

Rule 101. Scope; Definitions.

(a) Scope. These rules apply to proceedings in Utah courts. The specific courts and proceedings to which the rules apply, along with exceptions, are set out in [Rule 1101](#).

(b) Definitions. In these rules:

(1) “civil case” means a civil action or proceeding, including all juvenile court proceedings that are not delinquency proceedings-non delinquency proceedings;

(2) “criminal case” includes a criminal proceeding and a juvenile court delinquency proceeding;

(3) “public office” includes a public agency;

(4) “record” includes a memorandum, report, or data compilation;

(5) a reference to any kind of written material or any other medium includes electronically stored information;

(6) “defendant” includes a minor in a juvenile delinquency proceeding accused of committing an act that would be a crime if committed by an adult;

(7) “conviction” includes an adjudication in a juvenile delinquency proceeding.

(c) To the extent the above definitions and the Utah Rules of Juvenile Procedure conflict, the provisions of the Utah Rules of Juvenile Procedure shall govern.-

Effective November 1, 2023.

2011 Advisory Committee Note. The language of this rule has been amended as part of the restyling of the Evidence Rules to make them more easily understood and to make class and terminology consistent throughout the rules. These changes are intended to be stylistic only. There is no intent to change any result in any ruling on evidence admissibility.

Original Advisory Committee Note. Adapted from Rule 101, Uniform Rules of Evidence (1974). Rule 1101 contains exceptions dealing with preliminary questions of fact, grand jury proceedings, miscellaneous judicial or quasi-judicial proceedings and summary contempt proceedings. Rule 101 and 1101 are comparable to Rule 2 of the Utah Rules of Evidence (1971), except that Rule 2 made applicable other procedural rules (i.e., civil/criminal) or applicable statutes to the extent that they relax the Rules of Evidence. In addition, Rule 2 of the Utah Rules of Evidence (1971) expressly made the rules applicable to both civil and criminal proceedings.

Rule 101 adopts a general policy making the Rules of Evidence applicable in all instances in courts of the state including situations previously governed by statute, except to the extent that specific statutory provisions are expressly retained. Rule 101 also rejects Lopes v. Lopes, 30 Utah 2d 393, 518 P.2d 687 (1974) to the extent that it permits ad hoc development of special rules of court inconsistent with these Rules of Evidence.

The position of the court in State v. Hansen, 588 P.2d 164 (Utah 1978) that statutory provisions of evidence law inconsistent with the rules will take precedence is rejected.