	11420	735.00	621.00	12120	898.00	656.00	12820	947.00	691.00
10740	694.00	587.00	11440	736.00	622.00	12140	900.00	657.00	12840	949.00	692.00
10760	696.00	588.00	11460	738.00	623.00	12160	901.00	658.00	12860	950.00	693.00
10780	697.00	589.00	11480	739.00	624.00	12180	903.00	659.00	12880	952.00	694.00
10800	698.00	590.00	11500	740.00	625.00	12200	904.00	660.00	12900	953.00	695.00
10820	699.00	591.00	11520	741.00	626.00	12220	905.00	661.00	12920	954.00	696.00
10840	700.00	592.00	11540	742.00	627.00	12240	907.00	662.00	12940	956.00	697.00
10860	702.00	593.00	11560	744.00	628.00	12260	908.00	663.00	12960	957.00	698.00
10880	703.00	594.00	11580	745.00	629.00	12280	910.00	664.00	12980	959.00	699.00
10900	704.00	595.00	11600	746.00	630.00	12300	911.00	665.00	13000	960.00	700.00
10920	705.00	596.00	11620	747.00	631.00	12320	912.00	666.00	13020	961.00	701.00
10940	706.00	597.00	11640	748.00	632.00	12340	914.00	667.00	13040	963.00	702.00
10960	708.00	598.00	11660	750.00	633.00	12360	915.00	668.00	13060	964.00	703.00
10980	709.00	599.00	11680	751.00	634.00	12380	917.00	669.00	13080	966.00	704.00
11000	710.00	600.00	11700	752.00	635.00	12400	918.00	670.00	13100	967.00	705.00
11020	711.00	601.00	11720	753.00	636.00	12420	919.00	671.00	13120	968.00	706.00
11040	712.00	602.00	11740	754.00	637.00	12440	921.00	672.00	13140	970.00	707.00
11060	714.00	603.00	11760	756.00	638.00	12460	922.00	673.00	13160	971.00	708.00
11080	715.00	604.00	11780	757.00	639.00	12480	924.00	674.00	13180	973.00	709.00

Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross
13200	974.00	710.00	13900	1023.00	745.00	14600	1072.00	780.00	15300	1121.00	815.00
13220	975.00	711.00	13920	1024.00	746.00	14620	1073.00	781.00	15320	1122.00	816.00
13240	977.00	712.00	13940	1026.00	747.00	14640	1075.00	782.00	15340	1124.00	817.00
13260	978.00	713.00	13960	1027.00	748.00	14660	1076.00	783.00	15360	1125.00	818.00
13280	980.00	714.00	13980	1029.00	749.00	14680	1078.00	784.00	15380	1127.00	819.00
13300	981.00	715.00	14000	1030.00	750.00	14700	1079.00	785.00	15400	1128.00	820.00
13320	982.00	716.00	14020	1031.00	751.00	14720	1080.00	786.00	15420	1129.00	821.00
13340	984.00	717.00	14040	1033.00	752.00	14740	1082.00	787.00	15440	1131.00	822.00
13360	985.00	718.00	14060	1034.00	753.00	14760	1083.00	788.00	15460	1132.00	823.00
13380	987.00	719.00	14080	1036.00	754.00	14780	1085.00	789.00	15480	1134.00	824.00
13400	988.00	720.00	14100	1037.00	755.00	14800	1086.00	790.00	15500	1135.00	825.00
13420	989.00	721.00	14120	1038.00	756.00	14820	1087.00	791.00	15520	1136.00	826.00
13440	991.00	722.00	14140	1040.00	757.00	14840	1089.00	792.00	15540	1138.00	827.00
13460	992.00	723.00	14160	1041.00	758.00	14860	1090.00	793.00	15560	1139.00	828.00
13480	994.00	724.00	14180	1043.00	759.00	14880	1092.00	794.00	15580	1141.00	829.00
13500	995.00	725.00	14200	1044.00	760.00	14900	1093.00	795.00	15600	1142.00	830.00
13520	996.00	726.00	14220	1045.00	761.00	14920	1094.00	796.00	15620	1143.00	831.00
13540	998.00	727.00	14240	1047.00	762.00	14940	1096.00	797.00	15640	1145.00	832.00
13560	999.00	728.00	14260	1048.00	763.00	14960	1097.00	798.00	15660	1146.00	833.00
13580	1001.00	729.00	14280	1050.00	764.00	14980	1099.00	799.00	15680	1148.00	834.00
13600	1002.00	730.00	14300	1051.00	765.00	15000	1100.00	800.00	15700	1149.00	835.00
13620	1003.00	731.00	14320	1052.00	766.00	15020	1101.00	801.00	15720	1150.00	836.00
13640	1005.00	732.00	14340	1054.00	767.00	15040	1103.00	802.00	15740	1152.00	837.00
13660	1006.00	733.00	14360	1055.00	768.00	15060	1104.00	803.00	15760	1153.00	838.00
13680	1008.00	734.00	14380	1057.00	769.00	15080	1106.00	804.00	15780	1155.00	839.00
13700	1009.00	735.00	14400	1058.00	770.00	15100	1107.00	805.00	15800	1156.00	840.00
13720	1010.00	736.00	14420	1059.00	771.00	15120	1108.00	806.00	15820	1157.00	841.00
13740	1012.00	737.00	14440	1061.00	772.00	15140	1110.00	807.00	15840	1159.00	842.00
13760	1013.00	738.00	14460	1062.00	773.00	15160	1111.00	808.00	15860	1160.00	843.00
13780	1015.00	739.00	14480	1064.00	774.00	15180	1113.00	809.00	15880	1162.00	844.00
13800	1016.00	740.00	14500	1065.00	775.00	15200	1114.00	810.00	15900	1163.00	845.00
13820	1017.00	741.00	14520	1066.00	776.00	15220	1115.00	811.00	15920	1164.00	846.00
13840	1019.00	742.00	14540	1068.00	777.00	15240	1117.00	812.00	15940	1166.00	847.00
13860	1020.00	743.00	14560	1069.00	778.00	15260	1118.00	813.00	15960	1167.00	848.00
13880	1022.00	744.00	14580	1071.00	779.00	15280	1120.00	814.00	15980	1169.00	849.00

COMMERCIAL VEHICLE OVERLOAD

BAIL SCHEDULE

PAGE 5 OF 9

WEIGHTS 13200 to 15980

Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross
16000	1170.00	850.00	16700	1553.00	885.00	17400	1616.00	920.00	18100	1679.00	955.00
16020	1492.00	851.00	16720	1555.00	886.00	17420	1618.00	921.00	18120	1681.00	956.00
16040	1494.00	852.00	16740	1557.00	887.00	17440	1620.00	922.00	18140	1683.00	957.00
16060	1495.00	853.00	16760	1558.00	888.00	17460	1621.00	923.00	18160	1684.00	958.00
16080	1497.00	854.00	16780	1560.00	889.00	17480	1623.00	924.00	18180	1686.00	959.00
16100	1499.00	855.00	16800	1562.00	890.00	17500	1625.00	925.00	18200	1688.00	960.00
16120	1501.00	856.00	16820	1564.00	891.00	17520	1627.00	926.00	18220	1690.00	961.00
16140	1503.00	857.00	16840	1566.00	892.00	17540	1629.00	927.00	18240	1692.00	962.00
16160	1504.00	858.00	16860	1567.00	893.00	17560	1630.00	928.00	18260	1693.00	963.00
16180	1506.00	859.00	16880	1569.00	894.00	17580	1632.00	929.00	18280	1695.00	964.00
16200	1508.00	860.00	16900	1571.00	895.00	17600	1634.00	930.00	18300	1697.00	965.00
16220	1510.00	861.00	16920	1573.00	896.00	17620	1636.00	931.00	18320	1699.00	966.00
16240	1512.00	862.00	16940	1575.00	897.00	17640	1638.00	932.00	18340	1701.00	967.00
16260	1513.00	863.00	16960	1576.00	898.00	17660	1639.00	933.00	18360	1702.00	968.00
16280	1515.00	864.00	16980	1578.00	899.00	17680	1641.00	934.00	18380	1704.00	969.00
16300	1517.00	865.00	17000	1580.00	900.00	17700	1643.00	935.00	18400	1706.00	970.00
16320	1519.00	866.00	17020	1582.00	901.00	17720	1645.00	936.00	18420	1708.00	971.00
16340	1521.00	867.00	17040	1584.00	902.00	17740	1647.00	937.00	18440	1710.00	972.00
16360	1522.00	868.00	17060	1585.00	903.00	17760	1648.00	938.00	18460	1711.00	973.00
16380	1524.00	869.00	17080	1587.00	904.00	17780	1650.00	939.00	18480	1713.00	974.00
16400	1526.00	870.00	17100	1589.00	905.00	17800	1652.00	940.00	18500	1715.00	975.00
16420	1528.00	871.00	17120	1591.00	906.00	17820	1654.00	941.00	18520	1717.00	976.00
16440	1530.00	872.00	17140	1593.00	907.00	17840	1656.00	942.00	18540	1719.00	977.00
16460	1531.00	873.00	17160	1594.00	908.00	17860	1657.00	943.00	18560	1720.00	978.00
16480	1533.00	874.00	17180	1596.00	909.00	17880	1659.00	944.00	18580	1722.00	979.00
16500	1535.00	875.00	17200	1598.00	910.00	17900	1661.00	945.00	18600	1724.00	980.00
16520	1537.00	876.00	17220	1600.00	911.00	17920	1663.00	946.00	18620	1726.00	981.00
16540	1539.00	877.00	17240	1602.00	912.00	17940	1665.00	947.00	18640	1728.00	982.00
16560	1540.00	878.00	17260	1603.00	913.00	17960	1666.00	948.00	18660	1729.00	983.00
16580	1542.00	879.00	17280	1605.00	914.00	17980	1668.00	949.00	18680	1731.00	984.00
16600	1544.00	880.00	17300	1607.00	915.00	18000	1670.00	950.00	18700	1733.00	985.00
16620	1546.00	881.00	17320	1609.00	916.00	18020	1672.00	951.00	18720	1735.00	986.00
16640	1548.00	882.00	17340	1611.00	917.00	18040	1674.00	952.00	18740	1737.00	987.00
16660	1549.00	883.00	17360	1612.00	918.00	18060	1675.00	953.00	18760	1738.00	988.00
16680	1551.00	884.00	17380	1614.00	919.00	18080	1677.00	954.00	18780	1740.00	989.00

Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross
18800	1742.00	990.00	19500	1805.00	1025.00	20200	2272.00	1060.00	20900	2349.00	1095.00
18820	1744.00	991.00	19520	1807.00	1026.00	20220	2274.00	1061.00	20920	2351.00	1096.00
18840	1746.00	992.00	19540	1809.00	1027.00	20240	2276.00	1062.00	20940	2353.00	1097.00
18860	1747.00	993.00	19560	1810.00	1028.00	20260	2279.00	1063.00	20960	2356.00	1098.00
18880	1749.00	994.00	19580	1812.00	1029.00	20280	2281.00	1064.00	20980	2358.00	1099.00
18900	1751.00	995.00	19600	1814.00	1030.00	20300	2283.00	1065.00	21000	2360.00	1100.00
18920	1753.00	996.00	19620	1816.00	1031.00	20320	2285.00	1066.00	21020	2362.00	1101.00
18940	1755.00	997.00	19640	1818.00	1032.00	20340	2287.00	1067.00	21040	2364.00	1102.00
18960	1756.00	998.00	19660	1819.00	1033.00	20360	2290.00	1068.00	21060	2367.00	1103.00
18980	1758.00	999.00	19680	1821.00	1034.00	20380	2292.00	1069.00	21080	2369.00	1104.00
19000	1760.00	1000.00	19700	1823.00	1035.00	20400	2294.00	1070.00	21100	2371.00	1105.00
19020	1762.00	1001.00	19720	1825.00	1036.00	20420	2296.00	1071.00	21120	2373.00	1106.00
19040	1764.00	1002.00	19740	1827.00	1037.00	20440	2298.00	1072.00	21140	2375.00	1107.00
19060	1765.00	1003.00	19760	1828.00	1038.00	20460	2301.00	1073.00	21160	2378.00	1108.00
19080	1767.00	1004.00	19780	1830.00	1039.00	20480	2303.00	1074.00	21180	2380.00	1109.00
19100	1769.00	1005.00	19800	1832.00	1040.00	20500	2305.00	1075.00	21200	2382.00	1110.00
19120	1771.00	1006.00	19820	1834.00	1041.00	20520	2307.00	1076.00	21220	2384.00	1111.00
19140	1773.00	1007.00	19840	1836.00	1042.00	20540	2309.00	1077.00	21240	2386.00	1112.00
19160	1774.00	1008.00	19860	1837.00	1043.00	20560	2312.00	1078.00	21260	2389.00	1113.00
19180	1776.00	1009.00	19880	1839.00	1044.00	20580	2314.00	1079.00	21280	2391.00	1114.00
19200	1778.00	1010.00	19900	1841.00	1045.00	20600	2316.00	1080.00	21300	2393.00	1115.00
19220	1780.00	1011.00	19920	1843.00	1046.00	20620	2318.00	1081.00	21320	2395.00	1116.00
19240	1782.00	1012.00	19940	1845.00	1047.00	20640	2320.00	1082.00	21340	2397.00	1117.00
19260	1783.00	1013.00	19960	1846.00	1048.00	20660	2323.00	1083.00	21360	2400.00	1118.00
19280	1785.00	1014.00	19980	1848.00	1049.00	20680	2325.00	1084.00	21380	2402.00	1119.00
19300	1787.00	1015.00	20000	1850.00	1050.00	20700	2327.00	1085.00	21400	2404.00	1120.00
19320	1789.00	1016.00	20020	2252.00	1051.00	20720	2329.00	1086.00	21420	2406.00	1121.00
19340	1791.00	1017.00	20040	2254.00	1052.00	20740	2331.00	1087.00	21440	2408.00	1122.00
19360	1792.00	1018.00	20060	2257.00	1053.00	20760	2334.00	1088.00	21460	2411.00	1123.00
19380	1794.00	1019.00	20080	2259.00	1054.00	20780	2336.00	1089.00	21480	2413.00	1124.00
19400	1796.00	1020.00	20100	2261.00	1055.00	20800	2338.00	1090.00	21500	2415.00	1125.00
19420	1798.00	1021.00	20120	2263.00	1056.00	20820	2340.00	1091.00	21520	2417.00	1126.00
19440	1800.00	1022.00	20140	2265.00	1057.00	20840	2342.00	1092.00	21540	2419.00	1127.00
19460	1801.00	1023.00	20160	2268.00	1058.00	20860	2345.00	1093.00	21560	2422.00	1128.00
19480	1803.00	1024.00	20180	2270.00	1059.00	20880	2347.00	1094.00	21580	2424.00	1129.00

Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross
Weight	Axle	Gross									
21600	2426.00	1130.00	22300	2503.00	1165.00	23000	2580.00	1200.00	23700	2657.00	1235.00
21620	2428.00	1131.00	22320	2505.00	1166.00	23020	2582.00	1201.00	23720	2659.00	1236.00
21640	2430.00	1132.00	22340	2507.00	1167.00	23040	2584.00	1202.00	23740	2661.00	1237.00
21660	2433.00	1133.00	22360	2510.00	1168.00	23060	2587.00	1203.00	23760	2664.00	1238.00
21680	2435.00	1134.00	22380	2512.00	1169.00	23080	2589.00	1204.00	23780	2666.00	1239.00
21700	2437.00	1135.00	22400	2514.00	1170.00	23100	2591.00	1205.00	23800	2668.00	1240.00
21720	2439.00	1136.00	22420	2516.00	1171.00	23120	2593.00	1206.00	23820	2670.00	1241.00
21740	2441.00	1137.00	22440	2518.00	1172.00	23140	2595.00	1207.00	23840	2672.00	1242.00
21760	2444.00	1138.00	22460	2521.00	1173.00	23160	2598.00	1208.00	23860	2675.00	1243.00
21780	2446.00	1139.00	22480	2523.00	1174.00	23180	2600.00	1209.00	23880	2677.00	1244.00
21800	2448.00	1140.00	22500	2525.00	1175.00	23200	2602.00	1210.00	23900	2679.00	1245.00
21820	2450.00	1141.00	22520	2527.00	1176.00	23220	2604.00	1211.00	23920	2681.00	1246.00
21840	2452.00	1142.00	22540	2529.00	1177.00	23240	2606.00	1212.00	23940	2683.00	1247.00
21860	2455.00	1143.00	22560	2532.00	1178.00	23260	2609.00	1213.00	23960	2686.00	1248.00
21880	2457.00	1144.00	22580	2534.00	1179.00	23280	2611.00	1214.00	23980	2688.00	1249.00
21900	2459.00	1145.00	22600	2536.00	1180.00	23300	2613.00	1215.00	24000	2690.00	1250.00
21920	2461.00	1146.00	22620	2538.00	1181.00	23320	2615.00	1216.00	24020	2692.00	1251.00
21940	2463.00	1147.00	22640	2540.00	1182.00	23340	2617.00	1217.00	24040	2694.00	1252.00
21960	2466.00	1148.00	22660	2543.00	1183.00	23360	2620.00	1218.00	24060	2697.00	1253.00
21980	2468.00	1149.00	22680	2545.00	1184.00	23380	2622.00	1219.00	24080	2699.00	1254.00
22000	2470.00	1150.00	22700	2547.00	1185.00	23400	2624.00	1220.00	24100	2701.00	1255.00
22020	2472.00	1151.00	22720	2549.00	1186.00	23420	2626.00	1221.00	24120	2703.00	1256.00
22040	2474.00	1152.00	22740	2551.00	1187.00	23440	2628.00	1222.00	24140	2705.00	1257.00
22060	2477.00	1153.00	22760	2554.00	1188.00	23460	2631.00	1223.00	24160	2708.00	1258.00
22080	2479.00	1154.00	22780	2556.00	1189.00	23480	2633.00	1224.00	24180	2710.00	1259.00
22100	2481.00	1155.00	22800	2558.00	1190.00	23500	2635.00	1225.00	24200	2712.00	1260.00
22120	2483.00	1156.00	22820	2560.00	1191.00	23520	2637.00	1226.00	24220	2714.00	1261.00
22140	2485.00	1157.00	22840	2562.00	1192.00	23540	2639.00	1227.00	24240	2716.00	1262.00
22160	2488.00	1158.00	22860	2565.00	1193.00	23560	2642.00	1228.00	24260	2719.00	1263.00
22180	2490.00	1159.00	22880	2567.00	1194.00	23580	2644.00	1229.00	24280	2721.00	1264.00
22200	2492.00	1160.00	22900	2569.00	1195.00	23600	2646.00	1230.00	24300	2723.00	1265.00
22220	2494.00	1161.00	22920	2571.00	1196.00	23620	2648.00	1231.00	24320	2725.00	1266.00
22240	2496.00	1162.00	22940	2573.00	1197.00	23640	2650.00	1232.00	24340	2727.00	1267.00
22260	2499.00	1163.00	22960	2576.00	1198.00	23660	2653.00	1233.00	24360	2730.00	1268.00
22280	2501.00	1164.00	22980	2578.00	1199.00	23680	2655.00	1234.00	24380	2732.00	1269.00

COMMERCIAL VEHICLE OVERLOAD

BAIL SCHEDULE

PAGE 8 OF 9

WEIGHTS 21600 to 24380

Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross	Weight	Axle	Gross
24400	2734.00	1270.00	25100	3313.00	1305.00	25800	3404.00	1340.00	26500	3495.00	1375.00
24420	2736.00	1271.00	25120	3316.00	1306.00	25820	3407.00	1341.00	26520	3498.00	1376.00
24440	2738.00	1272.00	25140	3318.00	1307.00	25840	3409.00	1342.00	26540	3500.00	1377.00
24460	2741.00	1273.00	25160	3321.00	1308.00	25860	3412.00	1343.00	26560	3503.00	1378.00
24480	2743.00	1274.00	25180	3323.00	1309.00	25880	3414.00	1344.00	26580	3505.00	1379.00
24500	2745.00	1275.00	25200	3326.00	1310.00	25900	3417.00	1345.00	26600	3508.00	1380.00
24520	2747.00	1276.00	25220	3329.00	1311.00	25920	3420.00	1346.00	26620	3511.00	1381.00
24540	2749.00	1277.00	25240	3331.00	1312.00	25940	3422.00	1347.00	26640	3513.00	1382.00
24560	2752.00	1278.00	25260	3334.00	1313.00	25960	3425.00	1348.00	26660	3516.00	1383.00
24580	2754.00	1279.00	25280	3336.00	1314.00	25980	3427.00	1349.00	26680	3518.00	1384.00
24600	2756.00	1280.00	25300	3339.00	1315.00	26000	3430.00	1350.00	26700	3521.00	1385.00
24620	2758.00	1281.00	25320	3342.00	1316.00	26020	3433.00	1351.00	26720	3524.00	1386.00
24640	2760.00	1282.00	25340	3344.00	1317.00	26040	3435.00	1352.00	26740	3526.00	1387.00
24660	2763.00	1283.00	25360	3347.00	1318.00	26060	3438.00	1353.00	26760	3529.00	1388.00
24680	2765.00	1284.00	25380	3349.00	1319.00	26080	3440.00	1354.00	26780	3531.00	1389.00
24700	2767.00	1285.00	25400	3352.00	1320.00	26100	3443.00	1355.00	26800	3534.00	1390.00
24720	2769.00	1286.00	25420	3355.00	1321.00	26120	3446.00	1356.00	26820	3537.00	1391.00
24740	2771.00	1287.00	25440	3357.00	1322.00	26140	3448.00	1357.00	26840	3539.00	1392.00
24760	2774.00	1288.00	25460	3360.00	1323.00	26160	3451.00	1358.00	26860	3542.00	1393.00
24780	2776.00	1289.00	25480	3362.00	1324.00	26180	3453.00	1359.00	26880	3544.00	1394.00
24800	2778.00	1290.00	25500	3365.00	1325.00	26200	3456.00	1360.00	26900	3547.00	1395.00
24820	2780.00	1291.00	25520	3368.00	1326.00	26220	3459.00	1361.00	26920	3550.00	1396.00
24840	2782.00	1292.00	25540	3370.00	1327.00	26240	3461.00	1362.00	26940	3552.00	1397.00
24860	2785.00	1293.00	25560	3373.00	1328.00	26260	3464.00	1363.00	26960	3555.00	1398.00
24880	2787.00	1294.00	25580	3375.00	1329.00	26280	3466.00	1364.00	26980	3557.00	1399.00
24900	2789.00	1295.00	25600	3378.00	1330.00	26300	3469.00	1365.00	27000	3560.00	1400.00
24920	2791.00	1296.00	25620	3381.00	1331.00	26320	3472.00	1366.00	27020	3563.00	1401.00
24940	2793.00	1297.00	25640	3383.00	1332.00	26340	3474.00	1367.00	27040	3565.00	1402.00
24960	2796.00	1298.00	25660	3386.00	1333.00	26360	3477.00	1368.00	27060	3568.00	1403.00
24980	2798.00	1299.00	25680	3388.00	1334.00	26380	3479.00	1369.00	27080	3570.00	1404.00
25000	2800.00	1300.00	25700	3391.00	1335.00	26400	3482.00	1370.00	27100	3573.00	1405.00
25020	3303.00	1301.00	25720	3394.00	1336.00	26420	3485.00	1371.00	27120	3576.00	1406.00
25040	3305.00	1302.00	25740	3396.00	1337.00	26440	3487.00	1372.00	27140	3578.00	1407.00
25060	3308.00	1303.00	25760	3399.00	1338.00	26460	3490.00	1373.00	27160	3581.00	1408.00
25080	3310.00	1304.00	25780	3401.00	1339.00	26480	3492.00	1374.00	27180	3583.00	1409.00

COMMERCIAL VEHICLE OVERLOAD

BAIL SCHEDULE

PAGE 9 OF 9

WEIGHTS 24400 to 27180

# Administrative Office of the Court

Chief Justice Richard C Howe  
Chair Utah Judicial Council

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator  
450 So. State St.  
P.O.Box 140241  
Salt Lake City, Utah 84114-0241  
Phone: (801) 578-3800  
Fax: (801) 578-3843

## MEMORANDUM

TO: Management Committee

FROM: Holly M. Bullen  
Assistant State Court Administrator

DATE: July 9, 1998

RE: Appointment to Standing Committee on Judicial Performance Evaluation

Chief Justice Richard Howe was formerly a member of the Judicial Performance Evaluation Standing Committee. Because of his appointment to the Judicial Council several months ago, he was no longer eligible to serve on standing committees. The Board of Appellate Court Judges selected Justice I. Daniel Stewart to take Chief Justice Howe's place on the committee. Because all appointments to standing committees require Judicial Council approval, I submit this appointment for your consideration.

