

1 **Rule 7A. Procedures for arraignment on class B or C misdemeanors, or infractions.**

2 (a) **Initial appearance.** At the defendant's initial appearance, the court must inform the  
3 defendant:

4 (a)(1) of the charge in the information, indictment, or citation and furnish a copy;

5 (a)(2) of any affidavit or recorded testimony given in support of the information and how  
6 to obtain them;

7 (a)(3) of the right to retain counsel or have counsel appointed by the court without  
8 expense if unable to obtain counsel;

9 (a)(4) of rights concerning pretrial release, ~~including bail~~; and

10 (a)(5) that the defendant is not required to make any statement, and that any statement the  
11 defendant makes may be used against the defendant in a court of law.

12 (b) **Right to counsel.** If the defendant is present at the initial appearance without counsel, the  
13 court must determine if the defendant is capable of retaining the services of an attorney within a  
14 reasonable time. If the court determines the defendant has such resources, the court must allow  
15 the defendant a reasonable time and opportunity to retain and consult with counsel. If the court  
16 determines defendant is indigent, the court must appoint counsel pursuant to **Rule-rule** 8, unless  
17 the defendant knowingly and intelligently waives such appointment.

18 (c) **Release conditions.**

19 ~~(c)(1) Except as provided in paragraph (d), if counsel are present and prepared, the court must~~  
20 ~~address whether the defendant is entitled to pretrial release issue a pretrial status order pursuant to~~  
21 ~~Utah Code section§ 77-20-1. Parties should be prepared to address this issue, including notice~~  
22 ~~requirements under Utah Code section 77-37-3 and Utah Code section 77-38-3. , and if so, what~~  
23 ~~if any conditions the court will impose to reasonably ensure the continued appearance of the~~  
24 ~~defendant, integrity of the judicial process, and safety of the community. The court must use the~~  
25 ~~least restrictive conditions needed to meet those goals.~~

26 (c)(1) A motion to modify the pretrial status order issued at initial appearance may be  
27 made by either party at any time upon notice to the opposing party sufficient to permit the  
28 opposing party to prepare for the hearing and to permit each alleged victim to be notified  
29 and be present.

30 (c)(2) Subsequent motions to modify a pretrial status order may be made only upon a  
31 showing that there has been a material change in circumstances.

32 (c)(3) A hearing on a motion to modify a pretrial status order may be held in conjunction  
33 with a preliminary hearing or any other pretrial hearing.

34 (d) Continuances. Upon application of either party and a showing of good cause, the court may  
35 allow up to a seven day continuance of the hearing to allow for preparation, including  
36 notification to any victims. The court may allow more than seven days with the consent of the  
37 defendant.

38 ~~(e)(2) The determination of pretrial release eligibility and conditions, may be reviewed~~  
39 ~~and modified upon application by either party based on a material change in~~  
40 ~~circumstances, or other good cause.~~

41 ~~(d) Continuances. If defense counsel is not present or not yet prepared, the court must~~  
42 ~~allow up to a seven day continuance of the hearing to allow for preparation. The court~~  
43 ~~may allow more than seven days with the consent of the defendant.~~

44 **(e) Entering a plea.**

45 (e)(1) If defendant is prepared with counsel, or if defendant waives the right to be  
46 represented by counsel, the court must call upon the defendant to enter a plea.

47 (e)(2) If the plea is guilty, the court must sentence the defendant as provided by law.

48 (e)(3) If the plea is not guilty, the court must set the matter for trial or a pretrial  
49 conference within a reasonable time. Such time should be no longer than 30 days if  
50 defendant is in custody.

51 (e)(4) The court may administratively enter a not guilty plea for the defendant. If the  
52 court has appointed counsel, the defendant does not desire to enter a plea, or for other  
53 good cause, the court must then schedule a pretrial conference.

54 Effective ~~May 1, 2018~~October 1, 2020