Chapter 22
Sheriff

17-22-1 "Process," "notice," defined.

"Process" as used in this chapter includes all writs, warrants, summonses and orders of the courts of justice or judicial officers. "Notice" includes all papers and orders, except process, required to be served in any proceeding before any court, board, commission or officer, or when required by law to be served independently of such proceedings.

No Change Since 1953

17-22-1.5 County sheriff qualifications.

(1) Each person filing a declaration of candidacy for the office of county sheriff shall submit to the county clerk, at the time of filing a declaration of candidacy, a certificate issued by the Peace Officer Standards and Training Division created under Section 53-6-103 stating that the candidate has:
  (a)
    (i) successfully met the standards and training requirements established for peace officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or
    (ii) met the waiver requirements in Section 53-6-206; and
  (b) met the qualifications to be certified as a law enforcement officer, as defined in Section 53-13-103.
(2) In addition to the general qualifications required of county officers by Title 17, Chapter 16, County Officers, each county sheriff shall:
  (a) at the time of taking office:
    (i)
      (A) have successfully met the standards and training requirements established for peace officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or
      (B) have met the waiver requirements in Section 53-6-206; and
    (ii) be qualified to be certified as:
      (A) a law enforcement officer, as defined in Section 53-13-103; and
      (B) if the person is elected to the office of county sheriff in any election held after the 2008 general election:
        (I) a correctional officer, as defined in Section 53-13-104; or
        (II) a correctional facility manager by having successfully completed a correctional facility management course that is offered by a certified academy in both an online web-based format and in a classroom format and that is approved by the Peace Officer Standards and Training Council created in Section 53-6-106;
  (b) satisfactorily complete annual certified training as required in Section 53-13-103; and
  (c) after certification as provided in Subsection (2)(a), remain certified during the sheriff's term of office as:
    (i) a law enforcement officer; and
    (ii) if the person is elected to the office of county sheriff in any election held after the 2008 general election:
      (A) a correctional officer; or
      (B) a correctional facility manager by having completed a correctional facility management course approved by the Peace Officer Standards and Training Council.

(3) If a sheriff resigns, retires, dies, or otherwise does not complete the term of office, the person appointed to serve for the remainder of the term shall within 60 days after the date of appointment complete the training and exam required under Subsection (2)(a)(ii)(B).
(4) The county legislative body shall declare the office of sheriff to be vacant if at any time the incumbent sheriff fails to meet the qualifications for office under Subsection (2).

Amended by Chapter 58, 2011 General Session

17-22-2 Sheriff -- General duties.
(1) The sheriff shall:
(a) preserve the peace;
(b) make all lawful arrests;
(c) attend in person or by deputy the Supreme Court and the Court of Appeals when required or when the court is held within his county, all courts of record, and court commissioner and referee sessions held within his county, obey their lawful orders and directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration;
(d) upon request of the juvenile court, aid the court in maintaining order during hearings and transport a minor to and from youth corrections facilities, other institutions, or other designated places;
(e) attend county justice courts if the judge finds that the matter before the court requires the sheriff's attendance for security, transportation, and escort of jail prisoners in his custody, or for the custody of jurors;
(f) command the aid of as many inhabitants of the sheriff's county as the sheriff considers necessary in the execution of these duties;
(g) take charge of and keep the county jail and the jail prisoners;
(h) receive and safely keep all persons committed to the sheriff's custody, file and preserve the commitments of those persons in custody, and record the name, age, place of birth, and description of each person committed;
(i) release on the record all attachments of real property when the attachment the sheriff receives has been released or discharged;
(j) endorse on all process and notices the year, month, day, hour, and minute of reception, and, upon payment of fees, issue a certificate to the person delivering process or notice showing the names of the parties, title of paper, and the time of receipt;
(k) serve all process and notices as prescribed by law;
(l) if the sheriff makes service of process or notice, certify on the process or notices the manner, time, and place of service, or, if the sheriff fails to make service, certify the reason upon the process or notice, and return them without delay;
(m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public land within his county;
(n) perform as required by any contracts between the county and private contractors for management, maintenance, operation, and construction of county jails entered into under the authority of Section 17-53-311;
(o) for the sheriff of a county of the second through sixth class that enters into an interlocal agreement for law enforcement service under Title 11, Chapter 13, Interlocal Cooperation Act, provide law enforcement service as provided in the interlocal agreement;
(p) manage and direct search and rescue services in his county, including emergency medical responders and other related incident response activities;
(q) obtain saliva DNA specimens as required under Section 53-10-404;

(r) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or gender;
(s) as applicable, select a representative of law enforcement to serve as a member of a child protection team, as defined in Section 80-1-102;
(t) appoint a county security chief in accordance with Section 53-22-103 and ensure the county security chief fulfills the county security chief's duties; and
(u) perform any other duties that are required by law.
(2)
(a) Violation of Subsection (1)(j) is a class C misdemeanor.
(b) Violation of any other subsection under Subsection (1) is a class A misdemeanor.
(3)
(a) As used in this Subsection (3):
(i) "Police interlocal entity" means the same as that term is defined in Sections 17-30-3 and 17-30a-102.
(ii) "Police special district" means the same as that term is defined in Section 17-30-3.
(b) Except as provided in Subsections (3)(c) and 11-13-202(4), a sheriff in a county which includes within its boundary a police special district or police interlocal entity, or both:
(i) serves as the chief executive officer of each police special district and police interlocal entity within the county with respect to the provision of law enforcement service within the boundary of the police special district or police interlocal entity, respectively; and
(ii) is subject to the direction of the police special district board of trustees or police interlocal entity governing body, as the case may be, as and to the extent provided by agreement between the police special district or police interlocal entity, respectively, and the sheriff.
(c) Notwithstanding Subsection (3)(b), and except as provided in Subsection 11-13-202(4), if a police interlocal entity or police special district enters an interlocal agreement with a public agency, as defined in Section 11-13-103, for the provision of law enforcement service, the sheriff:
(i) does not serve as the chief executive officer of any interlocal entity created under that interlocal agreement, unless the agreement provides for the sheriff to serve as the chief executive officer; and
(ii) shall provide law enforcement service under that interlocal agreement as provided in the agreement.