If you find the appointment to be satisfactory, please put it on the Council's consent calendar for August 28, 1998. Thanks for your assistance.

Enclosures

c: Tim Shea




# Administrative Office of the Court

Chief Justice Richard C Howe  
Chair Utah Judicial Council

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator  
450 So. State St.  
P.O.Box 140241  
Salt Lake City, Utah 84114-0241  
Phone: (801) 578-3800  
Fax: (801) 578-3843

## MEMORANDUM

TO: Judicial Council Management Committee

 FROM: Holly M. Bullen  
Assistant State Court Administrator

DATE: July 17, 1998

RE: Judicial Performance Evaluation Standing Committee

---

Judge Jeril Wilson will soon complete his first term on the Judicial Performance Evaluation Standing Committee. Judge Wilson has indicated he would like to serve a second three-year term, and staff has indicated that there were no issues with Judge Wilson's attendance or participation on the Committee during his first term.

As you will recall, Management Committee has taken the position that, if the incumbent desires a second term and there are no problems with his/her participation on the standing committee during the first term, the incumbent is reappointed without the need of announcing the vacancy.

Accordingly, I submit the name of Judge Jeril Wilson for reappointment to the Judicial Performance Evaluation Standing Committee. If Management Committee agrees with this, I request that the reappointment be placed on the consent calendar of the next Judicial Council meeting.

Thank you for your consideration of this matter.


c: Tim Shea, Staff, Judicial Performance Evaluation Standing Committee  
Ray Wahl, Juvenile Court Administrator

# Administrative Office of the Court

Chief Justice Richard C Howe  
Chair Utah Judicial Council

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator  
450 So. State St.  
P.O.Box 140241  
Salt Lake City, Utah 84114-0241  
Phone: (801) 578-3800  
Fax: (801) 578-3843

## MEMORANDUM

 TO: Judicial Council Management Committee  
FROM: Holly M. Bullen  
DATE: July 21, 1998  
RE: Reappointment of Judge Wilkins, Judge Thorne and Claudia Page to Technology Standing Committee

Three members of the Technology Committee--Judge Michael Wilkins, Judge William Thorne, and Claudia Page, Lead Clerk in Seventh District Court--will soon complete their first terms on the Technology Standing Committee (formerly the Information, Automation and Records Standing Committee). All three members would like to serve a second term; and staff has indicated that there were no issues with their attendance or participation on the Committee during their first terms.

As you will recall, Management Committee has taken the position that, if the incumbent desires a second term and there are no problems with his/her participation on the standing committee during the first term, the incumbent is reappointed without the need of announcing the vacancy.

Accordingly, I submit the names of Judge Wilkins, Judge Thorne, and Ms. Page to you for reappointment for an additional three-year term. If Management Committee agrees with this, I request that the reappointments be placed on the consent calendar of the next Judicial Council meeting.

Thank you for your consideration of these appointments.


c: Hon. Michael J. Wilkins, Chairman, Technology Committee  
Gordon Bissegger, Staff, Technology Committee  
Rolen Yoshinaga, Staff, Technology Committee  
Eric Leeson, Staff, Technology Committee

# Administrative Office of the Court

Chief Justice Richard C Howe  
Chair Utah Judicial Council

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator  
450 So. State St.  
P.O.Box 140241  
Salt Lake City, Utah 84114-0241  
Phone: (801) 578-3800  
Fax: (801) 578-3843

## MEMORANDUM

 TO: Judicial Council Management Committee  
FROM: Holly M. Bullen  
DATE: August 10, 1998  
RE: Appointment and Reappointment of Members to  
Court Interpreter Advisory Panel

The Court Interpreter Advisory Panel, established in Rule 3-306, CJA, is comprised of one district judge, one juvenile judge, one justice court judge, one court executive, one clerk of court, one juvenile probation officer, one interpreter coordinator, one certified court interpreter, one expert in the field of linguistics, and one attorney.

The function of the panel is as follows:

- To develop policies concerning court interpreters
- To consult with the administrative office regarding the establishment of programs to certify court interpreters, and
- To review and respond to allegations of violation of the Code of Professional Conduct, including decertification or other disciplinary measures.

Three members' terms have recently expired, and the Judicial Council needs to make appointments to these vacancies.

- Larry Gobelman is the Court Executive representative, and he would like to serve a second term if so appointed.
- Hon. David Miller is the Justice Court representative, and he would like to serve a second term if so appointed.
- Joanne McKee of the Eighth District is the Clerk of Court representative, and she would prefer not to serve a second term. Sheryl Morris, Clerk of Court for the First District, has expressed an interest in being appointed to this position.

Accordingly, I request that the Council reappoint Larry Gobelman and Judge Miller to second terms, and appoint Sheryl Morris to a first term.

Thanks for your consideration.

## BIOSKETCH

**Jesse M. Soriano**

- Director, Health Sciences Ethnic Minority Affairs Office
- Member of University of Utah School of Medicine Admissions Committee
- Author of "Living Better with Diversity" a Diversity training program for the University of Utah Human Resources office.

### Previous

- Director of the United States Office of Bilingual Education and Minority languages Affairs in the United States Department of Education
- Senior Training specialist for the Educational Equity Center at Weber State University
- High School teacher in Michigan
- Teacher trainer and Bilingual Curriculum writer

Born in San Antonio Texas of Mexican parents.

Graduated from Michigan State University with a B.A. in Political Science, M.A. in Foreign Language, M.A. in School Administration

Post-It® Fax Note 7871		Date 8/10	# of pages 1
To CHRIS SQUIRA	Co./Dept.	From MENDATH STARN	Co.
Phone #		Phone # 581-3178	
Fax # 974-2401		Fax # 585-3109	

**BIOGRAPHY  
OF  
CHRIS J. MARTINEZ**

**BORN:** May 10, 1937 at Saguache, Colorado  
Oldest of seven children.  
Lived in Colorado for 21 years.

**EDUCATION:** Graduated from Saguache High School in May 1957  
Graduated from Steven Henager College with an  
Associate Degree in Business Management/Accounting.

**History of my life:** Came to Utah in June 1958 and worked construction as a heavy equipment operator for two years after high school then was drafted into the Army for three years. After my tour with the Army I came home and worked some more as a heavy equipment operator. Then took a giant step and got married. Applied for a job with the Federal Government and was accepted. Retired as an Equipment Specialist/Program Manager after 31 years. Another challenge that I took on was the Army Reserves and retired from the reserves after 28 years and I loved it all especially when you know your serving your country.

Have been involved in volunteer work for several years; started out as cub scout leader, then little league sports, tutored and taught reading at the YCC in Ogden. Also tutored at the elementary school for three years. In the mean time I became a member of Image de Utah and held Directors position and was involved in several state conferences. The high light of my life was being part of the 1996 National Image Conference held in Salt Lake City, Ut. This was a very successful conference because we became united and we all worked together as a team. Today I'm the president of Image de Utah and proud to be associated with an organization that is one of the strongest and largest Hispanic Organization in Utah.

I'm also a member of the Department of Workforce Services serving as a Board Member for the Northern Region. Also a member of the Hispanic Youth Culture Action Program (HYCAP) for youth that need training of some kind Talent or Art to keep them off the streets.

**AWARDS:** Have received several achievement awards from the Army including the Meritorious Service Award for outstanding performance. Received Outstanding Service Awards from the Department of the Air Force. Received the Outstanding Community Service Award in 1993 for services to the community.


My Goal is to see that we are head in the right direction as one race, one country and working together as one race not divided.  
After 33 years of being married, three children and five grandchildren. we are still together what more can you ask for.

# Administrative Office of the Court

Chief Justice Richard C Howe  
Chair Utah Judicial Council

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator  
450 So. State St.  
P.O.Box 140241  
Salt Lake City, Utah 84114-0241  
Phone: (801) 578-3800  
Fax: (801) 578-3843

## MEMORANDUM

**To:** Utah Judicial Council  
**From:** Peggy Gentles, Staff Attorney   
**Subject:** Amendments to the Code of Judicial Administration for Adoption  
(Consent Calendar)  
**Date:** August 11, 1998

---

The Policy and Planning Committee recommends that the attached rules be adopted with an effective date of November 1, 1998. No comments were received on these rules.

# Proposed Amendments to the

## Code of Judicial Administration

Policy and Planning Committee's recommendations to Judicial Council for adoption  
on consent calendar.

August 11, 1998

## TABLE OF CONTENTS

<b>CODE OF JUDICIAL ADMINISTRATION</b> .....	1
Rule 1-102. Role and objectives of the Council. ....	1
Rule 1-205. Standing and ad hoc committees. ....	1
Rule 1-302. Membership - Officers - Secretariat. ....	3
Rule 2-103. Open and closed Council meetings. ....	3
Rule 2-204. Local supplemental rules. ....	5
Rule 2-207. Annual rulemaking and review of the Code. ....	5
Rule 3-101. Judicial nominating commissions. ....	6
Rule 3-102. Assumption of judicial office. ....	7
Rule 3-112. Justice Court Standards Committee. ....	7
Rule 3-201.02. Court Commissioner Conduct Committee. ....	8
Rule 3-303. Justice [ <del>Court</del> ] <u>court</u> clerks. ....	9
Rule 3-306. Court interpreters. ....	10
Rule 3-404. Public information program. ....	13
Rule 3-405. Contract management. ....	13
Rule 3-407. Accounting. ....	14
Rule 3-410. Automated information resource management. ....	15
Rule 3-413. Judicial library resources. ....	16
Rule 3-501. Insurance benefits upon retirement. ....	18
Rule 3-502. Insurance benefits for surviving spouses and dependent children of deceased justices[ <del>and</del> ], judges, <u>and commissioners</u> . ....	19
Rule 4-202.08. Fees for records, information, and services. ....	19
Rule 4-202.12. Access to electronic data elements. ....	20
Rule 4-403. Signature stamp use. ....	22
Rule 4-406. Qualifications for process servers for collection agencies. ....	23
Rule 4-407. Commercial bail bond sureties. ....	23
Rule 4-408.01. Responsibility for administration of trial courts. ....	23
Rule 4-501. Motions. ....	23
Rule 4-909. Mandatory divorce mediation. ....	25
Rule 5-201. Requests for enlargement of time by court reporters <u>and court transcribers</u> . .....	26



## CODE OF JUDICIAL ADMINISTRATION

### Rule 1-102. Role and objectives of the Council.

#### Intent:

- To identify the Council as the principal authority for the administration of the judiciary.
- To identify the Council or its designee as the sole authority for establishing and representing the official position of the judiciary on issues within the jurisdiction of the Council.
- To establish general guidelines to assist the Council in establishing policy.

#### Applicability:

- This rule shall apply to all rules and resolutions considered or adopted by the Council.
- This rule shall apply to the Council and the Boards.

#### Statement of the Rule:

(1) As established by the Constitution of Utah, the Council is the principal authority for the administration of the judiciary.

(2) The Council or its designee is the sole authority for establishing and representing the official position of the judiciary on issues within the jurisdiction of the Council. The Council has the responsibility to seek the advice and recommendations of the Boards on such issues and, when appropriate, to delegate to a board, Council committee or Court Administrator the authority to make an official public statement.

(3) Consistent with the status of the judiciary as ~~[an independent;]~~ a co-equal branch of government, the Council is committed to developing uniform policies to achieve the following objectives:

(A) ~~[ensuring the efficient and effective operation of the courts to promote the prompt administration of justice]~~ providing the people an open, fair, efficient, and independent system for the advancement of justice under the law;

(B) attracting and retaining qualified judges;

(C) improving the opportunity for and the quality of continuing education for judges and staff;

(D) identifying and solving on a continuing basis the priority problems facing the judiciary; and

(E) assuring that the judiciary keeps pace with legal, social, political, demographic, and technical developments.

### Rule 1-205. Standing and ad hoc committees.

#### Intent:

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

#### Applicability:

This rule shall apply to the internal operation of the Council.

#### Statement of the Rule:

(1) Standing committees.

(A) Establishment. The following standing committees of the Council are hereby established:

(i) ~~[Information, Automation and Records]~~ Technology Committee;

(ii) Uniform Fine/Bail Schedule Committee;

(iii) Performance Evaluation Committee;

(iv) Ethics Advisory Committee;

(v) Justice Court Standards Committee;

(vi) Judicial Branch Education Committee; and

(vii) Court Facility Planning Committee.

(B) Composition.

(i) The ~~[Information, Automation and Records]~~ Technology Committee shall be comprised of one judge from each court of record, one justice court judge, one lawyer recommended by the Board of Bar Commissioners, two court executives, two court clerks and two staff members from the Administrative Office, all of whom shall be voting members. The Committee may add additional non-voting, ad hoc members as needed.

(ii) The Uniform Fine/Bail Schedule Committee shall be comprised of one district court judge who has experience with a felony docket, three district court judges who have experience with a misdemeanor docket, one juvenile court judge and three justice court judges.

(iii) The Performance Evaluation Committee shall be comprised of one judge from each court of record, one justice court judge, one court commissioner, one Bar Commissioner recommended by the president of the State Bar, two practicing attorneys who are members of the Bar in good standing, and three lay members. The terms of office of the two practicing attorneys shall be staggered. The Judicial Council shall appoint one of the two practicing attorneys to serve as chair.

(iv) The Ethics Advisory Committee shall be comprised of one judge from the Court of Appeals, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, one justice court judge, and an attorney from either the Bar or a college of law.

(v) The Justice Court Standards Committee shall be comprised of one municipal justice court judge from a rural area, one municipal justice court judge from an urban area, one county justice court judge from a rural area, and one county justice court judge from an urban area, all appointed by the Board of Justice Court Judges; one mayor from either Utah, Davis, Weber or Salt Lake Counties, and one mayor from the remaining counties, both appointed by the Utah League of Cities and Towns; one county commissioner from either Utah, Davis, Weber or Salt Lake Counties, and one county commissioner from the remaining counties, both appointed by the Utah Association of Counties; a member of the Bar from Utah, Davis, Weber or Salt Lake Counties, and a member of the Bar from the remaining counties, both appointed by the Bar Commission; and a judge of a court of record appointed by the Presiding Officer of the Council. All Committee members shall be appointed for two year staggered terms.

(vi) The Judicial Branch Education Committee shall be comprised of one judge from an appellate court, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, one justice court judge, one state level administrator, the Human Resource Management Director, one court executive, one juvenile court probation representative, two court clerks from different levels of court and different judicial districts, one data processing manager, one adult educator from higher education, and such other members as may be appointed by the Council. The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.

(vii) The Court Facility Planning Committee shall be comprised of one judge from each level of trial court, the state court administrator, a trial court executive, and two business people with experience in the construction or financing of facilities.

(C) Standing committees shall meet as necessary to accomplish their work but a minimum of once every six months. Standing committees shall report to the Council as necessary but a minimum of once every six months. Council members may not serve, participate or vote on standing committees. Standing committees may form subcommittees from their own membership as they deem advisable. The continued existence and composition of standing committees shall be reviewed annually.

(2) Ad hoc committees. The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) General provisions.

(A) Appointment process.

(i) Administrator's responsibilities. The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the

1 administrator shall:

2 (a) announce expected vacancies on standing committees two months in advance and announce vacancies on  
3 ad hoc committees in a timely manner;

4 (b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and  
5 information regarding the prospective appointee's present and past committee service;

6 (c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the  
7 length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee,  
8 the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past  
9 committee assignments; and

10 (d) present a list of prospective appointees and reappointees to the Council, and, ~~[when appropriate, make~~  
11 ~~recommendations to the Council]~~ report on recommendations received regarding the appointment of members and  
12 chairs.

13 (ii) Council's responsibilities. The Council shall appoint the chair of each committee and all committee  
14 members. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

15 (B) Terms. Except as otherwise provided in this rule, standing committee members shall serve staggered  
16 three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless  
17 the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.  
18 Each standing committee may determine the annual date on which its members' terms expire. If a committee member  
19 does not complete the member's term, a substitute member shall be appointed to complete the balance of the  
20 unexpired term. Appointment shall be through the same process as described in subsection (A).

21 (C) Members of standing and ad hoc committees may receive reimbursement for actual and necessary  
22 expenses incurred in the execution of their duties as committee members.

23 (D) The Administrative Office shall serve as secretariat to the Council's committees.  
24

## 25 **Rule 1-302. Membership - Officers - Secretariat.**

### 26 **Intent:**

27 To delegate the authority for the election of members and leaders of the various Boards to the Boards  
28 themselves or to the judges of the respective courts.

29 To minimize the costs of organization and administration of the Boards by coordinating the election of  
30 members of all Boards.

### 31 **Applicability:**

32 This rule shall apply to all Boards of Judges, except the Board of Senior Judges.

### 33 **Statement of the Rule:**

34 (1) The judges of the respective courts shall determine an appropriate term of office for the members of their  
35 Board. Election to the Board of a court of record shall take place at the annual judicial conference. Election to the  
36 Board of ~~[Justices of the Peace]~~ Justice Court Judges shall take place at the annual spring training conference. After  
37 an election or upon any change in membership, each Board shall certify to the Council the names of its members.

38 (2) A member of a Board may also serve as a member of the Council.

39 (3) Each Board shall establish the position of chair of the Board and other positions of leadership as the  
40 Board deems appropriate. Each Board shall establish the term and manner of election to such offices. Each Board  
41 shall certify to the Council the names of the chair and other officers of the Board.

42 (4) The Administrative Office shall serve as secretariat to the Boards.

43 (5) Members of the Boards may receive reimbursement for actual and necessary expenses incurred in the  
44 execution of their duties as members.  
45

## 46 **Rule 2-103. Open and closed Council meetings.**

### 47 **Intent:**

48 To establish the Council's responsibility for providing public notice of its meetings and to ensure the  
49 opportunity for public attendance at Council meetings.

50 To establish procedures consistent with the philosophy of the Utah Public and Open Meeting Act.

51 To provide the Council with sufficient flexibility to close meetings when discussing matters of a sensitive

1 nature.

2 **Applicability:**

3 This rule shall apply to all meetings of the Council.

4 **Statement of the Rule:**

5 (1) Definitions. As used in this rule:

6 (A) "Meeting" means the gathering of a quorum of the Council, whether corporal or by means of electronic  
7 equipment, for the purpose of discussing or acting upon any matter over which the Council has jurisdiction, but does  
8 not include chance meetings of the Council.

9 (B) "Public notice" may be satisfied by:

10 (i) posting written notice of the date, time, place, and agenda of the meeting at the Administrative Office; ~~or~~  
11 and

12 (ii) providing notice of the date, time, place, and agenda of the meeting to at least one newspaper of general  
13 circulation within the state or to a local media correspondent.

14 (2) Public notice of meetings.

15 (A) The Council shall give public notice of its meetings at the beginning of each calendar year for which the  
16 Council has scheduled its meetings in advance. The Council shall give public notice of its meetings at least 24 hours  
17 before the time scheduled for the meeting.

