

77-7-24 Notice to appear in court -- Contents -- Promise to comply -- Signing -- Release from custody -- Official misconduct.

- (1) If a person who is arrested for a violation of Title 41, Chapter 6a, Traffic Code, that is punishable as a misdemeanor is immediately taken before a magistrate as provided under Section 77-7-23, the peace officer shall prepare, in triplicate or more copies, a written notice to appear in court containing:
 - (a) the name and address of the person;
 - (b) the number, if any, of the person's driver license;
 - (c) the license plate number of the person's vehicle;
 - (d) the offense charged; and
 - (e) the time and place the person shall appear in court.
- (2) The time specified in the notice to appear must be at least five days after the arrest of the person unless the person demands an earlier hearing.
- (3) The place specified in the notice to appear shall be made before a magistrate of competent jurisdiction in the county in which the alleged violation occurred.
- (4)
 - (a) In order to secure release as provided in this section, the arrested person shall promise to appear in court by signing at least one copy of the written notice prepared by the arresting officer.
 - (b) The arresting peace officer shall immediately:
 - (i) deliver a copy of the notice to the person promising to appear; and
 - (ii) release the person arrested from custody.
- (5) A peace officer violating any of the provisions of this section shall be:
 - (a) guilty of misconduct in office; and
 - (b) subject to removal from office.

Renumbered and Amended by Chapter 2, 2005 General Session