

1 **Rule 22. Initial appearance and preliminary hearing in cases under Utah Code sections**  
2 **80-6-503 and 80-6-504.**

3 (a) When a summons is issued in lieu of a warrant of arrest, the minor must appear before  
4 the court as directed in the summons.

5 (b) When any peace officer or other person makes an arrest of a minor without a warrant,  
6 the minor must be taken to a juvenile detention facility pending a detention hearing,  
7 which must be held as provided by these rules. When any peace officer makes an arrest  
8 of a minor with a warrant, the minor must be taken to the place designated on the  
9 warrant. If an information has not been filed, one must be filed without delay in the court  
10 with jurisdiction over the offense.

11 (c) If a minor is arrested in a county other than where the offense was committed the  
12 minor must without unnecessary delay be returned to the county where the crime was  
13 committed and must be taken before a judge of the juvenile court.

14 (d) The court will, upon the minor's first appearance, inform the minor:

15 (1) of the charge in the information or indictment and furnish the minor with a  
16 copy;

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

19 (3) of the right to retain counsel or have counsel appointed by the court;

20 (4) of rights concerning detention, pretrial release, and bail in the event the minor  
21 is bound over to stand trial in district court; and

22 (5) that the minor is not required to make any statement, and that any statements  
23 made may be used against the minor in a court of law.

24 (e) The court will, after providing the information under paragraph (d) and before  
25 proceeding further, allow the minor reasonable time and opportunity to consult counsel

26 and will allow the minor to contact any attorney by any reasonable means, without delay  
27 and without fee.

28 (f) The minor may not be called on to enter a plea. During the initial appearance, the  
29 minor will be advised of the right to a preliminary hearing. If the minor waives the right  
30 to a preliminary hearing, the court will proceed in accordance with Rule 23A to hear  
31 evidence regarding the factors contained in Utah Code section 80-6-504(3).

32 (g) If the minor does not waive a preliminary hearing, the court will schedule the  
33 preliminary hearing. The preliminary hearing will be held within a reasonable time, but  
34 not later than ~~ten~~10 days after the initial appearance if the minor is in custody for the  
35 offense charged. The preliminary hearing will be held within a reasonable time, but not  
36 later than 30 days after the initial appearance if the minor is not in custody. The time  
37 periods of this rule may be extended by the court for good cause shown.

38 (h) If a grand jury indicts a minor for a qualifying offense listed in Utah Code section 80-  
39 6-503, the court will proceed in accordance with Utah Code section 80-6-504(11).

40 (i) A preliminary hearing will be held under the rules and laws applicable to criminal  
41 cases tried before a court. The state has the burden of proof and will proceed first with its  
42 case. At the conclusion of the state's case, the minor may testify under oath, call witnesses,  
43 and present evidence. The minor may cross-examine adverse witnesses.

44 (j) If from the evidence the court finds probable cause under Utah Code section 80-6-  
45 504(2)(a), the court will proceed in accordance with Rule 23A to hear evidence regarding  
46 the factors contained in Utah Code section 80-6-504(3).

47 (k) The finding of probable cause may be based, in whole or in part, on reliable hearsay.  
48 ~~, but may not be based solely on reliable hearsay evidence admitted under Rule 1102(b)(8)~~  
49 ~~of the Utah Rules of Evidence.~~ Objections to evidence on the ground that it was acquired  
50 by unlawful means ~~may~~are not ~~be~~properly raised at the preliminary hearing.

51 (l) If the court does not find probable cause to believe that the crime charged has been  
52 committed or that the minor committed it, the court will dismiss the information and

53 discharge the minor. The court may enter findings of fact, conclusions of law, and an  
54 order of dismissal. The dismissal and discharge do not preclude the state from instituting  
55 a subsequent prosecution for the same offense.

56 (m) At a preliminary hearing, upon request of either party, and subject to Title 77, Chapter  
57 38, Rights of Crime Victims Act, the court may:

58 (1) exclude witnesses from the courtroom;

59 (2) require witnesses not to converse with each other until the preliminary hearing  
60 is concluded; and

61 (3) exclude spectators from the courtroom.