18 (B) When, due to unforeseen circumstances, it is necessary for the Council to consider matters of an urgent  
19 nature, the requirement of public notice may be suspended and the best notice practicable given. No such meeting of  
20 the Council shall be held unless:

21 (i) an attempt has been made to notify all members;

22 (ii) at least a quorum is present; and

23 (iii) a majority of those present vote to hold the meeting.

24 (3) Open meetings. Meetings of the Council are open to the public unless closed as provided in this rule.

25 (4) Reasons for closed meetings.

26 A closed meeting of the Council may be held for discussions regarding any of the following:

27 (A) the character, competence, or physical or mental health of an individual;

28 (B) collective bargaining or litigation;

29 (C) the purchase or lease of real property when public discussion of the transaction would disclose the  
30 appraisal or estimated value of the property under consideration or prevent the Council from completing the  
31 transaction on the best possible terms;

32 (D) the sale of real property when:

33 (i) public discussion of the transaction would disclose the appraisal or estimated value of the property under  
34 consideration or prevent the Council from completing the transaction on the best possible terms;

35 (ii) the Council has previously given public notice that the property would be offered for sale; and

36 (iii) the terms of the sale are publicly disclosed before the Council approves the sale;

37 (E) deployment of security personnel or devices; or

38 (F) allegations of criminal misconduct.

39 (5) Procedure for closing a meeting.

40 (A) A closed meeting may be held only upon the affirmative vote of two-thirds of the members present at an  
41 open meeting for which public notice is given, provided a quorum is present.

42 (B) If a meeting is closed to discuss the character, competence, or physical or mental health of an individual  
43 or to discuss the deployment of security personnel or devices, the presiding officer shall sign a sworn statement  
44 affirming that the sole purpose for closing the meeting was to discuss the character, competence, or physical or mental  
45 health of an individual or the deployment of security personnel, devices, or systems.

46 (6) Limit on actions at a closed meeting. No contract, appointment, rule or resolution may be approved at a  
47 closed meeting. A contract, appointment, rule or resolution approved at an open meeting may be based upon  
48 discussions had at a closed meeting.

49 (7) Right of removal. All or any part of an open meeting may be recorded by any person in attendance,  
50 provided the recording does not interfere with the conduct of the meeting. This rule shall not prohibit the removal of  
51 any person who disrupts a meeting of the Council.

**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 judges of single judge courts may adopt such rules as they deem necessary to supplement this Code and to govern the administration of their courts.

(2) All local supplemental rules shall be approved by the presiding judge after consultation with the other judges of the court.

(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 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, the Board may adopt it as a local supplemental rule and submit it to the Council for ratification; the Board may adopt it as a Board rule and ~~submit~~ **admit** it to the Council for ratification; or the Board may refer the rule to the Council for consideration and adoption as a Council rule.

(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 in this Code.

(6) Rules which are inconsistent with the provisions of this Code or for other reasons are not adopted by the Board or adopted or ratified by the Council shall be referred back to the local court with an explanation and any recommendations for modification.

(7) Local supplemental rules shall not be adopted by the Board or the local court without ratification by the Council.

**Rule 2-207. Annual rulemaking and review of the Code.**

**Intent:**

To establish an annual schedule for the study, review and adoption of Council and Board rules.

To assure the timely periodic review of Council policies for continued applicability.

**Applicability:**

This rule shall apply to the judiciary.

**Statement of the Rule:**

(1) Annual rulemaking procedure.

~~[(A) The Judicial Council shall meet annually in April and May of each year to consider proposals for the adoption, modification or repeal of Council rules or to initiate the adoption of rules on its own motion.]~~

(A) At least once a year, the Council shall publish rules for comment under Rule 2-203.

~~(B) The Boards of Judges, the standing and ad hoc Committees of the Council or any other interested individual may submit a written request to the Council, through the office of General Counsel, requesting the adoption, modification or repeal of a Council rule. The request shall set forth the proposed rule or amendment or the text of the rule proposed for repeal and shall specify the need for and anticipated effect of the proposal. [All requests for adoption, modification or repeal of a Council rule must be submitted to the Office of General Counsel by March 1 of each year.]~~

~~[(C) The Policy and Planning Committee shall meet during the month of March to review the written~~

proposals and to finalize recommendations to the Council concerning the proposals.

~~(D) Adoption, modification or repeal of Board rules or local supplemental rules shall be approved by the appropriate Board and submitted to the Council for ratification, through the Office of General Counsel, no later than March 1 of each year. The Council shall consider ratification of all Board rules and local supplemental rules during the April and May Council meetings.]~~

(2) Annual review of the code.

(A) The Policy and Planning Committee shall adopt a schedule which ensures that the rules contained in this Code are reviewed on a periodic basis but a minimum of once every five years.

(B) Review of the Code shall be for the purpose of determining the continuing viability, utility and practicality of the rules.

(C) Rules which are outdated or inconsistent with other rules, legislation or preferred practice shall be modified, amended or repealed.

~~[(3) Effective date. The Council has the discretion to determine the effective date or the expiration date of rules.]~~

### **Rule 3-101. Judicial nominating commissions.**

#### **Intent:**

To identify the Council's responsibility for establishing procedures which govern the activities of judicial nominating commissions.

To establish minimum procedural guidelines for commission activities.

#### **Applicability:**

This rule shall apply to the judiciary, judicial nominating commissions and judicial applicants.

#### **Statement of the rule:**

(1) The Council shall develop and adopt a manual of procedures to govern the activities of the judicial nominating commissions.

(2) The manual shall, at a minimum, comply with ~~[Utah Code Ann. Sections 20-1-7.4 and 20-1-7.6]~~ Title 20A, Chapter 11, Selection and Election of Judges, and provide for the following:

(A) A minimum recruitment period of 30 days and a procedure to extend that period for an additional 30 days, if fewer than nine applications are received for a judicial vacancy.

(B) Standards for maintaining the confidentiality of the records of the names of applicants, applications and related documents.

(C) Standards for destroying the records of the names of applicants, applications and related documents upon completion of the nominating process.

(D) An opportunity for public comment concerning the nominating process, qualifications for judicial office, and individual applicants.

(E) Evaluation criteria for the selection of judicial nominees.

(F) A voting procedure for screening applicants and selecting nominees.

(G) A procedure for taking summary minutes at Commission meetings.

(H) A procedure for simultaneously forwarding the names of the nominees to the Governor, the president of the Senate and the Office of Legislative Research and General Counsel.

(I) A procedure for conducting investigations of judicial applicants as the Commission considers advisable.

(J) Standards governing the disability and disqualification of commissioners.

(3) The Administrative Office shall serve as secretariat to the nominating commissions.

(4) Prior to final adoption by the Council, the procedure manual shall be distributed to the Governor's Office, the Utah State Bar Commission, and the Senate for a 45-day comment period.

(5) Upon final adoption and publication, the Administrative Office shall distribute copies of the procedure manual to the Governor's Office, the Senate, the Utah State Bar Commission, members of the judicial nominating commission and judicial applicants upon request.

(6) After a nominee has been appointed by the Governor and confirmed by the Senate, the Administrative Office shall request that each applicant provide recommendations for improving the judicial selection process. The Council shall consider the recommendations received, and may forward appropriate recommendations to the

1 nominating commission(s).

### 3 **Rule 3-102. Assumption of judicial office.**

4 **Intent:**

5 To provide standards for qualification, training, and furnishings for judicial office.

6 **Applicability:**

7 This rule shall apply to all judges of courts of record.

8 **Statement of the Rule:**

9 (1) Qualification for office.

10 (A) An appointee to judicial office shall qualify for office as provided by law within 60 days of confirmation  
11 by the Senate. To qualify for office judicial appointees must take the oath of office, refrain from the practice of law  
12 and resign from any elective, non-judicial public office or political party office which they may hold. The oath of  
13 office shall be subscribed by the appointee, administered as provided by law and filed with the office of the Lieutenant  
14 Governor and the administrative office. An appointee to judicial office is entitled to assume the duties of judge and be  
15 compensated for such duties on the date he or she has qualified for office.

16 (B) A judge elected to office by retention election shall refile, with the Utah State Archivist, an oath of office  
17 within 60 days of the first Monday in January next following the date of the election. The oath of office may be  
18 administered by any person authorized to administer oaths.

19 (2) Education and training. Within twelve months of qualification for office, each judge is required to  
20 complete a program of education and training as provided by this Code and the education policies and procedures  
21 adopted pursuant to this Code.

22 (3) Furnishings.

23 (A) The administrative office shall establish a schedule for the provision and replacement of appropriate  
24 furnishings, equipment and supplies for individual judges. The furnishings shall include at a minimum one desk, one  
25 chair, two side chairs, one bookcase, one credenza and one couch and shall be provided in accordance with applicable  
26 procurement provisions. The schedule shall consider such factors as the physical stature of successor judges, wear and  
27 tear and other damage to furnishings, and the cost and feasibility of repair rather than replacement.

28 ~~[(B) Existing deficiencies in office space, furnishings, equipment and supplies shall be reported to the~~  
29 ~~administrative office within 90 days of the effective date of the rule. Subject to the availability of funds, deficiencies~~  
30 ~~will be cured in accordance with the schedule and the applicable procurement provisions.]~~

31 ~~[(C)](B)~~ Individual judges shall prepare and maintain an inventory of personal property kept in their  
32 chambers. A copy of the inventory shall be kept on file with the district trial court executive.

33 (4) Expenses. Any expenses incurred in complying with this rule shall be borne by the state.

### 35 **Rule 3-112. Justice Court Standards Committee.**

36 **Intent:**

37 To establish the responsibility for certifying new justice courts and recertifying existing justice courts.

38 **Applicability:**

39 This rule shall apply to the judiciary.

40 **Statement of the Rule:**

41 (1) Responsibilities of justice court standards committee. The Committee shall be responsible for the  
42 following:

43 (A) To recommend to the Council:

44 (i) minimum guidelines which demonstrate the need for a justice court, and which take into account the  
45 population, the number of case filings, the public convenience, the availability of law enforcement agencies and court  
46 support services, the proximity of other courts and other factors, and

47 (ii) operational standards for statutorily required support services such as public facilities, clerical support,  
48 bailiff services, prosecution and indigent defense services.

49 (B) To recommend to the Council the creation and recertification of justice courts.

50 (C) To recommend to the Council procedures for reviewing requests for waivers or extensions of time to meet  
51 guidelines or standards.

(2) Adoption and review of standards.

(A) Proposed minimum guidelines for establishing the need for court and operational standards shall be distributed for comment to affected agencies and organizations before submission to the Council for approval.

(B) Operational standards shall be reviewed and updated every two years, beginning in 1992.

(3) Publication. Guidelines for establishing the need for a court, operational standards and the procedures for requesting waivers or extensions of time to meet the standards shall be ~~[published as an appendix to this Code]~~ made available upon request.

### **Rule 3-201.02. Court Commissioner Conduct Committee.**

**Intent:**

To establish a procedure for the review of complaints filed against court commissioners.

**Applicability:**

This rule shall apply to all trial courts of record.

**Statement of the Rule:**

**(1) Court Commissioner Conduct Committee.**

(A) The Council shall appoint a committee of three judges and two lawyers to investigate formal complaints against court commissioners. The Council shall designate one member as chair. The judges shall reside in different judicial districts from each other. The lawyers shall reside in different judicial districts from each other.

(B) Committee members shall not be Council members. Committee members shall serve three year terms of office. The terms of office shall be staggered so that no more than two expire in one year.

(C) Circumstances which require recusal of a judge shall require recusal of a Committee member from participation in Committee action. If the chair is recused, a majority of the remaining members shall select a chair pro tempore. The chair shall replace a recused member with a judge or lawyer of the same judicial district as the recused member. The composition of the Committee shall remain as provided in paragraph (1)(A).

(2) **Informal Complaint.** An informal complaint against a court commissioner may be filed with the presiding judge of the court the court commissioner serves. The presiding judge shall conduct such investigation and take such corrective action as warranted by the complaint.

**(3) Formal Complaint.**

(A) A formal complaint against a court commissioner shall be in writing and filed with the presiding officer of the Council. The presiding officer shall refer the complaint to the committee and provide a copy of the complaint to the court commissioner and to the presiding judge of the court the commissioner serves.

(B) All proceedings and materials related to a formal complaint shall be kept confidential.

(C) The chair or the committee shall dismiss a frivolous complaint. The chair or the committee shall dismiss a complaint found to raise only issues of law or fact for which a remedy is the review of the case by the trial court judge or by an appellate court. The chair of the committee shall provide notice of and basis for the dismissal to the complainant, the presiding judge and the commissioner.

(D) The committee may investigate a complaint that is not dismissed under paragraph (3)(C). This investigation shall be conducted to determine whether dismissal or a hearing is appropriate.

(E) The committee may request that the state court administrator appoint a staff person within the administrative office to perform any investigation and make any presentations to the Committee or the Council.

**(F) Hearings of the Court Commissioner Conduct Committee.**

(i) The hearings of the committee shall be closed to the public. The committee ~~[may]~~ shall interview the complainant, the court commissioner, and any witnesses determined to have relevant information. The commissioner has the right to testify. The commissioner and complainant may be present at any hearing of the committee and have the assistance of counsel. The commissioner may present and examine and cross-examine witnesses. Testimony shall be presented under oath and a record of the proceedings maintained. The commissioner may obtain a copy of the record upon payment of any required fee.

(ii) The committee shall make written findings concerning the merits of the complaint and provide a copy of the findings to the complainant, the court commissioner, and the presiding judges of the court the commissioner serves.

(G) If the committee finds the complaint to have merit, the committee shall recommend to the Council that a



sanction be imposed under CJA Rule 3-201(6). The committee shall dismiss any complaint found to be without merit.

(H) Council review.

(i) Complaints dismissed without a hearing. The chair of the committee shall report to the Council not less than annually on the committee's work including a general description of any complaint dismissed without a hearing.

(ii) Complaints with a committee hearing.

(a) The Council shall review the record of the committee hearing to determine the correct application of procedures and to determine the sanction to be imposed.

(b) The complainant, commissioner or presiding judges of the districts the commissioner serves shall file any objections to the committee's findings in writing with the Council. No person is entitled to attend the Council meeting at which the complaint is reviewed.

### Rule 3-303. Justice ~~[Court]~~ court clerks.

#### Intent:

To provide for clerical services in ~~[Justice Courts]~~ justice courts and to establish uniform responsibilities for ~~[Justice Court]~~ justice court clerks.

#### Applicability:

This rule shall apply to all ~~[Justice Courts]~~ justice courts.

#### Statement of the Rule:

(1) Clerks shall be provided to each ~~[Justice Court]~~ justice court to assist the judge in managing the operation of the courts. The clerk shall have primary responsibility for performing clerical duties including:

(A) recordkeeping;

(B) filing reports;

(C) scheduling hearings and trials;

(D) mailing notices;

(E) maintaining case files;

(F) collecting fines;

(G) docketing cases; ~~[and]~~

(H) taking and certifying acknowledgments and administering oaths; and

~~[(H)]~~ (I) other court related duties as assigned.

(2) The judge shall concur in the appointment of the clerk assigned to serve the court and shall participate in the personnel evaluation process for that clerk.

(3) If the clerk is serving the court in a part time capacity, the clerk shall not be assigned to other duties which present a conflict of interest or promote an appearance of impropriety regarding court responsibilities.

(4) Counties and municipalities are responsible for bearing the expense of providing clerical services to the justice courts located within their jurisdictions.

### Rule 3-306. Court interpreters.

#### Intent:

To declare the policy of the Utah State Courts to secure the rights of persons who are unable~~[-because of a non-English speaking cultural background;]~~ to understand or communicate adequately in the English language when they are involved in legal proceedings.

To outline the procedure for certification, appointment, and payment of court interpreters.

To provide certified interpreters in all cases in those languages for which certification programs have been established.

#### Applicability:

This rule shall apply to legal proceedings in the courts of record and not of record.

This rule shall apply to interpretation for non-English speaking persons and not to interpretation of the hearing impaired.

#### Statement of the Rule:

##### (1) Definitions.

(A) "Appointing authority" means a trial judge, administrative hearing officer or other officer authorized by

law to conduct judicial or quasi-judicial proceedings, or a delegate thereof.

(B) "Certified interpreter" means a person who has fulfilled the requirements set forth in subsection 4.

(C) "Qualified interpreter" means an uncertified interpreter who has been found by the appointment authority to be qualified pursuant to subsection 6(B).

(D) "Code of Professional Responsibility" means the Code of Professional Responsibility for Court Interpreters set forth in Appendix H.

(E) "Legal proceeding" means a civil, criminal, domestic relations, juvenile, traffic or administrative proceeding. Legal proceeding does not include a conference between the non-English speaking person and the interpreter that occurs outside the courtroom, hearing room, or chambers unless ordered by the appointing authority. In juvenile court legal proceeding includes the intake stage.

(F) "Non-English speaking person" means any principal party in interest or witness participating in a legal proceeding who has limited ability to speak or understand the English language.

(G) "Principal party in interest" means a person involved in a legal proceeding who is a named party, or who will be bound by the decision or action, or who is foreclosed from pursuing his or her rights by the decision or action which may be taken in the proceeding.

(H) "Witness" means anyone who testifies in any legal proceeding.

(2) **Advisory panel.** Policies concerning court interpreters shall be developed by a court interpreter advisory panel, appointed by the council, comprised of judges, court [administrators] staff, lawyers, court interpreters, and experts in the field of linguistics.

(3) **Minimum performance standards.** All certified and qualified interpreters serving in the court shall comply with the Code of Professional Responsibility.

**(4) Certification.**

(A) Subject to the availability of funding, and in consultation with the advisory panel, the administrative office shall establish programs to certify court interpreters in the non-English languages most frequently needed in the courts. The administrative office shall:

- (i) designate languages for certification;
- (ii) establish procedures for training and testing to certify and recertify interpreters; and
- (iii) establish, maintain, and issue to all courts in the state a current directory of certified interpreters.

(B) To become certified an interpreter shall:

- (i) prior to participation in the training program, pay a fee of \$100.00 to the administrative office to offset the costs of training and testing;
- (ii) complete training as required by the administrative office;
- (iii) obtain a passing score on the court interpreter's test(s) as required by the administrative office; and
- (iv) comply with the Code of Professional Responsibility.

(C) An interpreter may be certified upon submission of satisfactory proof to the advisory panel that the interpreter is certified in good standing by the federal courts or by a state having a certification program that is equivalent to the program established under this section.

**(5) Recertification.**

(A) Subject to the availability of funding, the administrative office shall establish continuing educational requirements for maintenance of certified status.

(B) To maintain certified status, a certified interpreter shall:

- (i) comply with continuing educational requirements as established by the administrative office; and
- (ii) comply with the Code of Professional Responsibility.

**(6) Appointment.**

(A) **Certified interpreters.** When an interpreter is requested or when the appointing authority determines that a principal party in interest or witness has a limited ability to understand and communicate in English, a certified interpreter shall be appointed except under those circumstances specified in subsection (6)(B) or (C).

(B) **Qualified Interpreters.**

(i) **Standards for appointment.** A qualified interpreter may be appointed only under the following circumstances:

- (a) if there is no certification program established under subparagraph (4) for interpreters in the language for

1 which an interpreter is needed,

2 (b) if there is a certification program established under subsection (4), but no certified interpreter is  
3 reasonably available, or

4 (c) for juvenile probation conferences, if the probation officer does not speak a language understood by the  
5 juvenile.

6 (ii) Procedure for appointment. Before appointing a qualified interpreter, the appointing authority or delegate  
7 shall:

8 (a) evaluate the totality of the circumstances including the gravity of the judicial proceeding and the potential  
9 penalty or consequence to the accused person involved,

10 (b) qualify the prospective interpreter by asking questions as to the following matters in an effort to  
11 determine whether the interpreter has a minimum level of qualification:

12 (1) whether the prospective interpreter appears to have adequate language skills, knowledge of interpreting  
13 techniques and familiarity with interpreting in a court or administrative hearing setting; and

14 (2) whether the prospective interpreter has read, understands, and agrees to comply with the code of  
15 professional responsibility for court interpreters set forth in appendix H.

16 (iii) The procedure to qualify a non-certified interpreter need not recur every time the interpreter is used.  
17 Within each judicial district the names of non-certified interpreters who have been qualified by the appointing  
18 authority pursuant to subsection (6)(B) shall be placed on a list for use by the district in cases where a certified  
19 interpreter is not reasonably available.

20 (iv) Court employees may serve as qualified interpreters, but their service shall be limited to short hearings  
21 that do not take them away from their regular duties for extended periods.

22 (C) Non-qualified interpreter. A non-certified, non-qualified interpreter may be appointed when a certified or  
23 qualified interpreter is not reasonably available, or the court determines that the gravity of the case and potential  
24 penalty to the accused person involved are so minor that delays attendant to obtaining a certified or qualified  
25 interpreter are not justified.

26 **(7) Waiver.**

27 (A) A non-English speaking person may at any point in the proceeding waive the right to the services of an  
28 interpreter, but only when:

29 (i) the waiver is approved by the appointing authority after explaining on the record to the non-English  
30 speaking person through an interpreter the nature and effect of the waiver;

31 (ii) the appointing authority determines on the record that the waiver has been made knowingly, intelligently,  
32 and voluntarily; and

33 (iii) the non-English speaking person has been afforded the opportunity to consult with his or her attorney.

34 (B) At any point in any proceeding, for good cause shown, a non-English speaking person may retract his or  
35 her waiver and request an interpreter.

36 (8) **Oath.** All interpreters, before commencing their duties, shall take an oath that they will make a true and  
37 impartial interpretation using their best skills and judgment in accordance with the Code of Professional  
38 Responsibility.

