

1 **Rule 6. Warrant of arrest or summons.**

2 (a) Upon the ~~return~~ filing of an indictment, ~~the magistrate shall cause to issue either a warrant for~~
3 ~~the arrest or a summons for the appearance of the accused. or upon the acceptance of an~~
4 information by a judge, the court shall set the case for an initial appearance or arraignment, as
5 appropriate. The court shall then issue a summons directing the defendant to appear for that
6 hearing, except as described in subsection (c).

7 ~~Upon the filing of an information, if it appears from the information, or from any affidavit filed~~
8 ~~with the information, that there is probable cause to believe that an offense has been committed~~
9 ~~and that the accused has committed it, the magistrate shall cause to issue either a warrant for the~~
10 ~~arrest or a summons for the appearance of the accused.~~

11 (b) ~~If it appears to the magistrate that the accused will appear on a summons and there is no~~
12 ~~substantial danger of a breach of the peace, or injury to persons or property, or danger to the~~
13 ~~community, a summons may issue in lieu of a warrant of arrest to require the appearance of the~~
14 ~~accused. If the defendant is a corporation, a summons shall issue. A warrant of arrest may issue~~
15 ~~in cases where the defendant has failed to appear in response to a summons or citation or~~
16 ~~thereafter when required by the court. When a warrant of arrest is issued, the magistrate shall~~
17 ~~state on the warrant: The summons shall inform the defendant of the date, time and courthouse~~
18 location for the initial appearance or arraignment. The summons may be mailed to the
19 defendant's last known address, or served by anyone authorized to serve a summons in a civil
20 action.

21 ~~(1) the amount of bail; and~~

22 ~~(2) if the magistrate determines that the accused must appear in court, the name of the law~~
23 ~~enforcement agency in the county or municipality with jurisdiction over the offense charged.~~

24 ~~(c)(1) The warrant shall be executed by a peace officer. The summons may be served by a peace~~
25 ~~officer or any person authorized to serve a summons in a civil action.~~

26 ~~(2) The warrant may be executed or the summons may be served at any place within the state.~~

27 ~~(3) The warrant shall be executed by the arrest of the defendant. The officer need not have the~~
28 ~~warrant in his possession at the time of the arrest, but upon request shall show the warrant to the~~
29 ~~defendant as soon as practicable. If the officer does not have the warrant in his possession at the~~

30 ~~time of the arrest, he shall then inform the defendant of the offense charged and of the fact that~~
31 ~~the warrant has been issued. The summons shall be served as in civil actions, or by mailing it to~~
32 ~~the defendant's last known address.~~

33 ~~(4) The person executing a warrant or serving a summons shall make return thereof to the~~
34 ~~magistrate as soon as practicable. At the request of the prosecuting attorney, any unexecuted~~
35 ~~warrant shall be returned to the magistrate for cancellation.~~

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

38 (c)(1) The defendant's address is unknown or the defendant will not otherwise appear on a
39 summons; or

40 (c)(2) any of the conditions under Utah Code Section 77-20-1(2) are present.

41 (d) A judge shall issue a warrant of arrest in cases where the defendant has failed to appear in
42 response to a summons.

43 (e) When a warrant of arrest is issued, the judge shall state on the warrant:

44 (e)(1) Whether the defendant is denied pretrial release under the authority of Utah Code § 77-20-
45 1, and the alleged facts supporting.

46 (e)(2) The conditions of pretrial release the court requires of the defendant, including monetary
47 bail or release on the defendant's own recognizance.

48 (e)(3)(A) In determining the amount of monetary bail, the judge shall set the lowest amount
49 reasonably calculated to effect the purposes of Utah Code Section 77-20-1(3).

50 (e)(3)(B) The court shall state whether the defendant's personal appearance is required or
51 whether the defendant may remit the monetary bail to satisfy any obligation to the court pursuant
52 to Utah Code § 77-7-21.

53 (e)(4) The geographic area from which the issuing court will guarantee transport pursuant to
54 Utah Code § 77-7-5.

55 (f) The clerk of the court shall enter the warrant into the court information management system.

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

57 (g)(1) The warrant shall be served by a peace officer. The officer may execute the warrant at any
58 place within the state.

59 (g)(2) The warrant shall be executed by the arrest of the defendant. The officer need not possess
60 the warrant at the time of the arrest. Upon request, the officer shall show the warrant to the

61 defendant as soon as practicable. If the officer does not have the warrant in possession at the time
62 of the arrest, the officer shall inform the defendant of the offense charged and of the fact that the
63 warrant has been issued.

64 (g)(3) The person executing a warrant or serving a summons shall make return thereof to the
65 magistrate as soon as practicable.

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