

S.B. 169
JUDICIARY AMENDMENTS

Senator **Lyle W. Hillyard** proposes the following amendments:

1. *Page 8, Lines 216 through 230:*

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)(c) 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 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 novo.

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