39 (9) **Removal in individual cases.** Any of the following actions shall be good cause for a judge to remove an  
40 interpreter in an individual case:

41 (A) being unable to interpret adequately, including where the interpreter self-reports such inability;

42 (B) knowingly and willfully making false interpretation while serving in an official capacity;

43 (C) knowingly and willfully disclosing confidential or privileged information obtained while serving in an  
44 official capacity;

45 (D) failing to follow other standards prescribed by law and the Code of Professional Responsibility; and

46 (E) failing to appear as scheduled without good cause.

47 (10) **Removal from certified or qualified list.** Any of the following actions shall be good cause for a court  
48 interpreter to be removed from the certified list maintained under subsection (4)(A)(iii) or from the qualified list  
49 maintained under subsection(6)(B)(iii):

50 (A) knowingly and willfully making false interpretation while serving in an official capacity;

51 (B) knowingly and willfully disclosing confidential or privileged information obtained while serving in an

official capacity;

(C) failing to follow other standards prescribed by law and the Code of Professional Responsibility; and

(D) failing to appear as scheduled without good cause.

(11) **Discipline.** The advisory panel shall review and respond to allegations of violations of the Code of Professional Conduct, including decertification or other disciplinary measures. Interpreters being disciplined will be given notice of the disciplinary action and an opportunity to respond.

(12) **Payment.**

(A) Courts of Record.

(i) In courts of record, the administrative office shall pay interpreter fees and expenses in

(a) criminal cases in which the defendant is determined to be indigent,

(b) juvenile court cases brought by the state,

(c) cases filed against the state pursuant to U.R.C.P. 65B(b) or 65C, and

(d) other cases in which the court determines that the state is obligated to pay for an interpreter's services.

(ii) In all other civil cases and small claims cases, the party engaging the services of the interpreter shall pay the interpreter fees and expenses.

(iii) Fees. Certified court interpreters shall be paid \$30 per hour. Qualified interpreters shall be paid \$25 per hour. Court employees acting as interpreters pursuant to (6)(B)(iv) shall be paid their regular hourly rate and shall not receive additional payment for interpreter services.

(iv) Expenses. Mileage for interpreters will be paid at the same rate as state employees for each mile necessarily traveled in excess of 50 miles round trip. Per diem expenses will be paid at the same rate as state employees.

(v) Procedure for payment. The administrative office shall pay fees and expenses of the interpreter upon receipt of a certification of appearance signed by the clerk of the court. The certification shall include the name, address and social security number of the interpreter, the case number, the dates of appearance, the language interpreted, and an itemized statement of the amounts to be paid.

(B) Courts not of record.

(i) In courts not of record, the local government that funds the court not of record shall pay interpreter fees and expenses in criminal cases in which the defendant is determined to be indigent.

(ii) In small claims cases, the party engaging the services of the interpreter shall pay the interpreter fees and expenses.

(iii) Fees. The local government that funds the court not of record shall establish the amount of the interpreter fees.

(iv) Expenses. The local government that funds the court not of record shall establish interpreter expenses, if any, that will be paid.

(v) Procedure for payment. The local government that funds the court shall pay the interpreter upon receipt of a certification of appearance signed by the clerk of the court. The certification shall include the name, address and social security number of the interpreter, the case number, the dates of appearance, the language interpreted, and an itemized statement of the amounts to be paid.

ADVISORY COMMITTEE NOTE: Within two years the Council shall evaluate the rate paid to qualified interpreters to determine whether that rate should be modified.

### **Rule 3-404. Public information program.**

#### **Intent:**

To establish a public information program within the Administrative Office.

To identify the Administrative Office as primarily responsible for the administration and management of the public information program.

To establish criteria governing the type of public information services which shall be provided to the judiciary, the media and the public.

#### **Applicability:**

This rule shall apply to the judiciary.

#### **Statement of the Rule:**

(1) A public information program is established within and administered by the Administrative Office. The goal of the public information program is to establish strategies which promote the judiciary's missions, goals and activities in a manner which reflects a positive image of the courts.

(2) The public information program shall include: (a) the development and maintenance of internal communication within the judiciary; (b) the development and maintenance of external communications and relations [with the media]; (c) the development of technical resources and expertise and the identification of methods for providing technical advice in specific cases; (d) the development and maintenance of public education programs; and (e) the publication of a [biennial] reports on the operations of the courts including financial and statistical data, recommendations for legislative or administrative action and a general review of the activities of the judiciary.

### Rule 3-405. Contract management.

#### Intent:

To provide for efficiency, accuracy, precision, and accountability in the administration of contracts specified by this rule.

#### Applicability:

This rule applies to state funded courts.

#### Statement of the Rule:

(1) Applicability. The following contracts shall conform to the provisions of this rule:

(A) contracts for the lease or purchase of real property or of improvements to real property, including the lease of facilities from local governments;

(B) contracts for the maintenance of real property or improvements to real property purchased or leased by the judiciary;

(C) contracts for the reimbursement of local governments for secondary court sites;

(D) contracts for professional or technical services; and

(E) contracts with the guardian(s) ad litem of juveniles; and

~~(F) other contracts specified by the director of support services].~~

(2) Contracts specified in this rule [or by administrative regulations adopted pursuant to this rule] shall be in writing and shall be maintained in the administrative office.

(3) Negotiations for contracts governed by this rule are to be conducted jointly by the director of support services and the person(s) supervising the program(s) affected by the contract. The director of support services shall notify General Counsel of the negotiations. Other individuals may be included in the negotiations as needed.

(4) Prior to the execution of any contract governed by this rule, General Counsel shall review the proposed contract as to form and legal sufficiency, and the director of finance shall approve the contract as to availability of funds.

(5) The administrative office shall develop procedures to implement this rule. The procedures shall [include guidelines for the identification of further contracts to be made subject to this rule and procedures to] ensure that [such] contracts are awarded in accordance with the procurement code.

(6) Court executives shall be responsible for contracting activities as set forth in the administrative regulations adopted pursuant to this rule.

### Rule 3-407. Accounting.

#### Intent:

To establish uniform procedures for the processing, tracking, and reporting of accounts receivable and trust accounts.

#### Applicability:

This rule applies to the judiciary.

#### Statement of the Rule:

(1) Manual of procedures.

(A) The administrative office shall develop a manual of procedures to govern accounts receivable, accounts payable, trust accounts, the audit thereof, and the audit of administrative procedures generally. The procedures shall be in conformity with generally accepted principles of budgeting and accounting and shall, at a minimum, conform to

the requirements of this Code and state law. Unless otherwise directed by the Judicial Council, the manual of procedures and amendments to it shall be approved by the majority vote of the state court administrator, the court administrators for each court of record, and the director of finance.

(B) There is established an accounting manual review committee responsible for making and reviewing proposals for repealing accounting policies and procedures and proposals for promulgating new and amended accounting policies and procedures. The committee shall consist of the following:

- (i) the director of finance or designee, who shall serve as chair and shall vote only in the event of a tie;
- (ii) four support services coordinators;
- (iii) two accountants or clerks with accounting responsibilities from each of the trial courts of record;
- ~~(iv) a trial court executive;~~
- ~~(iv)~~ (v) a clerk with accounting responsibilities from an appellate court;
- ~~(v)~~ (vi) one court services field specialist;
- ~~(vi)~~ (vii) the audit manager or designee, who shall not vote; and
- ~~(vii)~~ (viii) the director of the state division of finance or designee, who shall not vote.

(C) Unless designated by office, members of the committee shall be appointed in a manner consistent with CJA Rule 1-205. The department of finance shall provide necessary support to the committee.

(D) New and amended policies and procedures recommended by the committee shall be reviewed by the court executives prior to being submitted to the Judicial Council or to the vote of the administrators and the director of finance. The Court Executives may endorse or amend the draft policies and procedures or return the draft policies and procedures to the committee for further consideration.

#### (2) Revenue accounts.

(A) Deposits; transfers; withdrawals. All courts shall deposit with a depository determined qualified by the administrative office or make deposits directly with the Utah State Treasurer or the treasurer of the appropriate local government entity. The Supreme Court, Court of Appeals, State Law Library, administrative office, district court primary locations and juvenile courts shall deposit daily, whenever practicable, but not less than once every three days. The deposit shall consist of all court collections of state money. District court contract sites and justice courts having funds due to the state or any political subdivision of the state shall, on or before the 10th day of each month, deposit all funds receipted by them in the preceding month in a qualified depository with the appropriate public treasurer. The courts shall make no withdrawals from depository accounts.

(B) Periodic revenue report. Under the supervision of the court executive, the clerk of the court shall prepare and submit a revenue report that identifies the amount and source of the funds received during the reporting period and the state or local government entity entitled to the funds. Juvenile courts and primary locations of the district courts shall submit the report weekly to the administrative office. District court contract sites shall submit the report at least monthly, together with a check for the state portion of revenue, to the administrative office. Justice courts shall submit the report monthly, together with a check for the state revenue collected, to the Utah State Treasurer.

(C) Monthly reconciliation of bank statement. The administrative office shall reconcile the revenue account upon receipt of the weekly revenue report from the courts and the monthly bank statements.

#### (3) Trust accounts.

(A) Definition. Trust accounts are accounts established by the courts for the benefit of third parties. Examples of funds which are held in trust accounts include restitution, child support, and bail amounts.

(B) Accounts required; duties of a fiduciary. District court primary locations and juvenile courts shall maintain a trust account in which to deposit monies held in trust for the benefit of the trustor or some other beneficiary. Under supervision of the court executive, the clerk of the court shall be the custodian of the account and shall have the duties of a trustee as established by law. All other courts of record and not of record may maintain a trust account in accordance with the provisions of this rule.

(C) Monthly reconciliation of bank statement. Each court shall reconcile its ledgers upon receipt of the monthly bank statement and submit the reconciliation to the administrative office.

(D) Accounting to trustor. The courts shall establish a method of accounting that will trace the debits and credits attributable to each trustor.

(E) Bail forfeitures; other withdrawals. Transfers from trust accounts to a revenue account may be made upon an order of forfeiture of bail or other order of the court. Other withdrawals from trust accounts shall be made

upon the order of the court after a finding of entitlement.

(F) Interest bearing.

(i) All trust accounts shall be interest bearing. The administrative office shall develop procedures which provide for interest to accrue either to the state or to the litigants in accordance with Utah Code Ann. § 78-27-4(3)(a).

(ii) For trust amounts in excess of \$5,000, the court may order or the litigant may request that such funds be deposited in an interest bearing escrow account. The account shall be at an institution designated by the administrative office unless otherwise ordered by the court.

(iii) For interest bearing accounts established at the request of the litigant or by court order, an administrative fee, in an amount established by the Council, shall be assessed. The account shall be maintained in the name of the court, and the State tax identification number shall be used. The court shall, in all orders providing for the withdrawal of trust funds, designate the person or entity to whom the earned interest is awarded.

(4) Compliance. The administrative office and the courts shall comply with state law and the manual of procedures adopted by the administrative office.

### **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 ~~[Information, Automation and Records]~~ 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.

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

(i) General statement of need.

(ii) Operations and court functions to be automated.

(iii) Hardware needs (estimated).

(iv) Software needs (estimated).

(v) Timetable for development and implementation.

(vi) Impact statement, if automation does not occur.

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

(i) The court will define the parameters of system development and operation as budget will allow.

(ii) Supervision of operation and developmental support staff assigned to the court project will belong to the

1 Court.

2 (iii) Control and ownership of software developed for court use becomes the property of the court and/or the  
3 local government entity. No multi-year license agreements will be entered into by the court.

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

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

12 (A) the Judicial Council;

13 (B) the Boards of Judges;

14 (C) courts users and Steering Committees;

15 (D) court executives;

16 (E) local government officials.  
17

### 18 **Rule 3-413. Judicial library resources.**

#### 19 **Intent:**

20 To establish minimum standards for legal reference materials to be provided to judicial and quasi-judicial officers and  
21 court employees.

22 To establish acquisition, distribution and budgetary responsibilities for the legal reference materials identified  
23 in this rule for the state law librarian.

24 To realize financial advantages through the use of high volume purchases of regularly used legal reference  
25 materials.

#### 26 **Applicability:**

27 This rule shall apply to the state law library, all judges and commissioners of courts of record and not of  
28 record and all court employees.

#### 29 **Statement of the Rule:**

30 (1) Responsibility for providing judicial library resources.

31 (A) Authorized publications. The following officials are authorized to receive the publications indicated:

32 (i) a current set of the soft cover edition of the Utah Code for each justice, judge, and commissioner of the  
33 courts of record for use in the courtroom or hearing room, the administrative office library, the Supreme Court and  
34 Court of Appeals chambers libraries, senior judges on active status, staff of the administrative office and other senior  
35 managers as determined by the state court administrator, and central staff attorneys;

36 (ii) an annual subscription to Utah Advance Reports and to justices, judges, and commissioners of the courts  
37 of record, senior judges on active status, staff of the administrative office and other senior managers as determined by  
38 the state court administrator, central staff attorneys, the administrative office library, the Supreme Court and Court of  
39 Appeals chambers libraries, and each primary court location without a resident judge;

40 (iii) an annual subscription to Utah Index to all justices, judges and commissioners of courts of record and the  
41 administrative office library;

42 (iv) one set of Utah Code Annotated 1953 with annual supplements, indexes, rules, and replacement volumes  
43 to justices, judges, and commissioners of the courts of record, staff of the administrative office and other senior  
44 managers as determined by the state court administrator, central staff attorneys, appellate court law clerks at a ratio of  
45 one set for two clerks, the administrative office library, and the Supreme Court and Court of Appeals chambers  
46 libraries;

47 (v) one copy of the Utah Court Rules Annotated for senior judges on active status, staff of the administrative  
48 office and other senior managers as determined by the state court administrator, the administrative office library, and  
49 the Supreme Court and Court of Appeals chambers libraries;

50 (vi) one set of Utah 2d Reporters to justices, judges, and central staff attorneys of the Supreme Court and  
51 Court of Appeals and a sufficient number for the research needs of the trial courts of record;



(vii) at least one copy of the Utah Administrative Code to each courthouse occupied by a trial court of record, the administrative office library, and the Supreme Court and Court of Appeals chambers libraries;

(viii) a subscription to a law encyclopedia for each courthouse occupied by a trial court of record if not otherwise available through the county law library and for the Supreme Court and Court of Appeals chambers libraries; and

(ix) at least one copy of the Utah Legislative Report for each courthouse occupied by a trial court of record, the administrative office library, and the Supreme Court and Court of Appeals chambers libraries.

(B) The office of legislative printing. The current policy of the Office of Legislative Printing is to provide the set of Utah Code Annotated 1953 with annual supplements, indexes, rules, and replacement volumes to all justices and judges of courts of record referred to in paragraph (1)(A)(iv) of this rule. The state law librarian shall coordinate the distribution of these materials with the judges and the Office of Legislative Printing.

(C) Publisher's complimentary copies. The current policy of the publishers of the Pacific 2d Reporter and the Utah Advance Reports is to provide complimentary volumes to appellate judges as of the date of the judge's appointment to the appellate court. The state law librarian shall coordinate the distribution of these materials with the judges and the publishers.

(D) State law library. Except for copies furnished as indicated in paragraphs (1)(B) and (C) of this rule and the purchasing authority described in paragraphs (1)(E), (F), and (G), the state law librarian shall purchase the publications authorized by this rule and distribute them in accordance with this rule.

(E) Counties. Each county shall provide a current copy of either the Utah Code Annotated with annual updates or the softbound edition of the Utah Code, and an annual subscription to Utah Advance Reports and , to each county justice court judge serving within that county. Each county operating a court of record under contract with the administrative office of the courts shall provide the judge with access to the local law library pursuant to Section 78-3-13.4.

(F) Municipalities. Each municipality shall provide a current copy of either the Utah Code Annotated with annual updates or the softbound edition of the Utah Code, and an annual subscription to Utah Advance Reports and , to each municipal justice court judge serving within that municipality. Each municipality operating a court of record under contract with the administrative office of the courts shall provide the judge with access to the local law library pursuant to Section 78-3-13.4.

(G) Counties and municipalities contracting with justice court judges. Each county and municipality which contracts with a justice court judge pursuant to Utah Code Ann. Section 78-5-134(7) shall provide, at the location used by the judge within the county or municipality, either the Utah Code Annotated with annual updates or the softbound edition of the Utah Code, and shall ensure that the judge has an annual subscription to Utah Advance Reports and Annotations.

(H) Administrative office of the courts. The administrative office of the courts shall provide a Justice Court Manual, updated biannually, to each judge of a court not of record.

## (2) Law libraries.

(A) The State Law Library shall be supervised and administered by the state law librarian under the general supervision of the [State] Appellate Court Administrator.

(B) The [Supreme Court's] Appellate Courts' Chambers Library shall be [supervised and]-administered jointly by the Clerk of the Supreme Court and the Clerk of the Court of Appeals under the general supervision of the [State] Appellate Court Administrator.

~~[(C) The Court of Appeals Chambers Library shall be supervised and administered by the Clerk of the Court of Appeals under the general supervision of the State Court Administrator.]~~

~~[(D)] (C)~~ The Council may authorize the establishment of chambers law libraries for trial courts of record, provide update services consistent with funding limitations and adopt minimum standards for those libraries.

~~[(E)] (D)~~ For purposes of this rule, "chambers libraries" means those law libraries which are established and maintained for the exclusive use of judicial officers and employees and are not available for use by members of the public.

## (3) Procedures.

(A) The state law librarian shall separately account for operating budget for the state law library, trial court operations, appellate court operations, and administrative operations. Funds appropriated or allocated to the appellate

court, trial court, or administrative operations shall not be used to supplement the appropriation to the state law library.

(B) The purchase of publications to fully implement the provisions of this rule shall be limited by the availability of funds.

(C) Any publication purchased with public funds shall be the property of the court and not the property of any official. Publications provided to an official without charge to the state shall be the personal property of the official.

~~[(D) The state law librarian shall develop a form which shall be used to notify the state law librarian when a publication of more than \$50 or a periodic publication is purchased with state funds. The state law librarian shall maintain an index of such purchases.]~~

~~[(F)]~~ (D) Upon request of a justice, judge, commissioner or court employee, the state law librarian shall make available legal reference publications or photocopies or facsimile copies thereof for the use of the requesting party. The state law librarian shall develop procedures for the control of publications removed from the library.

~~[(F)]~~ (E) The state court administrator shall notify the state law librarian whenever there is a change to the list of senior judges on active status. The court executive shall notify the state law librarian whenever there is a change in the personnel authorized by this rule to receive publications.

(4) Electronic data base legal research. The state court administrator shall, as funds permit, develop access to legal reference materials stored on electronic data bases. As such access is developed subscriptions to duplicative hard copy publications shall be discontinued.

### **Rule 3-501. Insurance benefits upon retirement.**

#### **Intent:**

To establish uniform policies regarding sick leave for justices~~[-and]~~, judges, and court commissioners and conversion of sick leave to paid up medical, dental and life insurance at the time of retirement.

#### **Applicability:**

This rule shall apply to all justices~~[-and]~~, judges, and court commissioners of courts of record.

#### **Statement of the Rule:**

(1) Earned benefits. For each year of full-time employment that a justice, ~~[or] judge, or court commissioner~~ uses less than four days of sick leave in a calendar year, the judge, ~~[or] justice, or court commissioner~~ will be eligible for and accumulate eight months of paid up medical, dental and life insurance benefits at the time of retirement. Upon retirement, the submission of an annual application and a showing that the judge, ~~[or] justice, or court commissioner~~ is not otherwise covered by a comparable insurance policy, the judge, ~~[or] justice, or court commissioner~~ shall be eligible for and receive the insurance benefits which have accrued. Maternity leave is considered sick leave for determining benefits under this rule. Medicare is considered a comparable insurance policy for determining benefits under this rule.

(2) Medical and dental insurance coverage provided will be the same as that carried by the justice, ~~[or] judge, or court commissioner~~ at retirement, i.e., family, two party, single, until the judge, ~~[or] justice, or court commissioner~~ becomes eligible for Medicare, at which time the dental and life insurance coverage is terminated. After reaching age 65, supplemental Medicare insurance coverage with prescription benefits will be provided. The spouse of the justice, ~~[or] judge, or court commissioner~~ will continue to receive the same medical insurance benefits until becoming eligible for Medicare. At that time, the spouse will be converted to Medicare supplemental insurance with prescription benefits.

(3) The payment of medical, dental and life insurance premiums and/or Medicare supplement premiums through conversion of unused sick leave shall not exceed seven years. The seven year eligibility period will begin on the effective date of the justice's, ~~[or] judge's, or court commissioner's~~ retirement.

(4) Automatic benefits. Notwithstanding the provisions of paragraph (1), a justice, ~~[or] judge, or court commissioner~~ who retires and who is eligible for retirement benefits at the time of retirement shall receive a maximum of five years health and life insurance which shall terminate upon the justice's, ~~[or] judge's, or court commissioner's~~ 65th birthday.

(5) Earned benefits and automatic benefits provided pursuant to this rule shall not exceed seven years from the effective date of the justice's, ~~[or] judge's, or court commissioner's~~ retirement.

(6) As authorized by Utah Code Ann. Section 78-3-24(9), the Court Administrator will develop methods for recording sick leave use by justices, ~~[and]~~ judges, and court commissioners and for recording sick leave conversion to paid up medical, dental and life insurance benefits.

(7) This policy will be implemented subject to availability of funds.

### **Rule 3-502. Insurance benefits for surviving spouses and dependent children of deceased justices~~[-and]~~, judges, and commissioners.**

**Intent:**

To establish uniform policies providing medical and dental insurance benefits for surviving spouses and dependent children of deceased justices~~[-and]~~, judges and commissioners.

**Applicability:**

This rule shall apply to justices~~[-and]~~, judges and commissioners of all courts of record.

**Statement of the Rule:**

(1) The surviving spouse and dependent children of justices~~[-or]~~, judges or commissioners who die prior to or subsequent to retirement shall, upon annual application and showing of need, be eligible for paid up medical and dental insurance premiums based upon the years of service and amount of sick leave used by the justice~~[-or]~~, judge or commissioner.

