

COUNTY SHERIFF AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill addresses an interlocal agreement between a county and one or more municipalities for law enforcement services ("agreement").

Highlighted Provisions:

This bill:

- ▶ prohibits a sheriff of a county of the first class from acting as the chief executive for law enforcement, employee, or agent of a police interlocal entity or police local district executive, director, board member, or employee of any other entity providing or receiving services under the agreement.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-13-202, as last amended by Laws of Utah 2019, Chapter 197

17-22-2, as last amended by Laws of Utah 2022, Chapter 335

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

Section 1. Section **11-13-202** is amended to read:

11-13-202. Agreements for joint or cooperative undertaking, for providing or exchanging services, or for law enforcement services -- Effective date of agreement -- Public agencies may restrict their authority or exempt each other regarding permits and fees.

(1) Any two or more public agencies may enter into an agreement with one another under this chapter:

- (a) for joint or cooperative action;

- 33 (b) to provide services that they are each authorized by statute to provide;
- 34 (c) to exchange services that they are each authorized by statute to provide;
- 35 (d) for a public agency to provide law enforcement services to one or more other public
36 agencies, if the public agency providing law enforcement services under the interlocal
37 agreement is authorized by law to provide those services, or to provide joint or cooperative law
38 enforcement services between or among public agencies that are each authorized by law to
39 provide those services;
- 40 (e) to create a transportation reinvestment zone as defined in Section 11-13-103; or
- 41 (f) to do anything else that they are each authorized by statute to do.
- 42 (2) An agreement under Subsection (1) does not take effect until each public agency
43 that is a party to the agreement approves the agreement, as provided in Section 11-13-202.5.
- 44 (3) (a) In an agreement under Subsection (1), a public agency that is a party to the
45 agreement may agree:
- 46 (i) to restrict its authority to issue permits to or assess fees from another public agency
47 that is a party to the agreement; and
- 48 (ii) to exempt another public agency that is a party to the agreement from permit or fee
49 requirements.
- 50 (b) A provision in an agreement under Subsection (1) whereby the parties agree as
51 provided in Subsection (3)(a) is subject to all remedies provided by law and in the agreement,
52 including injunction, mandamus, abatement, or other remedy to prevent, enjoin, abate, or
53 enforce the provision.
- 54 (4) In an interlocal agreement between a county and one or more municipalities for law
55 enforcement [~~service~~] services within an area that includes some or all of the unincorporated
56 area of the county, each county and municipality that is a party to the agreement shall ensure
57 that the agreement requires:
- 58 (a) in a county of the second through sixth [~~class~~] classes, the county sheriff to provide
59 or direct the law enforcement [~~service provided~~] services under the agreement; or
- 60 (b) in a county of the first class[;]:
- 61 (i) the chief executive for law enforcement services [~~to~~] be appointed to provide or
62 direct the law enforcement [~~service provided~~] services under the agreement;
- 63 (ii) neither the county sheriff nor the sheriff's deputies may act as the chief executive

64 for law enforcement, or act as an employee or agent of a police interlocal entity that is a party
65 to the agreement; and

66 (iii) neither the county sheriff nor the sheriff's deputies may provide or direct the law
67 enforcement services provided by a police interlocal entity under the agreement.

68 (5) The county legislative body shall ensure that county funds used to fund a police
69 interlocal entity or police local district provide a county-wide benefit and do not
70 disproportionately benefit a political subdivision that is a party to the agreement over a political
71 subdivision within the county that is not a party to the agreement.

72 Section 2. Section 17-22-2 is amended to read:

73 **17-22-2. Sheriff -- General duties.**

74 (1) The sheriff shall:

75 (a) preserve the peace;

76 (b) make all lawful arrests;

77 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when
78 required or when the court is held within his county, all courts of record, and court
79 commissioner and referee sessions held within his county, obey their lawful orders and
80 directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial
81 Administration;

82 (d) upon request of the juvenile court, aid the court in maintaining order during
83 hearings and transport a minor to and from youth corrections facilities, other institutions, or
84 other designated places;

85 (e) attend county justice courts if the judge finds that the matter before the court
86 requires the sheriff's attendance for security, transportation, and escort of jail prisoners in his
87 custody, or for the custody of jurors;

88 (f) command the aid of as many inhabitants of his county as he considers necessary in
89 the execution of these duties;

90 (g) take charge of and keep the county jail and the jail prisoners;

91 (h) receive and safely keep all persons committed to his custody, file and preserve the
92 commitments of those persons, and record the name, age, place of birth, and description of
93 each person committed;

94 (i) release on the record all attachments of real property when the attachment he

95 receives has been released or discharged;

96 (j) endorse on all process and notices the year, month, day, hour, and minute of
97 reception, and, upon payment of fees, issue a certificate to the person delivering process or
98 notice showing the names of the parties, title of paper, and the time of receipt;

99 (k) serve all process and notices as prescribed by law;

100 (l) if he makes service of process or notice, certify on the process or notices the
101 manner, time, and place of service, or, if he fails to make service, certify the reason upon the
102 process or notice, and return them without delay;

103 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public
104 land within his county;

105 (n) perform as required by any contracts between the county and private contractors for
106 management, maintenance, operation, and construction of county jails entered into under the
107 authority of Section 17-53-311;

108 (o) for the sheriff of a county of the second through sixth class that enters into an
109 interlocal agreement for law enforcement services under Title 11, Chapter 13, Interlocal
110 Cooperation Act, provide or direct law enforcement services as provided in the interlocal
111 agreement;

112 (p) manage search and rescue services in his county;

113 (q) obtain saliva DNA specimens as required under Section 53-10-404;

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

117 (s) as applicable, select a representative of law enforcement to serve as a member of a
118 child protection team, as defined in Section 80-1-102; and

119 (t) perform any other duties that are required by law.

120 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other
121 subsection under Subsection (1) is a class A misdemeanor.

122 (3) (a) As used in this Subsection (3):

123 (i) "Police interlocal entity" has the same meaning as defined in Sections 17-30-3 and
124 17-30a-102.

125 (ii) "Police local district" has the same meaning as defined in Section 17-30-3.

126 (b) Except as provided in Subsections (3)(c) and 11-13-202(4), a sheriff in a county
127 which includes within its boundary a police local district or police interlocal entity, or both:

128 (i) serves as the chief executive officer of each police local district and police interlocal
129 entity within the county with respect to the provision of law enforcement service within the
130 boundary of the police local district or police interlocal entity, respectively; and

131 (ii) is subject to the direction of the police local district board of trustees or police
132 interlocal entity governing body, as the case may be, as and to the extent provided by
133 agreement between the police local district or police interlocal entity, respectively, and the
134 sheriff.

135 (c) Notwithstanding Subsection (3)(b), and except as provided in Subsection
136 11-13-202(4), if a police interlocal entity or police local district enters an interlocal agreement
137 with a public agency, as defined in Section 11-13-103, for the provision of law enforcement
138 service, the sheriff:

139 (i) does not serve as the chief executive officer of any interlocal entity created under
140 that interlocal agreement, unless the agreement provides for the sheriff to serve as the chief
141 executive officer; and

142 (ii) shall provide law enforcement service under that interlocal agreement as provided
143 in the agreement.