

Administrative Office of the Courts

Chief Justice Christine M. Durham
Utah Supreme Court
Chair, Utah Judicial Council

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator

AGENDA

Supreme Court's Advisory Committee on the Rules of Criminal Procedure

Administrative Office of the Courts
450 South State Street
Salt Lake City, Utah 84114

September 18, 2007 - 5:15 p.m.

1. WELCOME AND APPROVAL OF MINUTES Laura Dupaix
2. RULE 24(k) ISSUE Laura Dupaix
3. RULE 15.5 SUBCOMMITTEE REPORT Judge McCullagh
4. RULE 8 SUBCOMMITTEE REPORT Patrick Corum
5. RULE 22 Laura Dupaix
6. RULE 7 Laura Dupaix
Staff
7. S.B.154 Laura Dupaix
Staff
8. OTHER BUSINESS
9. ADJOURN

The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.

1 Rule 22. Sentence, judgment and commitment.

2 (a) Upon the entry of a plea or verdict of guilty or plea of no contest, the court shall
3 set a time for imposing sentence which shall be not less than two nor more than 45
4 days after the verdict or plea, unless the court, with the concurrence of the defendant,
5 otherwise orders. Pending sentence, the court may commit the defendant or may
6 continue or alter bail or recognizance.

7 Before imposing sentence the court shall afford the defendant an opportunity to
8 make a statement and to present any information in mitigation of punishment, or to
9 show any legal cause why sentence should not be imposed. The prosecuting attorney
10 shall also be given an opportunity to present any information material to the imposition
11 of sentence.

12 (b) On the same grounds that a defendant may be tried in defendant's absence,
13 defendant may likewise be sentenced in defendant's absence. If a defendant fails to
14 appear for sentence, a warrant for defendant's arrest may be issued by the court.

15 (c)(1) Upon a verdict or plea of guilty or plea of no contest, the court shall impose
16 sentence and shall enter a judgment of conviction which shall include the plea or the
17 verdict, if any, and the sentence. Following imposition of sentence, the court shall
18 advise the defendant of defendant's right to appeal and the time within which any
19 appeal shall be filed.

Results guilty, no contest or guilty and mentally ill

20 (c)(2) If the defendant is convicted of a misdemeanor crime of domestic violence, as
21 defined in Utah Code Section 77-36-1, the court shall advise the defendant orally or in
22 writing that, as a result of the conviction, it is unlawful for the defendant to possess or
23 transfer any firearm or ammunition. The failure to notify does not render the sentence or
24 conviction invalid.

- or for the basis for withdrawal of a plea plea

25 (d) When a jail or prison sentence is imposed, the court shall issue its commitment
26 setting forth the sentence. The officer delivering the defendant to the jail or prison shall
27 deliver a true copy of the commitment to the jail or prison and shall make the officer's
28 return on the commitment and file it with the court.

29 (e) The court may correct an illegal sentence, or a sentence imposed in an illegal
30 manner, at any time.

31 (f) Upon a verdict or plea of guilty and mentally ill, the court shall impose sentence in
32 accordance with Title 77, Chapter 16a, Utah Code. If the court retains jurisdiction over a
33 mentally ill offender committed to the Department of Human Services as provided by
34 Utah Code Ann. § 77-16a-202(1)(b), the court shall so specify in the sentencing order.

35

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S.B. 154 Enrolled

1

STATEMENT UNDER PENALTY OF PERJURY

2

2007 GENERAL SESSION

3

STATE OF UTAH

4

Chief Sponsor: Scott D. McCoy

5

House Sponsor: Scott L Wyatt

6

7 LONG TITLE

8 General Description:

9 This bill establishes that documents may be self authenticated by affixing one's
10 signature to the document under penalty of perjury.

11 Highlighted Provisions:

12 This bill:

13 . allows a person to authenticate documents by attesting that the document is true and
14 correct under penalty of perjury.

15 Monies Appropriated in this Bill:

16 None

17 Other Special Clauses:

18 None

19 Utah Code Sections Affected:

20 ENACTS:

21 **46-5-101**, Utah Code Annotated 1953

22

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **46-5-101** is enacted to read:

25 **46-5-101. Self-authentication of documents.**

26 *(1) If the Utah Rules of Criminal Procedure, Civil Procedure, or Evidence, require or*
27 *permit a written declaration upon oath, an individual may, with like force and effect,*

provide

28 *an unsworn written declaration, subscribed and dated under penalty of this section, in*
29 *substantially the following form:*

30

"I declare (or certify, verify, or state) under criminal penalty of the State of Utah that the

31 foregoing is true and correct.

32 Executed on (date).

33 (Signature)".

34 (2) A person is guilty of a class B misdemeanor if the person knowingly makes a false

35 written statement as provided under Subsection (1).

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