



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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February 9, 2017

Mr. President,

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 169**, JUDICIARY AMENDMENTS, by Senator L. W. Hillyard, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. *Page 8, Lines 216 through 230:*

216 (i) an order granting an expungement, if the expungement was opposed by the
217 prosecution or a victim before the order was entered.
218 { ~~(6) A notice of appeal for a hearing de novo in the district court on a~~
~~pretrial order~~
219 ~~excluding evidence under Subsection (5)(e) or (f) shall be filed within 28 days of the~~
~~order~~
220 ~~excluding the evidence.~~ }
221 [(6)] { ~~(7)~~ } (6) Upon entering a decision in a hearing de novo, the district
court shall remand
222 the case to the justice court unless:
223 (a) the decision results in immediate dismissal of the case; or
224 (b) [~~with agreement of the parties;~~] the hearing de novo was on a pretrial order and
the
225 parties and the district court [~~consents to~~] agree to have the district court retain
jurisdiction[
226 ~~or~~].
227 [~~(c) the defendant enters a plea of guilty or no contest in the district court.~~]

Bill Number



SB0169

Action Class



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Action Code



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- 228 [~~(7)~~] {~~(8)~~} (7) The district court shall retain jurisdiction over the case on
trial de novo.
- 229 [~~(8)~~] {~~(9)~~} (8) The decision of the district court is final and may not be
appealed unless the
- 230 district court rules on the constitutionality of a statute or ordinance.

Respectfully,

Todd Weiler
Chair

Voting: 4-0-3

5 SB0169.SC1.wpd 2/9/17 3:41 pm ggirvan/GAG PO/JTW