Amended by Chapter 21, 2024 General Session

17-22-2.5 Fees of sheriff.
(1)
(a) The legislative body of a county may set a fee for a service described in this section and charged by the county sheriff:
(i) in an ordinance adopted under Section 17-53-223; and
(ii) in an amount reasonably related to, but not exceeding, the actual cost of providing the service.
(b) If the legislative body of a county does not under Subsection (1)(a) set a fee charged by the county sheriff, the sheriff shall charge a fee in accordance with Subsections (2) through (7).
(2) Unless under Subsection (1) the legislative body of a county sets a fee amount for a fee described in this Subsection (2), the sheriff shall charge the following fees:

(a) for serving a notice, rule, order, subpoena, garnishment, summons, or summons and complaint, or garnishee execution, or other process by which an action or proceeding is commenced, on each defendant, including copies when furnished by plaintiff, $20;
(b) for taking or approving a bond or undertaking in any case in which he is authorized to take or approve a bond or undertaking, including justification, $5;
(c) for a copy of any writ, process or other paper when demanded or required by law, for each folio, 50 cents;
(d) for serving an attachment on property, or levying an execution, or executing an order of arrest or an order for the delivery of personal property, including copies when furnished by plaintiff, $50;
(e) for taking and keeping possession of and preserving property under attachment or execution or other process, the amount the court orders to a maximum of $15 per day;
(f) for advertising property for sale on execution, or any judgment, or order of sale, exclusive of the cost of publication, $15;
(g) for drawing and executing a sheriff's deed or a certificate of redemption, exclusive of acknowledgment, $15, to be paid by the grantee;
(h) for recording each deed, conveyance, or other instrument affecting real estate, exclusive of the cost of recording, $10, to be paid by the grantee;
(i) for serving a writ of possession or restitution, and putting any person entitled to possession into possession of premises, and removing occupant, $50;
(j) for holding each trial of right of property, to include all services in the matter, except mileage, $35;
(k) for conducting, postponing, or canceling a sale of property, $15;
(l) for transporting a prisoner to and from prison to attend court proceedings in a civil case, $2.50 for each mile necessarily traveled, up to a maximum of 100 miles;
(m) for receiving and paying over money on execution or other process, as follows:
(i) if the amount collected does not exceed $1,000, 2% of this amount, with a minimum of $1; and
(ii) if the amount collected exceeds $1,000, 2% on the first $1,000 and 1-1/2% on the balance; and
(n) for executing in duplicate a certificate of sale, exclusive of filing it, $10.
(3) The fees allowed by Subsection (2)(f) for the levy of execution and for advertising shall be collected from the judgment debtor as part of the execution in the same manner as the sum directed to be made.
(4) When serving an attachment on property, an order of arrest, or an order for the delivery of personal property, the sheriff may only collect traveling fees for the distance actually traveled beyond the distance required to serve the summons if the attachment or those orders:
(a) accompany the summons in the action; and
(b) may be executed at the time of the service of the summons.
(5)
(a)
(i) When traveling generally to serve notices, orders, process, or other papers, the sheriff may receive, except as otherwise provided under Subsection (1)(a), $2.50 for each mile necessarily traveled, in going only, computed from the courthouse for each person served, to a maximum of 100 miles.
(ii) When transmitting notices, orders, process, or other papers by mail, the sheriff may receive, except as otherwise provided under Subsection (1)(a), $2.50 for each mile necessarily

traveled, in going only, computed from the post office where received for each person served, to a maximum of 100 miles.

(b) The sheriff may only charge one mileage fee if any two or more papers are required to be served in the same action or proceeding at the same time and at the same address.

(c) If it is necessary to make more than one trip to serve any notice, order, process, or other paper, the sheriff may not collect more than two additional mileage charges.

(6)

(a) For transporting a patient to the Utah State Hospital or to or from a hospital or a mental health facility, as defined in Section 26B-5-301, when the cost of transportation is payable by private individuals, the sheriff may collect, except as otherwise provided under Subsection (1)(a), $2.50 for each mile necessarily traveled, in going only, to a maximum of 100 miles.

(b) If the sheriff requires assistance to transport the person, the sheriff may also charge the actual and necessary cost of that assistance.

(7)

(a) Subject to Subsection (7)(b), for obtaining a saliva DNA specimen under Section 53-10-404, the sheriff shall collect the fee of $150 in accordance with Section 53-10-404.

(b) The fee amount described in Subsection (7)(a) may not be changed by a county legislative body under Subsection (1).

Amended by Chapter 327, 2023 General Session
Amended by Chapter 497, 2023 General Session

17-22-3 Transfer of prisoners to state prison.

The sheriff of the county in which a criminal is sentenced to confinement in the state prison, or is sentenced to death, shall cause such convict to be removed from the county jail within five days after the sentence and conveyed to the state prison and delivered to the warden thereof.

No Change Since 1953

17-22-4 Jails -- Sheriff as keeper -- Use.

