

1 | **Rule 4-302. ~~Uniform~~ Recommended fine/bail ~~Uniform Fine~~ Schedule.**

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3 | **Intent:**

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5 | To provide a guideline for courts in setting bail-fines in felony and misdemeanor cases in order
6 | to promote uniformity and consistency in setting bail-fines for similar offenses in all courts.

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8 | To assist the sentencing judge in determining the appropriate fine to be imposed as a condition
9 | of the sentence in a particular case, and to minimize disparity in sentencing for similar offenses
10 | and offenders.

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12 | **Applicability:**

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

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16 | **Statement of the Rule:**

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18 | (1) The Uniform Fine/~~Bail~~ Schedule Committee shall establish a uniform fine/~~bail~~ schedule
19 | setting forth recommended fine ~~and bail~~ amounts for all criminal and traffic offenses, pursuant to
20 | the Utah Code. The fine/~~bail~~ schedule shall be reviewed and approved by the Council. For
21 | automated courts, the committee shall oversee and monitor input to the computerized fine/~~bail~~
22 | schedule to ensure that the fine/~~bail~~ amounts are consistent with the uniform fine/~~bail~~ schedule
23 | approved by the Council.

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25 | (2) The recommended fine for each offense shall be proportional to the seriousness of the
26 | offense and the offender's criminal history, and shall be consistent with the Utah Sentencing
27 | Guidelines developed by the Utah Commission on Criminal and Juvenile Justice.

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29 | (3) The uniform recommended fine schedule shall consist of a felony schedule and, a
30 | misdemeanor schedule ~~and a youth offender schedule~~.

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32 | (4) The uniform recommended fine schedule shall include criteria for aggravating and mitigating
33 | circumstances, and shall not limit the authority of the court to impose a sentence deemed just in
34 | the discretion of the judge.

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36 | (5) Presentence investigation reports ~~prepared by the Department of Corrections in felony cases~~
37 | ~~and the Juvenile Court Probation Department in juvenile cases~~ shall include a recommended
38 | disposition for each case based upon the individual's circumstances. The reports shall include a
39 | recommended fine based upon the schedule or a recommendation that no fine be imposed, and
40 | a recommendation of incarceration, probation or other alternative. In Class B misdemeanor
41 | cases, the presentence investigation report shall include such a recommended disposition for
42 | each case if specifically requested by the referring judge.

44 | (6) The approved uniform fine/~~bail~~ schedule shall be published as an appendix to this Code and
45 | distributed to appropriate state and local law enforcement agencies.

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47 | (7) The committee shall meet at least once annually to review the uniform fine/~~bail~~ schedule and
48 | recommend adjustments in the schedule as necessary.

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50 | (8) Notice of the committee's meetings shall be provided to interested agencies, as designated
51 | by the committee, to provide such agencies an opportunity to appear before the committee and
52 | present proposals for changes to the uniform fine/~~bail~~ schedule.

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54 | (9) When imposing fines and ~~setting bail~~, courts should conform to the uniform fine/~~bail~~
55 | schedule except in cases where aggravating or mitigating circumstances warrant a deviation
56 | from the schedule.

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58 | *Effective May 12, 2020*