

**TRAFFIC CITATION HEARING AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill allows a person to plead not guilty for a traffic citation and immediately request a trial de novo in district court.

**Highlighted Provisions:**

This bill:

▶ allows a person to skip a justice court trial when pleading not guilty to a traffic citation.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78A-7-118**, as last amended by Laws of Utah 2015, Chapters 99 and 258

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78A-7-118** is amended to read:

**78A-7-118. Appeals from justice court -- Trial or hearing de novo in district court.**

(1) In a criminal case, a defendant is entitled to a trial de novo in the district court only



28 if the defendant files a notice of appeal within 30 days of:

29 (a) sentencing, except as provided in Subsection (4)(b); [~~or~~]

30 (b) a plea of guilty or no contest in the justice court that is held in abeyance[~~;~~]; or

31 (c) entering a not guilty plea in the justice court and requesting the matter to be held in

32 abeyance pending a trial de novo in the district court.

33 (2) Upon filing a proper notice of appeal, any term of a sentence imposed by the justice  
34 court shall be stayed as provided for in Section 77-20-10 and the Rules of Criminal Procedure.

35 (3) If an appeal under Subsection (1) is of a plea entered pursuant to negotiation with  
36 the prosecutor, and the defendant did not reserve the right to appeal as part of the plea  
37 negotiation, the negotiation is voided by the appeal.

38 (4) A defendant convicted and sentenced in justice court is entitled to a hearing de  
39 novo in the district court on the following matters, if the defendant files a notice of appeal  
40 within 30 days of:

41 (a) an order revoking probation;

42 (b) an order entering a judgment of guilt pursuant to the person's failure to fulfil the  
43 terms of a plea in abeyance agreement;

44 (c) a sentence entered pursuant to Subsection (4)(b); or

45 (d) an order denying a motion to withdraw a plea.

46 (5) The prosecutor is entitled to a hearing de novo in the district court on:

47 (a) a final judgment of dismissal;

48 (b) an order arresting judgment;

49 (c) an order terminating the prosecution because of a finding of double jeopardy or  
50 denial of a speedy trial;

51 (d) a judgment holding invalid any part of a statute or ordinance;

52 (e) a pretrial order excluding evidence, when the prosecutor certifies that exclusion of  
53 that evidence prevents continued prosecution of an infraction or class C misdemeanor;

54 (f) a pretrial order excluding evidence, when the prosecutor certifies that exclusion of  
55 that evidence impairs continued prosecution of a class B misdemeanor; or

56 (g) an order granting a motion to withdraw a plea of guilty or no contest.

57 (6) A notice of appeal for a hearing de novo in the district court on a pretrial order  
58 excluding evidence under Subsection (5)(e) or (f) shall be filed within 30 days of the order

59 excluding the evidence.

60 (7) Upon entering a decision in a hearing de novo, the district court shall remand the  
61 case to the justice court unless:

62 (a) the decision results in immediate dismissal of the case;

63 (b) with agreement of the parties, the district court consents to retain jurisdiction; or

64 (c) the defendant enters a plea of guilty or no contest in the district court.

65 (8) The district court shall retain jurisdiction over the case on trial de novo.

66 (9) The decision of the district court is final and may not be appealed unless the district  
67 court rules on the constitutionality of a statute or ordinance.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**