

TRAFFIC OFFENSE TRIAL PROCESS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Nora B. Stephens

AN ACT RELATING TO JUDICIAL CODE; ELIMINATING TRIAL BY JURY IN CLASS B
OR CLASS C MISDEMEANOR OR INFRACTION TRAFFIC OFFENSES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

78-46-5, as repealed and reenacted by Chapter 198, Laws of Utah 1996

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

Section 1. Section **78-46-5** is amended to read:

78-46-5. Trial by jury.

(1) A trial jury shall consist of:

(a) twelve persons in a capital case;

(b) eight persons in a criminal case which carries a term of incarceration of more than one
year as a possible sentence for the most serious offense charged;

(c) six persons in a criminal case which carries a term of incarceration of more than six
months but not more than one year as a possible sentence for the most serious offense charged;

(d) four persons in a criminal case which carries a term of incarceration of six months or
less as a possible sentence for the most serious offense charged; and

(e) eight persons in a civil case at law except that the jury shall be four persons in a civil
case for damages of less than \$20,000, exclusive of costs, interest, and attorney fees.

(2) Except in the trial of a capital offense, the parties may stipulate upon the record to a
jury of a lesser number than established by this section.

(3) The verdict in a criminal case shall be unanimous. The verdict in a civil case shall be
by not less than three-fourths of the jurors.

(4) There is no jury in the trial of small claims cases.

1 (5) There is no jury in the adjudication of a minor charged with what would constitute a
2 crime if committed by an adult.

3 (6) There is no jury in the trial of any class B or class C misdemeanor or infraction charged
4 under Title 41, Motor Vehicles, or under other traffic offense, including local ordinances.

Legislative Review Note
as of 11-4-97 10:56 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.