

**JUROR TRANSPORT AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott L Wyatt**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill allows for the transportation of the jury in cases where a venue change is appropriate, but other circumstances make it prudent to conduct a trial where the incident occurred.

**Highlighted Provisions:**

This bill:

- ▶ allows a party to an action to request that a jury be transported from another location after a change in venue has been granted;
- ▶ requires that the court look at the totality of the circumstances in a case before granting the request; and
- ▶ requires that the party making the request pay the transportation costs.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78-46-28**, as renumbered and amended by Chapter 46, Laws of Utah 2001

ENACTS:

**78-46-42**, Utah Code Annotated 1953



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

Section 1. Section **78-46-28** is amended to read:

**78-46-28. Fees and mileage.**

(1) Every juror and witness legally required or in good faith requested to attend a trial court of record or not of record or a grand jury is entitled to:

(a) \$18.50 for the first day of attendance and \$49 per day for each subsequent day of attendance; and

(b) if traveling more than 50 miles, \$1 for each four miles in excess of 50 miles actually and necessarily traveled in going only, regardless of county lines.

(2) A juror transported to another county in accordance with Section 78-46-42 shall only receive the amounts stated in Subsection (1)(a).

~~[(2)]~~ (3) Persons in the custody of a penal institution upon conviction of a criminal offense are not entitled to a witness fee.

~~[(3)]~~ (4) A witness attending from outside the state in a civil case is allowed mileage at the rate of 25 cents per mile and is taxed for the distance actually and necessarily traveled inside the state in going only.

~~[(4)]~~ (5) If the witness is attending from outside the state in a criminal case, the state shall reimburse the witness under Section 77-21-3.

~~[(5)]~~ (6) A prosecution witness or a witness subpoenaed by an indigent defendant attending from outside the county but within the state may receive reimbursement for necessary lodging and meal expenses under rule of the Judicial Council.

~~[(6)]~~ (7) There is created within the General Fund, a restricted account known as the CASA Volunteer Account. A juror may donate the juror's fee to the CASA Volunteer Account in \$18.50 or \$49 increments. The Legislature shall annually appropriate money from the CASA Volunteer Account to the Administrative Office of the Courts for the purpose of recruiting, training, and supervising volunteers for the Court Appointed Special Advocate program established pursuant to Section 78-3a-912.

Section 2. Section **78-46-42** is enacted to read:

**78-46-42. Transportation of a jury to another county.**

(1) Once a motion for a change of venue has been granted, the court may consider a

59 subsequent request by either party to order the transportation of the jury to the county of  
60 indictment or complaint once impaneled.

61 (2) In making the decision to transport a jury, the court shall consider the totality of the  
62 circumstances surrounding the case including:

63 (a) the impact on parties, witnesses, experts, families, and available facilities; and

64 (b) whether justice will be served.

65 (3) Costs incurred in transporting a jury from one location to another shall be paid by  
66 the party requesting the transportation.

67 (4) The provisions of this section do not affect the power of the court to order a change  
68 of venue.

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**Legislative Review Note**  
**as of 1-15-07 12:29 PM**

**Office of Legislative Research and General Counsel**

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**H.B. 116 - Juror Transport Amendments**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill may incur costs for juror transportation to the party requesting a venue change for a case.

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*1/19/2007, 1:32:19 PM, Lead Analyst: Byrne, D.*

**Office of the Legislative Fiscal Analyst**