

**ELECTRONIC FILING OF TRAFFIC CITATIONS AND
ACCIDENT REPORTS AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon Cox

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

General Description:

This bill amends provisions related to the electronic filing of a misdemeanor or infraction citation.

Highlighted Provisions:

This bill:

H→ ► exempts an officer who is not reasonably able to file a citation electronically from the e filing requirements in a justice court.

[—►— exempts a county of the fourth, fifth, or sixth class from electronic filing requirements for a misdemeanor or infraction citation.] ←H

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-7-20, as last amended by Laws of Utah 2013, Chapter 65

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

Section 1. Section **77-7-20** is amended to read:

77-7-20. Service of citation on defendant -- Filing in court -- Electronic filing --

Contents of citations.



28 (1) A peace officer or public official who issues a citation pursuant to Section 77-7-18
 29 shall give the citation to the person cited and shall within five ~~Ĥ~~→ **business** ←~~Ĥ~~ days electronically
 29a file the data
 30 from Subsections (2)(a) through (2)(g) with the court specified in the citation. The data
 31 transmission shall use the court's electronic filing interface. A nonconforming filing is not
 32 effective.

33 (2) The citation issued under authority of this chapter shall contain the following data:

- 34 (a) the name of the court before which the person is to appear;
 35 (b) the name of the person cited;
 36 (c) a brief description of the offense charged;
 37 (d) the date, time, and place at which the offense is alleged to have occurred;
 38 (e) the date on which the citation was issued;
 39 (f) the name of the peace officer or public official who issued the citation, and the
 40 name of the arresting person if an arrest was made by a private party and the citation was
 41 issued in lieu of taking the arrested person before a magistrate;
 42 (g) the time and date on or before and after which the person is to appear or a statement
 43 that the court will notify the person of the time to appear;
 44 (h) the address of the court in which the person is to appear; and
 45 (i) a notice containing substantially the following language:

46 READ CAREFULLY

47 This citation is not an information and will not be used as an information without your
 48 consent. If an information is filed you will be provided a copy by the court. You MUST
 49 appear in court on or before the time set in this citation or as directed by the court. IF YOU
 50 FAIL TO APPEAR, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

51 (3) By electronically filing the data with the court, the peace officer or public official
 52 certifies to the court that:

- 53 (a) the citation or information, including the summons and complaint, was served upon
 54 the defendant in accordance with the law;
 55 (b) the defendant committed the offense set forth in the served documents; and
 56 (c) the court to which the defendant was directed to appear is the proper court pursuant
 57 to Section 77-7-21.

57a ~~Ĥ~~→ **(4) Notwithstanding Subsection (1), if a citing law enforcement officer is not**
 57b **reasonably able to access the e filing system, the citation need not be filed electronically if being**
 57c **filed with a justice court.**

58 ~~[(4) The provisions of this section requiring electronic filing do not apply to counties of]~~ ←~~Ĥ~~

59 H→ [~~the fourth, fifth, or sixth class.~~] ←H

Legislative Review Note
as of 1-9-14 11:32 AM

Office of Legislative Research and General Counsel