(1) The common jails in the several counties shall be kept by the sheriffs, and shall be used for:

(a) the detention of persons committed to jail to secure their attendance as witnesses in criminal cases;

(b) the detention of persons charged with crime and committed for trial;

(c) the confinement of persons committed for contempt, or upon civil process, or by other authority of law; and

(d) the confinement of persons sentenced to imprisonment upon conviction of crime.

(2) If the county executive contracts with a private contractor to manage, maintain, operate, or construct county jail facilities, the sheriff shall perform whatever obligations are imposed upon him by that contract.

Amended by Chapter 227, 1993 General Session

17-22-5 Sheriff's classification of jail inmates -- Classification criteria -- Alternative incarceration programs -- Limitation.

(1) As used in this section, "living area" means the same as that term is defined in Section 64-13-7.

(2)

(a) Except as provided in Subsections (5) and (6), the sheriff shall adopt and implement written policies for admission of inmates to the county jail and the classification of individuals incarcerated in the jail which shall provide for the separation of prisoners by gender and by such other factors as may reasonably provide for the safety and well-being of inmates and the community.
(b) To the extent authorized by law, any written admission policies adopted and implemented under this Subsection (2) shall be applied equally to all entities using the county correctional facilities.
(3) Except as provided in Subsections (5) and (6), each county sheriff shall assign inmates to a facility or section of a facility based on classification criteria that the sheriff develops and maintains.
(4)
(a) Except as provided in Subsection (6), a county sheriff may develop and implement alternative incarceration programs that may involve housing an inmate in a jail facility.
(b) An inmate housed under an alternative incarceration program under Subsection (4)(a) shall be considered to be in the full custody and control of the sheriff for purposes of Sections 76-8-309 and 76-8-309.3.
(c) An inmate may not be placed in an alternative incarceration program under Subsection (4)(a) unless:
(i) the jail facility is at maximum operating capacity, as established under Section 17-22-5.5; or
(ii) ordered by the court.
(5) A jail facility shall comply with the same requirements as the Department of Corrections described in Subsections 64-13-7(4), (5), and (6) when assigning an inmate to a living area, including the reporting requirements in Subsections 64-13-45(2)(d) and (e).
(6) This section does not authorize a sheriff to modify provisions of a contract with the Department of Corrections to house in a county jail inmates sentenced to the Department of Corrections.

Amended by Chapter 96, 2024 General Session
Amended by Chapter 187, 2024 General Session
Amended by Chapter 341, 2024 General Session

17-22-5.5 Sheriff's classification of jail facilities -- Maximum operating capacity of jail facilities -- Transfer or release of prisoners -- Limitation -- Records regarding release.
(1)
(a) Except as provided in Subsection (4), a county sheriff shall determine:
(i) subject to Subsection (1)(b), the classification of each jail facility or section of a jail facility under the sheriff's control;
(ii) the nature of each program conducted at a jail facility under the sheriff's control; and
(iii) the internal operation of a jail facility under the sheriff's control.
(b) A classification under Subsection (1)(a)(i) of a jail facility may not violate any applicable zoning ordinance or conditional use permit of the county or municipality.
(2) Except as provided in Subsection (4), each county sheriff shall:
(a) with the approval of the county legislative body, establish a maximum operating capacity for each jail facility under the sheriff's control, based on facility design and staffing; and
(b) upon a jail facility reaching the jail facility's maximum operating capacity:
(i) transfer prisoners to another appropriate facility:
(A) under the sheriff's control; or
(B) available to the sheriff by contract;

(ii) release prisoners:
(A) to a supervised release program, according to release criteria established by the sheriff; or
(B) to another alternative incarceration program developed by the sheriff; or
(iii) admit prisoners in accordance with law and a uniform admissions policy imposed equally upon all entities using the county jail.
(3)
(a) The sheriff shall keep records of the release status and the type of release program or alternative incarceration program for any prisoner released under Subsection (2)(b)(ii).
(b) The sheriff shall make these records available upon request to the Department of Corrections, the Judiciary, and the Commission on Criminal and Juvenile Justice.
(4) This section may not be construed to authorize a sheriff to modify provisions of a contract with the Department of Corrections to house in a county jail an individual sentenced to the Department of Corrections.
(5) Regardless of whether a jail facility has reached the jail facility's maximum operating capacity under Subsection (2), a sheriff may release an individual from a jail facility in accordance with Section 77-20-203 or 77-20-204.

17-22-5.5 Sheriff's classification of jail facilities -- Maximum operating capacity of jail facilities -- Transfer or release of prisoners -- Limitation -- Records regarding release.
(1)
(a) Except as provided in Subsection (4), a county sheriff shall determine:
(i) subject to Subsection (1)(b), the classification of each jail facility or section of a jail facility under the sheriff's control;
(ii) the nature of each program conducted at a jail facility under the sheriff's control; and
(iii) the internal operation of a jail facility under the sheriff's control.
(b) A classification under Subsection (1)(a)(i) of a jail facility may not violate any applicable zoning ordinance or conditional use permit of the county or municipality.
(2) Except as provided in Subsection (4), each county sheriff shall:
(a) with the approval of the county legislative body, establish a maximum operating capacity for each jail facility under the sheriff's control, based on facility design and staffing; and
(b) upon a jail facility reaching the jail facility's maximum operating capacity:
(i) transfer prisoners to another appropriate facility:
(A) under the sheriff's control; or
(B) available to the sheriff by contract;
(ii) release prisoners:
(A) to a supervised release program, according to release criteria established by the sheriff; or
(B) to another alternative incarceration program developed by the sheriff; or
(iii) admit prisoners in accordance with law and a uniform admissions policy imposed equally upon all entities using the county jail.
(3)
(a) The sheriff shall keep records of the release status and the type of release program or alternative incarceration program for any prisoner released under Subsection (2)(b)(ii).
(b) The sheriff shall make these records available upon request to the Department of Corrections, the Judiciary, and the Commission on Criminal and Juvenile Justice.

