

Representative Craig W. Buttars proposes to substitute the following bill:

COUNTY OFFICERS AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Craig W. Buttars

AN ACT RELATING TO COUNTIES; REPEALING LANGUAGE RELATING TO THE EFFECT OF AN OFFICER'S ABSENCE FROM THE COUNTY, DISTRICT, PRECINCT, OR PROSECUTION DISTRICT; ESTABLISHING CERTAIN BEHAVIOR AS MALFEASANCE IN OFFICE; REQUIRING COUNTY OR PROSECUTION DISTRICT OFFICERS TO TAKE PAID ADMINISTRATIVE LEAVE UNDER CERTAIN CIRCUMSTANCES; AUTHORIZING THE TEMPORARY REASSIGNMENT OF THE DUTIES OF AN OFFICER ON ADMINISTRATIVE LEAVE; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

17-16-1, as last amended by Chapter 139, Laws of Utah 1997

ENACTS:

17-16-10.5, Utah Code Annotated 1953

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

Section 1. Section **17-16-1** is amended to read:

17-16-1. Eligibility and residency requirements for county, district, precinct, or prosecution district office.

(1) A person filing a declaration of candidacy for a county, district, precinct, or prosecution district office shall:

(a) be a United States citizen;

(b) except as provided in Subsection 17-18-5(1)(d)(ii) with respect to the office of county attorney or district attorney, as of the date of the election have been a resident of the county,

26 district, precinct, or prosecution district in which the person seeks office for at least one year; and

27 (c) be a registered voter in the county, district, precinct, or prosecution district in which the
28 person seeks office.

29 (2) (a) A county, district, precinct, or prosecution district officer shall maintain residency
30 within the county, district, precinct, or prosecution district in which he was elected during his term
31 of office.

32 (b) If a county, district, precinct, or prosecution district officer establishes his principal
33 place of residence as provided in Section 20A-2-105 outside the county, district, precinct, or
34 prosecution district in which he was elected, the office is automatically vacant.

35 [~~(3) If an elected county, district, precinct, or prosecution district officer is absent from the
36 county, district, precinct, or prosecution district any time during his term of office for a continuous
37 period of more than 60 days without the consent of the county legislative body or bodies, the
38 county, district, precinct, or prosecution district office is automatically vacant.~~]

39 Section 2. Section 17-16-10.5 is enacted to read:

40 **17-16-10.5. Malfeasance in office -- Felony charges or incapacitation -- Paid**
41 **administrative leave -- Reassignment of duties.**

42 (1) The failure of an elected county or prosecution district officer substantially to perform
43 the officer's official duties constitutes malfeasance in office under Section 77-6-1.

44 (2) If an elected county or prosecution district officer is charged with the commission of
45 a felony arising from conduct related to the officer's official duties, the officer shall be placed on
46 paid administrative leave ~~in~~ **BY THE COUNTY LEGISLATIVE BODY** ~~in~~ until a court of competent
46a jurisdiction disposes of the charges.

47 ~~**in** [(3) If an elected county or prosecution district officer is unable to perform the officer's~~
48 ~~**official duties due to medical illness, injury, or other incapacitation, the officer shall be placed on**~~
49 ~~**paid administrative leave until the officer is again able to perform the officer's official duties.**~~

50 ~~————~~ ~~(4)~~ ~~(3)~~ ~~in~~ (a) During the time that an elected county or prosecution district officer is on paid
51 administrative leave under Subsection (2) ~~in~~ ~~[(3)]~~ ~~in~~ , the officer's duties may, except as provided
51a in

52 Subsection (4)(c), be temporarily:

53 (i) reassigned to another officer by the county legislative body; or

54 (ii) performed by a person employed for that purpose, under the supervision of the county
55 legislative body.

56 (b) For purposes of Subsection ~~in~~ ~~[(4)]~~ ~~(3)~~ ~~in~~ (a) with respect to a prosecution district officer
56a in a

57 multi-county prosecution district, "county legislative body" means the legislative bodies of all
58 counties included in the prosecution district.

59 (c) A reassignment under Subsection ~~h~~ **(3)** ~~h~~ a) may not result in the same
59a person exercising

60 the duties of:

61 (i) both a county legislative body member or county treasurer and county auditor; or

62 (ii) both a county executive and county auditor.