

Chief Sponsor: Stephanie Pitcher
House Sponsor: Ryan D. Wilcox

(2) A magistrate may issue a warrant for arrest in lieu of a summons for the appearance of the accused only upon finding:

- (a) probable cause to believe that the person to be arrested has committed a public offense; and
- (b) under ~~[the-]~~ Rule 6 of the Utah Rules of Criminal Procedure~~;~~ and this section that a warrant is necessary to:
- (i) prevent risk of injury to a person or property;
 - (ii) secure the appearance of the accused; or
 - (iii) protect the public safety and welfare of the community or an individual.

~~(3)~~ There is a presumption against the issuance of a warrant in lieu of a summons if:

- (a) after being booked into jail on conduct that would constitute an offense, the accused was released from jail because the prosecuting attorney did not file an information within the time period required under Rule 9 of the Utah Rules of Criminal Procedure; and
- (b) the prosecuting attorney filed an information more than 60 days after the day on which the accused was released from jail.

~~(4)~~ The presumption described in Subsection (3) may be overcome if:

- (a) the accused fails to appear on a served summons;
- (b) a summons is unable to be served after good faith efforts; or
- (c) the prosecuting attorney establishes good cause for issuing a warrant in lieu of a summons to:
 - (i) prevent risk of injury to a person or property; or
 - (ii) protect the public safety and welfare of the community or an individual.

~~[(3)]~~ (5) If the offense charged is:

- (a) a felony, the arrest upon a warrant may be made at any time of the day or night; or
- (b) a misdemeanor, the arrest upon a warrant may be made during nighttime hours only if:
 - (i) the magistrate has endorsed authorization to do so on the warrant;
 - (ii) the person to be arrested is upon a public highway, in a public place, or in a place open to or accessible to the public; or
 - (iii) the person to be arrested is encountered by a peace officer in the regular course of that peace officer's investigation of a criminal offense unrelated to the misdemeanor warrant for arrest.

~~[(4)]~~ (6)(a) If the magistrate determines that the accused must appear in court, the

magistrate shall include in the arrest warrant the name of the law enforcement agency in the county or municipality with jurisdiction over the offense charged.

(b)(i) The law enforcement agency identified by the magistrate under Subsection [(4)(a)] (6)(a) is responsible for providing inter-county transportation of the defendant, if necessary, from the arresting law enforcement agency to the court site.

(ii) The law enforcement agency named on the warrant may contract with another law enforcement agency to have a defendant transported.

[(5)] (7) The law enforcement agency identified by the magistrate under Subsection [(4)(a)] (6)(a) shall indicate to the court within 48 hours of the issuance, excluding Saturdays, Sundays, and legal holidays if a warrant issued in accordance with this section is an extradition warrant.

[(6)] (8) The law enforcement agency identified by the magistrate under Subsection [(4)(a)] (6)(a) shall report any changes to the status of a warrant issued in accordance with this section to the Bureau of Criminal Identification.

Section 2. **Effective Date.**

This bill takes effect on May 7, 2025.