(4) This section may not be construed to authorize a sheriff to modify provisions of a contract with the Department of Corrections to house in a county jail an individual sentenced to the Department of Corrections.
(5) Regardless of whether a jail facility has reached the jail facility's maximum operating capacity under Subsection (2), a sheriff may release an individual from a jail facility in accordance with Section 77-20-203 or 77-20-204.
(6) The sheriff of a county of the first class is encouraged to open and operate all sections of a jail facility within the county that is not being used to full capacity.

Amended by Chapter 419, 2024 General Session

17-22-5.6 Probation supervision -- Violation of probation -- Detention -- Hearing.

(1) As used in this section:
  (a) "Probationer" means an individual on probation under the supervision of the county sheriff.
  (b)
    (i) "Qualifying domestic violence offense" means the same as that term is defined in Subsection 77-36-1.1(4).
    (ii) "Qualifying domestic violence offense" does not include criminal mischief as described in Section 76-6-106.
  (c) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
(2) A county sheriff shall ensure that the court is notified of violations of the terms and conditions of a probationer's probation when the county sheriff determines that:
  (a) incarceration is recommended as a sanction;
  (b) a graduated and evidence-based response is not an appropriate response to the offender's violation and recommends revocation of probation; or
  (c) there is probable cause that the conduct that led to a violation of probation is:
    (i) a violent felony; or
    (ii) a qualifying domestic violence offense.
(3) A county sheriff may take custody of, and detain, a probationer for a maximum of 72 hours, excluding weekends and holidays, if there is probable cause to believe that the probationer has committed a violation of probation.
(4) A county sheriff may not detain a probationer or parolee for longer than 72 hours without obtaining a warrant issued by the court.
(5) If the county sheriff detains a probationer under Subsection (3), the county sheriff shall ensure the proper court is notified.
(6) A written order from the county sheriff is sufficient authorization for a peace officer to incarcerate a probationer if the county sheriff has determined that there is probable cause to believe that the probationer has violated the conditions of probation.
(7) If a probationer commits a violation outside of the jurisdiction of the county sheriff supervising the probationer, the arresting law enforcement agency is not required to hold or transport the probationer to the county sheriff.
(8) This section does not require the county sheriff to release a probationer who is being held for something other than a probation violation, including a warrant issued for new criminal conduct or a new conviction where the individual is sentenced to incarceration.

17-22-6 Service of process on prisoners -- Penalty.

(1) A sheriff or jailer upon whom a paper in a judicial proceeding directed to a prisoner in the sheriff's or jailer's custody is served shall forthwith deliver the paper to the prisoner, with a note thereon of the time of its service.
(2) A sheriff or jailer who neglects to comply with Subsection (1) is liable to the prisoner for all damages occasioned by that neglect.

Amended by Chapter 297, 2011 General Session

17-22-7 Special guards for jail.

The sheriff when necessary may with the assent of the county executive employ a temporary guard for the protection of the county jail, or for the safekeeping of prisoners, and the expenses thereof shall be a county charge.

Amended by Chapter 227, 1993 General Session

17-22-8 Care of prisoners -- Funding of services -- Private contractor.

(1) As used in this section, "medication assisted treatment plan" means a prescription plan to use buprenorphine, methadone, or naltrexone to treat substance use withdrawal symptoms or an opioid use disorder.
(2) Except as provided in Subsection (7), a sheriff shall:
  (a) receive each individual committed to jail by competent authority;
  (b) provide each prisoner with necessary food, clothing, and bedding in the manner prescribed by the county legislative body;
  (c) provide each prisoner medical care when:
    (i) the prisoner's symptoms evidence a serious disease or injury;
    (ii) the prisoner's disease or injury is curable or may be substantially alleviated; and
    (iii) the potential for harm to the person by reason of delay or the denial of medical care would be substantial;
  (d) provide each prisoner, as part of the intake process, with the option of continuing any of the following medically prescribed methods of contraception:
    (i) an oral contraceptive;
    (ii) an injectable contraceptive;
    (iii) a patch;
    (iv) a vaginal ring; or
    (v) an intrauterine device, if the prisoner was prescribed the intrauterine device because the prisoner experiences serious and persistent adverse effects when using the methods of contraception described in Subsections (2)(d)(i) and (ii); and
  (e) cooperate with medical personnel to continue a medication assisted treatment plan for an inmate if the inmate was an active client before arrest and commitment.
(3) A sheriff may provide the generic form of a contraceptive described in Subsection (2)(d)(i) or (ii).
(4) A sheriff shall follow the provisions of Section 64-13-46 if a prisoner is pregnant or in postpartum recovery, including the reporting requirements in Subsection 64-13-45(2)(c).
(5)
  (a) Except as provided in Section 17-22-10 and Subsection (5)(b), the expense incurred in providing the services required by this section to prisoners shall be paid from the county treasury.

(b) The expense incurred in providing the services described in Subsection (2)(d) to prisoners shall be paid by the Department of Health and Human Services.
(6) A medication used for a medication assisted treatment plan under Subsection (2)(e):
(a) shall be administered to an inmate in accordance with the inmate's prescription under the direction of the sheriff;
(b) may be paid for by a county; and
(c) may be left or stored at a jail at the discretion of the sheriff.
(7) If the county executive contracts with a private contractor to provide the services required by this section, the sheriff shall provide only those services required of the sheriff by the contract between the county and the private contractor.

