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PROHIBITION ON CITATION QUOTAS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Neil A. Hansen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies municipal, county, and public safety provisions of the Utah Code to prohibit state and local governmental entities and law enforcement agencies from imposing traffic citation quotas on law enforcement officers.

Highlighted Provisions:

This bill:

- ▶ prohibits state and local governmental entities and law enforcement agencies from requiring or directing that their law enforcement officers issue within any specified time period a specific number of citations, complaints, or warning notices:
 - for violations of Title 41, Chapter 6a, Traffic Code; or
 - violations of any local traffic ordinance, including any of the offenses described in Section 41-6a-208, which addresses regulatory powers of local highway authorities.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-913, as last amended by Laws of Utah 2002, Chapter 219



28 **10-3-918**, as last amended by Laws of Utah 2003, Chapter 292
 29 **17-50-304**, as renumbered and amended by Laws of Utah 2000, Chapter 133
 30 **53-1-108**, as last amended by Laws of Utah 2008, Chapter 382
 31 **53-8-104**, as last amended by Laws of Utah 2002, Chapter 219

32 ENACTS:

33 **10-1-204**, Utah Code Annotated 1953
 34 **17-22-2.1**, Utah Code Annotated 1953

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

37 Section 1. Section **10-1-204** is enacted to read:

38 **10-1-204. Traffic violation quotas prohibited.**

39 A municipality may not by any means require or direct its law enforcement agency or
 40 any law enforcement officer to issue within any specified time period a specific number of
 41 citations, complaints, or warning notices for violations of Title 41, Chapter 6a, Traffic Code, or
 42 violations of any local traffic ordinance, including any of the offenses described in Section
 43 41-6a-208, which addresses regulatory powers of local highway authorities.

44 Section 2. Section **10-3-913** is amended to read:

45 **10-3-913. Authority of chief of police.**

46 (1) The chief of police has the same authority as the sheriff within the boundaries of
47 the municipality of appointment. The chief has authority to:

- 48 (a) suppress riots, disturbances, and breaches of the peace;
- 49 (b) apprehend all persons violating state laws or city ordinances;
- 50 (c) diligently discharge his duties and enforce all ordinances of the city to preserve the
51 peace, good order, and protection of the rights and property of all persons; and
- 52 (d) attend the municipal justice court located within the city when required, provide
53 security for the court, and obey its orders and directions.

54 (2) This section is not a limitation of a police chief's statewide authority as otherwise
55 provided by law.

56 (3) The chief of police shall, on or before January 1, 2003, adopt a written policy that
57 prohibits the stopping, detention, or search of any person when the action is solely motivated
58 by considerations of race, color, ethnicity, age, or gender.

59 (4) A police chief may not by any means require or direct any law enforcement officer
60 to issue within any specified time period a specific number of citations, complaints, or warning
61 notices for violations of Title 41, Chapter 6a, Traffic Code, or violations of any local traffic
62 ordinance, including any of the offenses described in Section 41-6a-208, which addresses
63 regulatory powers of local highway authorities.

64 Section 3. Section **10-3-918** is amended to read:

65 **10-3-918. Chief of police or marshal in a city of the third, fourth, or fifth class or**
66 **town.**

67 The chief of police or marshal in each city of the third, fourth, or fifth class or town:

68 (1) shall:

69 (a) exercise and perform the duties that are prescribed by the legislative body;

70 (b) be under the direction, control, and supervision of the person or body that appointed
71 the chief or marshal; and

72 (c) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
73 detention, or search of any person when the action is solely motivated by considerations of
74 race, color, ethnicity, age, or gender; [~~and~~]

75 (2) may, with the consent of the person or body that appointed the chief or marshal,
76 appoint assistants to the chief of police or marshal[-]; and

77 (3) may not by any means require or direct any law enforcement officer to issue within
78 any specified time period a specific number of citations, complaints, or warning notices for
79 violations of Title 41, Chapter 6a, Traffic Code, or violations of any local traffic ordinance,
80 including any of the offenses described in Section 41-6a-208, which addresses regulatory
81 powers of local highway authorities.

82 Section 4. Section **17-22-2.1** is enacted to read:

83 **17-22-2.1. Traffic violation quotas prohibited.**

84 A sheriff may not by any means require or direct any law enforcement officer to issue
85 within any specified time period a specific number of citations, complaints, or warning notices
86 for violations of Title 41, Chapter 6a, Traffic Code, or violations of any local traffic ordinance,
87 including any of the offenses described in Section 41-6a-208, which addresses regulatory
88 powers of local highway authorities.

89 Section 5. Section **17-50-304** is amended to read:

90 **17-50-304. Police, building, and sanitary regulations -- Prohibition of quotas.**

91 (1) A county may make and enforce within the limits of the county, outside the limits
92 of cities and towns, all such local, police, building, and sanitary regulations as are not in
93 conflict with general laws.

94 (2) A county may not by any means require or direct its law enforcement agency or any
95 law enforcement officer to issue within any specified time period a specific number of
96 citations, complaints, or warning notices for violations of Title 41, Chapter 6a, Traffic Code, or
97 violations of any local traffic ordinance, including any of the offenses described in Section
98 41-6a-208, which addresses regulatory powers of local highway authorities.

