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ARREST AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kelly B. Miles

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions related to an arrest made without a warrant.

Highlighted Provisions:

This bill:

- ▶ transfers the duties of a person who makes an arrest without a warrant to a jail and a jail's personnel, if the jail accepts custody of the arrested person; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-7-23, as last amended by Laws of Utah 1997, Chapters 10 and 215

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

Section 1. Section **77-7-23** is amended to read:

77-7-23. Delivery of prisoner arrested without warrant to magistrate -- Transfer to court with jurisdiction -- Transfer of duties -- Violation as misdemeanor.

(1) (a) When an arrest is made without a warrant by a peace officer or private person,



28 the person arrested shall be taken without unnecessary delay to the magistrate in the district
29 court, the precinct of the county, or the municipality in which the offense occurred, except
30 under Subsection (2). An information stating the charge against the person shall be made
31 before the magistrate.

32 (b) If the justice court judge of the precinct or municipality or the district court judge is
33 not available, the arrested person shall be taken before the magistrate within the same county
34 who is nearest to the scene of the alleged offense or nearest to the jail under Subsection (2),
35 who may act as committing magistrate for arraigning the accused, setting bail, or issuing
36 warrants.

37 (2) (a) If the arrested person under Subsection (1) must be transported from jail to a
38 magistrate, the person may be taken before the magistrate nearest to the jail rather than the
39 magistrate specified in Subsection (1) for arraignment, setting bail, or issuing warrants.

40 [~~(3)~~] (b) The case shall then be transferred to the court having jurisdiction.

41 (3) If a jail accepts custody of a person arrested under Subsection (1), the duties under
42 this section of the peace officer or private person who makes the arrest are transferred to the
43 jail and the jail's personnel.

44 (4) This section does not confer jurisdiction upon a court unless otherwise provided by
45 law.

46 [~~(4)~~] (5) Any officer or person violating this section is guilty of a class B misdemeanor.

Legislative Review Note
Office of Legislative Research and General Counsel