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**Pretrial Release Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Colin W. Jack**

Senate Sponsor:

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**LONG TITLE****General Description:**

This bill addresses pretrial release.

**Highlighted Provisions:**

This bill:

- provides a sunset date for statutory provisions related to a violation of a pretrial order;

- creates a crime for a violation of a pretrial order;

- addresses an arrest by a county sheriff for a violation of a pretrial order;

- modifies the jurisdiction of the district court to address a violation of a pretrial order; and

- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63I-1-277**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

**63I-1-278**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

**78A-5-102**, as last amended by Laws of Utah 2024, Chapter 158

ENACTS:

**77-20-210**, Utah Code Annotated 1953

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

Section 1. Section **63I-1-277** is amended to read:

**63I-1-277 . Repeal dates: Title 77.**

[Reserved.] Section 77-20-210, regarding a violation of a pretrial order, is repealed on

July 1, 2028.

Section 2. Section **63I-1-278** is amended to read:

31           **63I-1-278 . Repeal dates: Title 78A and Title 78B.**

32    (1) Subsection 78A-5-102(7)(b), granting a district court with original jurisdiction over a  
33       violation of a pretrial order, is repealed on July 1, 2028.

34    ~~[(1)]~~ (2) Subsection 78A-7-106(7), regarding the transfer of a criminal action involving a  
35       domestic violence offense from the justice court to the district court, is repealed July 1,  
36       2029.

37    ~~[(2)]~~ (3) Section 78B-3-421, Arbitration agreements, is repealed July 1, 2029.

38    ~~[(3)]~~ (4) Section 78B-4-518, Limitation on liability of employer for an employee convicted  
39       of an offense, is repealed July 1, 2025.

40    ~~[(4)]~~ (5) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,  
41       2026.

42    ~~[(5)]~~ (6) Section 78B-22-805, Interdisciplinary Parental Representation Pilot Program, is  
43       repealed December 31, 2026.

44       Section 3. Section **77-20-210** is enacted to read:

45           **77-20-210 . Violation of pretrial order -- 24-hour hold for violation.**

46    (1) As used in this section, "pretrial order" means a temporary pretrial status order or a  
47       pretrial status order.

48    (2) An individual commits a violation of a pretrial order if:

49       (a) the individual commits, and is arrested for, an offense in Iron County, Kane County,  
50       or Washington County;

51       (b) a magistrate or judge issued a pretrial order imposing a condition, or a combination  
52       of conditions, for the individual's pretrial release; and

53       (c) the individual knowingly or intentionally violates a condition in the pretrial order.

54    (3) A violation of Subsection (2) is a class C misdemeanor.

55    (4)(a) If a county sheriff in Iron County, Kane County, or Washington County  
56       determines that there is probable cause to believe that an individual has committed a  
57       violation of a pretrial order, the county sheriff may take custody of, and detain, the  
58       individual for a maximum of 24 hours without obtaining a warrant issued by a court.

59       (b) A written order from the county sheriff is sufficient authorization for a peace officer  
60       to detain an individual if the county sheriff has determined that there is probable  
61       cause to believe that the individual has committed a violation of a pretrial order.

62       (c) If the county sheriff detains an individual for a violation of a pretrial order, the  
63       county sheriff shall ensure the proper court is notified.

64    (5) If an individual commits a violation of a pretrial order outside of the jurisdiction of the

65 county sheriff supervising the individual on pretrial release, the arresting law  
66 enforcement agency is not required to hold or transport the individual to the county  
67 sheriff.

68 (6) This section does not prohibit a county sheriff or jail facility from detaining an  
69 individual in accordance with this chapter for a new criminal offense.

70 Section 4. Section **78A-5-102** is amended to read:

71 **78A-5-102 . Jurisdiction of the district court -- Appeals.**

72 (1) Except as otherwise provided by the Utah Constitution or by statute, the district court  
73 has original jurisdiction in all matters civil and criminal.

74 (2) A district court judge may:

75 (a) issue all extraordinary writs and other writs necessary to carry into effect the district  
76 court judge's orders, judgments, and decrees; and

77 (b) preside over an action for which the Business and Chancery Court has jurisdiction if:

78 (i) the district court judge is designated by the presiding officer of the Judicial

79 Council to preside over an action in the Business and Chancery Court as described  
80 in Section 78A-1-103.5; and

81 (ii) a Business and Chancery Court judge is unable to preside over the action due to  
82 recusal or disqualification.

83 (3) The district court has jurisdiction:

84 (a) over matters of lawyer discipline consistent with the rules of the Supreme Court;

85 (b) over all matters properly filed in the circuit court prior to July 1, 1996;

86 (c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);

87 (d) to enjoin a violation of Title 58, Chapter 37, Utah Controlled Substances Act;

88 (e) over a petition seeking to terminate parental rights as described in Section 78B-6-112;

89 (f) except as provided in Subsection 78A-6-103(2)(a)(xiv), an adoption proceeding; and

90 (g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4,

91 Declaratory Judgments.

92 (4) The district court has appellate jurisdiction over judgments and orders of the justice  
93 court as outlined in Section 78A-7-118 and small claims appeals filed in accordance  
94 with Section 78A-8-106.

95 (5) The district court has jurisdiction to review:

96 (a) a municipal administrative proceeding as described in Section 10-3-703.7;

97 (b) a decision resulting from a formal adjudicative proceeding by the State Tax

98 Commission as described in Section 59-1-601;

- 99 (c) except as provided in Section 63G-4-402, a final agency action resulting from an  
 100 informal adjudicative proceeding as described in Title 63G, Chapter 4,  
 101 Administrative Procedures Act; and
- 102 (d) by trial de novo, a final order of the Department of Transportation resulting from  
 103 formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2,  
 104 Junkyard Control Act.
- 105 (6) The district court has original and exclusive jurisdiction over an action brought under  
 106 Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- 107 (7) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over:  
 108 (a) a class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an  
 109 ordinance for which a justice court has original jurisdiction under Section 78A-7-106  
 110 if:  
 111 [~~(a)~~] (i) there is no justice court with territorial jurisdiction;  
 112 [~~(b)~~] (ii) the offense occurred within the boundaries of the municipality in which the  
 113 district courthouse is located and that municipality has not formed, or has formed  
 114 and dissolved, a justice court; or  
 115 [~~(c)~~] (iii) the offense is included in an indictment or information covering a single  
 116 criminal episode alleging the commission of a felony or a class A misdemeanor by  
 117 an individual who is 18 years old or older[-] ; or
- 118 (b) an offense for a violation of a pretrial order, as described in Section 77-20-210, if the  
 119 district court has jurisdiction over the offense for which the pretrial order was issued.
- 120 (8) If a district court has jurisdiction in accordance with Subsection (4), (7)(a), or (7)(b), the  
 121 district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if  
 122 the offense is committed by an individual who is 16 or 17 years old.
- 123 (9) The district court has subject matter jurisdiction over an action under Title 78B, Chapter  
 124 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the district  
 125 court.
- 126 (10)(a) The district court has subject matter jurisdiction over a criminal action that the  
 127 justice court transfers to the district court.
- 128 (b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction  
 129 over any refiled case of a criminal action transferred to the district court if the district  
 130 court dismissed the transferred case without prejudice.
- 131 (11) The Supreme Court and Court of Appeals have jurisdiction over an appeal from a final  
 132 order, judgment, and decree of the district court as described in Sections 78A-3-102 and

133 78A-4-103.

134 Section 5. **Effective Date.**

135 This bill takes effect on May 7, 2025.