

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

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

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

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

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

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

15 (d) A judge may issue a warrant of arrest in cases where the defendant has failed to appear in
16 response to a summons.

17 (e) Prior to issuing a warrant the judge must review the information for sufficiency. If the judge
18 determines from the information, or from any supporting statements or affidavits, that there is
19 probable cause to believe the offenses have been committed and that the accused committed
20 them, the judge may issue the warrant. If the judge determines there is not probable cause the
21 judge must notify the prosecutor. If the prosecutor does not file a sufficient information within
22 28 days, the judge must dismiss the case.

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

24 | (e)(~~12~~)(A) Whether the defendant is denied pretrial release under the authority of
25 Utah Code § 77-20-1, and the alleged facts supporting.

26 | (e)(~~13~~)(B) The conditions of pretrial release the court requires of the defendant;
27 ~~including monetary bail in accordance with Utah Code section 77-20-1.~~

28 | (e)(~~13~~)(AC) ~~In determining~~ As required by Utah Code section 77-20-1, if the
29 court determines~~the amount of~~ monetary bail is necessary, the judge must
30 consider the individual's ability to pay and set the lowest amount reasonably
31 calculated to ensure the defendant's appearance at court.

32 | (e)(~~13~~)(DB) The court must state whether the defendant's personal appearance is
33 required or whether the defendant may remit ~~the~~ monetary bail to satisfy any
34 obligation to the court pursuant to Utah Code § 77-7-21.

35 | (e)(14)(E) The geographic area from which the issuing court will guarantee
36 transport pursuant to Utah Code § 77-7-5.

37 (f) The clerk of the court must enter the warrant into the court information management system.

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

39 (g)(1) The warrant must be served by a peace officer. The officer may execute the
40 warrant at any place within the state.

41 (g)(2) The warrant must be executed by the arrest of the defendant. The officer need not
42 possess the warrant at the time of the arrest. Upon request, the officer must show the
43 warrant to the defendant as soon as practicable. If the officer does not have the warrant in
44 possession at the time of the arrest, the officer must inform the defendant of the offense
45 charged and of the fact that the warrant has been issued.

46 (g)(3) The person executing a warrant or serving a summons must make return thereof to
47 the magistrate as soon as practicable.

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

50 | Effective ~~May~~October 1, 2020