

183 plea in abeyance.

184 (b) If the plea is to a felony or any combination of misdemeanors and felonies, the
185 agreement shall be in writing and shall, ~~[prior to]~~ before acceptance by the court, be executed
186 by the prosecuting attorney, the defendant, and the defendant's counsel in the presence of the
187 court.

188 (5) ~~§~~ ~~[f]~~ ~~←~~ ~~§~~ A ~~§~~ ~~[~~ ~~Unless the prosecutor and the defendant agree to a longer term or to~~
188a ~~an~~

189 ~~extension, a]~~ ~~←~~ ~~§~~ plea ~~[shall]~~ may not be held in abeyance for a period longer than 18 months if the
190 plea ~~§~~ ~~[f]~~ ~~←~~ ~~§~~ was ~~§~~ ~~[is]~~ ~~←~~ ~~§~~ to ~~§~~ ~~[~~

191 ~~—(a)] ←~~ ~~§~~ any class of misdemeanor ~~§~~ ~~[f]~~ ~~←~~ ~~§~~ or ~~§~~ ~~[of]~~ ~~←~~ ~~§~~ longer than three years ~~§~~ ~~[~~
191a ~~f]~~ ~~←~~ ~~§~~ if the plea was to ~~§~~ ~~[~~

192 ~~—(b)] ←~~ ~~§~~ any degree of felony ~~§~~ ~~[~~ ~~←~~ ~~§~~ or ~~§~~ ~~[f]~~ ~~←~~ ~~§~~ to ~~§~~ ~~[~~

193 ~~—(c)] ←~~ ~~§~~ any combination of misdemeanors and felonies.

193a ~~§~~ ~~(6)~~ Notwithstanding Subsection (5), a plea may be held in abeyance for up to two years if
193b the plea is to any class of misdemeanor and the plea in abeyance agreement includes a
193c condition that the defendant participate in a problem solving court approved by the Judicial
193d Council. ~~←~~ ~~§~~

194 ~~§~~ ~~[(6)]~~ ~~(7)~~ ~~←~~ ~~§~~ A plea in abeyance agreement ~~[shall]~~ may not be approved unless the
194a defendant,
195 before the court, and any written agreement, knowingly and intelligently waives time for
196 sentencing as designated in Rule 22(a), Utah Rules of Criminal Procedure.

197 Section 4. Section 77-10a-14 is amended to read:

198 **77-10a-14. Concurrence for indictment -- Proof -- Validity -- Disclosure.**

199 (1) An indictment may be found only upon the concurrence of at least three-fourths, or
200 the next highest whole number, of the grand jurors.

201 (2) An indictment may not be found unless the grand jurors who vote in favor of the
202 indictment find there is clear and convincing evidence to believe the crime to be charged was
203 committed and the person to be indicted committed ~~[it]~~ the crime. An indictment may not be
204 returned solely on the basis of incompetent hearsay.

205 ~~[(3) To be valid, the indictment shall be signed by the foreman and the attorney for the~~
206 ~~state or special prosecutor and returned to the managing judge in open court. The clerk of the~~
207 ~~managing court shall file the indictment upon receipt.]~~

208 ~~[(4)]~~ ~~(3)~~ To be valid, the indictment shall be signed by the foreman and then returned
209 to the managing judge in open court. The clerk of the managing court shall file the indictment
210 upon receipt.

211 ~~[(5)]~~ ~~(4)~~ (a) The managing judge who takes the return of the indictment may direct that
212 the indictment be kept secret until the defendant is in custody or has been released pending
213 trial.