(2) Eight months of paid up medical and dental insurance shall accumulate for each calendar year served by the justice~~[-or]~~, judge or commissioner in which less than four days of sick leave have been used. The payment of medical and dental insurance premiums for a surviving spouse shall not exceed seven years or extend beyond the date when the surviving spouse reaches age 65, whichever occurs first. The payment of medical and dental insurance premiums for dependent children shall not exceed seven years or extend beyond the date when the children cease to be dependent, whichever occurs first. The seven year eligibility period shall begin on the date of the justice's~~[-or]~~, judge's or commissioner's death or retirement, whichever occurs first.

(3) Medical insurance coverage provided will be the same as that carried by the justice~~[-or]~~, judge or commissioner prior to his/her death, until the covered individual becomes eligible for Medicare, at which time the premium will be reduced to provide supplemental coverage.

(4) This policy shall be retroactive to January 1, 1987 and will be implemented subject to the availability of funds.

### **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 transcribing the record of a court hearing.

**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. For tapes and floppy disks, an additional \$2.00 shall be charged if the person making the request does not provide the medium. Fees for copies are based on the number of record sources to be copied and are as follows:

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

(B) microfiche: \$1.00 per card;

- (C) audio tape: \$5.00 per tape;  
 (D) video tape: \$15.00 per tape;  
 (E) floppy disk of court reporter stenographic text: \$25.00 for each one-half day of testimony or part thereof;  
~~[(E)]~~ (F) for any other floppy disk: \$15.00 per disk; ~~[and]~~  
~~[(F)]~~ (G) compact disk: \$40.00 per disk[-]; and  
 (H) pre-printed forms and associated information: an amount for each packet established by the state court administrator.

(4) 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.

(5) Personnel time. There is no fee for personnel time to copy an audio tape or video tape. 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:

- (A) clerical assistant: \$13.00 per hour;  
 (B) technician: \$15.00 per hour;  
 (C) senior clerical: \$21.00 per hour  
 (D) programmer/analyst: \$21.00 per hour;  
 (E) manager: \$33.00 per hour; and  
 (F) consultant: actual cost as billed by the consultant.

(6) Public on-line services. The fee for public on-line services shall be a subscription fee of \$20.00 per month for any portion of a calendar month and \$.50 per minute of connect-time.

(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. The Administrative Office of the Courts may establish reasonable time limits per access call to promote access by a variety of users.

(8) Waiver of fees.

(A) Fees established by this rule shall be waived for:

(i) any government entity that executes a reciprocity agreement with the Administrative Office of the Courts to provide its records to the judiciary without charge;

(ii) any government entity required by law to obtain court records;

(iii) any person who is the subject of the record and is impecunious; or

(B) Fees established by this rule may be waived for a student engaged in research for an academic purpose.

## **Rule 4-202.12. Access to electronic data elements.**

### **Intent:**

To define the extent of access to data elements maintained in a computer data base.

To protect the right of access by the public to information regarding the conduct of court business.

To protect privacy interests from intrusion made possible by the increased accessibility of information recorded, stored, and transmitted in an electronic medium.

To protect the independence of the judicial decision making process from undue influence due to the release of court data.

### **Applicability:**

Notwithstanding any other provision of law, this rule shall apply to all requests for data elements contained in case management applications of the court computer systems.

This rule does not apply to data elements contained in other applications on court computers.

This rule does not apply to requests for data elements by the Judicial Council and its Boards and Committees, state court judges, court commissioners, or employees of the state judiciary.

This rule imposes no obligation upon the judiciary to create a data element or to make a data element available electronically when it is not technologically feasible to do so.

### **Statement of the Rule:**

(1) Public data only. Data elements classified by Rule 4-202.02 or other provision of law as other than public

- 1 records will not be made available.
- 2 (2) Person specific data.
- 3 (A) Electronic records from which a person can be identified will be made available upon request only by
- 4 inquiry of a single case or in the following indexes. An index shall contain only other index information.
- 5 (i) attorney name.
- 6 (ii) case number.
- 7 (iii) case status.
- 8 (iv) civil case type or criminal violation.
- 9 (v) civil judgment or criminal disposition.
- 10 (vi) daily calendar.
- 11 (vii) file date.
- 12 (viii) party name.
- 13 (B) Electronic records from which a person can be identified will include only the following data elements.
- 14 Other data elements are ~~[not available, except that social security number and address of civil judgment debtors are~~
- 15 ~~available]~~private.
- 16 (i) amount in controversy.
- 17 (ii) arrest date.
- 18 (iii) bail amount.
- 19 (iv) case number.
- 20 (v) case status.
- 21 (vi) case type.
- 22 (vii) civil judgment amount balance due.
- 23 (viii) civil judgment amount credit.
- 24 (ix) civil judgment amount paid.
- 25 (x) civil judgment amount total.
- 26 (xi) civil judgment creditor's address.
- 27 (xii) civil judgment date.
- 28 (xiii) civil judgment debtor's address.
- 29 (xiv) civil judgment debtor's service of process address.
- 30 (xv) civil judgment debtor's driver license number.
- 31 ~~([xii]~~xvi) criminal finding code.
- 32 ~~([xiii]~~xvii) criminal finding date.
- 33 ~~([xiv]~~xviii) criminal sentence.
- 34 ~~([xv]~~xix) date of birth.
- 35 ~~([xvi]~~xx) disposition type.
- 36 ~~([xvii]~~xxi) domestic violence flag.
- 37 ~~([xviii]~~xxii) file date.
- 38 ~~([xix]~~xxiii) judge assigned.
- 39 ~~(xxiv)~~ judge disposition.
- 40 ~~([xxi]~~xxv) law enforcement agency.
- 41 ~~([xxii]~~xxvi) offense tracking number.
- 42 ~~([xxiii]~~xxvii) party city.
- 43 ~~([xxiv]~~xxviii) party name.
- 44 ~~([xxv]~~xxix) party type.
- 45 ~~([xxvi]~~xxx) party zip code.
- 46 ~~([xxvii]~~xxxi) plea date.
- 47 ~~([xxviii]~~xxxii) plea.
- 48 ~~([xxix]~~xxxiii) stay date.
- 49 ~~(xxxiv)~~ stay reason.
- 50 ~~([xxxi]~~xxxv) violation code.
- 51 ~~([xxxii]~~xxxvi) violation date.

(~~xxxiii~~xxxvii) violation description.

(3) Medium of transmission.

(A) The judiciary may use any convenient medium for transmission of requested data elements. The judiciary shall use the medium requested if the medium is available and does not interfere with court business. The data may be transmitted by means of public on-line services or copied to floppy disk, compact disk, or other storage medium.

(B) Public data elements not included within paragraph (2) may be made available orally, in writing, or by permitting inspection or copying of public records that contain the information. Data elements not included within paragraph (2) shall not be made available through the case management applications of the court computer systems nor, except as provided within paragraph (4), through a report generated by the case management applications of the court computer systems.

(4) Reports. If a report used within the judiciary is prepared from or contains case management data elements, the report shall be made available only if:

(A) all of the data elements in the report would have been made available under this rule;

(B) the report is of summary data; or

(C) the Judicial Council classifies the report as a public record.

(5) Data quality. Data elements provided under this rule represent information furnished to the court by parties, lawyers, and others. Data elements provided under this rule represent the best effort of the judiciary to record information accurately and timely. However, the judiciary is not responsible for incomplete or erroneous information.

(6) Requests. Requests for data elements are subject to the procedures for requests for records established in Rules 4-202.04, 4-202.05, and 4-202.06. Subscription to public on-line services is deemed a request for any information posted to public on-line services. Subscribers to public on-line services are subject to the restrictions of this rule.

(7) Fees. The fees for requests for data elements shall be as established in Rule 4-202.08.

#### **Rule 4-403. Signature stamp use.**

##### **Intent:**

To establish a uniform procedure for the use of judges' and commissioners' signature stamps.

##### **Applicability:**

This rule shall apply to all trial courts of record and not of record.

##### **Statement of the Rule:**

(1) A clerk may, with the prior approval of the judge or commissioner, use a "signature stamp" in lieu of obtaining the judge's or commissioner's signature on the following:

(A) bail bonds from approved bondsmen;

(B) bench warrants;

(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;

(D) civil orders for dismissal pursuant to Rule 4-103;

(E) orders to show cause;

(F) orders to take into custody;

(G) summons;

(H) supplemental procedure orders; ~~and~~

(I) orders setting dates for hearing and for notice[-]; and

(J) orders for transportation of a person in custody to a court hearing.

(2) When a clerk is authorized to use a signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the document directly beneath the stamped imprint of the judge's or commissioner's signature.

(3) All other documents requiring the judge's or commissioner's signature shall be personally signed by the judge or commissioner, unless the judge or commissioner, on a document by document basis, authorizes the clerk to use the judge's or commissioner's signature stamp in lieu of the judge's or commissioner's signature. On such documents, the clerk shall indicate in writing that the stamp was used at the direction of the judge or commissioner and shall sign his or her name directly beneath the stamped imprint of the judge's or commissioner's signature.

**1 Rule 4-406. Qualifications for process servers for collection agencies.**

2  
3 Repealed.

**5 Rule 4-407. Commercial bail bond sureties.**

6  
7 Repealed.

**9 Rule 4-408.01. Responsibility for administration of trial courts.**

10 **Intent:**

11 To designate the court locations administered directly through the administrative office of the courts and  
12 those administered through contract with local government pursuant to § 78-3-21.

13 **Applicability:**

14 This rule shall apply to the trial courts of record and to the administrative office of the courts.

15 **Statement of the Rule:**

16 (1) All locations of the juvenile court shall be administered directly through the administrative office of the  
17 courts.

18 (2) All locations of the district court shall be administered directly through the administrative office of the  
19 courts, except the following, which shall be administered through contract with county or municipal government  
20 pursuant to § 78-3-21: [Beaver,] Coalville, Fillmore, Junction, Kanab, Loa, Manila, Manti, Morgan, Panguitch, Park  
21 City, Randolph, and Salem.

**23 Rule 4-501. Motions.**

24 **Intent:**

25 To establish a uniform procedure for filing motions, supporting memoranda and documents with the court.

26 To establish a uniform procedure for requesting and scheduling hearings on dispositive motions.

27 To establish a procedure for expedited dispositions.

28 **Applicability:**

29 This rule shall apply to motion practice in all [district courts] trial courts of record except proceedings before  
30 the court commissioners and small claims cases. This rule does not apply to petitions for habeas corpus or other forms  
31 of extraordinary relief.

32 **Statement of the Rule:**

33 (1) Filing and service of motions and memoranda.

34 (a) Motion and supporting memoranda. All motions, except uncontested or ex-parte matters, shall be  
35 accompanied by a memorandum of points and authorities appropriate affidavits, and copies of or citations by page  
36 number to relevant portions of depositions, exhibits or other documents relied upon in support of the motion.  
37 Memoranda supporting or opposing a motion shall not exceed ten pages in length exclusive of the "statement of  
38 material facts" as provided in paragraph (2), except as waived by order of the court on ex-parte application. If an  
39 ex-parte application is made to file an over-length memorandum, the application shall state the length of the principal  
40 memorandum, and if the memorandum is in excess of ten pages, the application shall include a summary of the  
41 memorandum, not to exceed five pages.

42 (b) Memorandum in opposition to motion. The responding party shall file and serve upon all parties within  
43 ten days after service of a motion, a memorandum in opposition to the motion, and all supporting documentation. If  
44 the responding party fails to file a memorandum in opposition to the motion within ten days after service of the  
45 motion, the moving party may notify the clerk to submit the matter to the court for decision as provided in paragraph  
46 (1)(d) of this rule.

47 (c) Reply memorandum. The moving party may serve and file a reply memorandum within five days after  
48 service of the responding party's memorandum.

49 (d) Notice to submit for decision. Upon the expiration of the five-day period to file a reply memorandum,  
50 either party may notify the [Clerk] clerk to submit the matter to the court for decision. The notification shall be in the

form of a separate written pleading and captioned "Notice to Submit for Decision." The notification shall contain a certificate of mailing to all parties. If neither party files a notice, the motion will not be submitted for decision.

(2) Motions for summary judgment.

(a) Memorandum in support of a motion. The points and authorities in support of a motion for summary judgment shall begin with a section that contains a concise statement of material facts as to which movant contends no genuine issue exists. The facts shall be stated in separate numbered sentences and shall specifically refer to those portions of the record upon which the movant relies.

(b) Memorandum in opposition to a motion. The points and authorities in opposition to a motion for summary judgment shall begin with a section that contains a concise statement of material facts as to which the party contends a genuine issue exists. Each disputed fact shall be stated in separate numbered sentences and shall specifically refer to those portions of the record upon which the opposing party relies, and, if applicable, shall state the numbered sentence or sentences of the movant's facts that are disputed. All material facts set forth in the movant's statement and properly supported by an accurate reference to the record shall be deemed admitted for the purpose of summary judgment unless specifically controverted by the opposing party's statement.

(3) Hearings.

(a) A decision on a motion shall be rendered without a hearing unless ordered by the [Court] court, or requested by the parties as provided in paragraphs (3)(b) or (4) below.

(b) In cases where the granting of a motion would dispose of the action or any issues in the action on the merits with prejudice, either party at the time of filing the principal memorandum in support of or in opposition to a motion may file a written request for a hearing.

(c) Such request shall be granted unless the court finds that (a) the motion or opposition to the motion is frivolous or (b) that the dispositive issue or set of issues governing the granting or denial of the motion has been authoritatively decided.

(d) When a request for hearing is denied, the court shall notify the requesting party. When a request for hearing is granted, the court shall set the matter for hearing or notify the requesting party that the matter shall be heard and the requesting party shall schedule the matter for hearing and notify all parties of the date and time.

(e) In those cases where a hearing is granted, a courtesy copy of the motion, memorandum of points and authorities and all documents supporting or opposing the motion shall be delivered to the judge hearing the matter at least two working days before the date set for hearing. Copies shall be clearly marked as courtesy copies and indicate the date and time of the hearing. Courtesy copies shall not be filed with the clerk of the court.

(f) If no written request for a hearing is made at the time the parties file their principal memoranda, a hearing on the motion shall be deemed waived.

(g) All dispositive motions shall be heard at least thirty (30) days before the scheduled trial date. No dispositive motions shall be heard after that date without leave of the [Court] court.

(h) If a hearing has been requested and the non-moving party fails to file a memorandum in opposition, the moving party may withdraw the request or the court on its own motion may strike the request and decide the motion without oral argument.

(4) Expedited dispositions. Upon motion and notice and for good cause shown, the court may grant a request for an expedited disposition in any case where time is of the essence and compliance with the provisions of this rule would be impracticable or where the motion does not raise significant legal issues and could be resolved summarily.

(5) Telephone conference. The court on its own motion or at a party's request may direct arguments of any motion by telephone conference without court appearance. A verbatim record shall be made of all telephone arguments and the rulings thereon if requested by counsel.

## Rule 4-909. Mandatory divorce mediation.

Repealed.

Amendments to Rule 5-201 was approved by the Judicial Council as an emergency rule effective January 1, 1998.



**Rule 5-201. Requests for enlargement of time by court reporters and court transcribers.**

**Intent:**

To establish a process to expedite the preparation of transcripts and promote consistency in granting requests for enlargements of time.

To establish a process which will facilitate the disposition of appeals.

**Applicability:**

This rule shall apply to the appellate courts.

**Statement of the Rule:**

(1) To obtain an enlargement of time in which to complete and file a transcript under Rule 12(a) of the ~~[Rules of the Utah Supreme Court and the Utah Court of Appeals]~~ Rules of Appellate Procedure, the reporter or transcriber shall file with the ~~[Clerk of the Court]~~ clerk of the appellate court a request for an enlargement of time showing good cause for permitting the extension. The request shall contain the following elements which are similar in form to a motion for an enlargement of time under Rule 22(b) of the ~~[Rules of the Utah Supreme Court and the Utah Court of Appeals]~~ Rules of Appellate Procedure:

(A) A statement of the reasons for granting the request.

(B) A statement of whether the reporter or transcriber has obtained any previous enlargements of time and, if so, the number and duration of such enlargements.

(C) A statement of the original deadline sought to be extended.

(D) A statement of the date certain on which the reporter or transcriber will file the transcript with the court from which the appeal is taken, and

(E) A certificate of service of the request upon all parties to the appeal or their counsel of record or ~~[by]~~ a stipulation by them to the extension request.

(2) The request for an enlargement of time shall be filed prior to the expiration of the deadline sought to be extended. A request for an enlargement of time that fails to meet these requirements shall be docketed but denied by the ~~[Clerk of the Court]~~ clerk of the appellate court.

(3) If a reporter or transcriber fails to file a transcript with the trial court and notify the clerk of the appellate court of such filing within the time permitted by Rule 12(a) or within an enlarged period of time as permitted by the appellate court, the court reporter or transcriber shall be ~~[ordered to appear before a panel of the appellate court and show cause why the sanctions provided in Rule 12(a) should not be imposed]~~ subject to disciplinary action pursuant to CJA 3-304(5)(C) and may be ordered to appear before a panel of the appellate court and show cause why sanctions should not be imposed.



# State of Utah

## JUDICIAL CONDUCT COMMISSION

Steven H. Stewart  
Executive Director

645 South 200 East #104  
Salt Lake City, Utah 84111  
801\533-3200  
Fax 801\533-3208

August 25, 1998

Daniel S. Becker  
State Court Administrator  
Administrative Office of the Courts  
Scott M. Matheson Courthouse  
450 South State  
Salt Lake City, UT 84111-3101

**HAND-DELIVERED**

**RE: Judicial Conduct Commission - August 22, 1998 statistical report, summary of cases dismissed by the Commission after a "preliminary review," and national recent-case summary**

Dear Dan:

Enclosed are (1) the August 22, 1998 Judicial Conduct Commission statistical report; (2) an August 24, 1998 summary of cases dismissed by the Commission after a preliminary review; and (3) a national judicial-conduct case summary.

I will discuss the statistical report and case summaries at the Judicial Council's August 28, 1998 meeting in Park City, Utah. The meeting agenda Cindy Williamson sent me shows that I am on the agenda for 10:15 a.m.

Sincerely.

**JUDICIAL CONDUCT COMMISSION**

Steven H. Stewart  
Executive Director

Enclosures



**UTAH JUDICIAL CONDUCT COMMISSION  
STATISTICAL REPORT**

**August 20, 1998**

**TOTAL NUMBER OF OPEN FILES: 66**

**FORMAL COMPLAINTS: 7**

**AWAITING FINAL ORDER FROM SUPREME COURT: 1**

**Justice - 1 (consolidated)**

**AWAITING DISPOSITION BY JCC: 6**

**District - 4 Justice - 2**

**FILES UNDER PRELIMINARY REVIEW: 47**

**Appellate - 1 District - 29 Juvenile - 6 Justice - 10 Pro Tem - 1**

**FILES UNDER PRELIMINARY INVESTIGATION: 15**

**District - 8 Juvenile - 1 Justice - 5 Pro Tem - 1**

**FILES CLOSED SINCE JULY 1, 1998: 0**

**FILES OPENED SINCE JULY 1, 1998: 13**

**NET INCREASE (DECREASE) IN CASE LOAD SINCE JULY 1, 1997: 13**

**TOTAL WRITTEN COMPLAINTS FILED IN FY 95: 115**

**TOTAL WRITTEN COMPLAINTS FILED IN FY 96: 84**

**TOTAL WRITTEN COMPLAINTS FILED IN FY 97: 72**

**TOTAL WRITTEN COMPLAINTS FILED IN FY 98: 95**

**SANCTIONS IMPOSED IN FY 96 (JULY 1, 1995-JUNE 30, 1996):**

**SUSPENSION AND CENSURE: 1 (REMANDED BY SUPREME COURT)**

**CENSURE: 1 (REMANDED BY SUPREME COURT)**

**PRIVATE REPRIMAND: 3**

**DISMISSED WITH ADMONITION: 5**

**SANCTIONS IMPOSED IN FY 97 (JULY 1, 1996-JUNE 30, 1997):**

**STIPULATED CENSURE: 1**

**PUBLIC REPRIMAND: 0**

**STIPULATED PUBLIC REPRIMAND: 3**

**PRIVATE REPRIMAND: 5**

**DISMISSED WITH ADMONITION: 4**

**DISMISSED WITH COMMENT: 1**

**SANCTIONS IMPOSED IN FY 98 (JULY 1, 1997-JUNE 30, 1998):**

**PUBLIC REPRIMAND: 2 (1 PENDING SUPREME COURT REVIEW)**

**STIPULATED PUBLIC REPRIMAND: 2**

**PRIVATE REPRIMAND: 1**

**DISMISSED WITH CAUTION: 6**

# JUDICIAL CONDUCT COMMISSION

## SUMMARY OF CASES DISMISSED AFTER A “PRELIMINARY REVIEW”

August 24, 1998

The Judicial Conduct Commission dismissed the following complaints after a “preliminary review.”<sup>1</sup>

1. A litigant in a divorce case accused a judge of prejudice for failing to accept evidence during the trial. This complaint was dismissed because it involved legal questions outside the Commission’s jurisdiction.<sup>2</sup>

2. A criminal defendant accused a judge of making the following comments during a court proceeding: “Black people should be locked up like animals--the Black defendant should be locked up or incarcerated for the rest of his life.” A review of the trial transcript revealed that the judge never made these comments.

3. A criminal defendant complained that a judge was prejudiced against him because the judge held a trial after the defendant had refused to accept the envelope containing the notice of trial. The defendant had written “refused for cause without dishonor” on the envelope.

4. A litigant in a divorce case accused a judge of prejudice after the judge refused to reduce the amount of alimony the litigant was obligated to pay.

