

Legislative bills influencing the Justice Court and Prosecutor's Office

Question: Do the revenue projections reflect the bill passed by the state legislature creating a \$32.00 justice court security surcharge which raises the cost of minor traffic violations?

Response: Yes they do. A summary and impact of all bills passed this last session that impacts the court follows:

H.B. 121 – Requires that a Plea in Abeyance be entered into by the defendant when given the option of traffic school, and the City must pay a surcharge on the Plea in Abeyance fee. In the past, when someone attended traffic school in Salt Lake City, the underlying charge was dismissed and never reported to the Drivers License Division (DLD) so no surcharge had to be paid. Now, you must plead guilty to the charge, sign a waiver of rights, and then the court must report the plea to the DLD. After the defendant has complied with the traffic school and paid the fine, the court sends a dismissal to the DLD. The sending of the plea and the dismissal will be done electronically. The court will offset the loss in revenue by charging a higher plea in abeyance fee. This bill could have created a huge pull on both Prosecutor and Court resources; however the Court and the Prosecutor have worked together to minimize this impact as much as possible, however, the Prosecutor's Office must now review and sign all Pleas in Abeyance forms whereas before they did not have to deal with these cases at all. The form has doubled in size (more paperwork), and the hearing officer must take the time to explain to the defendant the impact of the Plea in Abeyance.

S.B. 72 – Dispositions of fines for vehicle registration violations. This bill allocates 50% of the fine that is paid to go to the law enforcement agency issuing the violation. Currently the City keeps all of the revenue from these violations. This only affects violations issued for 41-1a-1303(2) related to registration of vehicles after establishing residency (registering your vehicle out of state). The tracking of this money will be done through software changes so no additional staffing is required. The purpose of this bill was to encourage police agencies to write more of these violations, so it is anticipated that the additional citations will offset the any revenue loss.

S.B. 196 – Security Surcharge. This bill adds a \$32 fee to all criminal traffic and misdemeanor cases. Of this \$32.00, the city will keep \$6.40, once collected. It is imperative that the Prosecutor take this into account when recommending fines and the Court has worked with the Prosecutors office to make them aware of this. It is projected that this will be an additional \$128,000 in revenue and has already been included in the budget. The breakdown of this fee will be accomplished with changes in software, so no additional court resources are needed.

H.B. 124, S.B. 72, and S.B. 118 – Small Claims Changes. There are several changes in the small claims procedures and forms. The most notable being an increase in the amount of the claim that you may file for in Small Claims Court. (\$5,000 to \$7,500). The changes required new forms, but it was anticipated that there would be changes and the court limited the number of old forms that were printed. Now the changes are in place it is not anticipated that this will require any additional resources or change revenue.

CJA Rule 4-701(1) – Increase in late fee. This Rule change increases the late fee that the court can charge after 14 days from \$20.00 to \$50.00. The applicable surcharge must be paid on this but it is anticipated that an additional \$100,000 will be generated by this change. This amount is included in the budget.