

1 **COUNTY SHERIFF QUALIFICATION**

2 **AMENDMENTS**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Richard A. Greenwood**

6 Senate Sponsor: Scott K. Jenkins

7

8 **LONG TITLE**

9 **Committee Note:**

10 The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

11 **General Description:**

12 This bill modifies provisions in Title 17, Counties, relating to the qualifications of a
13 county sheriff.

14 **Highlighted Provisions:**

15 This bill:

16 ▶ provides new certification requirements for county sheriffs elected after the 2008
17 regular general election;

18 ▶ requires a person filing a declaration of candidacy for county sheriff to submit a
19 certificate issued by the Peace Officer Standards and Training Division stating that
20 the candidate:

21 • has successfully met the standards and training requirements established for law
22 enforcement officers in Title 53, Chapter 6, Part 2, Peace Officer Training and
23 Certification Act; and

24 • has qualified to be certified as a law enforcement officer, as defined in Section
25 53-13-103;

26 ▶ requires an elected county sheriff to be certified at the time of taking office as:

27 • a correctional officer, as defined in Section 53-13-104; or



- 28 • a correctional facility manager by having completed a correctional facility
- 29 management course approved by the POST Council; and
- 30 ▶ requires a county sheriff to remain certified as a law enforcement officer and as a
- 31 correctional officer or correctional facility manager during the sheriff's term of
- 32 office.

33 **Monies Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 **H→ [None] This bill takes effect upon approval. ←H**

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **17-22-1.5**, as last amended by Laws of Utah 2008, Chapter 338



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

42 Section 1. Section **17-22-1.5** is amended to read:

43 **17-22-1.5. County sheriff qualifications.**

44 (1) Each person filing a declaration of candidacy for the office of county sheriff shall
45 submit to the county clerk, at the time of filing a declaration of candidacy, a certificate issued
46 by the Peace Officer Standards and Training Division created under Section 53-6-103 stating
47 that the candidate has:

48 (a) (i) successfully met the standards and training requirements established for peace
49 officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or

50 (ii) passed a certification examination as provided in Section 53-6-206; and

51 (b) [~~qualified~~] met the qualifications to be certified as a law enforcement officer, as
52 defined in Section 53-13-103.

53 (2) In addition to the general qualifications required of county officers by Title 17,
54 Chapter 16, County Officers, each county sheriff shall:

55 (a) at the time of taking office:

56 (i) (A) have successfully met the standards and training requirements established for
57 peace officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act;

58 or

59 (B) have passed a certification examination as provided in Section 53-6-206; and
 60 (ii) be qualified to be certified as:
 61 (A) a law enforcement officer, as defined in Section 53-13-103; and
 62 (B) if the person is elected to the office of county sheriff in any election held after the
 63 2008 general election:
 64 [~~(B)~~] (I) a correctional officer, as defined in Section 53-13-104; [and] or
 65 (II) a correctional facility manager by having ~~H~~→ **successfully** ←~~H~~ completed a
 65a correctional facility
 66 management course ~~H~~→ **that is offered by a certified academy in both an online web-based**
 66a **format and in a classroom format and that is** ←~~H~~ approved by the Peace Officer Standards and
 66b Training Council created in
 67 Section 53-6-106;
 68 (b) satisfactorily complete annual certified training as required in Section 53-13-103;
 69 and
 70 (c) after certification as provided in Subsection (2)(a), remain certified during the
 71 sheriff's term of office as:
 72 (i) a law enforcement officer [~~and correctional officer during the sheriff's term of~~
 73 ~~office.]; and~~
 74 (ii) if the person is elected to the office of county sheriff in any election held after the
 75 2008 general election:
 76 (A) a correctional officer; or
 77 (B) a correctional facility manager by having completed a correctional facility
 78 management course approved by the Peace Officer Standards and Training Council.
 78a ~~H~~→ **(3) If a sheriff resigns ~~S~~→ [before the expiration of] , retires, dies, or otherwise does not**
 78ab **complete ←~~S~~ the term of office, the person appointed to**
 78b **serve for the remainder of the term shall within ~~S~~→ [30] 60 ←~~S~~ days after the date of**
 78ba **appointment complete**
 78c **the training and exam required under Subsection (2)(a)(ii)(B).**
 79 [~~(3)~~] **(4) ←~~H~~** The county legislative body shall declare the office of sheriff to be vacant
 79a if at any
 80 time the incumbent sheriff fails to meet the qualifications for office under Subsection (2).
 80a ~~H~~→ **Section 2. Effective date.**
 80b **If approved by two-thirds of all the members elected to each house, this bill takes effect**
 80c **upon approval by the governor, or the day following the constitutional time limit of Utah**
 80d **Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,**
 80e **the date of veto override. ←~~H~~**

Legislative Review Note
 as of 5-13-08 1:50 PM

Office of Legislative Research and General Counsel

Senate 3rd Reading Amendments 2-6-2009 rd/
 Senate Committee Amendments 2-4-2009 rd/sca
 House Floor Amendments 1-27-2009 je/