99 Section 6. Section **53-1-108** is amended to read:

100 **53-1-108. Commissioner's powers and duties.**

101 (1) In addition to the responsibilities contained in this title, the commissioner shall:

102 (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility
103 of Motor Vehicle Owners and Operators Act;

104 (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as
105 required to properly discharge the duties of the department;

106 (c) make rules:

107 (i) governing emergency use of signal lights on private vehicles; and

108 (ii) allowing privately owned vehicles to be designated for part-time emergency use, as
109 provided in Section 41-6a-310;

110 (d) set standards for safety belt systems, as required by Section 41-6a-1803;

111 (e) serve as the chairman of the Disaster Emergency Advisory Council, as required by
112 Section 63K-3-201;

113 (f) designate vehicles as "authorized emergency vehicles," as required by Section
114 41-6a-102; and

115 (g) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
116 detention, or search of any person when the action is solely motivated by considerations of
117 race, color, ethnicity, age, or gender.

118 (2) The commissioner may:

119 (a) subject to the approval of the governor, establish division headquarters at various
120 places in the state;

121 (b) issue to a special agent a certificate of authority to act as a peace officer and revoke
122 that authority for cause, as authorized in Section 56-1-21.5;

123 (c) create specialized units within the commissioner's office for conducting internal
124 affairs and aircraft operations as necessary to protect the public safety;

125 (d) cooperate with any recognized agency in the education of the public in safety and
126 crime prevention and participate in public or private partnerships, subject to Subsection (3);

127 (e) cooperate in applying for and distributing highway safety program funds; and

128 (f) receive and distribute federal funding to further the objectives of highway safety in
129 compliance with the Federal Assistance Management Program Act.

130 (3) (a) Money may not be expended under Subsection (2)(d) for public safety education
131 unless it is specifically appropriated by the Legislature for that purpose.

132 (b) Any recognized agency receiving state money for public safety shall file with the
133 auditor of the state an itemized statement of all its receipts and expenditures.

134 (4) The commissioner may not by any means require or direct any law enforcement
135 officer to issue within any specified time period a specific number of citations, complaints, or
136 warning notices for violations of Title 41, Chapter 6a, Traffic Code.

137 Section 7. Section **53-8-104** is amended to read:

138 **53-8-104. Superintendent's duties.**

139 (1) The superintendent shall:

140 [~~(1)~~] (a) divide the state highways into sections for the purpose of patrolling and
141 policing;

142 [~~(2)~~] (b) employ peace officers known as highway patrol troopers to patrol or police the
143 highways within this state and to enforce the state statutes as required;

144 [~~(3)~~] (c) establish ranks, grades, and positions in the Highway Patrol and designate the
145 authority and responsibility in each rank, grade, and position;

146 [~~(4)~~] (d) establish for the Highway Patrol standards and qualifications and fix
147 prerequisites of training, education, and experience for each rank, grade, and position;

148 [~~(5)~~] (e) appoint personnel to each rank, grade, and position necessary for the efficient
149 operation and administration of the Highway Patrol;

150 [~~(6)~~] (f) devise and administer examinations designed to test applicants for positions
151 with the Highway Patrol;

152 ~~[(7)]~~ (g) make rules governing the Highway Patrol as appear to the superintendent
153 advisable;

154 ~~[(8)]~~ (h) discharge, demote, or temporarily suspend any employee in the Highway
155 Patrol for cause;

156 ~~[(9)]~~ (i) prescribe the uniforms to be worn and the equipment to be used by employees
157 of the Highway Patrol;

158 ~~[(10)]~~ (j) charge against each employee of the Highway Patrol the value of any
159 property of the state lost or destroyed through the carelessness of the employee;

160 ~~[(11)]~~ (k) establish, with the approval of the Division of Finance, the terms and
161 conditions under which expense allowance should be paid to any employee of the Highway
162 Patrol while away from his station;

163 ~~[(12)]~~ (l) station the Highway Patrol in localities as he finds advisable for the
164 enforcement of the laws of this state;

165 ~~[(13)]~~ (m) conduct in conjunction with the State Board of Education in and through all
166 state schools an educational campaign in highway safety and work in conjunction with civic
167 organizations, churches, local units of government, and other organizations that may function
168 in accomplishing the purposes of reducing highway accidents;

169 ~~[(14)]~~ (n) provide the initial mandatory uniform items for each new trooper hired after
170 July 1, 1998;

171 ~~[(15)]~~ (o) determine by rule a basic uniform allowance system which includes the
172 manner in which troopers may receive maintenance services and vouchers for basic uniforms
173 and administer any funds appropriated by the Legislature to the division for that purpose; and

174 ~~[(16)]~~ (p) on or before January 1, 2003, adopt a written policy that prohibits the
175 stopping, detention, or search of any person when the action is solely motivated by
176 considerations of race, color, ethnicity, age, or gender.

177 (2) The superintendent may not by any means require or direct any law enforcement
178 officer to issue within any specified time period a specific number of citations, complaints, or
179 warning notices for violations of Title 41, Chapter 6a, Traffic Code.

Legislative Review Note
as of 11-17-08 7:00 AM

Office of Legislative Research and General Counsel

H.B. 227 - Prohibition on Citation Quotas

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
