

Summons Modifications
2025 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

LONG TITLE

General Description:

This bill addresses the issuance of a summons.

Highlighted Provisions:

This bill:

- requires a magistrate to issue a summons in certain circumstances; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-7-5, as last amended by Laws of Utah 2023, Chapter 497

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

Section 1. Section **77-7-5** is amended to read:

77-7-5 . Issuance of summons or warrant -- Time and place arrests may be made
-- Contents of warrant or summons -- Responsibility for transporting prisoners.

(1) As used in this section:

(a) "Daytime hours" means the hours after 6 a.m. and before 10 p.m.

(b) "Nighttime hours" means the hours after 10 p.m. and before 6 a.m.

(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 Utah Rules of Criminal Procedure[;] and this section that a warrant is necessary to:

(i) prevent risk of injury to a person or property;

- 32 (ii) secure the appearance of the accused; or
- 33 (iii) protect the public safety and welfare of the community or an individual.
- 34 (3) If the offense charged is:
- 35 (a) a felony, the arrest upon a warrant may be made at any time of the day or night; or
- 36 (b) a misdemeanor, the arrest upon a warrant may be made during nighttime hours only
- 37 if:
- 38 (i) the magistrate has endorsed authorization to do so on the warrant;
- 39 (ii) the person to be arrested is upon a public highway, in a public place, or in a place
- 40 open to or accessible to the public; or
- 41 (iii) the person to be arrested is encountered by a peace officer in the regular course
- 42 of that peace officer's investigation of a criminal offense unrelated to the
- 43 misdemeanor warrant for arrest.
- 44 (4)(a) If the magistrate determines that the accused must appear in court, the magistrate
- 45 shall include in the arrest warrant the name of the law enforcement agency in the
- 46 county or municipality with jurisdiction over the offense charged.
- 47 (b)(i) The law enforcement agency identified by the magistrate under Subsection
- 48 (4)(a) is responsible for providing inter-county transportation of the defendant, if
- 49 necessary, from the arresting law enforcement agency to the court site.
- 50 (ii) The law enforcement agency named on the warrant may contract with another
- 51 law enforcement agency to have a defendant transported.
- 52 (5) The law enforcement agency identified by the magistrate under Subsection (4)(a) shall
- 53 indicate to the court within 48 hours of the issuance, excluding Saturdays, Sundays, and
- 54 legal holidays if a warrant issued in accordance with this section is an extradition
- 55 warrant.
- 56 (6) The law enforcement agency identified by the magistrate under Subsection (4)(a) shall
- 57 report any changes to the status of a warrant issued in accordance with this section to the
- 58 Bureau of Criminal Identification.
- 59 (7)(a) Notwithstanding Subsection (2), a magistrate shall issue a summons for the
- 60 appearance of the accused if:
- 61 (i) the accused was released from jail because the prosecuting attorney did not file an
- 62 information within the time period required under Rule 9 of the Utah Rules of
- 63 Criminal Procedure; and
- 64 (ii) the prosecuting attorney filed an information more than 60 days after the day on
- 65 which the accused was released from jail.

66 (b) If the accused fails to appear on a summons issued under Subsection (7)(a), the
67 magistrate may issue a warrant for arrest as described in Subsection (2).

68 Section 2. **Effective Date.**

69 This bill takes effect on May 7, 2025.