

214 (h) an order fixing total restitution at an amount less than requested by a crime victim;  
215 or

216 (i) an order granting an expungement, if the expungement was opposed by the  
217 prosecution or a victim before the order was entered.

218 ~~§→ [(6) A notice of appeal for a hearing de novo in the district court on a pretrial order~~  
219 ~~excluding evidence under Subsection (5)(e) or (f) shall be filed within 28 days of the order~~  
220 ~~excluding the evidence.] ←§~~

221 [(6)] ~~§→ [(7)] (6) ←§~~ Upon entering a decision in a hearing de novo, the district court shall  
221a remand

222 the case to the justice court unless:

223 (a) the decision results in immediate dismissal of the case; or

224 (b) [~~with agreement of the parties;~~] the hearing de novo was on a pretrial order and the  
225 parties and the district court [consents to] agree to have the district court retain jurisdiction[;  
226 or].

227 [~~(c) the defendant enters a plea of guilty or no contest in the district court.]~~

228 [(7)] ~~§→ [(8)] (7) ←§~~ The district court shall retain jurisdiction over the case on trial de  
228a novo.

229 [(8)] ~~§→ [(9)] (8) ←§~~ The decision of the district court is final and may not be appealed  
229a unless the  
230 district court rules on the constitutionality of a statute or ordinance.

231 Section 7. Section **78A-8-106** is amended to read:

232 **78A-8-106. Appeals -- Who may take and jurisdiction.**

233 (1) Either party may appeal the judgment in a small claims action to the district court  
234 of the county by filing a notice of appeal in the original trial court within [30] 28 days of entry  
235 of the judgment. If the judgment in a small claims action is entered by a judge or judge pro  
236 tempore of the district court, the notice of appeal shall be filed with the district court.

237 (2) The appeal is a trial de novo and shall be tried in accordance with the procedures of  
238 small claims actions. A record of the trial shall be maintained. The trial de novo may not be  
239 heard by a judge pro tempore appointed under Section **78A-8-108**. The decision of the trial de  
240 novo may not be appealed unless the court rules on the constitutionality of a statute or  
241 ordinance.

242 Section 8. Section **78B-1-102** is amended to read:

243 **78B-1-102. Definitions.**

244 As used in this part: