

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

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

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

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

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

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

17 (e) Prior to issuing a warrant the judge must review the information for sufficiency. If the
18 judge determines from the information, or from any supporting statements or affidavits,
19 that there is probable cause to believe the offenses have been committed and that the
20 accused committed them, the judge may issue the warrant. If the judge determines there
21 is not probable cause the judge must notify the prosecutor. If the prosecutor does not file
22 a sufficient information within 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)~~(1)(A) Whether the defendant is denied pretrial release under the
25 authority of Utah Code § 77-20-~~1205~~, and the alleged facts supporting.

26 ~~(e)(1)~~(B) The conditions of pretrial release the court requires of the
27 defendant in accordance with Utah Code section 77-20-~~1205~~.

28 ~~(e)(1)~~(C) As required by Utah Code section 77-20-~~1205~~, if the court
29 determines monetary bail is necessary, the judge must consider the
30 individual's ability to pay and set the lowest amount reasonably calculated
31 to ensure the defendant's appearance at court.

32 ~~(e)(1)~~(D) The court must state whether the defendant's personal appearance
33 is required or whether the defendant may remit monetary bail to satisfy any
34 obligation to the court pursuant to Utah Code § 77-7-21.

35 ~~(e)(1)~~(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
38 system.

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

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

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

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

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

52