

1 **GOVERNMENT AMENDMENTS REGARDING**

2 **CONSTABLE SERVICES**

3 2001 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Glenn L. Way**

6 **This act modifies the Judicial Code to provide for penalties for persons serving judicial**
7 **process without the proper authority.**

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

9 AMENDS:

10 **78-12a-4**, as enacted by Chapter 20, Laws of Utah 1990

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

12 Section 1. Section **78-12a-4** is amended to read:

13 **78-12a-4. Violations of service of process authority.**

14 (1) It is a class A misdemeanor for a person serving process to falsify a return of service.

15 (2) It is a class C misdemeanor for a person to bill falsely for process service.

16 (3) It is a class B misdemeanor for anyone not a constable, sheriff, a lawfully appointed
17 deputy constable or sheriff, state employed authorized investigator, or other authorized peace
18 officer, to serve:

19 (a) warrants of arrest;

20 (b) bench warrants;

21 (c) writs of restitution; or

22 (d) writs of execution.

23 (4) It is a class C misdemeanor for anyone not a constable, sheriff, lawfully appointed
24 deputy constable or sheriff, state employed authorized investigator, or other authorized peace
25 officer, to serve:

26 (a) writs of garnishment;

27 (b) garnishee orders;



- 28 (c) temporary restraining orders;
- 29 (d) protective orders; or
- 30 (e) orders to show cause.

Legislative Review Note
as of 2-12-01 3:50 PM

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

Office of Legislative Research and General Counsel