

CRIMINAL CITATION DISMISSALS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Tyler Clancy

LONG TITLE

General Description:

This bill requires that a court dismiss a citation that the prosecuting attorney certifies was issued in error.

Highlighted Provisions:

This bill:

▸ requires that a court dismiss the charges contained in a citation that the prosecuting attorney certifies was issued in error.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-7-21, as last amended by Laws of Utah 2021, Chapters 260, 431

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

Section 1. Section **77-7-21** is amended to read:

77-7-21. Proceeding on citation -- Voluntarily remitting a fine -- Parent signature required -- Information, when required.

(1) (a) A citation filed with the court may, with the consent of the defendant, serve in



28 lieu of an information to which the defendant may plead guilty or no contest to the charge or
29 charges listed and be sentenced accordingly.

30 (b) If provided by the uniform fine schedule described in Section 76-3-301.5, or with
31 the court's approval, an individual may remit the fine and other penalties without a personal
32 appearance before the court in any case charging a class B misdemeanor or lower offense,
33 unless the charge is:

34 (i) a domestic violence offense as defined in Section 77-36-1;

35 (ii) a violation of Section 41-6a-502, driving under the influence of alcohol, drugs, or a
36 combination of both or with specified or unsafe blood alcohol concentration;

37 (iii) a violation of Section 41-6a-517, driving with any measurable controlled substance
38 in the body;

39 (iv) a violation of a local ordinance similar to the offenses described in Subsections
40 (1)(b)(i) through (iii); or

41 (v) a violation that appears to:

42 (A) affect a victim, as defined in Section 77-38b-102; or

43 (B) require restitution, as defined in Section 77-38b-102.

44 (c) The remittal of fines and other penalties shall be entered as a conviction and treated
45 the same as if the accused pleaded no contest.

46 (d) If the person cited is under 18 years old, the court shall promptly mail a copy or
47 notice of the citation to the address as shown on the citation, to the attention of the parent or
48 guardian of the defendant.

49 (2) If the individual pleads not guilty to the offense charged, further proceedings shall
50 be held in accordance with the Rules of Criminal Procedure and all other applicable provisions
51 of this code.

52 (3) Upon the certification of a prosecuting attorney that a citation was issued in error,
53 the court shall dismiss the charges contained in the citation with prejudice.