

CRIMINAL PROCEDURE REVISIONS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to criminal procedures.

Highlighted Provisions:

This bill:

- ▶ modifies the Utah Code of Criminal Procedure regarding information provided juries; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-1-6, as enacted by Laws of Utah 1980, Chapter 15

77-17-10, as enacted by Laws of Utah 1980, Chapter 15

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

Section 1. Section **77-1-6** is amended to read:

77-1-6. Rights of defendant.

(1) In criminal prosecutions the defendant is entitled to:



- 28 (a) [Fø] appear in person and defend in person or by counsel;
- 29 (b) [Fø] receive a copy of the accusation filed against him;
- 30 (c) [Fø] testify in [~~his~~] the defendant's own behalf;
- 31 (d) [Fø] be confronted by the witnesses against [~~him~~] the defendant;
- 32 (e) [Fø] have compulsory process to insure the attendance of witnesses in his behalf;
- 33 (f) [Fø] a speedy public trial by an impartial jury of the county or district where the
- 34 offense is alleged to have been committed;
- 35 (g) [Fø] the right of appeal in all cases; [~~and~~]
- 36 (h) [Fø] be admitted to bail in accordance with provisions of law, or be entitled to a
- 37 trial within 30 days after arraignment if unable to post bail and if the business of the court
- 38 permits[-]; and
- 39 (i) have a jury that is informed of:
- 40 (A) the potential sentence ~~Ë→~~ [~~and direct legal consequences of~~] for ~~←Ë~~ a guilty
- 40a verdict; and
- 41 (B) the jury's power to find a defendant not guilty when a guilty verdict would be
- 42 manifestly unjust.
- 43 (2) In addition:
- 44 (a) [~~No person shall~~] a person may not be put twice in jeopardy for the same offense;
- 45 (b) [~~No accused person shall;~~] an accused person may not before final judgment, be
- 46 compelled to advance money or fees to secure rights guaranteed by the Constitution or the laws
- 47 of Utah, or to pay the costs of those rights when received;
- 48 (c) [~~No person shall~~] a person may not be compelled to give evidence against [~~himself~~]
- 49 the person;
- 50 (d) a wife [~~shall~~] may not be compelled to testify against her husband nor a husband
- 51 against his wife; and
- 52 (e) [~~No person shall~~] a person may not be convicted unless by verdict of a jury, or upon
- 53 a plea of guilty or no contest, or upon a judgment of a court when trial by jury has been waived
- 54 or, in case of an infraction, upon a judgment by a magistrate.
- 55 Section 2. Section 77-17-10 is amended to read:
- 56 **77-17-10. Court to determine law; the jury, the facts.**
- 57 (1) In a jury trial, questions of law are to be determined by the court, questions of fact
- 58 by the jury.

59 (2) The jury may find a general verdict which includes questions of law as well as fact
60 ~~H~~→ [H] but they are bound to follow the law as stated by the court [H] ←~~H~~ .

61 (3) The jury shall be informed of:

62 (a) the potential sentence ~~H~~→ [~~and direct legal consequences of~~] for ←~~H~~ a guilty
62a verdict; and

63 (b) the jury's power to find a defendant not guilty when a guilty verdict would be
64 manifestly unjust.

Legislative Review Note
Office of Legislative Research and General Counsel