

CITATION AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark W. Walker

Senate Sponsor: _____

LONG TITLE

General Description:

This bill adds informational requirements for when a misdemeanor citation is issued.

Highlighted Provisions:

This bill:

- ▶ adds the “address” as a required piece of information on a citation;
- ▶ requires that if the citation is for a traffic violation that it also contain the person’s driver license number ~~and the vehicle identification number~~ of the vehicle; and
- ▶ makes technical cross-reference corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-22-16, as last amended by Chapter 2, Laws of Utah 2005

73-18-20, as last amended by Chapter 2, Laws of Utah 2005

73-18a-15, as last amended by Chapter 2, Laws of Utah 2005

77-7-20, as enacted by Chapter 15, Laws of Utah 1980

REPEALS:

77-7-24, as renumbered and amended by Chapter 2, Laws of Utah 2005



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

Section 1. Section **41-22-16** is amended to read:

41-22-16. Authorized peace officers -- Arrest provisions.

(1) Any peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce the provisions of this chapter and the rules promulgated under this chapter.

(2) Whenever any person is arrested for any violation of the provisions of this chapter or of the rules promulgated under this chapter, the procedure for the arrest is the same as outlined in Sections 77-7-22[;] and 77-7-23[, ~~and 77-7-24~~].

Section 2. Section **73-18-20** is amended to read:

**73-18-20. Enforcement of chapter -- Authority to stop and board vessels --
Disregarding law enforcement signal to stop as misdemeanor -- Procedure for arrest.**

(1) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce the provisions of this chapter and the rules promulgated under this chapter.

(2) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, has the authority to stop and board any vessel subject to this chapter, whether the vessel is on water or land. If that officer determines the vessel is overloaded, unseaworthy, or the safety equipment required by this chapter or rules of the board is not on the vessel, that officer may prohibit the launching of the vessel or stop the vessel from operating.

(3) An operator who, having received a visual or audible signal from a law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to bring his vessel to a stop, operates his vessel in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vessel or endanger any person, or who attempts to flee or elude the officer whether by vessel or otherwise is guilty of a class A misdemeanor.

(4) Whenever any person is arrested for any violation of the provisions of this chapter or of the rules promulgated under this chapter, the procedure for arrest is the same as outlined in Sections 77-7-22 [~~through 77-7-24~~] and 77-7-23.

Section 3. Section **73-18a-15** is amended to read:

73-18a-15. Arrest for violation -- Procedure.

Whenever any person is arrested for any violation of the provisions of this chapter or rule promulgated under this chapter, the procedure for arrest is the same as specified in Sections 77-7-22 [~~through 77-7-24~~] and 77-7-23.

Section 4. Section **77-7-20** is amended to read:

77-7-20. Service of citation on defendant -- Filing in court -- Contents of citations.

(1) If a citation is issued pursuant to Section 77-7-18, the peace officer or public official shall issue one copy to the person cited and shall within five days file a duplicate copy with the court specified in the citation.

(2) Each copy of the citation issued under authority of this chapter shall contain:

- (a) the name of the court before which the person is to appear;
- (b) the name and address of the person cited;
- (c) a brief description of the offense charged;
- (d) the date, time and place at which the offense is alleged to have occurred;
- (e) the date on which the citation was issued;
- (f) the name of the peace officer or public official who issued the citation, and the name of the arresting person if an arrest was made by a private party and the citation was issued in lieu of taking the arrested person before a magistrate;
- (g) the time and date on or before and after which the person is to appear;
- (h) the address of the court in which the person is to appear;
- (i) a certification above the signature of the officer issuing the citation in substantially the following language: "I certify that a copy of this citation or information (Summons and Complaint) was duly served upon the defendant according to law on the above date and I know or believe and so allege that the above-named defendant did commit the offense herein set forth contrary to law. I further certify that the court to which the defendant has been directed to appear is the proper court pursuant to Section 77-7-21."; and
- (j) a notice containing substantially the following language:

READ CAREFULLY

This citation is not an information and will not be used as an information without your consent. If an information is filed you will be provided a copy by the court. You **MUST** appear in court on or before the time set in this citation. **IF YOU FAIL TO APPEAR AN**

90 INFORMATION WILL BE FILED AND THE COURT MAY ISSUE A WARRANT FOR
91 YOUR ARREST.

92 (3) If the citation is issued for a violation of any part of Title 41, Chapter 6a, Traffic
93 Code, then, in addition to the information required by Subsection (2), the citation shall contain:

94 (a) the number ~~H→~~ [if any.] ~~←H~~ of the person's driver license; and

95 (b) the license plate number ~~H→~~ [~~and vehicle identification number~~] ~~←H~~ of the person's
95a vehicle.

96 Section 5. **Repealer.**

97 This bill repeals:

98 Section **77-7-24, Notice to appear in court -- Contents -- Promise to comply --**
99 **Signing -- Release from custody -- Official misconduct.**

Legislative Review Note

as of 12-20-05 10:07 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0106

Citation Amendments*07-Feb-06**9:53 AM*

State Impact

It is estimated that the Courts will require \$4,000 in one-time General Funds in FY 2007 to pay for programming adjustments costs.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
General Fund, One-Time	\$4,000	\$0	\$0	\$0
TOTAL	\$4,000	\$0	\$0	\$0

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst