

HB0332S01 compared with HB0332

~~text~~ shows text that was in HB0332 but was deleted in HB0332S01.

Inserted text shows text that was not in HB0332 but was inserted into HB0332S01.

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Representative Marc K. Roberts proposes the following substitute bill:

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:

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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:
- (a) [~~He~~] appear in person and defend in person or by counsel;
 - (b) [~~He~~] receive a copy of the accusation filed against him;
 - (c) [~~He~~] testify in [~~his~~] the defendant's own behalf;
 - (d) [~~He~~] be confronted by the witnesses against [~~him~~] the defendant;
 - (e) [~~He~~] have compulsory process to insure the attendance of witnesses in his behalf;
 - (f) [~~He~~] a speedy public trial by an impartial jury of the county or district where the offense is alleged to have been committed;
 - (g) [~~He~~] the right of appeal in all cases; [~~and~~]
 - (h) [~~He~~] be admitted to bail in accordance with provisions of law, or be entitled to a trial within 30 days after arraignment if unable to post bail and if the business of the court permits[-]; and
 - (i) have a jury that is informed of:
 - ~~(A) } the potential sentence {and direct legal consequences of} for a guilty verdict {, and~~
 - ~~(B) the jury's power to find a defendant not guilty when a guilty verdict would be manifestly unjust}.~~
- (2) In addition:
- (a) [~~No person shall~~] a person may not be put twice in jeopardy for the same offense;
 - (b) [~~No accused person shall,]~~ an accused person may not before final judgment, be compelled to advance money or fees to secure rights guaranteed by the Constitution or the laws of Utah, or to pay the costs of those rights when received;
 - (c) [~~No person shall~~] a person may not be compelled to give evidence against [~~himself~~] the person;
 - (d) a wife [~~shall~~] may not be compelled to testify against her husband nor a husband

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against his wife; and

(e) [~~No person shall~~] a person may not be convicted unless by verdict of a jury, or upon a plea of guilty or no contest, or upon a judgment of a court when trial by jury has been waived or, in case of an infraction, upon a judgment by a magistrate.

Section 2. Section 77-17-10 is amended to read:

77-17-10. Court to determine law; the jury, the facts.

(1) In a jury trial, questions of law are to be determined by the court, questions of fact by the jury.

(2) The jury may find a general verdict which includes questions of law as well as fact ~~{}~~but they are bound to follow the law as stated by the court~~{}~~.

(3) The jury shall be informed of~~;~~:

~~—— (a) }~~ the potential sentence ~~and direct legal consequences of;~~ for a guilty verdict~~;~~ and

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

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Legislative Review Note

Office of Legislative Research and General Counsel}