

1                   **CRIMINAL ACCOUNTS RECEIVABLE AMENDMENTS**

                          2024 GENERAL SESSION

                          STATE OF UTAH

**Chief Sponsor: Mark A. Wheatley**

                          Senate Sponsor: Michael S. Kennedy

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3   **LONG TITLE**

4   **General Description:**

5       This bill amends provisions related to a criminal accounts receivable.

6   **Highlighted Provisions:**

7       This bill:

8           ▸ defines terms;

9           ▸ creates a process to allow certain individuals to request a credit towards debt owed as  
10 part of a criminal judgment upon a payment of restitution;

11          ▸ requires the Office of State Debt Collection to provide notice and written confirmation  
12 to certain individuals who are eligible for the credit;

13          ▸ grants the Office of State Debt Collection [~~with~~]the authority to make rules regarding  
14 the administration of the credit;

15          ▸ requires the Office of State Debt Collection to report to the Judiciary Interim Committee  
16 before November 30, 2025;

17          ▸ clarifies the term, "criminal accounts receivable";

18          ▸ provides that a defendant is required to pay \$50 per month [~~towards~~] toward a criminal  
19 accounts receivable when a court is unable to determine, or does not provide, an amount for  
20 the payment schedule; and

21          ▸ makes technical and conforming changes.

22   **Money Appropriated in this Bill:**

23       None

24   **Other Special Clauses:**

25       This bill provides a special effective date.

26   **Utah Code Sections Affected:**

27   AMENDS:

28 77-32b-102, as renumbered and amended by Laws of Utah 2021, Chapter 260

29 77-32b-103, as last amended by Laws of Utah 2023, Chapter 330

30 ENACTS:

31 63A-3-508, as Utah Code Annotated 1953

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33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section 63A-3-508 is enacted to read:

35 **63A-3-508 . Written request to receive a credit for a restitution payment --**

36 **Eligibility requirements.**

37 (1) As used in this section:

38 (a) "Debt" means any amount that:

39 (i) an individual owes as part of a criminal judgment; and

40 (ii) is collected and managed by the office.

41 (b) "Eligible individual" means an individual who meets the requirements of Subsection

42 (2).

43 (c) "Qualifying debt" means a debt that is a fine, a fee, a surcharge, or any other money,

44 that is deposited into the General Fund by the state treasurer.

45 (d) "Voluntary payment" means a payment on a debt that is made before, or in the

46 absence of, a legal proceeding or administrative action to collect or enforce the

47 collection of the debt.

48 (2) An individual is eligible for a credit described in Subsection (3) if:

49 (a) the individual submits a written request, on or after May 1, 2024, and before May 1,

50 2026, to the office requesting the credit;

51 (b) the individual owes a debt of \$3,000 or greater at the time of the written request; and

52 (c) the individual was sentenced before July 1, 2021, for a criminal judgment for which

53 the individual owes a debt.

54 (3) (a) If an eligible individual makes a voluntary payment toward any restitution owed

55 by the individual, the office shall issue a credit against any qualifying debt owed by

56 the individual in the amount of 75% of the amount applied to restitution.

57 (b) The office may issue the credit described in Subsection (3) to any voluntary payment

58 made toward restitution before the written request was submitted as described in

59 Subsection (2).

60 (4) The office shall provide:

61 (a) reasonable notice of eligibility before May 1, 2026, to any individual that may be

- 62 eligible for the credit as described in Subsection (2)(b) and (c); and
- 63 (b) if an individual submits a written request as described in Subsection (2)(a), a written
- 64 confirmation as to whether the individual is an eligible individual and will receive a
- 65 credit as described in Subsection (3).
- 66 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 67 office may make rules regarding the administration of this section.
- 68 (6) By no later than November 30, 2025, the office shall report to the Judiciary Interim
- 69 Committee on the outcomes of this section and whether the eligibility period described
- 70 in Subsection (2) should be extended beyond May 1, 2026.
- 71 (7) Nothing in this section authorizes the office to reimburse or refund an individual for any
- 72 payment on a debt.

73 Section 2. Section **77-32b-102** is amended to read:

74 **77-32b-102 . Definitions.**

75 As used in this chapter:

- 76 (1) "Board" means the Board of Pardons and Parole.
- 77 (2) (a) "Civil accounts receivable" means any amount of the criminal accounts
- 78 receivable that is owed by the defendant that has not been paid on or before the day
- 79 on which:
  - 80 (i) the defendant's sentence is terminated; or
  - 81 (ii) the court enters an order for a civil accounts receivable under Subsection
  - 82 77-18-114(1) or (2).
- 83 (b) "Civil accounts receivable" does not include any amount of the criminal accounts
- 84 receivable that is owed by the defendant for restitution.
- 85 (3) "Civil judgment of restitution" means any amount of the criminal accounts receivable
- 86 that is owed by the defendant for restitution that has not been paid on or before the day
- 87 on which the defendant's sentence is terminated.
- 88 (4) (a) "Criminal accounts receivable" means any amount owed by a defendant that
- 89 arises from a criminal judgment until:
  - 90 (i) the defendant's sentence terminates;
  - 91 (ii) the court enters an order for a civil accounts receivable under Subsection
  - 92 77-18-114(1) or (2); or
  - 93 (iii) if the court requires the defendant, upon termination of the probation period for
  - 94 the defendant, to continue to make payments on the criminal accounts as
  - 95 described in Subsection 77-18-105(8), the defendant's sentence expires.

- 96 (b) "Criminal accounts receivable" includes any unpaid:  
 97 (i) fee, including the monthly supervision fee described in Subsection 64-13-21(6);  
 98 (ii) forfeiture;  
 99 (iii) surcharge;  
 100 (iv) cost;  
 101 (v) interest;  
 102 (vi) penalty;  
 103 (vii) restitution;  
 104 (viii) third party claim;  
 105 (ix) reimbursement of a reward; and  
 106 (x) damages.

