

88 stay all terms of a sentence, unless at the time of sentencing the judge finds by a preponderance  
 89 of the evidence that the defendant poses a danger to another person or the community.

90 (5) If a stay is ordered, the court may order post-conviction restrictions on the  
 91 defendant's conduct as appropriate, including:

92 (a) continuation of any pre-trial restrictions or orders;

93 (b) sentencing protective orders under Section 77-36-5.1;

94 (c) drug and alcohol use; ~~§~~ → [and] ← ~~§~~

95 (d) use of an ignition interlock ~~§~~ → ; and

95a (e) posting appropriate bail ← ~~§~~ .

96 (6) The provisions of Subsections (4) and (5) do not apply to convictions for an offense  
 97 under Title 41, Chapter 6a, Part 5 Driving Under the Influence and Reckless Driving.

98 (7) Any stay authorized by Subsection (4) is lifted upon the dismissal of the appeal by  
 99 the district court.

100 Section 2. Section **78A-7-118** is amended to read:

101 **78A-7-118. Appeals from justice court -- Trial or hearing de novo in district**  
 102 **court.**

103 (1) In a criminal case, a defendant is entitled to a trial de novo in the district court only  
 104 if the defendant files a notice of appeal within 30 days of:

105 (a) sentencing after a bench or jury trial, or a plea of guilty in the justice court resulting  
 106 in a finding or verdict of guilt; or

107 (b) a plea of guilty in the justice court that is held in abeyance.

108 (2) Upon filing a proper notice of appeal, any term of a sentence imposed by the justice  
 109 court shall be stayed as provided for in 77-20-10 and the Rules of Criminal Procedure.

110 [~~(2)~~] (3) If an appeal under Subsection (1) is of a plea entered pursuant to negotiation  
 111 with the prosecutor, and the defendant did not reserve the right to appeal as part of the plea  
 112 negotiation, the negotiation is voided by the appeal.

113 [~~(3)~~] (4) A defendant convicted and sentenced in justice court is entitled to a hearing de  
 114 novo in the district court on the following matters, if the defendant files a notice of appeal  
 115 within 30 days of:

116 (a) an order revoking probation;

117 (b) an order entering a judgment of guilt pursuant to the person's failure to fulfil the  
 118 terms of a plea in abeyance agreement;