

Chapter 25a

Appointment and Authority of Constables

17-25a-1 Constables -- Nomination -- Appointment -- Authority.

- (1)
 - (a) The legislative governing bodies of counties and cities of the first or second class shall determine whether to appoint constables. If a county or city of the first or second class decides to appoint constables, they shall be nominated and appointed under this chapter.
 - (b) However, a constable holding office on April 23, 1990, may complete his term. Any subsequent terms he may serve shall be in accordance with this chapter.
- (2) To nominate a constable, the county or city of the first or second class shall establish a nominating commission.
 - (a) The county nominating commission shall consist of one member of the county legislative governing body, one judge, the county attorney, the district attorney, the sheriff of the county, or their designees, and one private citizen.
 - (b) The city nominating commission shall consist of one member of the city legislative governing body, one judge, the city attorney, the chief of police, or their designees, and one private citizen.
 - (c) The nominating commission shall review each applicant's credentials and recommend to the legislative governing body of the county or city the nominees it finds most qualified by majority vote.
- (3) The county or city legislative governing body shall either appoint or reject any nominee.
- (4) The authority of a constable may be withdrawn by the county or city legislative governing body for cause, including if the constable's peace officer certification is suspended or revoked under Section 53-6-211.

Amended by Chapter 38, 1993 General Session
Amended by Chapter 234, 1993 General Session

17-25a-2 Constable -- Qualifications -- Duties.

- (1) To qualify as a constable, a person shall be certified as a special function peace officer in the state.
- (2) A constable shall:
 - (a) avoid all conflicts of interest; and
 - (b) maintain a public office and be accessible to the public and to the court during the hours the court is open.

Enacted by Chapter 44, 1990 General Session

17-25a-3 County and city constables -- Terms -- Authority -- Deputies.

- (1) Constables appointed by a county or city are appointed for terms of four years and may serve more than one term if reappointed by the appointing body.
- (2)
 - (a) Constables serving process outside the county in which they are appointed shall contact the sheriff's office or police department of the jurisdiction prior to serving executions or seizing any property.

- (b) A constable or deputy constable shall notify the agency of jurisdiction by contacting the sheriff's office or police department of jurisdiction before serving a warrant of arrest.
- (3) The appointed constable may, upon approval of the appointing county or city, employ and deputize persons who are certified as special function peace officers to function as deputy constables.
- (4) If the county or city appointing body withdraws the authority of a constable, the authority of all deputy constables is also withdrawn.
- (5) If the authority of a constable or deputy constable is withdrawn, notification of the Peace Officer Standards and Training Division of the Department of Public Safety shall be made pursuant to Section 53-6-209.

Amended by Chapter 48, 2012 General Session

17-25a-4 Rates recoverable -- Exception.

- (1) The rates recoverable through court action for service of process by a constable are governed by Section 17-22-2.5, 17-25-3, or 17-25-5 when applicable.
- (2) Constable fees that exceed the amounts in Section 17-22-2.5 are recoverable in court:
 - (a) by the constable only if he has received prior approval for the increased fee from the party requesting the service; and
 - (b) by a prevailing party as a cost of the action only if the court finds the service and increased fee are justifiable.

Amended by Chapter 46, 2001 General Session