

1 | **Rule 21. Warrant of arrest or summons in cases under ~~Section 78A-6-702 and Section~~**  
2 | **Utah Code section 78A-6-703.3.**

3 | (a) Upon the return of an indictment alleging the commission of a felony governed by  
4 | ~~Section 78A-6-702 or Section~~ Utah Code section 78A-6-703.3, the court shall cause to  
5 | issue either a warrant for the arrest or a summons for the appearance of the minor.

6 | (b) Upon the filing of an information alleging the commission of a felony governed by  
7 | ~~Section 78A-6-702 or Section~~ Utah Code section 78A-6-703.3, if it appears from the  
8 | information, or from any affidavit filed with the information, that there is probable  
9 | cause to believe that an offense governed by ~~these sections~~ this section has been  
10 | committed and that the minor has committed it, the court shall cause to issue either a  
11 | warrant for the arrest or a summons for the appearance of the minor.

12 | (c) If it appears to the court that the minor will appear on a summons and there is no  
13 | substantial danger of a breach of the peace, or injury to persons or property, or danger  
14 | to the community, a summons may issue in lieu of a warrant of arrest to require the  
15 | appearance of the minor. A warrant of arrest may issue in cases where the minor has  
16 | failed to appear in response to a summons or citation or thereafter when required by the  
17 | court. If a warrant of arrest is issued, the court shall state on the warrant:

18 | (c)(1) the name of the law enforcement agency in the county or municipality with  
19 | jurisdiction over the offense charged; and

20 | (c)(2) whether the minor is to be taken to court, jail, or a juvenile detention  
21 | ~~center~~ facility.

22 | (d)(1) The warrant shall be executed by a peace officer. The summons may be served by  
23 | a peace officer or any person authorized to serve a summons in a civil action.

24 | (d)(2) The warrant may be executed or the summons may be served at any place within  
25 | the state.

26 | (d)(3) The warrant shall be executed by the arrest of the minor. The officer need not  
27 | possess the warrant at the time of the arrest, but upon request shall show the warrant to

28 the minor as soon as practicable. If the officer does not possess the warrant at the time  
29 of the arrest, the officer shall inform the minor of the offense charged and of the fact that  
30 the warrant has been issued. The summons shall be served as in civil actions, or by  
31 mailing it to the minor's last known address.

32 (d)(4) The person executing a warrant or serving a summons shall make return thereof  
33 to the juvenile court as soon as practicable. At the request of the prosecuting attorney,  
34 any unexecuted warrant shall be returned to the court for cancellation.

35 *Effective November 1, 2020.*