107 [~~(b) "Criminal accounts receivable" includes unpaid fees, forfeitures, surcharges, costs,~~  
 108 ~~interest, penalties, restitution, third party claims, claims, reimbursement of a reward,~~  
 109 ~~and damages.]~~

- 110 (5) "Default" means a civil accounts receivable, a civil judgment of restitution, or a criminal  
 111 accounts receivable that is overdue by at least 90 days.  
 112 (6) "Delinquent" means a civil accounts receivable, a civil judgment of restitution, or a  
 113 criminal account receivable that is overdue by more than 28 days but less than 90 days.  
 114 (7) "Payment schedule" means the amount that is be paid by a defendant in installments, or  
 115 by a certain date, to satisfy a criminal accounts receivable for the defendant.  
 116 (8) "Remit" or "remission" means to forgive or to excuse, in whole or in part, any unpaid  
 117 amount of a criminal accounts receivable.  
 118 (9) "Restitution" means the same as that term is defined in Section 77-38b-102.

119 Section 3. Section **77-32b-103** is amended to read:

120 **77-32b-103 . Establishment of a criminal accounts receivable -- Responsibility --**  
 121 **Payment schedule -- Delinquency or default.**

- 122 (1) (a) Except as provided in Subsection (1)(b) and (c), at the time of sentencing or  
 123 acceptance of a plea in abeyance, the court shall enter an order to establish a criminal  
 124 accounts receivable for the defendant.  
 125 (b) The court is not required to create a criminal accounts receivable for the defendant  
 126 under Subsection (1)(a) if the court finds that the defendant does not owe restitution  
 127 and there are no other fines or fees to be assessed against the defendant.  
 128 (c) Subject to Subsection 77-38b-205(5), if the court does not create a criminal accounts  
 129 receivable for a defendant under Subsection (1)(a), the court shall enter an order to

- 130 establish a criminal accounts receivable for the defendant at the time the court enters  
131 an order for restitution under Section 77-38b-205.
- 132 (2) After establishing a criminal accounts receivable for a defendant, the court shall:
- 133 (a) if a prison sentence is imposed and not suspended for the defendant:
- 134 (i) accept any payment for the criminal accounts receivable that is tendered on the  
135 date of sentencing; and
- 136 (ii) transfer the responsibility of receiving, distributing, and processing payments for  
137 the criminal accounts receivable to the Office of State Debt Collection; and
- 138 (b) for all other cases:
- 139 (i) retain the responsibility for receiving, processing, and distributing payments for  
140 the criminal accounts receivable until the court enters a civil accounts receivable  
141 or civil judgment of restitution on the civil judgment docket under Subsection  
142 77-18-114(1) or (2); and
- 143 (ii) record each payment by the defendant on the case docket.
- 144 (c) For a criminal accounts receivable that a court retains responsibility for receiving,  
145 processing, and distributing payments under Subsection (2)(b)(i), the Judicial Council  
146 may establish rules to require a defendant to pay the cost, or a portion of the cost, for  
147 an electronic payment fee that is charged by a financial institution for the use of a  
148 credit or debit card to make payments towards the criminal accounts receivable.
- 149 (3) (a) Upon entering an order for a criminal accounts receivable, the court shall  
150 establish a payment schedule for the defendant to make payments towards the  
151 criminal accounts receivable.
- 152 (b) In establishing the payment schedule for the defendant, the court shall consider:
- 153 (i) the needs of the victim if the criminal accounts receivable includes an order for  
154 restitution under Section 77-38b-205;
- 155 (ii) the financial resources of the defendant, as disclosed in the financial declaration  
156 under Section 77-38b-204 or in evidence obtained by subpoena under Subsection  
157 77-38b-402(1)(b);
- 158 (iii) the burden that the payment schedule will impose on the defendant regarding the  
159 other reasonable obligations of the defendant;
- 160 (iv) the ability of the defendant to pay restitution on an installment basis or on other  
161 conditions fixed by the court;
- 162 (v) the rehabilitative effect on the defendant of the payment of restitution and method  
163 of payment; and

- 164 (vi) any other circumstance that the court determines is relevant.
- 165 (c) If the court is unable to determine the appropriate amount for the payment schedule  
166 or does not set an amount for the payment schedule, the defendant is required to pay  
167 \$50 per month toward the criminal accounts receivable.
- 168 (4) A payment schedule for a criminal accounts receivable does not limit the ability of a  
169 judgment creditor to pursue collection by any means allowable by law.
- 170 (5) If the court orders restitution under Section 77-38b-205, or makes another financial  
171 decision, after sentencing that increases the total amount owed in a defendant's case, the  
172 defendant's criminal accounts receivable balance shall be adjusted to include any new  
173 amount ordered by the court.
- 174 (6) (a) If a defendant is incarcerated in a county jail or a secure correctional facility, as  
175 defined in Section 64-13-1, or the defendant is involuntarily committed under Section  
176 26B-5-332:
- 177 (i) all payments for a payment schedule shall be suspended for the period of time that  
178 the defendant is incarcerated or involuntarily committed, unless the court, or the  
179 board if the defendant is under the jurisdiction of the board, expressly orders the  
180 defendant to make payments according to the payment schedule; and
- 181 (ii) the defendant shall provide the court with notice of the incarceration or  
182 involuntary commitment.
- 183 (b) A suspension under Subsection (6)(a) shall remain in place for 60 days after the day  
184 in which the defendant is released from incarceration or commitment.
- 185 Section 4. **Effective date.**
- 186 This bill takes effect on July 1, 2024.