

Representative Craig W. Buttars proposes to substitute the following bill:

COUNTY OFFICERS AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Craig W. Buttars

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5 AN ACT RELATING TO COUNTIES; REPEALING LANGUAGE RELATING TO THE
6 EFFECT OF AN OFFICER'S ABSENCE FROM THE COUNTY, DISTRICT, PRECINCT, OR
7 PROSECUTION DISTRICT; ESTABLISHING CERTAIN BEHAVIOR AS MALFEASANCE
8 IN OFFICE; REQUIRING COUNTY OR PROSECUTION DISTRICT OFFICERS TO TAKE
9 PAID ADMINISTRATIVE LEAVE UNDER CERTAIN CIRCUMSTANCES; AUTHORIZING
10 THE TEMPORARY REASSIGNMENT OF THE DUTIES OF AN OFFICER ON
11 ADMINISTRATIVE LEAVE; AND MAKING TECHNICAL CORRECTIONS.

12 This act affects sections of Utah Code Annotated 1953 as follows:

13 AMENDS:

14 **17-16-1**, as last amended by Chapter 139, Laws of Utah 1997

15 ENACTS:

16 **17-16-10.5**, Utah Code Annotated 1953

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

18 Section 1. Section **17-16-1** is amended to read:

19 **17-16-1. Eligibility and residency requirements for county, district, precinct, or**
20 **prosecution district office.**

21 (1) A person filing a declaration of candidacy for a county, district, precinct, or prosecution
22 district office shall:

23 (a) be a United States citizen;

24 (b) except as provided in Subsection 17-18-5(1)(d)(ii) with respect to the office of county
25 attorney or district attorney, as of the date of the election have been a resident of the county,

26 district, precinct, or prosecution district in which the person seeks office for at least one year; and

27 (c) be a registered voter in the county, district, precinct, or prosecution district in which the
28 person seeks office.

29 (2) (a) A county, district, precinct, or prosecution district officer shall maintain residency
30 within the county, district, precinct, or prosecution district in which he was elected during his term
31 of office.

32 (b) If a county, district, precinct, or prosecution district officer establishes his principal
33 place of residence as provided in Section 20A-2-105 outside the county, district, precinct, or
34 prosecution district in which he was elected, the office is automatically vacant.

35 [~~(3) If an elected county, district, precinct, or prosecution district officer is absent from the
36 county, district, precinct, or prosecution district any time during his term of office for a continuous
37 period of more than 60 days without the consent of the county legislative body or bodies, the
38 county, district, precinct, or prosecution district office is automatically vacant.]~~

39 Section 2. Section **17-16-10.5** is enacted to read:

40 **17-16-10.5. Malfeasance in office -- Felony charges or incapacitation -- Paid**
41 **administrative leave -- Reassignment of duties.**

42 (1) The failure of an elected county or prosecution district officer substantially to perform
43 the officer's official duties constitutes malfeasance in office under Section 77-6-1.

44 (2) If an elected county or prosecution district officer is charged with the commission of
45 a felony arising from conduct related to the officer's official duties, the officer shall be placed on
46 paid administrative leave until a court of competent jurisdiction disposes of the charges.

47 (3) If an elected county or prosecution district officer is unable to perform the officer's
48 official duties due to medical illness, injury, or other incapacitation, the officer shall be placed on
49 paid administrative leave until the officer is again able to perform the officer's official duties.

50 (4) (a) During the time that an elected county or prosecution district officer is on paid
51 administrative leave under Subsection (2) or (3), the officer's duties may, except as provided in
52 Subsection (4)(c), be temporarily:

53 (i) reassigned to another officer by the county legislative body; or

54 (ii) performed by a person employed for that purpose, under the supervision of the county
55 legislative body.

56 (b) For purposes of Subsection (4)(a) with respect to a prosecution district officer in a

57 multi-county prosecution district, "county legislative body" means the legislative bodies of all
58 counties included in the prosecution district.

59 (c) A reassignment under Subsection (4)(a) may not result in the same person exercising
60 the duties of:

61 (i) both a county legislative body member or county treasurer and county auditor; or

62 (ii) both a county executive and county auditor.