

HJR017S01 compared with HJR017

~~deleted text~~ shows text that was in HJR017 but was deleted in HJR017S01.

inserted text shows text that was not in HJR017 but was inserted into HJR017S01.

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Representative Steve Waldrip proposes the following substitute bill:

JOINT RESOLUTION AMENDING RULES OF CRIMINAL PROCEDURE ON HEARINGS WITH CONTEMPORANEOUS TRANSMISSION

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: _____

LONG TITLE

General Description:

This joint resolution amends Utah Rules of Criminal Procedure, Rule 17.5, regarding hearings with contemporaneous transmission from a different location.

Highlighted Provisions:

This resolution:

- ▶ amends the Utah Rules of Criminal Procedure, Rule 17.5, regarding hearings with contemporaneous transmission from a different location; and
- ▶ makes technical and conforming changes.

Special Clauses:

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This resolution provides a special effective date.

Utah Rules of Criminal Procedure Affected:

AMENDS:

Rule 17.5, Utah Rules of Criminal Procedure

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend rules of procedure and evidence adopted by the Utah Supreme Court upon a two-thirds vote of all members of both houses of the Legislature:

Section 1. **Rule 17.5**, Utah Rules of Criminal Procedure is amended to read:

Rule 17.5. Hearings with contemporaneous transmission from a different location.

(a) The court, in its discretion, may conduct the arraignment, bail hearing, [~~and/or~~] or initial appearance with a defendant attending by contemporaneous transmission from a different location without the agreement of the parties or waiver of the defendant's attendance in person.

(b) For any other type of hearing, the court may conduct the hearing with a defendant attending by contemporaneous transmission from a different location only if the parties agree and the defendant knowingly and voluntarily waives attendance in person.

(c) [~~For~~] Except as provided in paragraph (d), for good cause and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location if the party not calling the witness waives the right to confront the witness in person.

(d) (1) For a hearing in a misdemeanor case, a forensic toxicologist may testify in open court by contemporaneous transmission from a different location with the appropriate safeguards described in Rule 43(b) of the Utah Rules of Civil Procedure, except that the court may require the forensic toxicologist to testify in person upon a showing of good cause by a party.

(d) (2) This paragraph (d) is repealed on January 1, 2025.

~~(d)~~ (e) Nothing in this rule precludes or affects the procedures in rule 15.5.

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Section 2. **Effective date.**

This resolution takes effect upon approval by a constitutional two-thirds vote of all members elected to each house.