

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

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 [~~(c)~~] (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