---

<sup>1</sup>In a “preliminary review,” the Commission’s investigators interview complainants, review dockets and other documents, and may interview persons who have knowledge of the facts underlying the complaint. If the Commission dismisses a complaint after a preliminary review, the judge does not receive a copy of the complaint.

<sup>2</sup>“The offenses that subject a judge to discipline should be defined in such a way as to minimize the potential for overlap between the judicial conduct machinery and the appeal process. For it is worth emphasis that a judge has not behaved improperly simply because he has committed an error. As we noted earlier, the entire appellate process is in place because it is expected that judges will err occasionally, at least in the eyes of the appellate courts. This does not mean that they are not functioning properly as judges, only that they are human beings functioning within a human institution where different people can see things differently. The Judicial Conduct Commission process cannot legitimately have as a purpose the punishment of those who commit legal error; rather, it must concern itself only with those who behave outside the ethical norms set for judges, and the constitution and implementing statutes and rules must be so construed.” *In re Worthen*, 926 P.2d 853, 868 (Utah 1996).

## RECENT DECISIONS

Presenters: Cynthia Dorfman and Brant Brantley

Attached are summaries of selected cases decided between April of 1997 and April of 1998. The AJS summaries prepared by Cindy Gray have been heavily relied upon.

Bias, demeanor

In re Duckman, New York Commission Determination 10/24/97

A judge 1) gave the appearance of bias against the police and prosecution; 2) in 13 cases, dismissed facially sufficient accusatory instruments as insufficient on their face because the prosecutors would not consent to his requests for more lenient dispositions or because he thought the cases should not be prosecuted, 3) dismissed the charges in one case in the interest of justice knowing that he was not following the provisions of the statute, and adjourned in contemplation of dismissal two other cases without the consent of the prosecution, which was required by statute; and 4) made statements indicating bias in cases involving domestic violence. The judge often yelled at prosecutors, calling them names and lambasting them. the conduct took place over a five-year period. The judge said in his defense that he was attempting to "teach" inexperienced and poorly-prepared prosecutors.

Sanction should be \_\_\_\_\_

Sanction was REMOVAL

In re Wright, 694 So. 2d 734, Per curiam (Florida Supreme Court May 29, 1997)

A judge was rude, abusive and insulting to two assistant state attorneys and a victim. In one case, when a state attorney tried to state an objection, the judge interrupted and said, "Yeah, you'll be sorry. Keep your mouth shut...." The judge also threatened the attorney with contempt. In another case, the judge continually berated a state attorney in a raised voice when the attorney said that the victim wished to address the court about the repeated continuances requested by the defendant, and refused the victim her right to speak. The judge addressed the victim in a raised voice, and acted in an overbearing and dictatorial manner. He had the bailiff escort the victim to the rear of the courtroom, and made gestures and noises mimicking a shooting gun as she was led away.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC REPRIMAND

In re Roberts, 689 N.E. 2d 911 (New York Court of Appeals, December 18, 1997)

After receiving a letter from the district attorney's office concerning orders of protection, the judge said to his court clerk, "Every woman needs a good pounding now and then." The judge said several times to his clerk that orders of protection were useless and worthless. He also told a fellow judge that he thought orders of protection were "a waste of time."

The judge also came out of chambers to yell at a woman who was complaining to his clerk about the amount of a fine imposed on her husband.

In another matter, the judge failed to disclose that the plaintiff in a case before him was his family dentist. At the hearing, the judge treated the defendant badly.

The judge did not testify candidly at the commission hearing concerning the dentist's case. He said he had not been aware that the plaintiff was his own dentist, although he had been treated by the dentist for six years and all of his family members were the dentist's patients.

Finally, the judge sentenced a woman to 89 days in jail for failure to pay a fine without giving her counsel, stating that he was going to make an example of her.

Sanction should be \_\_\_\_\_

Sanction was REMOVAL.

In re Brown, 691 N.E. 2d 573 (Mass. Supreme Judicial Court 3/24/98)

An appellate court judge made statements during oral argument that were critical of a union, its president, and the president's family. The judge said that the president "had his whole family on the [union] payroll," that this was a "union gone amok," and that the union did not "represent anybody, as far as I can see," but took money and spent it extravagantly. The Labor Relations Commission's judgment favorable to the union was unanimously affirmed by the panel on which the judge was a member.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC REPRIMAND AND AN ORDER REQUIRING DISQUALIFICATION IN ALL FUTURE CASES INVOLVING THE UNION.

In re Stevens, California Commission Decision February 19, 1998

During a chambers conference in a case involving two female juveniles charged with battery on two teachers, the judge referred to the defendants as "bitches." In another case, the judge commented that a male juvenile who tried to charge toward the judge and was refrained by the bailiff did not have "a Chinaman's chance" of reaching him.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC ADMONISHMENT.

In re Jensen, New York Commission Determination May 29, 1997

A judge presided over preliminary proceedings involving three black defendants. Later that day, when someone asked a judge how he was doing, he responded, "Oh, it's been a rough day—all these blacks in here." Members of the public were present in the courtroom.

Thereafter, one of the defendants' attorneys filed a motion to recuse. During argument on the motion, the judge learned that complaints had been filed with the commission about his conduct at an earlier proceeding in the case. The judge said more than ten times that he would recuse only if the complaints were withdrawn.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC CENSURE.

In re Lowery, Review Tribunal appointed by Texas Supreme Court, February 13, 1998

A judge called a parking lot attendant a "nigger" in an altercation about whether the judge, because of his position, was exempt from a \$3.00 parking fee.

In a small claims matter, the judge helped a plaintiff enforce an order he had made against a car parts dealer by calling the dealer and ordering him to follow the order, and then going to the dealer's place of business, placing the parties under oath, and finding the dealer in contempt.

The judge, who had failed to comply with educational requirements previously imposed by the commission, also asked another judge to lie to the commission about his completion of the requirement.

Sanction should be \_\_\_\_\_

Sanction was REMOVAL.

### Sexual Harassment

In re Dye, New York Commission Determination February 6, 1998

A judge made numerous comments to his secretary about the physical appearance and attributes of other women in the courthouse, boasted to her of his sexual prowess and experience with other women, commented on her legs and clothing, and stated to her that he wanted to have sex with her.

Sanction should be \_\_\_\_\_

Sanction was STIPULATED RESOLUTION FOR PUBLIC CENSURE  
AND RESIGNATION BEFORE JAN. 1, 1999.

In re Barr, Review Tribunal appointed by Texas Supreme Court, February 9, 1998

A judge made sexual comments and gestures. At a Christmas party, the judge crooked his finger at an assistant deputy district attorney as if he wanted her to approach, and said to her, "I just wanted to see if I could make you come with one finger." At the same party, the judge told an assistant DDA that she must be on her period because "women always carry around their purse when they're one their period." The judge told



an assistant DDA who wanted to return to her office that she was "nice to look at" and that if she left, he would have only "swinging dicks" to look at. The judge periodically referred to female assistant district attorneys as "babes."

During a criminal trial, the judge called counsel to the bench after the prosecutor asked a witness a question the judge considered improper. The judge told the prosecutor he "felt like coming over the bench and slapping the crap out of [him]." In another matter, the judge told an associate of an attorney that the attorney could "go screw himself."

The judge issued a writ of attachment to bring in a sheriff's deputy who had not responded to a defense subpoena. The judge set bail at \$50,000 with the intent that the deputy spend a night in jail, to "get the message across."

In another matter, after the judge ordered the immediate release of a defendant who had been acquitted, he approached a sheriff's deputy who was insisting the defendant go to the inmate processing center before release, asked whether he was countermanding his order, and threatened him with contempt.

Sanction should be \_\_\_\_\_

Sanction was REMOVAL.

### Injection of religion

In re Empson, 562 N.W. 2d 817 (Nebraska Supreme Court May 9, 1997)

After a verdict was reached in a criminal case, a judge distributed religious material to the jurors. He remarked that he got to "witness" and "minister" to the jurors.

The judge gave a copy of the Bible to a distraught woman who appeared before him seeking a protective order.

A judge spoke to court personnel about their private and personal lives, including asking a court reporter her view on premarital sex, telling a reporter that having sex without marriage made her "a used woman and a tramp," telling another employee that she should be "chaste," and telling a court intern that she should never deny her husband sex when she was angry. The judge also said he imagined that sex between one reporter and her husband was like "a fat glob oozing all over the top of [the husband]."

The judge also asked a court reporter to stand up and turn around one day when she was dressed casually, asked the reporter how her shower was one morning when she had wet hair, and referred to his "love" for the reporter in a note to her.

Sanction should be \_\_\_\_\_

Sanction was SIX-MONTH SUSPENSION WITHOUT PAY.

### Improper probation conditions (including religious observance)

In re Quirk, 705 So. 2d 172 (La. Sup. Ct. 12/12/97)

A judge sentenced hundreds of defendants to attend church weekly for a year as a condition of probation. The judge also directed his personal attorney, who was representing him before the commission and in federal district court on matters pertaining to the church sentencing, to file a motion to dismiss on behalf of the City of Lake Charles in a case in which the defendant was challenging the constitutionality of the church attendance sentence.

Sanction should be \_\_\_\_\_

Sanction was DISMISSAL.

In re Robertson, No. 633, Order of Kansas Commission, 5/16/97

A judge imposed a probation condition prohibiting a juvenile offender from associating with Hispanic males under age 21.

Sanction should be \_\_\_\_\_

Sanction was STIPULATED CEASE AND DESIST ORDER.

Abuse of authority/denial of rights

In re Jarrell, West Virginia Judicial Investigation Commission April 21, 1997

A judge told a defendant at arraignment that if he wanted appointed counsel his jail time, fine, and costs would be stiffer. During two arraignments, the judge advised the defendant that if he asked for appointed counsel, he could expect the maximum jail time.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC ADMONISHMENT.

In re Westcott, New York Commission Determination December 17, 1997

A judge attempted to coerce guilty pleas in traffic cases. The judge asked defendants to explain their pleas of not guilty, suggested to them that he had spoken privately with the arresting officers and understood that the defendants had been traveling at a speed higher than the speed charged, told the defendants that the officers could augment the charges if they went to trial, and told the defendants that their fines would be higher if they went to trial. The judge also allowed the officers to sit in a group at a table adjacent to the bench, while calling the defendants to the bench individually. The judge also refused, contrary to statute, to lift the license suspensions of defendants after they appeared in court.

Sanction should be \_\_\_\_\_

Sanction was STIPULATED PUBLIC CENSURE.

In re Platt, No. 612, Order of Kansas Commission, October 27, 1997

A judge had a woman arrested for failing to appear for jury duty without holding a contempt hearing or determining that she was in contempt. She was held for 40 days. After the woman's initial failure to appear for jury duty, the judge had given her two changes to purge herself of contempt by appearing for jury duty; he mistakenly believed that in the second of those appearances, he had imposed sentence on a finding of contempt.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC ADMONITION.

In the Matter of Skinner, 690 N.E. 2d 484 (New York 1997)

A judge summarily disposed of two criminal cases without affording the prosecution the right to be heard.

In one case, the judge dismissed sexual abuse charges against a man he had known for 40 years based on denials the man made at arraignment and unsworn statements by his wife.

In another case, the judge told a defendant to bring \$335 to court to pay for a bad check, without taking a plea or advising the defendant of his right to counsel. When the defendant failed to appear and was arrested on a warrant issued by the judge, the judge sentenced him to 30 days in jail. The judge testified that it was his practice not to advise defendants of their right to appointed counsel unless they said they could not afford an attorney.

The judge gave inconsistent, disingenuous and evasive testimony about both cases in commission proceedings.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC CENSURE. NOTE: COMMISSION HAD RECOMMENDED REMOVAL, BUT THE COURT IMPOSED A PUBLIC CENSURE.

In the Matter of Chiles, 490 S.E.2d 259 (South Carolina Supreme Court July 28, 1997)

A former judge dismissed DUI charges against a friend. The former judge admitted that he had committed ethical violations. (As a result of his dismissal of the case, the judge had been indicted for official misconduct in office, had pled guilty, and

was fined \$1,000 and sentenced to one year imprisonment, suspended upon service of 160 hours of community service work and payment of the fine.)

Sanction should be \_\_\_\_\_

Sanction was PUBLIC REPRIMAND WITH ORDER THAT THE JUDGE COULD NOT HOLD JUDICIAL OFFICE IN THE FUTURE.

**Conflict of interest/ex parte communication**

In re Cooks, 694 So. 2d 892 (Louisiana Supreme court 5/20/97)

An appellate court justice sat on the appeal of a party with whom the judge had a close personal relationship.

An art teacher had been found in possession of drug paraphernalia during a random search at the school where she taught. She sought to enjoin administrative proceedings against her while criminal proceedings were pending. The injunction was denied. Judge Cooks sat on the panel hearing her appeal from denial of the injunction.

The judge had visited the teacher at a drug rehabilitation center where she protested her innocence. The teacher performed babysitting, tutoring, and decorating services for the judge in the months prior to the judge hearing the case.

The teacher's lawyer was then representing the judge in pending divorce proceedings. The judge talked to the lawyer about newspaper accounts of the teacher's case while the teacher's case was pending.

The judge told other members of her panel that she knew the teacher and her family well, and they did not tell her to recuse herself. She did not disclose that the teacher's attorney was representing her.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC CENSURE.

In the Matter of Reese, 495 S.E. 2d 548 (West Virginia Supreme Court of Appeals October 24, 1997)

Judge Reese was called by his cousin, Virgil Williams, who was also the uncle by marriage of Rick Severe, who had been charged with second offense DUI and was arraigned before the judge. The judge went to his cousin's store, explained the possible consequences of the second offense DUI charge, and suggested actions Severe could take to facilitate obtaining his license back, including attending DUI school and securing an ignition interlock system. In appreciation for his assistance, Williams and his wife gave the judge several pieces of china and an ashtray. However, the gifts were not given in consideration of the judge reducing the charges against Severe.

During a visit by Severe and his girlfriend, Cathy Gallagher, to the judge at his office, Severe understood the judge to say that if Severe attended DUI school and

obtained an ignition interlock system, the judge would see to it that the second offense DUI charge was reduced to a first offense DUI charge. The day before the scheduled hearing in Severe's case' Gallagher contacted the judge, and the judge advised that things did not look hopeful and that Severe was probably facing six months in jail and a minimum of a \$1000 fine. At some point, the judge contacted the arresting police officer about whether he had any objection to the charges against Severe being reduced to first offense DUI. The officer indicated that he had no objection. However, later, when the prosecuting attorney asked if there was a deal, the officer replied that no deal had been agreed upon between him, the magistrate, and the defendant. After an affidavit was filed claiming that the judge was prejudiced and should not hear the case, the judge recused himself.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC ADMONITION.

Mississippi Commission on Judicial Performance v. Franklin, 704 So.2d 89 (Miss.1997)

The judge (1) issued an arrest warrant on petit larceny and simple assault charges filed by a friend and distant relative of the judge; (2) had license tags from her husband's car on her car, (3) wrote a check she did not have sufficient funds in her checking account to cover; and (4) failed to file with the circuit clerk reports of contributions or expenditures required by statute.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC REPRIMAND, FINE, AND 30-DAY SUSPENSION.

Mississippi Commission on Judicial Performance v. Sanders, 708 So.2d 866 (Miss.1998)

A judge released two prisoners after they had been sentenced and after the court had lost jurisdiction. One was a former client; the judge suspended the former client's sentence in two cases in which she had represented the client. The other prisoner's conviction and sentence had been affirmed by the Court of Appeals. The judge engaged in ex parte communication in connection with the releases.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC REPRIMAND AND \$1500 FINE.

### Abuse of prestige of office

In re Joyce, 2 JD 97, In re Terrick, Order (Pennsylvania Court of Judicial Discipline February 18, 1998), Order of Sanction (April 2, 1998)

Two judges placed telephone calls to influence the outcome of two traffic cases. The calls, made either to employees of the statutory appeals unit or judges, were made to secure favorable decisions in the appeals of the defendants in both cases.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC REPRIMAND.

In the Matter of Chase, Determination (NY State Commission on Judicial Conduct June 10, 1997)

A judge intervened on behalf of his daughter in three separate incidents. The first involved intervening after she was arrested for DWI, securing her release and berating the deputies for not calling him. The second incident involved his daughter and granddaughter, who had left home after an argument with the judge's daughter. Learning the granddaughter was at the police station he went there and intimidated and berated the officers until they revealed where the granddaughter was. In the third incident the judge verbally abused another judge about his judicial decision concerning the judge's daughter and an order of protection.

Sanction should be \_\_\_\_\_

Sanction was REMOVAL. NOTE: THE JUDGE HAD BEEN THE SUBJECT OF TWO PRIOR DISCIPLINARY SANCTIONS.

Inquiry Concerning Austin, California Commission Determination, September 23, 1997)

A judge attempted to obtain the release from custody of a personal friend. In a series of telephone calls to law enforcement agencies, the judge initially denied she was attempting to use her office, but then repeatedly invoked her judicial position and appeared to order her friend's release on her own recognizance so that the friend would not have to post funds for bail. The judge's statements during the conversations that created this appearance included the following: "Why is it that we cannot order a release over the telephone? Well, who is on staff right now that is higher than you that will take a judicial order? What does it take [for you] to obey a judicial order? I am the proper authority. Well, who is the authority that will take my order? Knowing that you're talking to a judge, now what do we do next?"

Sanction should be \_\_\_\_\_

Sanction was STIPULATED PUBLIC REPRIMAND.

Office of Disciplinary Counsel v. Allen, 684 N.E. 2d 31 (Ohio Supreme Court October 1, 1997)

A judge appeared in a television commercial for a law firm. In the thirty-second commercial, which was televised numerous times for almost three months, the judge did not speak but she did appear on the bench in her judicial robe with her name plate visible during the last six seconds of the production. During those six seconds, four persons, ostensibly members of the law firm, approached one side of the bench and handed the judge a document that she appears to peruse while the four persons turn and look toward the camera with pleasant expressions. The judge was not given an opportunity to review the commercial before it appeared

Sanction should be \_\_\_\_\_

Sanction was PUBLIC REPRIMAND.

**Use of Court Personnel and Resources for Personal Purposes**

In re Gallagher, 951 P. 2d 705 (Oregon Supreme Court January 15, 1998)

A judge used his judicial assistant's work time and other public resources to conduct personal and campaign-related business, and used his official position to obtain an advantage in corresponding to various persons and entities regarding disputes he had with them. The judge also personally solicited campaign contributions.

Sanction should be \_\_\_\_\_

Sanction was SIX-MONTH SUSPENSION WITHOUT PAY.

**Failure to comply with assignment**

In re Avellino, 690 A. 2d 1138 and 690 A. 2d 1144 (Pennsylvania Supreme Court)

A judge refused to comply with an assignment to his court's "felony-waiver" program. When the supreme court ordered him to comply, he sought a temporary restraining order in federal court. When that was denied, he reported for assignment.

Sanction should be \_\_\_\_\_

Sanction was THREE-MONTH SUSPENSION WITHOUT PAY.

**Sleeping (and other misconduct)**

In re Cothorn, No. 28, Alabama Court of the Judiciary, January 22, 1998

A judge 1) slept on the bench on several occasions during court proceedings, 2) had ex parte communication with an attorney concerning a case pending before the judge and suggested or directed that the attorney walk out of a deposition if questions were asked concerning the operation of the judge's office, and 3) failed to dispose of uncontested matters in a reasonable time.

~~Sanction should be~~ PUBLIC CENSURE AND SIX-MONTH SUSPENSION  
WITH PAY AFTER FORMAL CHARGES WERE FILED,  
Sanction was FOLLOWED BY A SUSPENSION WITHOUT  
PAY FOR THE BALANCE OF THE JUDGE'S  
TERM.

### Dishonesty

In the Matter of Collazo, 691 N.E. 2d 1021, New York Court of Appeals February 17, 1998)

A New York judge had passed a note to his court attorney concerning the physical attributes of a female law intern, suggested to the intern that she remove part of her apparel in his presence, made false statements to the Commission, and gave deceitful responses to the governors screening committee and to the staff of the senate judiciary committee when they were considering his nomination to a different court.

**SANCTION WAS REMOVAL.**

In re Trkula, No. 7 JD 96, Opinion (Pennsylvania Court of Judicial Discipline June 27, 1997; July 14, 1997)

A judge improperly contacted the supervisor of the statutory appeal unit regarding a defendant who had appealed from a sentence the judge had imposed and made false statements to FBI agents about the contact. After the judge had imposed a sentence of 90 days, suspended, and a fine of \$100 and costs, the defendant filed a notice of appeal from his summary conviction. The judge telephoned the supervisor of the statutory appeal unit and, after the judge explained the case, the supervisor said, "You don't care if he goes



away, then, for a couple days, then?" The judge replied, "I should have done it here." The judge told FBI agents that she had not contacted the supervisor or anyone else in the statutory appeal unit concerning the appeal.

Sanction should be \_\_\_\_\_

Sanction was 60-DAY SUSPENSION WITHOUT PAY. NOTE:  
COMMISSION RECOMMENDED A PUBLIC REPRIMAND, BUT THE  
COURT IMPOSED A SUSPENSION.  
**Public statements**

In re Kroger, 702 A. 2d 64 (Vermont Supreme Court July 25, 1997)

Judge Kroger had become embroiled in conflicts over the administration of county business with another judge, Judge Gretkowski. The dispute was reported in the press, and the Vermont Association of County Judges held hearings about allegations Judge Kroger had made about Judge Grethowski. At that hearing, Judge Kroger denied that she had accused anyone of wrongdoing or mismanagement and denied secretly taping meetings or conversations. The judge had submitted transcripts of a conversations with another judge, Judge Fowler. Judge Fowler testified that she was not aware that the conversation was being taped. The judge did not claim that she told Judge Fowler their conversation was being taped but claimed that the tape recorder was on her desk in plain view and that she reasonably assumed that Judge Fowler knew that the tape was running.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC CENSURE AND A ONE-YEAR  
SUSPENSION.

