

Chapter 13 Pleas

77-13-1 Kinds of pleas.

- (1) There are five kinds of pleas to an indictment or information:
 - (a) not guilty;
 - (b) guilty;
 - (c) no contest;
 - (d) not guilty by reason of insanity; and
 - (e) guilty with a mental illness at the time of the offense.
- (2) An alternative plea of not guilty or not guilty by reason of insanity may be entered.

Amended by Chapter 366, 2011 General Session

77-13-2 Record of plea -- Effect of each kind of plea.

Every plea shall be entered upon the record of the court and shall have the following effect:

- (1) A plea of not guilty is a denial of the guilt of the accused and puts in issue every material allegation of the information or indictment;
- (2) A plea of guilty is an acknowledgment that the accused is guilty of the offense charged; and
- (3) A plea of no contest indicates the accused does not challenge the charges in the information or indictment and if accepted by the court shall have the same effect as a plea of guilty and imposition of sentence may be rendered in the same manner as if a plea of guilty had been entered.

Enacted by Chapter 15, 1980 General Session

77-13-3 Court approval of no contest plea required.

A plea of no contest may be entered by the accused only upon approval of the court and only after due consideration of the views of the parties and the interest of the public in the effective administration of justice.

Enacted by Chapter 15, 1980 General Session

77-13-4 Felonies -- Entry in open court.

All pleas in felony cases shall be entered by the defendant in open court and the proceedings recorded.

Enacted by Chapter 15, 1980 General Session

77-13-5 Failure to plead -- Not guilty entered.

When a defendant does not enter a plea, the court shall enter a plea of not guilty for him.

Enacted by Chapter 15, 1980 General Session

77-13-6 Withdrawal of plea.

- (1) A plea of not guilty may be withdrawn at any time prior to conviction.
- (2)

- (a) A plea of guilty or no contest may be withdrawn only upon leave of the court and a showing that it was not knowingly and voluntarily made.
- (b) A request to withdraw a plea of guilty or no contest, except for a plea held in abeyance, shall be made by motion before sentence is announced. Sentence may not be announced unless the motion is denied. For a plea held in abeyance, a motion to withdraw the plea shall be made within 30 days of pleading guilty or no contest.
- (c) Any challenge to a guilty plea not made within the time period specified in Subsection (2)(b) shall be pursued under Title 78B, Chapter 9, Postconviction Remedies Act, and Rule 65C, Utah Rules of Civil Procedure.

Amended by Chapter 3, 2008 General Session