

**Rule 1101. Applicability of Rules.**

(a) **Proceedings Generally.** These rules apply to all actions and proceedings in the courts of this state except as otherwise provided in subsections (c) and (d). They apply generally to civil actions and proceedings, criminal cases and contempt proceedings except those in which the court may act summarily, [and all juvenile court proceedings unless stated otherwise in the Utah Rules of Juvenile Procedure.](#)

(b) **Rule of Privilege.** The rule with respect to privileges applies at all stages of all actions, cases and proceedings.

(c) **Rules Inapplicable.** The rules (other than with respect to privileges) do not apply in the following situations:

(1) **Preliminary Questions of Fact.** The determination of questions of fact preliminary to admissibility of evidence when the issue is to be determined by the court under URE 104.

(2) **Grand Jury.** Proceedings before grand juries.

(3) **Revoking Probation.** Proceedings for revoking probation, unless the court for good cause otherwise orders.

(4) **Miscellaneous Proceedings.** Proceedings for extradition or rendition; sentencing; issuance of warrants for arrest, criminal summonses, and search warrants; and proceedings with respect to release on bail or otherwise.

(d) **Reliable Hearsay in Criminal Preliminary Examinations.** In a criminal preliminary examination, reliable hearsay shall be admissible as provided under URE 1102.

*Effective November 1, 2023.*

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**2022 Advisory Committee Note:** Regarding subsection (c)(4): In *State v. Weeks*, 2002 UT 98, 61 P.3d 1000, the Utah Supreme Court explained the “wisdom” of not applying the evidence rules to sentencing and restitution hearings. *Id.* at ¶ 17. The breadth of

information available at such hearings has always been wide. *See Williams v. New York*, 337 U.S. 241, 246 (1949) (“[B]oth before and since the American colonies became a nation, courts . . . practiced a policy under which a sentencing judge could exercise a wide discretion in the sources and types of evidence used to assist him in determining the kind and extent of punishment to be imposed within limits fixed by law.”). Granting flexibility allows trial courts to fashion just sentences – including court-ordered restitution – based on the facts of a given case. It benefits defendants because one form of punishment (restitution) may allow them to avoid a greater fine, incarceration, or both. Finally, it benefits victims by ensuring that they don’t endure a “mini-trial” on restitution, and fines that might have gone to the State may instead go to the victim in the form of restitution. *Weeks*, 2002 UT 98, ¶¶ 17-19.

**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 style 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.