

Rule 7. Initial proceedings for class A misdemeanors and felonies.

(a) **First appearance.** At the defendant's first appearance, the court ~~will~~**must** inform the defendant:

(1) of the charge in the information or indictment and furnish a copy;

(2) of any affidavit or recorded testimony given in support of the information and how to obtain them;

(3) of the right to retain counsel or have counsel appointed by the court without expense if unable to obtain counsel;

(4) of rights concerning pretrial release; and

(5) that the defendant is not required to make any statement, and that any statement the defendant makes may be used against the defendant in a court of law.

(b) **Right to counsel.** If the defendant is present at the initial appearance without counsel, the court ~~will~~**must** determine if the defendant is capable of retaining the services of an attorney within a reasonable time. If the court determines the defendant has such resources, the court ~~will~~**must** allow the defendant a reasonable time and opportunity to retain and consult with counsel. If the court determines the defendant is indigent, the court ~~will~~**must** appoint counsel pursuant to [Rule 8](#), unless the defendant knowingly and intelligently waives the right to counsel.

(c) **Release conditions.**

(1) Except as provided in paragraph (ed), the court must issue a pretrial status order pursuant to Utah Code section 77-20-205. Parties should be prepared to address this issue, including notice requirements under Utah Code section 77-37-3 and Utah Code section 77-38-3.

(2) A motion to modify the pretrial status order issued at initial appearance may be made by either party at any time upon notice to the opposing party sufficient to

26 permit the opposing party to prepare for the hearing and to permit each alleged victim
27 to be notified and be present.

28 (3) Subsequent motions to modify a pretrial status order may be made only upon a
29 showing that there has been a material change in circumstances.

30 (4) A hearing on a motion to modify a pretrial status order may be held in conjunction
31 with a preliminary hearing or any other pretrial hearing.

32 (d) **Continuances.** Upon application of either party and a showing of good cause, the
33 court may allow up to a seven-day continuance of the ~~hearing~~initial appearance to allow
34 for preparation, including notification to any victims. The court may allow more than
35 seven days with the defendant's consent ~~of the defendant~~.

36 (e) **Right to preliminary ~~examination~~hearing.**

37 (1) The court ~~will~~must inform the defendant of the right to a preliminary ~~examination~~
38 hearing and the times available for holding the hearing. If the defendant waives the
39 right to a preliminary ~~examination~~hearing, and the prosecuting attorney consents, the
40 court ~~will~~must order the defendant bound over for trial.

41 (2) If the defendant does not waive a preliminary ~~examination~~hearing, the court
42 ~~will~~must schedule the preliminary ~~examination~~hearing upon request. The
43 ~~examination~~hearing will~~must~~ be held within a reasonable time, but not later than 14
44 days after the request, if ~~if~~ the defendant is in custody for the offense charged, and not
45 later than 28 days after the request, if the defendant is not in custody. These time
46 periods may be extended by the ~~magistrate court~~ for good cause shown. Upon consent
47 of the parties, the court may schedule the case for other proceedings before scheduling
48 a preliminary hearing.

49 (3) A preliminary ~~examination~~hearing may not be held if the defendant is indicted.

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52 **(f) Pretrial protective orders.**

53 (1) At the time of case initiation or citation for any case, the agency that initiated the
54 case must provide to the court all identifying information for the defendant and any
55 protected person, including name, date of birth, sex, race, and any other available
56 information.

57 (2) When a defendant is charged with an offense for which the court is statutorily
58 required to determine the necessity of a pretrial protective order at the first
59 appearance, the court will enter its findings and determination in writing, either
60 issuing or denying the pretrial protective order.

61 (3) If the court issues a pretrial protective order at the first appearance for a qualifying
62 offense, ~~or any other case,~~ it will rely on the agency that initiated the case to provide
63 all identifying information for the defendant and any protected person(s), including
64 name, date of birth, sex, race, and any other available information. If the court issues
65 a pretrial protective order at a later proceeding in any other case, the party requesting
66 the pretrial protective order will provide this information to the court at the time of
67 the request. The court will indicate in ~~on~~ the order if any identifying information has
68 not been provided and is therefore unknown.

69 (4) The court will specify the conditions of the pretrial protective order and any
70 applicable expiration date.

71 (5) A court will consider victim input when granting, modifying, or dismissing
72 pretrial protective orders.

73 *Effective Date November 1, 2025*