

CRIMINAL INFORMATION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

General Description:

This bill requires the Bureau of Criminal Identification to submit the record for all nonextraditable warrants for violent felonies to the National Crime Information Center.

Highlighted Provisions:

This bill:

- ▶ requires the Bureau of Criminal Identification to submit the record for all nonextraditable warrants for violent felonies to the National Crime Information Center;
- ▶ requires local law enforcement agencies to determine the extraditability status of warrants; and
- ▶ requires the court to report any changes to the status of a warrant to the Bureau of Criminal Identification.

Money Appropriated in this Bill:

None

Other Special Clauses:

→ ~~None~~ This bill provides a special effective date. ←

Utah Code Sections Affected:

AMENDS:

77-7-5, as last amended by Laws of Utah 2016, Chapter 162

ENACTS:



28 [53-10-213](#), Utah Code Annotated 1953



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

31 Section 1. Section **53-10-213** is enacted to read:

32 **53-10-213. Reporting requirements.**

33 The bureau shall submit a record received pursuant to Section [53-10-208.1](#) for all
34 nonextraditable warrants issued for violent felonies as defined in Section [76-3-203.5](#) and all
35 nonextraditable warrants issued for knowingly failing to register for a sexual offense pursuant
36 to Section [77-41-107](#) to the National Crime Information Center within 48 hours of receipt,
37 excluding Saturdays, Sundays, and legal holidays.

38 Section 2. Section **77-7-5** is amended to read:

39 **77-7-5. Issuance of summons or warrant -- Time and place arrests may be made**
40 **-- Contents of warrant or summons -- Responsibility for transporting prisoners -- Court**
41 **clerk to dispense restitution for transportation.**

42 (1) A magistrate may issue a warrant for arrest in lieu of a summons for the appearance
43 of the accused only upon finding:

44 (a) probable cause to believe that the person to be arrested has committed a public
45 offense; and

46 (b) under the Utah Rules of Criminal Procedure, and this section that a warrant is
47 necessary to:

- 48 (i) prevent risk of injury to a person or property;
- 49 (ii) secure the appearance of the accused; or
- 50 (iii) protect the public safety and welfare of the community or an individual.

51 (2) If the offense charged is:

52 (a) a felony, the arrest upon a warrant may be made at any time of the day or night; or

53 (b) a misdemeanor, the arrest upon a warrant can be made at night only if:

54 (i) the magistrate has endorsed authorization to do so on the warrant;

55 (ii) the person to be arrested is upon a public highway, in a public place, or in a place
56 open to or accessible to the public; or

57 (iii) the person to be arrested is encountered by a peace officer in the regular course of
58 that peace officer's investigation of a criminal offense unrelated to the misdemeanor warrant for

59 arrest.

60 (3) For the purpose of Subsection (1):

61 (a) daytime hours are the hours of 6 a.m. to 10 p.m.; and

62 (b) nighttime hours are the hours after 10 p.m. and before 6 a.m.

63 (4) (a) If the magistrate determines that the accused must appear in court, the
64 magistrate shall include in the arrest warrant the name of the law enforcement agency in the
65 county or municipality with jurisdiction over the offense charged.

66 (b) (i) The law enforcement agency identified by the magistrate under Subsection (4)(a)
67 is responsible for providing inter-county transportation of the defendant, if necessary, from the
68 arresting law enforcement agency to the court site.

69 (ii) The law enforcement agency named on the warrant may contract with another law
70 enforcement agency to have a defendant transported.

71 (c) (i) The law enforcement agency identified by the magistrate under Subsection (4)(a)
72 as responsible for transporting the defendant shall provide to the court clerk of the court in
73 which the defendant is tried, an affidavit stating that the defendant was transported, indicating
74 the law enforcement agency responsible for the transportation, and stating the number of miles
75 the defendant was transported.

76 (ii) The court clerk shall account for restitution paid under Subsection 76-3-201(5) for
77 governmental transportation expenses and dispense restitution money collected by the court to
78 the law enforcement agency responsible for the transportation of a convicted defendant.

79 (5) The law enforcement agency identified by the magistrate under Subsection (4)(a)
80 shall indicate to the court within 48 hours of the issuance, excluding Saturdays, Sundays, and
81 legal holidays if a warrant issued pursuant to this section is an extradition warrant.

82 (6) The law enforcement agency identified by the magistrate under Subsection (4)(a)
83 shall report any changes to the status of a warrant issued pursuant to this section to the Bureau
84 of Criminal Identification.

84a **Ĥ→ Section 3. Effective date.**

84b **This bill takes effect on January 1, 2020. ←Ĥ**