

34-19-9 Injunctive relief -- Contempt -- Rights of accused.

In all cases where a person shall be charged with indirect criminal contempt for violation of a restraining order or injunction issued by a court, or judge or judges of it, the accused shall enjoy:

- (1) the rights as to admission to bail that are accorded to persons accused of crime;
- (2) the right to be notified of the accusation and a reasonable time to make a defense, provided the alleged contempt is not committed in the immediate view of or in the presence of the court;
- (3) upon demand, the right to a speedy and public trial by an impartial jury of the judicial district in which the contempt shall have been committed. This requirement may not be construed to apply to contempts committed in the presence of the court or so near to it as to interfere directly with the administration of justice or to apply to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders or process of the court; and
- (4) the right to file with the court a demand for the retirement of the judge sitting in the proceeding, if the contempt arises from an attack upon the character or conduct of such judge and if the attack occurred otherwise than in open court. Upon the filing of any such demand the judge shall proceed no further, but another judge shall be designated by the presiding judge of the court. The demand shall be filed prior to the hearing in the contempt proceeding.

Amended by Chapter 297, 2011 General Session