In re McCully, 942 P. 2d 327 (Utah Supreme Court July 8, 1997)

A judge allowed a litigant to submit a sworn affidavit signed by the judge that gave her opinions and conclusions on the ultimate issue in a judicial proceeding then pending before a district court judge.

A district juvenile court guardian ad litem had filed a motion to quash a legislative subpoena issued as part of a general audit of the foster care system ordered by the legislature. The subpoena required the guardian to provide records relating to his services as guardian ad litem in juvenile court, including records on individual children whom he had represented as guardian ad litem. At the guardian's request, in lieu of giving testimony under personal subpoena, Judge McCully prepared an affidavit to explain the role and function of the guardian ad litem in juvenile court and the juvenile court judges, expectations of a guardian ad litem when appointed, and the guardian used the affidavit at the hearing to support his motion to quash the subpoena.

The Commission's findings related to two statements In the affidavit. First, Judge McCully's affidavit stated, "To allow a non-lawyer to perform [the] functions [of a

guardian ad [item] would be to allow the unauthorized practice of law." Second, the affidavit stated, "The Guardian ad litem would also be violating his duties as an officer of the court if he allowed anyone to have access to his attorney-client records with regard to his guardian ad litem appointment."

Sanction should be \_\_\_\_\_

Sanction was PUBLIC REPRIMAND

In re Sanders, 955 P. 2d 369 (Washington Supreme Court April 28, 1998)

A justice of the supreme court addressed a March for Life rally.

The same day as the justice's formal swearing-in, he was introduced at the Washington State March for Life at State Capitol and made the following remarks:

I want to give all of you my best wishes in this celebration of human life. Nothing is, nor should be, more fundamental in our legal system than the preservation and protection of innocent human life. By coincidence, or perhaps by providence, my formal induction to the Washington State Supreme Court occurred about an hour ago. I owe my election to many of the people who are here today and I'm here to say thank you very much and good luck. Our mutual pursuit of justice requires a lifetime of dedication and courage. Keep up the good work.

The justice was not invited to appear at the rally, but arranged in advance on his own initiative to either appear personally or to have his statement read. The judge carried a red rose, which was the symbol of the pro-life movement.

Sanction should be \_\_\_\_\_

Sanction was DISMISSAL. NOTE: THE COMMISSION RECOMMENDED A PUBLIC REPRIMAND BUT THE COURT DISMISSED.

In re Letsinger, Indiana Commission on Judicial Qualifications June 13, 1997

The judge made comments to the press on a pending investigation. The comments related to allegations that over \$8,000 was missing from the court probation department funds. The judge stated to the press that the head of the probation department, who presumably would play a key role in the pending investigation and possible court proceedings, was stonewalling and being less than candid and forthcoming. The judge also stated to the press that one of his colleague judges was being less than candid and forthcoming relating to the court's internal investigation and alleged prior knowledge about problems with missing funds. He said about his colleague, "He knew about this. The can of worms is starting to smell, and it's smelling higher and higher." He also said that the other judges on the court were protecting the judge.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC ADMINISTRATION

**Campaign conduct**

Summe v. Judicial Retirement and Removal Commission, 947 S.W.2d 42 (Kentucky, 1997)

One week prior to the election, the candidate's campaign distributed a publication entitled Kenton County Citizen's Courier to potential voters. The paper had the caption "Today's News for Concerned Citizens of Kenton County" directly below its name, an indication the paper contained four pages, and the date Oct/Nov 1994. The paper had an article containing a photograph of a young battered child, accompanied by an Editor's note indicating that the child's grandmother and legal guardian had given permission to use the photo because excessive bruising and Swelling prevented identification of the child. Another article was titled, "Study shows child abuse effects go beyond childhood." On the back page, there was a letter purporting to be to the editor supporting the candidate. The paper also contained a letter to the voters from the candidate, which indicated her campaign was the source of the paper. The return address for the paper did not include any identifying name or organization above it.

A second area of concern was based on a letter referring to a case in which the candidates opponent, the incumbent judge, had sentenced a man convicted of child abuse to only five years, although the prosecutor had argued for ten years, and then probated the sentence, so that he actually only served 153 days. The letter was written by the candidate's cousin, a nurse, and was mailed to 800 nurses in the county. The letter stated: "It is time to stop the abuse instead of treating it. Please join me in stopping the abuse and vote for a person who will let no one walk away before justice is served. She has concern for the victim." The letter indicated that postage and stationery were paid for by the candidate's campaign committee.

Sanction should be \_\_\_\_\_

Sanction was 30-DAY SUSPENSION ON EACH COUNT

Inquiry Concerning Alley, 699 So. 2d 1369 (Florida Supreme Court October 9, 1997)

A judge knowingly made misrepresentations in her campaign mailers and newspaper advertisements. The judge (1) claimed to have circuit judicial experience, when in fact her service was that of a general master; (2) claimed that her opponent had no circuit judicial experience, when in fact she had extensive experience as a county judge who had been assigned to the circuit court, (3) injected party politics into a non-partisan election by noting the party affiliation of the governor who had appointed her opponent to her position of county judge (when in fact both the judge and her

opponent were members of the same political party, which was different from that of the governor); (4) included a photograph of her opponent Bitting next to a criminal defendant, noting that her opponent 'defend[ed] convicted mass murderer, cop killer, William Cruse,' when at the time of the photograph Cruse had not been convicted and her opponent was an assistant public defender observing a duty placed on her as a member of the Florida Bar; and (5) included a portion of a newspaper editorial implying that she, not her opponent, had been endorsed by the newspaper.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC REPRIMAND

In the Matter of Birnbaum, Determination (New York Commission on Judicial Conduct September 29, 1997)

A judge, while a candidate, mailed a brochure to voters that gave the unmistakable impression that he would favor tenants over landlords in housing matters. About two weeks before the primary, the judge's campaign mailed a brochure to approximately 8,000 voters, all of whom had been identified as tenants. The brochure asserted that voters had a "clear choice" between the judge, who was identified as a tenant, and his opponent, who was identified as a landlord. The brochure contained photographs and quotations that were favorable to the judge from tenants who had appeared before him in housing court, including tenants in a case that was pending before him. The brochure was the judge's idea, he directed his campaign staff to prepare it, and he approved it before it was mailed. The judge selected the tenants whose photographs and quotations appeared in the brochure, asked them to participate, and accompanied the photographer to the building where the tenants lived.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC CENSURE

In the Matter of Tigne (West Virginia Judicial Investigation Commission November 19, 1996)

A judicial candidate ran a campaign advertisement that stated that he would require mandatory incarceration for violent crimes, mandatory incarceration for drug dealers, and mandatory incarceration and treatment for hard drug addicts.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC ADMONISHMENT

In the Matter of Martin (West Virginia Judicial Investigation Commission November 19, 1996)

A judicial candidate made a monetary contribution to another judicial candidate.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC ADMONISHMENT.

In the Matter of Starcher, 1998 WL 24144, No. 23681 (West Virginia Supreme Court of Appeals January 23, 1998 )

A supreme court justice, during his campaign, authored, typed, signed, and personally sent a letter asking for an endorsement to individuals on a committee of the Tri-County Labor Council.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC ADMONISHMENT.

**Financial misconduct**

In re Faso, New York Commission Determination, February 5, 1998

A judge received double reimbursement of more than \$450 for the same expenses. The judge was aware that the proper procedure was to repay the down for the duplicate reimbursement from the state, and he was reminded on that obligation on two occasions by other town officials. However, he did not repay for two years, until he came under investigation by the commission.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC CENSURE.

In re Williams, No. C.J. 3 (Delaware Court on the Judiciary October 6, 1997)

A part-time judge 1) failed to pay federal, state and city payroll taxes for his law firms' employee payroll or timely file withholding reports; 2) failed to pay property taxes and delinquent property taxes; 3) had 29 unpaid parking tickets, and 4) failed to properly maintain his law office books and records and answered incorrectly questions on the supreme court certificate of compliance with client account reconciliation requirements.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC CENSURE AND THREE-MONTH SUSPENSION

In re Brown, Arizona Commission, April 22, 1997

A judge had a contract with a professional basketball player; the contract provided for the judge to receive compensation. The judge and the basketball player had a close relationship; the judge had been a neighbor and close friend of the basketball player's family since 1972.

Sanction should be \_\_\_\_\_

Sanction was DISMISSAL

### Alcohol and DUI

In the Matter of Purple, Determination (New York Commission on Judicial Conduct September 29, 1997 )

A judge: 1) drove his automobile into a tree and pleaded guilty to driving while intoxicated; (2) presided over an ex parte request for a temporary order of protection while under the influence of alcohol; and (3) after his son, who was the court officer assigned to his court had been removed from the courthouse because he appeared intoxicated, confronted two sheriffs officers while intoxicated and demanded to know why his son had been removed from the courthouse and stated, loudly and angrily, "How can you do this to me? Why are you doing this to me? After all the support I've given you and your department, this is the way your deputies treat me."

The judge stopped drinking after the incident, received treatment, and reported that he had not drunk any alcohol for about seventeen months when the matter was decided.

Sanction should be \_\_\_\_\_

Sanction was PUBLIC CENSURE

In re Walters, No 3 JD 96, Decision (Pennsylvania Court of Judicial Discipline May 2, 1997 )

A judge operated a vehicle while the amount of alcohol in his blood was .10 or greater, in violation of law and the state constitution.

Sanction should be \_\_\_\_\_

Sanction was DISMISSAL

Mississippi Commission Judicial Performance v. McRae, 700 So.2d 1331 (Miss. Const. Trib. 1997)

A justice of the Mississippi Supreme Court was charged with driving under the influence of alcohol . The justice entered a nolo contendere plea to the charge of DUI, was fined \$800r and sentenced to 48 hours in jail with the jail time suspended.

SANCTION WAS A PUBLIC CENSURE.

### **Domestic Violence**

In re Turco, No. 97-2451-F-66, Washington Commission Decision, 3/5/98

A judge intentionally shoved his wife during an argument while entering a church for a dinner and play. The judge said, "No one speaks to me like that and gets away with it," and intentionally pushed his wife, causing her to fall. He made no attempt to assist her or apologize. Seven days before the incident, the judge was admonished by the commission for making injudicious comments in three domestic violence matters.

Sanction should be \_\_\_\_\_

Sanction was REMOVAL

### **Judge's assertion of 5<sup>th</sup> Amendment/demeanor at hearing**

In re Davis, 946 P. 2d 1033, Nevada Supreme Court, October 1, 1997

A judge's wrongful assertion of the Fifth Amendment and his demeanor at the commission hearing may properly be considered in assessing discipline.

Note: This case includes an interesting dissent revealing the inner workings of the Nevada Supreme Court in deciding the matter.

SANCTION WAS A PUBLIC REPRIMAND.

### **Misconduct as attorney**

In re Embser, 688 N.E. 2d 238 (New York Court of Appeals 11/20/97)

The New York Court of Appeals held that the commission may summarily determine a judicial misconduct charge on the basis of findings in prior attorney disciplinary proceedings.

## **Recommendations of the Family Court Task Force Process for Consideration and Debate**

### **A. TASK FORCE BACKGROUND.**

- (1) Established by the Judicial Council.
  - (a) Recommended by the Commission on Justice in the Twenty-first Century.
  - (b) Requested by the Board of Juvenile Court Judges.
- (2) Charge: Make recommendations regarding what, if anything, to do with the organization, jurisdiction and procedures of the juvenile court after completion of consolidation of the district and circuit courts. The charge did not limit the task force to a family court, but expressly included a family court.
- (3) Originally a fast-track process. Task force requested and obtained additional members and additional time.
- (4) Latest in a series of reports dating back to 1966 recommending a family court. None of the earlier studies as comprehensive as this one.

### **B. TASK FORCE FINDINGS (NEED FOR A FAMILY COURT).**

- (1) Family law cases are different.
  - (a) Highly emotional.
  - (b) Need for constructive future relationships among the parents and their children.
  - (c) Involvement of non-parties: children; extended family.
  - (d) Traditional adversarial litigation does not readily build constructive relationships.
- (2) Multiplicity of cases involving one family.
  - (a) Cases cross jurisdiction boundaries of courts.
  - (b) Separation of jurisdiction is largely an historical accident.
  - (c) From a family's perspective, jurisdictional separation is artificial and an impediment to solving legal problems.
- (3) Multiplicity of services required for one family.



- (a) Multiplicity of providers with overlapping responsibility for the service.
  - (b) No one takes overall responsibility.
  - (c) Families cannot easily negotiate the labyrinth of bureaucracies involved.
  - (d) Parties, private attorneys, assistant county attorneys, assistant attorneys general, case workers, judges, clerks, probation officers, mediators, physicians, psychiatrists, psychologists, social workers, guardians ad litem and others might be involved with a family. Yet there is only a modest effort to encourage cooperation and communication among them.
- (4) Specialization of judges and staff.
  - (5) Many parties appear pro se.
  - (6) Legal issues for the family often involve repetitive proceedings on the same or similar issues.

### **C. TASK FORCE RECOMMENDATIONS.**

- (1) Overarching Principle. Equitable solutions and therapeutic justice built upon a foundation of due process.
- (2) Several detailed recommendations.
  - (a) Family court is substantially more than merely combining domestic relations cases with delinquency and child protection cases. Family court relies more upon the procedures established for family law cases and upon the attention to detail in a particular case than upon the structure of the court.
  - (b) Detail was in response to the variety of examples of family court from other states. To ensure all interested persons debated the same issues the task force designed a specific approach to family law matters.
  - (c) Detail was in response to the earlier process for court consolidation, in which few of the details were known beforehand, causing confusion as consolidation proceeded.
- (3) Services.
  - (a) Emphasize services as a constructive outcome of court process rather than court as a social service agency.

(b) Judges might broker services, but judges should not be involved in the administration of services.

(i) Those services administered within the court presumed to remain there.

(ii) Those services administered by executive branch (state or local) presumed to remain there.

(iii) Private services presumed to remain so.

(iv) A future family court would participate in the debate regarding what services to develop and where and how to administer those services, but the task force concluded there was no ideal system.

(c) Task force surveyed many of the then existing services and categorized them by nature of administration.

(d) The variety of administrative options reinforced the need to coordinate the delivery of services in specific cases.

(4) Family Department.

(a) Form a family department within the district court.

(b) Other options considered:

(i) Juvenile department of the district court.

(ii) Juvenile cases in the district court without specialization.

(iii) Separate family court.

(iv) Status quo

(c) Task force recognized the structural reorganization of the court as neither necessary nor sufficient.

(i) Reorganization of the courts alone is not sufficient. Also necessary are: case management; coordination of cases and of services; non-adversarial procedures; enforcing the rights and responsibilities of the parties, the children and the agencies; protecting children when individuals and private and public institutions are unable to do so or fail to do so; and protecting public safety.

(ii) If these objectives are achieved within the existing bifurcated jurisdiction, the structural change is not necessary.

(iii) The structural change may help achieve these objectives, because some of these outcomes are contrary to traditional district court principles.

(5) Court Operations.

(a) Case management objectives.

(i) Provide more and better information to judges.

(ii) Assume the administrative burden currently falling to judges.

(iii) Improve ability of families to negotiate the legal system and social service system.

(iv) Ensure that families get the services they need as ordered by the court.

(b) Case management functions.

(i) Clerical.

(ii) Screening.

(iii) Case coordination.

(iv) Service coordination.

(v) Information.

(vi) Training.

(vii) System evaluation.

(c) Enforcement of orders.

(d) Calendaring Objectives.

(i) Accountability.

(ii) Just and timely decisions.

(iii) Full workloads.

(iv) Broad spectrum of issues.

- (v) Protect from manipulation.
- (e) Calendaring Options.
  - (i) Master Calendar.
  - (ii) Individual Calendar.
  - (iii) Direct Calendar (One Family -- One Judge.)
- (f) Mediation.
- (g) Public hearings and records.
- (h) Appeals.
- (i) Hours of operation.
- (j) Facilities.
- (k) Rules of procedure.
- (6) Jurisdiction.
  - (a) Subject matter jurisdiction granted to the district court. Court assigns cases to one department or the other.
  - (b) Assign to the department responsibility for cases now within the jurisdiction of the juvenile court and the domestic relations and domestic violence cases of the district court. Includes a few probate case types: guardianship, conservatorship, name change, and adoptions. No intra-family criminal cases. No minor traffic cases.
- (7) Judicial Appointment.
  - (a) Governor appoints judges to a vacancy in either the family department or the general department. Judges then permanently assigned.
  - (b) Judges may, without the current assignment process through the Chief Justice, hear and determine cases from the "other" department.
    - (i) Subject matter jurisdiction over the case establishes the authority of the court, not the authority of the judge. Although assigned to one department or the other, all judges are nevertheless judges of the district court, which has subject matter jurisdiction.
    - (ii) This feature is more important in rural courts than in urban courts.

(c) Other options considered:

- (i) No special assignments.
- (ii) Seniority.
- (iii) Rotation.
- (iv) Assignment by presiding judge.
- (v) Volunteer upon the occurrence of a vacancy.

(8) Administration.

(a) Judicial Council.

- (i) Seats should be designated as either family department or general department.
- (ii) No recommendation regarding number of representatives.

(b) Board of Judges.

- (i) Single Board of Judges.
- (ii) Seats should be designated as family department or general department.
- (iii) No recommendation regarding number of representatives.
- (iv) Specialized subcommittees on issues specific to one department or the other.

(c) Presiding Judge.

- (i) One presiding judge for the district.
- (ii) District may elect other leadership positions as necessary.

(d) Trial Court Administrator.

- (i) Single administrator for all state trial courts.
- (ii) Appoint other statewide administrative positions as necessary and as budgets permit.

(e) Trial Court Executive.

- (i) Single executive for the district.
- (ii) Appoint other district administrative positions as necessary and as budgets permit.
- (f) Clerk of Court.
  - (i) Single clerk of court for the district.
  - (ii) Appoint assistance and deputy clerks as necessary and as budgets permit.

#### **D. TASK FORCE MEMBERS**

**James B. Lee**

Parsons, Behle & Latimer  
Task Force Chair

**Russell Y. Minas**

Mooney & Associates

**Hon. Judith M. Billings**

Utah Court of Appeals  
Task Force Vice-Chair

**Mary T. Noonan**

Director, Division of Family Services

**Hon. J. Mark Andrus**

Second District Juvenile Court

**Hon. Frederic M. Oddone**

Third District Juvenile Court

**Hon. L. Kent Bachman**

Second District Juvenile Court

**Hon. Boyd L. Park**

Fourth District Court

**Frederick N. Green**

Green & Berry

**Grethe B. Peterson**

Citizen Representative

**Hon. Leslie A. Lewis**

Third District Court

**Hon. Sandra N. Peuler**

Third District Court

**David E. Littlefield**

Littlefield & Peterson

**Kim Rilling**

Rilling & Associates

**Hon. Gordon J. Low**

First District Court

**Hon. Joanne L. Rigby**

Salt Lake County Justice Court

**Hon. Sharon P. McCully**

Third District Juvenile Court

**Craig M. Snyder**

Utah Bar Commission

**Rosalind J. McGee**

Citizen Representative

**Hon. Louis G. Tervort**

Sixth District Juvenile Court

**Billy L. Walker**  
Office of the Attorney General

**Roy W. Whitehouse**  
TCE, Third District Juvenile Court

**Kellie F. Williams**  
Corporon & Williams

## **E. TASK FORCE PROCESS**

- (1) Review of the literature
- (2) Review of other states
- (3) Issue identification
  - (a) Consideration of concepts
  - (b) Outcome identification
  - (c) Research
  - (d) Debate
  - (e) Modeling
  - (f) Decision
- (4) Testimony/Input from agencies, attorneys, courts and public
- (5) Public hearings on interim final report
- (6) Special briefings on interim final report
- (7) Reconsideration of recommendations

## **F. POST-REPORT EVENTS**

- (1) Council established Autumn 1998 as beginning of process for consideration.
- (2) Conference of juvenile court judges agenda item April 1998.
- (3) Conference of district court judges agenda item May 1998.
- (4) ABA Family Court Conference, Philadelphia. May, 1998. (5 Utah representatives).

(5) Point/Counterpoint Articles, *Voir Dire* July 1998

(6) Report available on court web page ([www.courtlink.utcourts.gov](http://www.courtlink.utcourts.gov)).

### G. PROCESS AND TIMELINE FOR CONSIDERATION AND DEBATE

Process	Objectives	Time Frame
Detailed briefing of Judicial Council, Boards and local courts, Bar Commission, Bar Sections and Committees, affected agencies, and interested organizations.	--Dialogue on current problems faced by the public, the bar and the courts in the area of family law. --Dialogue on beneficial features and procedures within the current system. --Presentation of task force evaluation, findings and recommendations. --Opportunity for questions and answers, but defer advocacy.	October 27, 1998  3:00 to 5:00 p.m.  Matheson Courthouse
Debate by agencies, bar, boards, courts, and organizations.	--Development of family court issues from multiple perspectives. --Evaluation of task force recommendations. --Development of alternatives.	November 1998 to April 1999
Reports to Council.	--Comments, evaluations, recommendations, analysis, positions, etc., from participants. --Invite representative from Boards to attend report sessions.	November 1998 to April 1999
Council Debate.	--Discussion of analysis and recommendations of Task Force and others. --Determination of Council position.	May to July 1999

### H. INTEREST GROUPS

The following is an extensive, but not an exhaustive, list of organizations that may have an interest in the debate regarding the Family Court Task Force recommendations.

