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1 INVESTIGATIVE AUTHORITY OF COUNTY

2 SHERIFFS

3 2001 GENERAL SESSION

4 STATE OF UTAH

5 Sponsor: Thomas V. Hatch

6 This act modifies provisions relating to Counties to authorize county sheriffs to perform
7 investigative functions countywide. The act also makes technical changes.

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

9 AMENDS:

10 17-22-2, as last amended by Chapter 133, Laws of Utah 2000

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

12 Section 1. Section 17-22-2 is amended to read:

13 17-22-2. Sheriff -- General duties.

14 (1) The sheriff [~~shall~~]:

15 (a) shall:

16 [~~(a)~~] (i) preserve the peace;

17 [~~(b)~~] (ii) make all lawful arrests;

18 [~~(c)~~] (iii) attend in person or by deputy the Supreme Court and the Court of Appeals when
19 required or when the court is held within his county, all courts of record, and court commissioner
20 and referee sessions held within his county, obey their lawful orders and directions, and comply
21 with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration;

22 [~~(d)~~] (iv) upon request of the juvenile court, aid the court in maintaining order during
23 hearings and transport a minor to and from youth corrections facilities, other institutions, or other
24 designated places;

25 [~~(e)~~] (v) attend county justice courts if the judge finds that the matter before the court
26 requires the sheriff's attendance for security, transportation, and escort of jail prisoners in [~~his~~] the
27 sheriff's custody, or for the custody of jurors;

28 ~~[(f)]~~ (vi) command the aid of as many inhabitants of his county as ~~[he]~~ the sheriff considers
29 necessary in the execution of these duties;

30 ~~[(g)]~~ (vii) take charge of and keep the county jail and the jail prisoners;

31 ~~[(h)]~~ (viii) receive and safely keep all persons committed to ~~[his]~~ the sheriff's custody, file
32 and preserve the commitments of those persons, and record the name, age, place of birth, and
33 description of each person committed;

34 ~~[(i)]~~ (ix) release on the record all attachments of real property when the attachment ~~[he]~~
35 the sheriff receives has been released or discharged;

36 ~~[(j)]~~ (x) endorse on all process and notices the year, month, day, hour, and minute of
37 reception, and, upon payment of fees, issue a certificate to the person delivering process or notice
38 showing the names of the parties, title of paper, and the time of receipt;

39 ~~[(k)]~~ (xi) serve all process and notices as prescribed by law;

40 ~~[(l)]~~ (xii) if ~~[he]~~ the sheriff makes service of process or notice, certify on the process or
41 notices the manner, time, and place of service, or, if ~~[he]~~ the sheriff fails to make service, certify
42 the reason upon the process or notice, and return them without delay;

43 ~~[(m)]~~ (xiii) extinguish fires occurring in the undergrowth, trees, or wooded areas on the
44 public land within ~~[his]~~ the sheriff's county;

45 ~~[(n)]~~ (xiv) perform as required by any contracts between the county and private contractors
46 for management, maintenance, operation, and construction of county jails entered into under the
47 authority of Section 17-53-311;

48 ~~[(o)]~~ (xv) manage search and rescue services in ~~[his]~~ the sheriff's county; and

49 ~~[(p)]~~ (xvi) perform any other duties that are required by law[-]; and

50 (b) may perform investigative functions countywide.

51 (2) Violation of Subsection (1)~~[(j)]~~(a)(x) is a class C misdemeanor. Violation of any other
52 subsection under Subsection (1)(a) is a class A misdemeanor.

Legislative Review Note

as of 1-24-01 9:44 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel