

Representative Stephen H. Urquhart proposes the following substitute bill:

LAW ENFORCEMENT AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John W. Hickman

House Sponsor: Stephen H. Urquhart

Cosponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies the Public Safety Code and Judicial Code by amending provisions related to law enforcement.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ prohibits a member of the Utah Highway Patrol that is employed part-time by a local law enforcement agency from using a Utah Highway Patrol vehicle or uniform while working for the local law enforcement agency;
- ▶ requires justice courts to pay 1/2 of a fine or forfeiture collected for a violation of a speed limit on a highway that is part of the interstate system or on the Legacy Parkway to the state treasurer if the citation was issued by a law enforcement agency employed by a county or municipality; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:



26 This bill takes effect July 1, 2006.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53-8-107**, as renumbered and amended by Chapter 234, Laws of Utah 1993

30 **78-5-116**, as last amended by Chapters 273 and 349, Laws of Utah 2004



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

32 Section 1. Section **53-8-107** is amended to read:

33 **53-8-107. Cooperation with other officers.**

34 (1) As used in this section, "local law enforcement agency" has the same meaning as
35 defined in Section 53-13-101.

36 (2) To secure information in order to achieve greater success in prevention and
37 detection of crime and apprehension of criminals, the Highway Patrol shall cooperate and
38 exchange information with:

39 [~~(1)~~] (a) any other departments of the state;

40 [~~(2)~~] (b) other law enforcement agencies, both within and outside this state; and

41 [~~(3)~~] (c) federal law enforcement agencies.

42 (2) A member of the Highway Patrol that is employed part-time by a local law
43 enforcement agency may not:

44 (a) use a vehicle owned by the division while working for the local law enforcement
45 agency; or

46 (b) wear a division uniform while working for the local law enforcement agency.

47 Section 2. Section **78-5-116** is amended to read:

48 **78-5-116. Disposition of fines.**

49 (1) Except as otherwise specified by this section, fines and forfeitures collected by a
50 justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the
51 court and 1/2 to the treasurer of the local government which prosecutes or which would
52 prosecute the violation.

53 (2) (a) For violation of Title 23, Wildlife Resources Code of Utah, the court shall
54 allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or
55 county government responsible for the justice court.
56

57 (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
58 18, State Boating Act, the court shall allocate 85% to the Division of Parks and Recreation and
59 15% to the general fund of the city or county government responsible for the justice court.

60 (3) The surcharge established by Section 63-63a-1 shall be paid to the state treasurer.

61 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice
62 court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations
63 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial
64 Council, shall be paid to the state treasurer and distributed to the class B and C road account.

65 (5) Revenue deposited in the class B and C road account pursuant to Subsection (4) is
66 supplemental to the money appropriated under Section 72-2-107 but shall be expended in the
67 same manner as other class B and C road funds.

68 (6) Until July 1, 2007, fines and forfeitures collected by the court for a violation of
69 Subsection 41-1a-1303(2) related to registration of vehicles after establishing residency shall
70 be remitted:

71 (a) 50% to the state or local governmental entity which issued the citation for a
72 violation to be used for law enforcement purposes; and

73 (b) 50% in accordance with Subsection (1).

74 (7) Fines and forfeitures collected by the court for the violation of a speed limit
75 established under Section 41-6a-602 on a highway that is part of the interstate system as
76 defined in Section 72-1-102 or on the Legacy Parkway as defined in Section 72-3-113 shall be
77 remitted 1/2 to the state treasurer and 1/2 in accordance with Subsection (1) if the citation for
78 the violation was issued by a law enforcement agency employed by a county or municipality.

79 Section 3. **Effective date.**

80 This bill takes effect July 1, 2006.