Amended by Chapter 119, 2023 General Session
Amended by Chapter 420, 2023 General Session

17-22-8.1 Disclosure of detainee medical clearance.
(1) A health care provider, as defined in Section 78B-3-403, who provides health care to a detainee before the detainee is booked into a county jail by a competent authority, is authorized to disclose to the competent authority whether a detainee is medically cleared for incarceration.
(2) The disclosure under Subsection (1) shall be in writing if requested by the competent authority.

Enacted by Chapter 272, 2014 General Session

17-22-9 Federal prisoners.
Persons convicted of crime in any of the courts of the United States in the state of Utah as well as prisoners held to answer before such courts for a violation of any of the laws of the United States shall be received and held in the jail of any county under the same regulations and laws governing prisoners held under the authority of this state, and upon such terms as to compensation as may be agreed upon by the county and the United States.

No Change Since 1953

17-22-9.5 Citizenship determination of incarcerated persons.
(1) The sheriff shall make a reasonable effort to determine the citizenship status of a person charged with a felony or driving under the influence under Section 41-6a-502 when the person is confined to the county jail for a period of time.
(2) If the confined person is a foreign national, the sheriff shall make a reasonable effort to verify that the person:
(a) has been lawfully admitted into the United States; and
(b) the person's lawful status has not expired.
(3)
(a) If the sheriff cannot verify the confined person's lawful status from documents in the person's possession, the sheriff shall attempt to verify that status within 48 hours of the person's confinement at the jail through contacting:
(i) the Law Enforcement Support Center of the United States Department of Homeland Security; or
(ii) an office or agency designated for citizenship status verification by the United States Department of Homeland Security.

(b) The sheriff shall notify the United States Department of Homeland Security of a person whose lawful citizenship status cannot be verified under Subsection (2) or (3)(a).

(4) It is a rebuttable presumption for the purpose of determining the grant or issuance of a bond that a person who is verified under this section as a foreign national not lawfully admitted into the United States is at risk of flight.

Enacted by Chapter 26, 2008 General Session

17-22-10 Prisoners under civil process.

Whenever a person is committed upon process in a civil action or proceeding, except when the state is a party thereto, the sheriff is not bound to receive such person unless security is given on the part of the party at whose instance the process is issued, by deposit of money, to meet the expenses of necessary food, clothing and bedding for the committed person, or to detain such person any longer than the expenses are provided for. This section does not apply to cases where a party is committed as a punishment for disobedience to the mandates, process, writs or orders of court.

Amended by Chapter 365, 2024 General Session

17-22-11 Return of process.

When process or notice is returnable, the sheriff may enclose such process or notice in an envelope addressed to the officer or person from whom the same emanated, and deposit it in the post office, prepaying the postage.

Amended by Chapter 365, 2024 General Session

17-22-12 Return of process as prima facie evidence.

The return of the sheriff upon process or notice is prima facie evidence of the facts in such return stated.

No Change Since 1953

17-22-13 Failure or delay in making return on process -- Penalty.

If a sheriff does not return without delay a process or notice in the sheriff's possession with the necessary endorsement thereon, the sheriff is liable to the party aggrieved for all damages sustained by the aggrieved party.

Amended by Chapter 365, 2024 General Session

17-22-14 Failure to levy execution -- Penalty.

If the sheriff to whom a writ of execution is delivered neglects or refuses, after being required by the creditor or the creditor's attorney, the fees having first been paid or tendered, to levy upon or sell any property of the party charged in the writ which is liable to be levied upon and sold, the sheriff shall be liable to the creditor for the value of such property.

Amended by Chapter 365, 2024 General Session

17-22-15 Neglect or refusal to pay over money -- Penalty.

If the sheriff neglects or refuses to pay over on demand to the person entitled thereto any money which may come into the sheriff's hands by virtue of the sheriff's office, after deducting all legal fees, the amount thereof with 25% damages and interest at the rate of 1% per month from the time of demand may be recovered by such person; provided, that such sheriff may pay such money into the court or to the clerk thereof issuing the writ or process upon which such money is collected or received and from the time of such payment the sheriff shall be relieved of all liability therefor, unless the detention is shown to have been wrongful.

Amended by Chapter 365, 2024 General Session

17-22-16 Declaring office vacant.

When the sheriff is committed for not paying over money received by the sheriff by virtue of the sheriff's office and remains committed for 60 days the sheriff's office is vacant.

Amended by Chapter 365, 2024 General Session

17-22-17 Escapes -- Sheriff's liability.

A sheriff who suffers the escape of a person arrested in a civil action, without the consent or connivance of the party in whose behalf the arrest or imprisonment is made, is liable as follows:

(1) When the arrest is upon an order to hold to bail or upon a surrender in exoneration of bail before judgment the sheriff is liable to the plaintiff as bail.

(2) When the arrest is on an execution or commitment to enforce the payment of money the sheriff is liable for the amount expressed in the execution or commitment.

(3) When the arrest is on an execution or commitment other than to enforce the payment of money the sheriff is liable for the actual damages sustained.

(4) Upon being sued for damages for an escape or rescue the sheriff may introduce evidence in mitigation and exculpation.

Amended by Chapter 365, 2024 General Session

17-22-18 Rescues -- Sheriff's liability.

The sheriff is liable for the rescue of a person arrested in a civil action equally as for an escape.

