

**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:

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



28 all members of both houses of the Legislature:

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

30 **Rule 17.5. Hearings with contemporaneous transmission from a different**
31 **location.**

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

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

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

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

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

49 Section 2. **Effective date.**

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