

1 **Rule 6. Warrant of arrest or summons.**

2

3 (a) Upon the filing of an indictment, or upon the acceptance of an information by a judge, the
4 court ~~shall~~ must set the case for an initial appearance or arraignment, as appropriate. The court
5 ~~shall~~ must then issue a summons directing the defendant to appear for that hearing, except as
6 described in subsection (c).

7

8 (b) The summons ~~shall~~ must inform the defendant of the date, time and courthouse location for
9 the initial appearance or arraignment. The summons may be mailed to the defendant's last known
10 address, or served by anyone authorized to serve a summons in a civil action.

11

12 (c) If the defendant is not a corporation, a judge may issue a warrant of arrest instead of a
13 summons if the court finds from the information and any supporting statements or affidavits that:

14

15 (c)(1) The defendant's address is unknown or the defendant will not otherwise appear on a
16 summons; or

17

18 (c)(2) there is substantial danger of a breach of the peace, injury to persons or property, or danger
19 to the community.

20

21 (d) A judge ~~shall~~ may issue a warrant of arrest in cases where the defendant has failed to appear
22 in response to a summons.

23

24 (e) Prior to issuing a warrant the judge must review the information for sufficiency. If the judge
25 determines from the information, or from any supporting statements or affidavits, that there is
26 probable cause to believe the offenses have been committed and that the accused committed
27 them, the judge may issue the warrant. If the judge determines there is not probable cause the
28 judge must notify the prosecutor. If the prosecutor does not file a sufficient information within
29 28 days, the judge must dismiss the case.

30

31 (e)(1) When a warrant of arrest is issued, the judge ~~shall~~ must state on the warrant:

32

33 (e)(4~~2~~) Whether the defendant is denied pretrial release under the authority of Utah Code § 77-
34 20-1, and the alleged facts supporting.

35

36 (e)(2~~3~~) The conditions of pretrial release the court requires of the defendant, including monetary
37 bail.

38

39 (e)(3)(A) In determining the amount of monetary bail, the judge ~~shall~~ must set the lowest amount
40 reasonably calculated to ensure the defendant's appearance at court.

41

42 (e)(3)(B) The court ~~shall~~ must state whether the defendant's personal appearance is required or
43 whether the defendant may remit the monetary bail to satisfy any obligation to the court pursuant
44 to Utah Code § 77-7-21.

45

46 (e)(4) The geographic area from which the issuing court will guarantee transport pursuant to
47 Utah Code § 77-7-5.

48

49 (f) The clerk of the court ~~shall~~ must enter the warrant into the court information management
50 system.

51

52 (g) Service, Execution and return of the warrant.

53

54 (g)(1) The warrant ~~shall~~ must be served by a peace officer. The officer may execute the warrant
55 at any place within the state.

56

57 (g)(2) The warrant ~~shall~~ must be executed by the arrest of the defendant. The officer need not
58 possess the warrant at the time of the arrest. Upon request, the officer ~~shall~~ must show the
59 warrant to the defendant as soon as practicable. If the officer does not have the warrant in
60 possession at the time of the arrest, the officer ~~shall~~ must inform the defendant of the offense
61 charged and of the fact that the warrant has been issued.

62

63 (g)(3) The person executing a warrant or serving a summons ~~shall~~ must make return thereof to
64 the magistrate as soon as practicable.

65

66 (h) The court may periodically review unexecuted warrants to determine whether they should be
67 recalled.

68

69 Effective ~~July 1, 2016~~