Amended by Chapter 365, 2024 General Session

17-22-19 Action for escape or rescue -- Defenses.

An action cannot be maintained against the sheriff for a rescue or for an escape of a person arrested upon an execution or commitment, if after that person's rescue or escape and before the commencement of the action the prisoner returns to the jail or is retaken by the sheriff or by any other person.

Amended by Chapter 365, 2024 General Session

17-22-20 Only written directions to sheriff binding.

No direction or authority by a party or the party's attorney to the sheriff in respect to the execution of process or the return thereof or to any act or omission relating thereto is available to discharge or excuse the sheriff from liability for neglect or misconduct, unless it is contained in a writing, signed by the attorney of the party or by the party, if the party has no attorney.

Amended by Chapter 365, 2024 General Session

17-22-21 Process justifies sheriff's action.

A sheriff is justified in the execution of, and shall execute, all process, writs and orders regular on their face and issued by competent authority.

Amended by Chapter 297, 2011 General Session

17-22-22 Process to be exhibited.

The officer executing process shall then, and at all times subsequent as long as the officer retains it, upon request show the same, with all papers attached, to any interested person.

Amended by Chapter 297, 2011 General Session

17-22-23 Crier of court.

The sheriff in attendance upon court shall, if required by the court, act as crier for the court, call the parties and witnesses and other persons bound to appear at the court, and make proclamation of the opening and adjournment of court and of any other matter under its direction.

Amended by Chapter 297, 2011 General Session

17-22-24 Service of papers, other than process, on sheriff -- Powers of successor.

Service upon the sheriff of a paper other than process may be made by delivering it or a copy thereof to the sheriff or to one of the sheriff's deputies or to a person in charge of the sheriff's office during office hours, or, if no such person is there, by leaving it in a conspicuous place in the office. When any process remains with the sheriff unexecuted, in whole or in part, at the time of the sheriff's death, resignation of office or at the expiration of the sheriff's office such process shall be executed by the sheriff's successor in office; and when the sheriff sells real estate under and by virtue of an execution or order of court the sheriff or the sheriff's successor in office shall execute and deliver to the purchaser all such deeds and conveyances as are required by law and necessary for that purpose, and such deeds and conveyances shall be as valid in law as if they had been executed by the sheriff who made the sale.

Amended by Chapter 365, 2024 General Session

17-22-25 Service of process on sheriff -- When constable to act.

In cases where it appears in any court of record that the sheriff is a party, or where an affidavit is filed with the clerk of the court stating partiality, prejudice, consanguinity or interest on the part of the sheriff, the clerk of the court shall direct process to any constable of the county, whose duty it shall be to execute it in the same manner as if the constable were sheriff.

Amended by Chapter 365, 2024 General Session

17-22-26 Sheriff -- Process on behalf of state -- Fees.

(1) The sheriff shall without fee serve and return all process in criminal cases to which the state is a party, that are lawfully issued by any court of the state, except as otherwise provided by law.

(2) If the process issues from a court outside of his county, he is entitled to his actual expenses necessarily incurred. The expenses shall be paid by the county where the process was issued.

Amended by Chapter 152, 1988 General Session

17-22-27 Sheriff -- Assignment of court bailiffs -- Contract and costs.

(1) The sheriff shall assign law enforcement officers or special function officers, as defined under Sections 53-13-103 and 53-13-105, to serve as court bailiffs and security officers in the courts of record and county justice courts as required by the rules of the Judicial Council.

(2)

(a) The state court administrator shall enter into a contract with the county sheriff for bailiffs and building security officers for the district and juvenile courts within the county. The contract may not exceed amounts appropriated by the Legislature for that purpose. The county shall assume costs related to security administration, supervision, travel, equipment, and training of bailiffs.

(b) The contract shall specify the agreed services, costs of services, and terms of payment.

(c) If the court is located in the same facility as a state or local law enforcement agency and the county sheriff's office is not in close proximity to the court, the state court administrator in consultation with the sheriff may enter into a contract with the state or local law enforcement agency for bailiff and security services subject to meeting all other requirements of this section. If the services are provided by another agency, the county sheriff shall have no responsibility for the services under this section.

(3)

(a) At the request of the court, the sheriff may appoint as a law clerk bailiff graduates of a law school accredited by the American Bar Association to provide security and legal research assistance. Any law clerk who is also a bailiff shall meet the requirements of Subsection (1) of this section.

(b) The sheriff may appoint a law clerk bailiff by contract for a period not to exceed two years, who shall be exempt from the deputy sheriff merit service commission.

Amended by Chapter 297, 2011 General Session

17-22-28 Maintaining order -- Imposing restitution.

(1) If a prisoner commits an act of violence against another person, attempts to damage jail property, attempts to escape, or refuses to obey a lawful order and reasonable command, an officer or other employee of the jail may use all reasonable means under the circumstances, including the use of a weapon, to defend himself, defend another, protect jail property, prevent escape, or enforce compliance with a lawful order and reasonable command.

(2) A jail may request restitution from a prisoner for damaging jail property as part of an administrative disciplinary hearing. To enforce restitution, a jail may withdraw money from or place a hold on a prisoner's account.

Enacted by Chapter 94, 1996 General Session

17-22-29 Notice to county jail facilities.

(1) Before an order is entered granting visitation or correspondence between a person and a prisoner, the moving party shall provide notice to the facility administrator.

(2) The court shall:

(a) provide an opportunity to the facility representative to respond before the order is granted; and
(b) consider facility policy.

Enacted by Chapter 237, 1996 General Session

17-22-30 Prohibition on providing copy of booking photograph -- Statement required -- Victim access -- Criminal liability for false statement -- Remedy for failure to remove or delete.

