

Senator Todd D. Weiler proposes the following substitute bill:

CRIMINAL PROSECUTION MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses criminal prosecutions.

Highlighted Provisions:

This bill:

▸ requires the Administrative Office of the Courts to collect data in regards to preliminary hearings;

▸ requires the State Commission on Criminal and Juvenile Justice to include preliminary hearing data gathered by the Administrative Office of the Courts in the annual report for the State Commission on Criminal and Juvenile Justice; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-2-109.5, as enacted by Laws of Utah 2020, Chapter 200



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

27 Section 1. Section **78A-2-109.5** is amended to read:

28 **78A-2-109.5. Court data collection and reporting.**

29 (1) As used in this section, "commission" means the Commission on Criminal and
30 Juvenile Justice created in Section [63M-7-201](#).

31 (2) The Administrative Office of the Courts shall ~~[compile and provide]~~ submit the
32 following information to the commission for each criminal case filed with the court:

33 (a) case number;

34 (b) the defendant's:

35 (i) full name;

36 (ii) offense tracking number; and

37 (iii) date of birth;

38 (c) charges filed;

39 (d) initial appearance date;

40 (e) bail amount set by the court, if any;

41 (f) whether the defendant was represented by a public defender, private counsel, or pro
42 se; and

43 (g) final disposition of the charges.

44 ~~[(3) The information shall be submitted]~~

45 (3) (a) The Administrative Office of the Courts shall submit the information described
46 in Subsection (2) to the commission on the 15th day of July and January of each year for the
47 previous six-month period ending the last day of June and December of each year in the form
48 and manner selected by the commission.

49 (b) If the last day of the month is a Saturday, Sunday, or state holiday, [the information
50 shall be submitted] the Administrative Office of the Courts shall submit the information
51 described in Subsection (2) to the commission on the next working day.

52 (4) Before July 1 of each year, the Administrative Office of the Courts shall submit the
53 following data on cases involving individuals charged with class A misdemeanors and felonies,
54 broken down by judicial district, to the commission for each preceding calendar year:

55 (a) the number of cases in which a preliminary hearing is set and placed on the court
56 calendar;

57 (b) the median and range of the number of times that a preliminary hearing is continued
58 in cases in which a preliminary hearing is set and placed on the court calendar;

59 (c) the number of cases, and the average time to disposition for those cases, in which
60 only written statements from witnesses are submitted as probable cause at the preliminary
61 hearing;

62 (d) the number of cases, and the average time to disposition for those cases, in which
63 written statements and witness testimony are submitted as probable cause at the preliminary
64 hearing;

65 (e) the number of cases, and the average time to disposition for those cases, in which
66 only witness testimony is submitted as probable cause at the preliminary hearing; and

67 (f) the number of cases in which a preliminary hearing is held and the defendant is
68 bound over for trial.

69 (5) The commission shall include the data collected under Subsection (4) in the
70 commission's annual report described in Section [63M-7-205](#).