

PUBLIC PROSECUTOR AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill amends provisions regarding the duties of public prosecutors.

Highlighted Provisions:

This bill:

▶ allows a public prosecutor in a county of the first or second class to appear and prosecute an appeal involving a criminal violation of state statute in certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-18a-403, as enacted by Laws of Utah 2013, Chapter 237

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

Section 1. Section **17-18a-403** is amended to read:

17-18a-403. Appeal.

(1) (a) A public prosecutor shall assist and cooperate, as required by the attorney general, in a case that ~~may be~~ is appealed to the Court of Appeals or Utah Supreme Court



28 regarding a criminal violation of state statute.

29 (b) A public prosecutor in a county of the first or second class may appear and
30 prosecute, in the appropriate court, an appeal described in Subsection (1)(a) if:

31 (i) the appeal involves an offense committed within the county in which the public
32 prosecutor holds office; and

33 (ii) the attorney general declines to prosecute the appeal.

34 (2) A public prosecutor shall appear and prosecute all appeals, in the appropriate court,
35 for a crime charged as a misdemeanor in district court or as a violation of a county criminal
36 ordinance.