

1 **Criminal Plea Withdrawal Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses the withdrawal of a plea.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ amends provisions related to the withdrawal of a plea in a criminal case; and
- 9 ▶ makes technical and conforming changes.

10 **Money Appropriated in this Bill:**

11 None

12 **Other Special Clauses:**

13 None

14 **Utah Code Sections Affected:**

15 AMENDS:

16 **77-13-6**, as last amended by Laws of Utah 2008, Chapter 3

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

19 Section 1. Section **77-13-6** is amended to read:

20 **77-13-6 . Withdrawal of a plea.**

21 [~~(1) A plea of not guilty may be withdrawn at any time prior to conviction.~~]

22 [~~(2)(a) A plea of guilty or no contest may be withdrawn only upon leave of the court
23 and a showing that it was not knowingly and voluntarily made.~~]

24 [~~(b) A request to withdraw a plea of guilty or no contest, except for a plea held in
25 abeyance, shall be made by motion before sentence is announced. Sentence may not
26 be announced unless the motion is denied. For a plea held in abeyance, a motion to
27 withdraw the plea shall be made within 30 days of pleading guilty or no contest.~~]

28 [~~(e) Any challenge to a guilty plea not made within the time period specified in
29 Subsection (2)(b) shall be pursued under Title 78B, Chapter 9, Postconviction
30 Remedies Act, and Rule 65C, Utah Rules of Civil Procedure.~~]

- 31 (1) A defendant may withdraw a plea of not guilty at any time before conviction.
- 32 (2) A defendant may only withdraw a plea of guilty or no contest upon:
 - 33 (a) a leave of the court; and
 - 34 (b) a showing that the defendant did not knowingly or voluntarily make the plea.
- 35 (3) A defendant shall make a motion to withdraw a plea of guilty or no contest in
- 36 accordance with Rule 11 of the Utah Rules of Criminal Procedure.
- 37 **Section 2. Effective Date.**
- 38 This bill takes effect on May 7, 2025.