

1 **ELECTRONIC FILING OF TRAFFIC CITATIONS AND**
2 **ACCIDENT REPORTS AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jon Cox**

6 Senate Sponsor: Daniel W. Thatcher

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to the electronic filing of a misdemeanor or
11 infraction citation.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ exempts an officer who is not reasonably able to file a citation electronically from
15 the e-filing requirements in a justice court.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **77-7-20**, as last amended by Laws of Utah 2013, Chapter 65

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

25 Section 1. Section **77-7-20** is amended to read:

26 **77-7-20. Service of citation on defendant -- Filing in court -- Electronic filing --**

27 **Contents of citations.**

28 (1) A peace officer or public official who issues a citation pursuant to Section **77-7-18**
29 shall give the citation to the person cited and shall within five business days electronically file

30 the data from Subsections (2)(a) through (2)(g) with the court specified in the citation. The
31 data transmission shall use the court's electronic filing interface. A nonconforming filing is not
32 effective.

33 (2) The citation issued under authority of this chapter shall contain the following data:

34 (a) the name of the court before which the person is to appear;

35 (b) the name of the person cited;

36 (c) a brief description of the offense charged;

37 (d) the date, time, and place at which the offense is alleged to have occurred;

38 (e) the date on which the citation was issued;

39 (f) the name of the peace officer or public official who issued the citation, and the

40 name of the arresting person if an arrest was made by a private party and the citation was

41 issued in lieu of taking the arrested person before a magistrate;

42 (g) the time and date on or before and after which the person is to appear or a statement

43 that the court will notify the person of the time to appear;

44 (h) the address of the court in which the person is to appear; and

45 (i) a notice containing substantially the following language:

46 **READ CAREFULLY**

47 This citation is not an information and will not be used as an information without your

48 consent. If an information is filed you will be provided a copy by the court. You **MUST**

49 appear in court on or before the time set in this citation or as directed by the court. **IF YOU**

50 **FAIL TO APPEAR, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.**

51 (3) By electronically filing the data with the court, the peace officer or public official

52 certifies to the court that:

53 (a) the citation or information, including the summons and complaint, was served upon
54 the defendant in accordance with the law;

55 (b) the defendant committed the offense set forth in the served documents; and

56 (c) the court to which the defendant was directed to appear is the proper court pursuant
57 to Section [77-7-21](#).

58 (4) Notwithstanding Subsection (1), if a citing law enforcement officer is not
59 reasonably able to access the efileing system, the citation need not be filed electronically if being
60 filed with a justice court.