

Rule 7A. Procedures for arraignment on class B or C misdemeanors, or infractions.

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

(1) of the charge in the information, indictment, or citation 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 defendant is indigent, the court ~~will~~must appoint counsel pursuant to Rule 8, unless the defendant knowingly and intelligently waives such appointment.

(c) **Release conditions.**

(1) Except as provided in paragraph (d), 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 (32) 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 (43) A hearing on a motion to modify a pretrial status order may be held in
31 conjunction 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) **Entering a plea.**

37 (1) If the defendant is prepared with counsel, or if the defendant waives the right to
38 be represented by counsel, the court ~~will~~must call upon the defendant to enter a plea.

39 (2) If the plea is guilty, the court ~~will~~must sentence the defendant as provided by law.

40 (3) If the plea is not guilty, the court ~~will~~must set the matter for trial or a pretrial
41 conference within a reasonable time. Such time should be no longer than 30 days from
42 entry of the not guilty plea, if the defendant is in custody.

43 (4) The court may administratively enter a not guilty plea for the defendant. If the
44 court has appointed counsel, the defendant does not desire to enter a plea, or for other
45 good cause, the court ~~will~~must ~~then~~ schedule a pretrial conference.

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

47 (1i) At the time of case initiation or citation for any case, the agency that initiated the
48 case must~~is required to~~ provide to the court all identifying information for the
49 defendant and any protected person(s) to the court, including name, date of birth, sex,
50 race, and any other available information.

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

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

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

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

67 *Effective November 1, 2025*