

Effective 5/6/2026

17-78-602 Contracted constable authority and duties -- Constables to serve process in certain circumstances.

- (1)
 - (a) A constable who has a contract with a county as described in Section 17-78-601:
 - (i) shall:
 - (A) avoid all conflicts of interest; and
 - (B) maintain a public office and be accessible to the public and to the court during the hours the court is open; and
 - (ii) may hire one or more constables to serve as the constable's deputies.
 - (b) Beginning July 1, 2027, a deputy constable shall be licensed under Title 58, Chapter 91, Constables Licensing Act.
 - (c) A deputy constable acting at the direction and general control of the constable who holds a contract with a county, as described in Section 17-78-601, may fulfill any duty of a constable described in this part unless the action is limited in or specifically prohibited by the contract between the constable and the county.
 - (d) A constable may contract to provide constable services with more than one county, so long as:
 - (i) the constable informs each county, in writing; and
 - (ii) the constable is able to fulfill all the duties for each county that are described:
 - (A) in this part; and
 - (B) in any contract between the constable and a county.
- (2) In cases where 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:
 - (a) the clerk of the court shall direct process to any licensed constable; and
 - (b) the constable chosen by the clerk under Subsection (2)(a) shall execute process in the same manner as if the constable were sheriff.

Amended by Chapter 130, 2026 General Session