

1 **Rule 4-701. Failure to appear.**

2 Intent:

3 To establish a procedure for handling cases where the defendant fails to appear or  
4 pay the bail amount to dispose of the case.

5 Applicability:

6 This rule shall apply to cases where the defendant's appearance is not required and  
7 the case can be disposed of by a bail forfeiture.

8 Statement of the Rule:

9 (1) When a case is filed, the clerk may mail to the defendant a courtesy bail notice  
10 indicating the amount of bail. If the defendant fails to appear within fourteen days after  
11 receiving a citation for an alleged infraction or misdemeanor offense, the clerk may mail  
12 the defendant a delinquent notice increasing the bail amount for the initial offense by  
13 \$50.

14 (2)(A) If the defendant fails to appear or pay the bail amount within forty days of the  
15 date the citation was issued, ÷

16 ~~(2)(A) On an infraction or misdemeanor charge, the clerk may prepare an~~  
17 ~~information or refer the case to the prosecutor's office, which may elect to prepare and~~  
18 ~~file an information for Failure to Appear, a Class B misdemeanor. The court may then~~  
19 ~~issue a warrant on the Failure to Appear only, but not on the underlying offense; or~~

20 ~~(2)(B) On a misdemeanor charge,~~ the court may issue a warrant for failure to appear  
21 pursuant to Utah Code Section 77-7-19(3) and may increase the outstanding bail  
22 amount by \$75; a separate offense of Failure to Appear need not be filed.

23 ~~(2)(C)-(2)(B)~~ If the defendant is a juvenile, the court may issue a bench warrant or  
24 order to take the defendant into custody. If a bench warrant is issued, a special  
25 designation or "flag" shall be placed on the warrant indicating that the defendant is a  
26 juvenile.

27 (3) If a minor fails to appear in juvenile court on a charge which would constitute an  
28 infraction if committed by an adult:

29 (3)(A) The court shall not issue an Order for Detention.

30 (3)(B) The court may authorize the probation department to file an order to show  
31 cause.

