

Representative Lee B. Perry proposes the following substitute bill:

CONSTABLES AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill amends provisions related to a county constable and deputy constable.

Highlighted Provisions:

This bill:

- ▶ prohibits a county from contracting with a constable for a period that exceeds four years;
- ▶ requires a constable to present certain identification;
- ▶ requires a constable or deputy constable to notify the agency of jurisdiction in certain circumstances;
- ▶ limits a constable's appointed term to four years; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-25-5, as last amended by Laws of Utah 2010, Chapter 49



26 17-25-6, as enacted by Laws of Utah 2011, Chapter 135

27 17-25a-3, as last amended by Laws of Utah 1993, Chapter 234



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

30 Section 1. Section 17-25-5 is amended to read:

31 **17-25-5. Contracts for constable services.**

32 (1) The governing body of ~~any~~ a municipality or county where a justice court exists
33 may contract with ~~any~~ a constable to provide services in criminal cases for the contracting
34 governmental entity by ~~any~~ a method and for ~~any~~ an amount mutually agreed upon.

35 (2) (a) A contract between a governing body and a constable, including a contract
36 described in Subsection (1), may not exceed four years.

37 (b) A contract described in Subsection (2)(a) may be renewed or extended for a period
38 not to exceed four years.

39 Section 2. Section 17-25-6 is amended to read:

40 **17-25-6. Identification of constables -- Uniform requirements.**

41 (1) While performing a duty described in Section 17-25-1, a constable shall
42 prominently display a badge or other visible form of credentials and identification identifying:

43 ~~(1)~~ (a) a person as a constable;

44 ~~(2)~~ (b) the person's name; and

45 ~~(3)~~ (c) the county or municipality for which the constable is ~~H~~→ [employed]

45a **appointed ←H** .

46 (2) If a constable serves process, the constable shall:

47 (a) verbally communicate to the person being served that the constable is a constable;

48 and

49 (b) print on the first page of each document served:

50 (i) the constable's name and identification as a constable;

51 (ii) the county or municipality for which the constable is appointed; and

52 (iii) a business phone number for the constable.

53 (3) If a constable wears a uniform, the uniform shall be clearly marked with the word
54 "constable" on the uniform shirt and, if applicable, jacket.

55 Section 3. Section 17-25a-3 is amended to read:

56 **17-25a-3. County and city constables -- Terms -- Authority -- Deputies.**

57 (1) Constables appointed by a county or city are appointed for terms of [~~six~~] four years
58 and may serve more than one term if reappointed by the appointing body.

59 (2) (a) Constables serving process outside the county in which they are appointed shall
60 contact the sheriff's office or police department of the jurisdiction prior to serving executions or
61 [~~bench warrants or~~] seizing any property.

62 (b) A constable or deputy constable shall notify the agency of jurisdiction by contacting
63 the sheriff's office or police department of jurisdiction before serving a warrant of arrest.

64 (3) The appointed constable may, upon approval of the appointing county or city,
65 employ and deputize persons who are certified as special function peace officers to function as
66 deputy constables.

67 (4) If the county or city appointing body withdraws the authority of a constable, the
68 authority of all deputy constables is also withdrawn.

69 (5) If the authority of a constable or deputy constable is withdrawn, notification of the
70 Peace Officer Standards and Training Division of the Department of Public Safety shall be
71 made pursuant to Section 53-6-209.