

**1st Sub. H.B. 0257**  
**PUBLIC PROSECUTOR MODIFICATIONS**

SENATE FLOOR AMENDMENTS

AMENDMENT 1

MARCH 4, 2022 7:14 PM

Senator **Todd D. Weiler** proposes the following amendments:

1. *Page 2, Lines 30 through 43:*

30 (b) [~~A~~] Subject to ~~{Subsection}~~ Subsections (1)(c) and (e), a county or district attorney  
may file a class B or

31 C misdemeanor offense in a county justice court, regardless of where the act occurred, if:

32 (i) the same offense could have been filed as a class A misdemeanor in district court;

33 [~~(ii) statute provides that an attempt to commit the offense described in Subsection~~

34 ~~(1)(b)(i) is a class B or class C misdemeanor; and]~~

35 (ii) the county or district attorney files the offense described in Subsection (1)(b)(i)

36 pursuant to Subsection 77-2-2.3(1)(a); and

37 (iii) the case was submitted to the county or district attorney's office for prosecution.

38 (c) ~~A~~ **Except as described in Subsection (1)(e), a** prosecutor may not file a class B or C  
misdemeanor offense in a county justice

39 court if the facts support the filing of the charged offense as a felony under Section 76-3-103.

40 [~~(d)~~] (d) Notwithstanding Subsection (1)(a), the territorial jurisdiction of a county

41 justice court extends to ~~the place~~ any municipality within the precinct where the act, filed as a

42 class B or C misdemeanor under Subsection (1)(b), occurred.

**(e) Notwithstanding Subsection (1)(c), a prosecutor may file a class B or C misdemeanor offense  
in a county justice court if in the opinion of the prosecutor:**

**(i) there is not a reasonable likelihood of a conviction at trial under the filing of a felony offense; or**

**(ii) the filing of a felony charge would not be in the interest of justice.**

43 (2) The territorial jurisdiction of municipal justice courts extends to the corporate