(1) As used in this section:
(a) "Booking photograph" means a photograph or image of an individual that is generated:
(i) for identification purposes; and
(ii) when the individual is booked into a county jail.
(b) "Publish-for-pay publication" or "publish-for-pay website" means a publication or website that requires the payment of a fee or other consideration in order to remove or delete a booking photograph from the publication or website.
(2)
(a) A sheriff may not provide a copy of a booking photograph in any format to a person requesting a copy of the booking photograph if:
(i) the booking photograph will be placed in a publish-for-pay publication or posted to a publish-for-pay website; or
(ii) the booking photograph is a protected record under Subsection 63G-2-305 (80).
(b)
(i) A sheriff shall display a copy of a booking photograph to a person requesting to view the booking photograph if the person making the request:
(A)
(I) is an alleged victim of a crime that resulted in the creation of the booking photograph; and
(II) subject to Utah Rules of Evidence, Rule 617, the prosecuting agency with jurisdiction consents; or
(B) if an alleged victim is deceased or incapacitated, is an immediate family member, guardian, or conservator of an alleged victim of the crime that resulted in the creation of the booking photograph.
(ii) A person entitled to view a booking photograph under Subsection (2)(b)(i) is not permitted to:
(A) retain the booking photograph;
(B) make a copy, take a picture of, or otherwise reproduce the booking photograph; or
(C) disseminate or distribute the booking photograph.
(3)
(a) A person who requests a copy of a booking photograph from a sheriff shall, at the time of making the request, submit a statement signed by the person affirming that the booking photograph will not be placed in a publish-for-pay publication or posted to a publish-for-pay website.
(b) A person who submits a false statement under Subsection (3)(a) is subject to criminal liability as provided in Section 76-8-504.
(4)
(a) Except as provided in Subsection (5), a publish-for-pay publication or a publish-for-pay website shall remove and destroy a booking photograph of an individual who submits a

request for removal and destruction within 30 calendar days after the day on which the individual makes the request.

(b) A publish-for-pay publication or publish-for-pay website described in Subsection (4)(a) may not condition removal or destruction of the booking photograph on the payment of a fee in an amount greater than $50.

(c) If the publish-for-pay publication or publish-for-pay website described in Subsection (4)(a) does not remove and destroy the booking photograph in accordance with Subsection (4)(a), the publish-for-pay publication or publish-for-pay website is liable for:

(i) all costs, including reasonable attorney fees, resulting from any legal action the individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay website to remove and destroy the booking photograph; and

(ii) a civil penalty of $50 per day for each day after the 30-day deadline described in Subsection (4)(a) on which the booking photograph is visible or publicly accessible in the publish-for-pay publication or on the publish-for-pay website.

(5)

(a) A publish-for-pay publication or a publish-for-pay website shall remove and destroy a booking photograph of an individual who submits a request for removal and destruction within seven calendar days after the day on which the individual makes the request if:

(i) the booking photograph relates to a criminal charge:

(A) on which the individual was acquitted or not prosecuted; or

(B) that was expunged, vacated, or pardoned; and

(ii) the individual submits, in relation to the request, evidence of a disposition described in Subsection (5)(a)(i).

(b) If the publish-for-pay publication or publish-for-pay website described in Subsection (5)(a) does not remove and destroy the booking photograph in accordance with Subsection (5)(a), the publish-for-pay publication or publish-for-pay website is liable for:

(i) all costs, including reasonable attorney fees, resulting from any legal action that the individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay website to remove and destroy the booking photograph; and

(ii) a civil penalty of $100 per day for each day after the seven-day deadline described in Subsection (5)(a) on which the booking photograph is visible or publicly accessible in the publish-for-pay publication or on the publish-for-pay website.

(c) An act of a publish-for-pay publication or publish-for-pay website described in Subsection (5)(a) that seeks to condition removal or destruction of the booking photograph on the payment of any fee or amount constitutes theft by extortion under Section 76-6-406.

Amended by Chapter 135, 2024 General Session
Amended by Chapter 344, 2024 General Session

17-22-31 Sheriff -- Primary law enforcement authority.

The sheriff is the primary law enforcement authority of state law on federal land except as otherwise assigned by law to the authority of a state or municipal law enforcement agency.

Enacted by Chapter 333, 2014 General Session

17-22-32 County jail reporting requirements.

(1) As used in this section:

(a) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
(b)
(i) "In-custody death" means an inmate death that occurs while the inmate is in the custody of a county jail.
(ii) "In-custody death" includes an inmate death that occurs while the inmate is:
(A) being transported for medical care; or
(B) receiving medical care outside of a county jail.
(c) "Inmate" means an individual who is processed or booked into custody or housed in a county jail in the state.
(d) "Opiate" means the same as that term is defined in Section 58-37-2.
(2) Each county jail shall submit a report to the commission before June 15 of each year that includes, for the preceding calendar year:
(a) the average daily inmate population each month;
(b) the number of inmates in the county jail on the last day of each month who identify as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity published by the Untied States Federal Bureau of Investigation;
(c) the number of inmates booked into the county jail;
(d) the number of inmates held in the county jail each month on behalf of each of the following entities:
(i) the Bureau of Indian Affairs;
(ii) a state prison;
(iii) a federal prison;
(iv) the United States Immigration and Customs Enforcement;
(v) any other entity with which a county jail has entered a contract to house inmates on the entity's behalf;
(e) the number of inmates that are denied pretrial release and held in the custody of the county jail while the inmate awaited final disposition of the inmate's criminal charges;
(f) for each inmate booked into the county jail:
(i) the name of the agency that arrested the inmate;
(ii) the date and time the inmate was booked into and released from the custody of the county jail;
(iii) if the inmate was released from the custody of the county jail, the reason the inmate was released from the custody of the county jail;
(iv) if the inmate was released from the custody of the county jail on a financial condition, whether the financial condition was set by a county sheriff or a court;
(v) the number of days the inmate was held in the custody of the county jail before disposition of the inmate's criminal charges;
(vi) whether the inmate was released from the custody of the county jail before final disposition of the inmate's criminal charges; and
(vii) the state identification number of the inmate;
(g) the number of in-custody deaths that occurred at the county jail;
(h) for each in-custody death:
(i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis or disability, if any, of the deceased;
(ii) the date, time, and location of death;
(iii) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and

