

1 Rule 4-701. Failure to appear.

2 Intent:

3 To establish a procedure for handling cases where the defendant fails to appear or pay the
4 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 the case
7 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 indicating
10 the amount of bail. If the defendant fails to appear within fourteen days after receiving a citation
11 for an alleged infraction or misdemeanor offense, the clerk may mail the defendant a delinquent
12 notice increasing the bail amount for the initial offense by ~~\$20.00~~ \$50.

13 (2) If the defendant fails to appear or pay the bail amount within forty days of the date the
14 citation was issued:

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

19 (2)(B) On a misdemeanor charge, the court may issue a warrant for failure to appear pursuant
20 to Utah Code ~~Ann.~~ Section 77-7-19(3) and may increase the outstanding bail amount by ~~\$50~~ \$75;
21 a separate offense of Failure to Appear need not be filed.

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

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

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

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

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