



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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March 1, 2016

Mr. Speaker:

The Judiciary Committee recommends **H.B. 381**, STANDARDS FOR ISSUANCE OF SUMMONS, by Representative L. Christensen, be replaced and reports a favorable recommendation on **1st Sub. H.B. 381**, STANDARDS FOR ISSUANCE OF SUMMONS with the following amendments:

1. *Page 2, Lines 42 through 46:*

- 42 ~~{(2) Administrative convenience or a preference by the prosecution is not~~
valid grounds
43 ~~for the issuance of a warrant and arrest rather than a summons absent findings~~
based upon
44 ~~Subsections (1)(b)(i), (ii), and (iii).}~~
45 ~~{(3)}~~ (2) If the offense charged is:
46 (a) a felony, the arrest upon a warrant may be made at any time of the day or night;
 or

2. *Page 2, Lines 51 through 55:*

- 51 (iii) the person to be arrested is encountered by a peace officer in the regular course
 of
52 that peace officer's investigation of a criminal offense unrelated to the misdemeanor
 warrant for
53 arrest.
54 ~~[(2)]~~ ~~{(4)}~~ (3) For the purpose of Subsection (1):
55 (a) daytime hours are the hours of 6 a.m. to 10 p.m.; and

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3. *Page 3, Lines 57 through 62:*

57 [(3)] {~~(5)~~} (4) (a) If the magistrate determines that the accused must appear
in court, the
58 magistrate shall include in the arrest warrant the name of the law enforcement agency in
the
59 county or municipality with jurisdiction over the offense charged.
60 (b) (i) The law enforcement agency identified by the magistrate under Subsection
[(3)]
61 {~~(5)(a)~~} (4)(a) is responsible for providing inter-county transportation of the
defendant, if necessary,
62 from the arresting law enforcement agency to the court site.

4. *Page 3, Lines 65 through 67:*

65 (c) (i) The law enforcement agency identified by the magistrate under Subsection
[(3)]
66 {~~(5)(a)~~} (4)(a) as responsible for transporting the defendant shall provide to the
court clerk of the court
67 in which the defendant is tried, an affidavit stating that the defendant was transported,

Respectfully,

LaVar Christensen
Committee Chair

Voting: 8-0-3

7 HB0381.HC1.WPD 3/1/16 8:57 am ggirvan/GAG ECM/GAG

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