#### A. COURTS

- (1) Board of District Court Judges
- (2) Board of Juvenile Court Judges
- (3) Court Commissioners



- (4) Local Courts
- (5) Chief Probation Officers
- (6) Clerks of Court
- (7) Trial Court Executives
- (8) Guardians ad Litem
- (9) Court Appointed Special Advocates
- (10) Court Annexed Mediation
- (11) Supreme Court Advisory Committee on Rules of Juvenile Procedure
- (12) Supreme Court Advisory Committee on Rules of Civil Procedure

## **B. BAR**

- (1) Board of Bar Commissioners
- (2) Family Law Section of the Bar
- (3) Litigation Section of the Bar
- (4) Needs of Children Committee of the Bar
- (5) Courts and Judges Committee of the Bar
- (6) Needs of the Elderly Committee of the Bar
- (7) Local Bar Associations
- (8) Statewide Association of Public Attorneys
- (9) Juvenile Legal Defenders
- (10) Defense Lawyers in Termination of Parental Rights Cases
- (11) Legal Aid Society of Salt Lake
- (12) Utah Legal Services, Inc.
- (13) Legal Center for People with Disabilities

## **C. LEGISLATURE**

- (1) Juvenile Justice Task Force
- (2) Judiciary Committee
- (3) Health and Human Services Committee
- (4) Child Welfare Legislative Oversight Panel

## **D. EXECUTIVE**

- (1) Office of the Governor
  - ◊ Commission on Criminal and Juvenile Justice
  - ◊ Sentencing Commission
  - ◊ Governor's Council on Domestic Violence
  - ◊ Governor's Commission for Women and Families
  - ◊ Governor's Initiative on Families Today (GIFT)
- (2) Office of the Attorney General
  - ◊ Child Protection Division
  - ◊ Children's Justice Division

- ◇ Child & Family Support Division
- ◇ Prosecution Council
- (3) Department of Human Services
  - ◇ Division of Child and Family Services
  - ◇ Division of Youth Corrections
  - ◇ Division of Mental Health
  - ◇ Office of Recovery Services
  - ◇ Foster Care Citizen Review Board Steering Committee
  - ◇ Governor's Council for People with Disabilities
  - ◇ Services for People with Disabilities
  - ◇ Aging and Adult Services
- (4) Child Abuse and Neglect Council
- (5) F.A.C.T.
- (6) Office of Education

**E. LOCAL (VARIES BY COMMUNITY)**

- (1) County Mental Health
- (2) Valley Mental Health, Children's Mental Health Unit
- (3) County Clerks in Secondary Sites
- (4) Children's Justice Centers
- (5) Salt Lake County Division of Youth Services
- (6) Salt Lake County Commission on Youth

**F. PRIVATE (VARIES BY COMMUNITY)**

- (1) Utah Children
- (2) YWCA
- (3) Primary Children's Hospital, Child Protection Team
- (4) Child Custody Evaluators
- (5) Odyssey House

## Summary of New Adult Sentencing & Release Guidelines

Pursuant to its statutory authority, the Utah Sentencing Commission promulgates revised Sentencing and Release Guidelines for adult criminal offenders. The Sentencing Commission is a diverse body, comprised of twenty-seven members representing all aspects of the criminal justice system. Each member brings expertise and a unique perspective to the Sentencing Commission, which has proved invaluable in the creation of these guidelines.

The goal of the guidelines is to bring more objectivity, uniformity, proportionality, and predictability to the sentencing and release processes. At the same time, the guidelines intend to preserve individualized discretion and case-by-case analyses by judges and the Board of Pardons and Parole. The guidelines do not attempt to replace decision making relative to sentencing and release, but rather seek to further structure such decision making. Consequently, compliance with the guidelines is completely voluntary. However, compliance is strongly encouraged as a method of achieving the goals of the guidelines.

Guidelines should reflect the culpability of the offender based on the nature of the current offense and the offender's role coupled with the offender's criminal history. Aggravating and mitigating factors should also be considered in an effort to focus on the particular circumstances of each crime, offender, and victim involved. The sentencing guidelines matrices include a variety of sentencing options to accommodate a continuum of sanctions such as regular probation, intermediate sanctions, and imprisonment. The new guidelines incorporate various revisions which range from addressing new statutory law to implementing new policy involving risk assessment. (See reverse side for specific changes.)

For the guidelines to function well, several basic policies are important. Prosecutors may use the guidelines to determine the implications of charging and plea negotiations. Presentence investigations are helpful to the Board of Pardons and Parole as well as the court and should be completed even when the court may not deem it necessary in a particular case. The recommendations made to the judge should conform to the guidelines unless aggravating or mitigating circumstances are documented in the recommendations. Judges are encouraged to sentence within the guidelines unless they document reasons for departure. The Board of Pardons and Parole requires an updated guidelines form completed on each offender appearing for an original parole grant hearing. Except where there are aggravating or mitigating factors, the Board is encouraged to make decisions compatible with the guidelines.

The Sentencing Commission recognizes that sentencing and release issues are dynamic and that guidelines, in order to be effective, must be amenable to change. Hence, flexibility and adaptability have been built into the guidelines. Furthermore, the Sentencing Commission is committed to tracking, reviewing, and revising the guidelines to ensure that they reflect current policy and practice in the criminal justice arena.

Oct. 15, 1998 Official Start Date

## ADMINISTRATION OF THE JUDICIARY

### Rule 3-406

(D) **Tuition, fees, and travel.** The Committee shall develop policies and procedures for paying tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for discretionary social activities, recreation, or spouse participation. The Committee may set financial limits on reimbursement for attendance at selective programs, with the individual participant personally making up the difference in cost when the cost exceeds program guidelines.

Adopted effective April 15, 1991; March 31, 1992; May 1, May 15, 1994.)

#### 3-404. Public information program.

To establish a public information program within the Administrative Office.

To identify the Administrative Office as primarily responsible for the administration and management of the public information program.

To establish criteria governing the type of public information services which shall be provided to the judiciary, the public, and the public.

#### Applicability:

This rule shall apply to the judiciary.

#### Statement of the Rule:

A public information program is established within and administered by the Administrative Office. The goal of the public information program is to establish strategies which reflect the judiciary's missions, goals and activities in a manner which reflects a positive image of the courts.

The public information program shall include: (a) the development and maintenance of internal communication and relations with the media; (b) the development and maintenance of public communications and relations with the media; (c) the development of technical resources and expertise and the application of methods for providing technical advice in the cases; (d) the development and maintenance of public information programs; and (e) the publication of a biennial report on the operations of the courts including financial and statistical data, recommendations for legislative or administrative action and a general review of the activities of the judiciary.

Adopted effective January 15, 1990.)

#### 3-405. Contract management.

To provide for efficiency, accuracy, precision, and accountability in the administration of contracts specified by this rule.

This rule applies to state funded courts.

#### Statement of the Rule:

Applicability. The following contracts shall conform to provisions of this rule:

- (A) contracts for the lease or purchase of real property or improvements to real property, including the lease of facilities from local governments;
- (B) contracts for the maintenance of real property or improvements to real property purchased or leased by the judiciary;
- (C) contracts for the reimbursement of local governments for secondary court sites;
- (D) contracts for professional or technical services;

(E) contracts with the guardian(s) ad litem of juveniles; and

(F) other contracts specified by the director of support services.

(2) Contracts specified in this rule or by administrative regulations adopted pursuant to this rule shall be in writing and shall be maintained in the administrative office.

(3) Negotiations for contracts governed by this rule are to be conducted jointly by the director of support services and the person(s) supervising the program(s) affected by the contract. The director of support services shall notify General Counsel of the negotiations. Other individuals may be included in the negotiations as needed.

(4) Prior to the execution of any contract governed by this rule, General Counsel shall review the proposed contract as to form and legal sufficiency, and the director of finance shall approve the contract as to availability of funds.

(5) The administrative office shall develop procedures to implement this rule. The procedures shall include guidelines for the identification of further contracts to be made subject to this rule and procedures to ensure that such contracts are awarded in accordance with the procurement code.

(6) Court executives shall be responsible for contracting activities as set forth in the administrative regulations adopted pursuant to this rule.

Adopted effective April 15, 1991; May 1, 1993.)

#### Rule 3-406. Budget and fiscal management.

##### Intent:

To develop and maintain the policies and programs of the judiciary through sound fiscal management.

To provide for sound fiscal management through the coordinated and cooperative effort of central and local authorities within the judiciary.

To maintain accountability for appropriated funds, and to maintain a balanced budget.

To cooperate with the Governor and the Legislature in managing the fiscal resources of the state.

##### Applicability:

This rule shall apply to the management of all funds appropriated by the state to the judiciary.

##### Statement of the Rule:

(1) **Fiscal programs and program directors established.** For purposes of fiscal management, the judiciary is divided into the following programs. Each program budget is managed by the designated program director:

- |                           |                              |
|---------------------------|------------------------------|
| (A) Administrative Office | Director of Support Services |
| (B) Supreme Court         | Court Executive              |
| (C) Supreme Court Library | Law Librarian                |
| (D) Court of Appeals      | Court Executive              |
| (E) District Court        | District Court Administrator |
| (F) Juvenile Court        | Juvenile Court Administrator |
| (G) Justice Court         | Justice Court Administrator  |
| (H) Judicial Education    | Judicial Education Manager   |
| (I) Data Processing       | Data Processing Manager      |

Programs shall be divided by geographic division of the courts of record. The budgets of the geographic division shall be managed by the court executives subject to the general supervision of the program director.

##### (2) Budget management.

(A) **Responsibility of the Council.** The responsibility of the Council is to:

- (i) cooperate with the Governor and the Legislature in managing the fiscal resources of the state;

(ii) assure that the budget of the judiciary remains within the limits of the appropriation set by the Legislature; and

(iii) allocate funds as required to maintain approved programs and to assure a balanced judicial budget.

**(B) Responsibility of the state court administrator.** It is the responsibility of the state court administrator to:

(i) implement the directives of the Council;

(ii) direct the management of the judiciary's budget, including orders to reduce or redirect allocations upon notice to the Council; and

(iii) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches.

**(C) Responsibility of the Administrative Office.** It is the responsibility of the administrative office to:

(i) clear all warrants and other authorizations for the payment of accounts payable for the availability of funds;

(ii) monitor all expenditures;

(iii) provide monthly expenditure reports by court to court executives, program directors, the state court administrator, Boards of Judges and the Council; and

(iv) develop a manual of procedures to govern the payment of accounts payable and the audit thereof. The procedures shall be in conformity with generally accepted principles of accounting and budget management.

**(D) Responsibility of the program directors.** Within their respective programs, it is the responsibility of the program directors to:

(i) comply with the directives of the Council and the state court administrator;

(ii) administer the reduction or redirection of allocations;

(iii) monitor all expenditures;

(iv) supervise and manage court budgets in accordance with the manual of procedures; and

(v) develop recommendations for fiscal priorities, the allocation of funds, and the reduction or redirection of allocations.

**(E) Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(i) comply with the directives of the Council, the state court administrator, and the program director, and to consult with the presiding judge and the individual judges of that jurisdiction concerning budget management;

(ii) develop work programs that encumber no more funds than may be allocated, including any reduction in allocation;

(iii) amend work programs as necessary to reflect changes in priorities, spending patterns, or allocation;

(iv) credit and debit accounts that most accurately reflect the nature of the planned expenditure;

(v) authorize expenditures;

(vi) prepare warrants and other authorizations for payment of accounts payable for submission to the Administrative Office;

(vii) monitor all expenditures; and

(viii) develop recommendations for fiscal priorities, the allocation of funds, and the reduction or redirection of allocations.

**(3) Budget development.**

**(A) Responsibility of the Council.** It is the responsibility of the Council to:

(i) establish responsible fiscal priorities that best enable the judiciary to achieve the goals of its policies;

(ii) develop the budget of the judiciary based upon the needs of organizations and the priorities established by the Council;

(iii) communicate the budget of the judiciary to the executive and legislative branches; and

(iv) allocate funds to the geographic divisions of courts in accordance with priorities established by the Council.

**(B) Responsibility of the Boards.** It is the responsibility of the Boards to:

(i) develop recommendations for funding priorities; and

(ii) review, modify, and approve program budgets for submission to the Council.

**(C) Responsibility of the state court administrator.** It is the responsibility of the state court administrator to:

(i) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches; and

(ii) develop recommendations to the Council for fiscal priorities and the allocation of funds.

**(D) Responsibility of the Administrative Office.** It is the responsibility of the Administrative Office to:

(i) develop a schedule for the timely completion of the budget process, including the completion of all intermediate tasks;

(ii) assist program directors and court executives in the preparation of budget requests; and

(iii) compile the budget of the judiciary.

**(E) Responsibility of the program directors.** Within their respective programs, it is the responsibility of program directors to review, modify, and approve budget requests.

**(F) Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(i) work closely with presiding judges, judges, and staff to determine the needs of the organization; and

(ii) develop a budget request that adequately and appropriately meets those needs.

**(4) General provisions.**

**(A)** Appropriations dedicated by the Legislature or allocations dedicated by the Council shall be expended in accordance with the stated intent.

**(B)** All courts and the Administrative Office shall comply with the provisions of state law and the manual of procedures.

**(C)** Reductions in allocations, reductions in force, and furloughs may be ordered by the state court administrator with notice to the Council. In amending the work program to reflect a budget cut, reductions in force and furloughs shall be used only when absolutely necessary to maintain a balanced budget. If reductions in force are necessary, they shall be made in accordance with approved personnel procedures. If furloughs are necessary, they should occur for no more than two days per pay period.

(Amended effective November 1, 1996.)

**Rule 3-407. Accounting.**  
**Intent:**

To establish uniform procedures for the processing, tracking, and reporting of accounts receivable and trust accounts.

---

**1997-1998**

**Annual Report**

to the

**Utah Judicial Council**

by the

**Standing Committee on Judicial  
Branch Education**

**and the Education Division,  
Administrative Office of the Courts**

**August 28, 1998**

---

---

## Executive Summary

The Standing Committee on Judicial Branch Education approves the education budget each year and directs Education Division staff to implement educational programs and services for all judges and court staff. From the Education Division operating budget (no salaries included) of \$386,499, the following educational programs and conferences were sponsored or supported. Summary data are presented below.

Out-of-State Education Programs:	68 Programs Attended
Conferences for Judges and Court Staff:	17 Conferences 1,937 Attendees
Classes for Court Staff:	192 Classes Held 1,963 Attendees
Local Discretionary Programs:	60 Programs (approximately) Sponsored by Local Districts

---



---

**Total Number of Conferences and  
Conference Participants**

<b>Conference/Workshop</b>	<b>Date</b>	<b># Participants</b>
Justice Court Judges' Workshop	Aug. 1997	80
Annual Judicial Conference	Sept. 1997	120
Annual Employees' Conference	Sept. 1997	575
NAWJ Annual Conference (sponsored by NAWJ)	Sept. 1997	300
Justice Court Clerks Fall Conference	Oct. 1997	110
Restorative Justice Conference (funded by RESTTA funds)	Oct. 1997	60
Justice Court Judges' Workshop	Dec. 1997	50
Winter Judicial Institute	Feb. 1998	16
Legislative Update	Mar. 1998	90
Justice Court Judges' Conference	Apr. 1998	120
Juvenile Court Judges' Conference	Apr. 1998	23
Justice Court Clerks' Spring Conference	Apr 1998	150
Appellate Court Judges' Conference	May 1998	13
District Court Judges' Conference	May 1998	70
Rural Court Employees' Conference	May 1998	110
Trial Court Management Workshop (cosponsored with Idaho state courts)	June 1998	30
Understanding Sexual Violence (grant funded)	June 1998	20
<b>Total Number of Conferences</b>		<b>17</b>
<b>Total Number of Participants</b>		<b><u>1,937</u></b>

---



---

## Classes for Clerks, Probation Officers and Managers

Total Number of Courses	55
Total Number of Classes Held	192
Total Number of Participants	1963

### Classes Include:

- *New Employees Orientation*
  - *Conflict in the Office*
  - *Stress Management*
  - *Appeals Court Operations*
  - *Court Security*
  - *Domestic Violence*
  - *Managing Change*
  - *Adolescence and Delinquency*
  - *Chronic Offenders*
  - *Diversity Awareness*
  - *Drug Recognition Training*
  - *Self Defense for Probation Officers*
-

---

## Standing Committee on Judicial Branch Education

### Committee Initiatives and Areas of Interest

#### Technology

The Standing Committee on Judicial Branch Education is interested in utilizing the available technology in a number of areas, and is interested in helping to upgrade the computer skills of judges and court staff. To these ends, the committee has:

- Supported computer training and all judicial conferences;
- Provided computer training to court employees through the Education Division; and
- Utilized e-mail for judicial conference registrations.

#### Faculty Development

This year, the Standing Committee was able to send a team to the Leadership Institute in Judicial Education, a program sponsored by the University of Memphis and funded by the State Justice Institute. This program allows states to learn more about adult education and curriculum development, as well as create education plans for their states. As a part of this program, a local Leadership Institute was held for all other Standing Committee members and judges who served on planning committees for spring conferences.

Additionally, several judges attended the Institute for faculty Excellence in Judicial Education, sponsored by the National Council of Juvenile and Family Court Judges. As a part of this program, participants developed projects, many of which have been implemented or taught in our state this year, including:

- Juvenile Court Benchbook (Judge Mark Andrus)
- Family Law Training (Comm. Mike Evans)
- Judges in the Community (Judge Mike Wilkins)
- Justice Court Mentoring and Orientation (Judge John Sandberg)

#### Additional Programs

This year, the Education Division assisted in the National Association of Women Judges' Annual Conference, held October 1998 in Salt Lake City. Additionally, the Education Division received funding from the Violence Against Women Act (VAWA) to provide education in the area of domestic violence for both judges and staff. With this funding, a nationally development curriculum was presented for judges in June 1998, "Understanding Sexual Violence: The Judicial Response to Rape and Sexual Assault." Domestic violence training for court clerks was presented in July 1998.

---

### **Rule 3-403. Judicial branch education.**

#### **Intent:**

To establish a Standing Committee on Judicial Branch Education to develop and evaluate a comprehensive education program for all judges, commissioners and court staff.

To establish education standards for judges, commissioners and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

#### **Applicability:**

This rule shall apply to all judges, commissioners and court staff, except seasonal employees and law clerks.

#### **Statement of the Rule:**

##### **(1) Organization.**

**(A) The Standing Committee on Judicial Branch Education.** There is hereby established a Standing Committee on Judicial Branch Education which shall submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It shall evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

**(B) Membership.** Committee members shall be appointed by the Council, which shall also designate a chairperson. The Committee shall be composed of the following members: one judge from each of the following courts: appellate, juvenile, district, circuit, and justice courts; one state level administrator; the Human Resource Management Director; one court executive; one juvenile court probation representative; two court clerks from different levels of court and different judicial districts; one data processing manager; one adult educator and such other members as may be appointed by the Council. The Human Resource Management Director and the adult educator shall serve as non-voting members.

**(C) Terms of members.** The state level administrator and the Human Resource Management Director shall serve as permanent Committee members. All other members shall serve three-year terms.

**(D) Responsibilities of members.** Committee members shall propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

**(E) Committee meetings.**

(i) The Committee shall meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(D).

**(2) Administration.**

**Judicial Education Officer.** The Judicial Education Officer, under the direction of the Court Administrator, shall serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

**(3) Standards for judges and court commissioners.**

**(A) Program requirements.** All judges and court commissioners shall participate in a designated orientation program during their first year and, subsequently, shall complete 30 hours of pre-approved education annually, to be implemented on a schedule coordinated by the Committee. Judges of courts of record and court commissioners may attend a combination of approved local, state, or national programs; however, attendance at the annual Utah Judicial Conference is mandatory absent good cause. Judges of courts not of record shall attend the annual Justice Court Conference, other mandatory programs as required by statute or this Code and such other pre-approved programs as necessary to complete 30 hours of education annually.

**(B) Program components.** Education programs for judges and court commissioners shall include: A mandatory new judge orientation program; a variety of programs addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of judges and court commissioners over the long term.

**(4) Standards for court staff.**

**(A) Program requirements.** All court staff shall complete 20 hours of approved

coursework annually.

(B) **Program components.** Education programs for court staff shall include: on-the-job orientation for new employees as well as semi-annual Orientation Academies; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.

**(5) Reporting.**

(A) Judges, commissioners and court staff governed by these standards shall report participation in education programs on a form developed by the Committee.

(B) For judges and commissioners, compliance with education standards shall be an element of the judicial performance evaluation program and the certification process.

(C) For court staff, compliance with judicial branch education standards shall be a performance criterion in the evaluation of all staff.

(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards or to provide staff with the opportunity to meet minimum education standards will result in an unsatisfactory performance evaluation in the education criterion.

(ii) Failure of staff to meet the minimum education requirements will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control.

**(6) Credit.** Judicial education procedures shall include guidelines for determining which programs qualify as approved education within the meaning of these standards.

**(7) Funding.**

(A) **Budget.** In preparing its annual request for legislative appropriations, the Council shall receive and consider recommendations from the Committee. The Committee's annual education plan shall be based upon the Council's actual budget allocation for judicial education.

(B) **In-state education programs.** Judicial branch funds allocated to in-state judicial education shall first be used to support mandatory in-state orientation programs for all judicial branch employees and then for other education priorities as established by the Committee with input from the Boards of Judges and Administrative Office.

**(C) Out-of-state education programs.** To provide for diverse educational development, to take advantage of unique national opportunities, and to utilize education programs which cannot be offered in-state, the annual education plan shall include out-of-state education opportunities. The Committee shall approve national education providers and shall include in the education procedures, criteria to be applied by the Administrative Office to out-of-state education requests. Criteria shall include relevance to the attendee's current assignment and attendance at in-state programs. Disagreement with a decision to deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's request.

**(D) Tuition, fees, and travel.** The Committee shall develop policies and procedures for paying tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for discretionary social activities, recreation, or spouse participation. The Committee may set financial limits on reimbursement for attendance at elective programs, with the individual participant personally making up the difference in cost when the cost exceeds program guidelines.

(Amended effective April 15, 1991.)

Amendment Notes. - The 1990 amendment rewrote this rule.