

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

2 Intent:

3 To establish a procedure for handling cases ~~where-in which~~ the defendant fails to
4 appear ~~or pay the bail amount to dispose of the case and fails to forfeit bail.~~

5 Applicability:

6 This rule shall apply to cases ~~where-in which~~ the defendant's appearance is not
7 required ~~and 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 bail amount ~~of bail~~. If the defendant fails to appear or forfeit the bail
11 amount within fourteen days after receiving a citation ~~for an alleged infraction or~~
12 ~~misdemeanor offense~~, the clerk may ~~mail the defendant a delinquent notice increasing~~
13 increase the bail amount ~~for the initial offense~~ by \$50 and mail the defendant a
14 delinquency notice.

15 (2)(A) If the defendant fails to appear or pay forfeit the bail amount within forty days
16 ~~of the date the citation was issued after receiving a citation~~, the court may ~~issue a~~
17 ~~warrant for failure to appear pursuant to Utah Code Section 77-7-19(3) and may~~
18 increase the ~~outstanding~~ bail amount by \$75 and issue a warrant for failure to appear; a
19 separate offense of Failure to Appear need not be filed.

20 (2)(B) If the defendant is a juvenile, the court may issue a bench warrant or order to
21 take the defendant into custody. If a bench warrant is issued, a special designation or
22 "flag" shall be placed on the warrant indicating that the defendant is a juvenile.

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

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

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

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