(iv) a brief description of the circumstances surrounding the death;
(i) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(g);
(j) the county jail's policy for notifying an inmate's next of kin after the inmate's in-custody death;
(k) the county jail policies, procedures, and protocols:
(i) for treatment of an inmate experiencing withdrawal from alcohol or substance use, including use of opiates;
(ii) that relate to the county jail's provision, or lack of provision, of medications used to treat, mitigate, or address an inmate's symptoms of withdrawal, including methadone and all forms of buprenorphine and naltrexone; and
(iii) that relate to screening, assessment, and treatment of an inmate for a substance use or mental health disorder; and
(l) any report the county jail provides or is required to provide under federal law or regulation relating to inmate deaths.
(3)
(a) Subsection (2) does not apply to a county jail if the county jail:
(i) collects and stores the data described in Subsection (2); and
(ii) enters into a memorandum of understanding with the commission that allows the commission to access the data described in Subsection (2).
(b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include a provision to protect any information related to an ongoing investigation and comply with all applicable federal and state laws.
(c) If the commission accesses data from a county jail in accordance with Subsection (3)(a), the commission may not release a report prepared from that data, unless:
(i) the commission provides the report for review to:
(A) the county jail; and
(B) any arresting agency that is named in the report; and
(ii)
(A) the county jail approves the report for release;
(B) the county jail reviews the report and prepares a response to the report to be published with the report; or
(C) the county jail fails to provide a response to the report within four weeks after the day on which the commission provides the report to the county jail.
(4) The commission shall:
(a) compile the information from the reports described in Subsection (2);
(b) omit or redact any identifying information of an inmate in the compilation to the extent omission or redaction is necessary to comply with state and federal law;
(c) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee and the Utah Substance Use and Mental Health Advisory Committee before November 1 of each year; and
(d) submit the compilation to the protection and advocacy agency designated by the governor before November 1 of each year.
(5) The commission may not provide access to or use a county jail's policies, procedures, or protocols submitted under this section in a manner or for a purpose not described in this section.
(6) A report including only the names and causes of death of deceased inmates and the facility in which they were being held in custody shall be made available to the public.

Amended by Chapter 245, 2024 General Session

17-22-33 Commissary account disclosure requirements.

(1) As used in this section:
  (a) "Commissary account" means an account from which an inmate may withdraw money, deposited by the inmate or another individual, to purchase discretionary items for sale by a correctional facility.
  (b) "Commissary purchase" means a transaction initiated by an inmate by which the inmate obtains an item or items offered for sale by the correctional facility in exchange for money withdrawn from the inmate's commissary account.
  (c) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
  (d) "Inmate" means an individual in the custody of a correctional facility for criminal charges or a criminal conviction.
(2) A correctional facility that employs a policy or practice by which the correctional facility withdraws money from an inmate's commissary account, for any purpose other than a commissary purchase, must disclose that policy or practice to the inmate or any other individual seeking to make a deposit of money into the inmate's commissary account before the correctional facility may accept and deposit the money into the inmate's commissary account.

Enacted by Chapter 65, 2020 General Session

17-22-34 Suicide Deterrence Grant Program -- Rulemaking.

(1) As used in this section:
  (a) "Department" means the Department of Public Safety.
  (b) "Grant" means a grant awarded under this section.
  (c) "Program" means the Suicide Deterrence Grant Program created in this section.
  (d) "Suicide barrier" means a barrier installed on an upper level of a building to prevent an individual from falling.
(2)
  (a) There is created within the department the Suicide Deterrence Grant Program.
  (b) The purpose of the program is to award grants to county jails for materials to construct and install suicide barriers.
(3)
  (a) A county jail that submits a proposal for a grant to the department shall include in the proposal:
    (i) a statement describing the need for suicide barriers in the county jail;
    (ii) the amount and type of material to be used in constructing the suicide barriers;
    (iii) a plan for installation of the suicide barriers;
    (iv) any funding sources in addition to the grant for the proposal;
    (v) any existing or planned partnerships between the county jail and another entity to implement the proposal; and
    (vi) other information the department determines necessary to evaluate the proposal.
  (b) When evaluating a proposal for a grant, the department shall consider:
    (i) the likelihood the proposal will accomplish the purpose described in Subsection (2);
    (ii) the cost of the proposal;
    (iii) the extent to which additional funding sources or existing or planned partnerships may benefit the proposal; and
    (iv) the viability and sustainability of the proposal.

(4) Subject to Subsection (3), the department may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to establish:
(a) eligibility criteria for a grant;
(b) the form and process for submitting a proposal to the department for a grant;
(c) the method and formula for determining a grant amount; and
(d) reporting requirements for a grant recipient.

Enacted by Chapter 152, 2023 General Session