

1 **Rule 4-302. Uniform recommended fine/bail schedule.**

2 Intent:

3 To provide a guideline for courts in setting bail in felony and misdemeanor cases in
4 order to promote uniformity and consistency in setting bail for similar offenses in all
5 courts.

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

9 Applicability:

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

11 Statement of the Rule:

12 (1) The Uniform Fine/Bail Schedule Committee shall establish a uniform fine/bail
13 schedule setting forth recommended fine and bail amounts for all criminal and traffic
14 offenses, pursuant to [the](#) Utah Code ~~Ann. Sections 76-3-301(1) and 78-3a-516 et seq.~~
15 The fine/bail schedule shall be reviewed and approved by the Council. For automated
16 courts, the committee shall oversee and monitor input to the computerized fine/bail
17 schedule to ensure that the fine/bail amounts are consistent with the uniform fine/bail
18 schedule approved by the Council.

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

23 (3) The uniform recommended fine schedule shall consist of a felony schedule, a
24 misdemeanor schedule and a youth offender schedule.

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

28 (5) Presentence investigation reports prepared by the Department of Corrections in
29 felony cases and the Juvenile Court Probation Department in juvenile cases shall
30 include a recommended disposition for each case based upon the individual's
31 circumstances. The reports shall include a recommended fine based upon the schedule

32 or a recommendation that no fine be imposed, and a recommendation of incarceration,
33 probation or other alternative. In Class B misdemeanor cases, the presentence
34 investigation report shall include such a recommended disposition for each case if
35 specifically requested by the referring judge.

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

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

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

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

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