

FAILURE TO APPEAR AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Brian M. Greene

LONG TITLE

General Description:

This bill repeals Section 77-7-22.

Highlighted Provisions:

This bill:

▶ repeals Section 77-7-22 which provides an individual is guilty of a class B misdemeanor for failure to appear before a court after being issued a citation

requiring appearance for a misdemeanor or infraction charge; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-22-16, as last amended by Laws of Utah 2005, Chapter 2

73-18-20, as last amended by Laws of Utah 2005, Chapter 2

73-18a-15, as last amended by Laws of Utah 2005, Chapter 2

REPEALS:

77-7-22, as enacted by Laws of Utah 1980, Chapter 15



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

29 Section 1. Section **41-22-16** is amended to read:

30 **41-22-16. Authorized peace officers -- Arrest provisions.**

31 (1) Any peace officer authorized under Title 53, Chapter 13, Peace Officer
32 Classifications, may enforce the provisions of this chapter and the rules [~~promulgated~~] made
33 under this chapter.

34 (2) Whenever any [~~person~~] individual is arrested for any violation of the provisions of
35 this chapter or [~~of the rules promulgated~~] a rule made under this chapter, the procedure for the
36 arrest is the same as [~~outlined~~] described in Sections [~~77-7-22;~~] 77-7-23[;] and 77-7-24.

37 Section 2. Section **73-18-20** is amended to read:

38 **73-18-20. Enforcement of chapter -- Authority to stop and board vessels --**
39 **Disregarding law enforcement signal to stop as misdemeanor -- Procedure for arrest.**

40 (1) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer
41 Classifications, may enforce the provisions of this chapter and the rules [~~promulgated~~] made
42 under this chapter.

43 (2) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer
44 Classifications, has the authority to stop and board any vessel subject to this chapter, whether
45 the vessel is on water or land. If that officer determines the vessel is overloaded, unseaworthy,
46 or the safety equipment required by this chapter or rules of the board is not on the vessel, that
47 officer may prohibit the launching of the vessel or stop the vessel from operating.

48 (3) An operator who, having received a visual or audible signal from a law
49 enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to
50 bring [~~his~~] the operator's vessel to a stop, operates [~~his~~] the vessel in willful or wanton
51 disregard of the signal so as to interfere with or endanger the operation of any vessel or
52 endanger any [~~person~~] individual, or who attempts to flee or elude the officer whether by vessel
53 or otherwise is guilty of a class A misdemeanor.

54 (4) Whenever any [~~person~~] individual is arrested for any violation of the provisions of
55 this chapter or [~~of the rules promulgated~~] a rule made under this chapter, the procedure for
56 arrest is the same as [~~outlined in Sections 77-7-22 through~~] described in Sections 77-7-23 and
57 77-7-24.

58 Section 3. Section **73-18a-15** is amended to read:

59 **73-18a-15. Arrest for violation -- Procedure.**

60 Whenever any [~~person~~] individual is arrested for any violation of the provisions of this
61 chapter or [~~rule promulgated~~] a rule made under this chapter, the procedure for arrest is the
62 same as [~~specified in Sections 77-7-22 through~~] described in Sections 77-7-23 and 77-7-24.

63 Section 4. **Repealer.**

64 This bill repeals:

65 Section **77-7-22, Failure to appear as misdemeanor.**

Legislative Review Note
Office of Legislative Research and General Counsel