

COURT CITATION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Brian S. King

LONG TITLE

General Description:

This bill amends provisions relating to electronic filing of a citation issued for a misdemeanor or infraction charge.

Highlighted Provisions:

This bill:

- ▶ provides that a citation issued for a misdemeanor or infraction charge may be filed after five business days if the defendant consents and the interests of justice would be served; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-7-20, as last amended by Laws of Utah 2014, Chapters 126 and 263

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

Section 1. Section **77-7-20** is amended to read:

77-7-20. Service of citation on defendant -- Filing in court -- Electronic filing --



28 **Contents of citations.**

29 (1) [A] Except as provided in Subsection (4), a peace officer or public official who
30 issues a citation pursuant to Section 77-7-18 shall give the citation to the [person] individual
31 cited and shall within five business days electronically file the data from Subsections (2)(a)
32 through (2)(g) with the court specified in the citation. The data transmission shall use the
33 court's electronic filing interface. A nonconforming filing is not effective.

34 (2) The citation issued under authority of this chapter shall contain the following data:

- 35 (a) the name of the court before which the [person] individual is to appear;
- 36 (b) the name of the [person] individual cited;
- 37 (c) a brief description of the offense charged;
- 38 (d) the date, time, and place at which the offense is alleged to have occurred;
- 39 (e) the date on which the citation was issued;
- 40 (f) the name of the peace officer or public official who issued the citation, and the
41 name of the arresting [person] individual if an arrest was made by a private party and the
42 citation was issued in lieu of taking the arrested [person] individual before a magistrate;
- 43 (g) the time and date on or before and after which the [person] individual is to appear
44 or a statement that the court will notify the [person] individual of the time to appear;
- 45 (h) the address of the court in which the [person] individual is to appear;
- 46 (i) whether the offense is a domestic violence offense; and
- 47 (j) a notice containing substantially the following language:

48 READ CAREFULLY

49 This citation is not an information and will not be used as an information without your
50 consent. If an information is filed you will be provided a copy by the court. You MUST
51 appear in court on or before the time set in this citation or as directed by the court. IF YOU
52 FAIL TO APPEAR, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

53 (3) By electronically filing the data with the court, the peace officer or public official
54 certifies to the court that:

- 55 (a) the citation or information, including the summons and complaint, was served upon
56 the defendant in accordance with the law;
- 57 (b) the defendant committed the offense set forth in the served documents; and
- 58 (c) the court to which the defendant was directed to appear is the proper court pursuant

59 to Section 77-7-21.

60 (4) (a) [~~Notwithstanding Subsection (1), if~~] If a citing law enforcement officer is not
61 reasonably able to access the e filing system, the citation need not be filed electronically if being
62 filed with a justice court.

63 (b) The court may accept an electronic filing received after five business days if:

64 (i) the defendant consents to the filing; and

65 (ii) the court finds the interests of justice would be best served by accepting the filing.

Legislative Review Note
Office of Legislative Research and General Counsel