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**PROHIBITION OF CITATION QUOTAS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Neil A. Hansen**

Senate Sponsor: John W. Hickman

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**LONG TITLE**

**General Description:**

This bill modifies municipal, county, and public safety provisions of the Utah Code to prohibit state and local governmental entities and law enforcement agencies from imposing traffic citation quotas on law enforcement officers.

**Highlighted Provisions:**

This bill:

▶ prohibits state and local governmental entities and law enforcement agencies from requiring ~~to~~ **or directing** ~~to~~ that their law enforcement officers issue within any specified time period

a specific number of citations, complaints, or warning notices:

- for violations of Title 41, Chapter 6a, Traffic Code; or
- violations of any local traffic ordinance, including any of the offenses described

in Section 41-6a-208 which addresses regulatory powers of local highway authorities.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-3-913**, as last amended by Chapter 219, Laws of Utah 2002



H.B. 255

- 28           **10-3-918**, as last amended by Chapter 292, Laws of Utah 2003
- 29           **17-50-304**, as renumbered and amended by Chapter 133, Laws of Utah 2000
- 30           **53-1-108**, as last amended by Chapter 2, Laws of Utah 2005
- 31           **53-8-104**, as last amended by Chapter 219, Laws of Utah 2002

32 ENACTS:

- 33           **10-1-204**, Utah Code Annotated 1953
- 34           **17-22-2.1**, Utah Code Annotated 1953



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

37           Section 1. Section **10-1-204** is enacted to read:

38           **10-1-204. Traffic violation quotas prohibited.**

39           A municipality may not by any means require ~~it~~ or direct ~~it~~ its law enforcement  
 39a agency or any law  
 40 enforcement officer to issue within any specified time period a specific number of citations,  
 41 complaints, or warning notices for violations of Title 41, Chapter 6a, Traffic Code, or  
 42 violations of any local traffic ordinance, including any of the offenses described in Section  
 43 41-6a-208 which addresses regulatory powers of local highway authorities.

44           Section 2. Section **10-3-913** is amended to read:

45           **10-3-913. Authority of chief of police.**

46           (1) The chief of police has the same authority as the sheriff within the boundaries of  
47 the municipality of appointment. The chief has authority to:

- 48           (a) suppress riots, disturbances, and breaches of the peace;
- 49           (b) apprehend all persons violating state laws or city ordinances;
- 50           (c) diligently discharge his duties and enforce all ordinances of the city to preserve the  
51 peace, good order, and protection of the rights and property of all persons; and
- 52           (d) attend the municipal justice court located within the city when required, provide  
53 security for the court, and obey its orders and directions.

54           (2) This section is not a limitation of a police chief's statewide authority as otherwise  
55 provided by law.

56           (3) The chief of police shall, on or before January 1, 2003, adopt a written policy that  
57 prohibits the stopping, detention, or search of any person when the action is solely motivated  
58 by considerations of race, color, ethnicity, age, or gender.

59           (4) A police chief may not by any means require ~~H→~~ or direct ~~←H~~ any law  
 59a enforcement officer to issue  
 60 within any specified time period a specific number of citations, complaints, or warning notices  
 61 for violations of Title 41, Chapter 6a, Traffic Code, or violations of any local traffic ordinance,  
 62 including any of the offenses described in Section 41-6a-208 which addresses regulatory  
 63 powers of local highway authorities.

64           Section 3. Section **10-3-918** is amended to read:

65           **10-3-918. Chief of police or marshal in a city of the third, fourth, or fifth class or**  
 66 **town.**

67           The chief of police or marshal in each city of the third, fourth, or fifth class or town:

68           (1) shall:

69           (a) exercise and perform the duties that are prescribed by the legislative body;

70           (b) be under the direction, control, and supervision of the person or body that appointed  
 71 the chief or marshal; and

72           (c) on or before January 1, 2003, adopt a written policy that prohibits the stopping,  
 73 detention, or search of any person when the action is solely motivated by considerations of  
 74 race, color, ethnicity, age, or gender; [~~and~~]

75           (2) may, with the consent of the person or body that appointed the chief or marshal,  
 76 appoint assistants to the chief of police or marshal[-]; and

77           (3) may not by any means require ~~H→~~ or direct ~~←H~~ any law enforcement officer  
 77a to issue within any  
 78 specified time period a specific number of citations, complaints, or warning notices for  
 79 violations of Title 41, Chapter 6a, Traffic Code, or violations of any local traffic ordinance,  
 80 including any of the offenses described in Section 41-6a-208 which addresses regulatory  
 81 powers of local highway authorities.

82           Section 4. Section **17-22-2.1** is enacted to read:

83           **17-22-2.1. Traffic violation quotas prohibited.**

84           A sheriff may not by any means require ~~H→~~ or direct ~~←H~~ any law enforcement  
 84a officer to issue within any  
 85 specified time period a specific number of citations, complaints, or warning notices for  
 86 violations of Title 41, Chapter 6a, Traffic Code, or violations of any local traffic ordinance,  
 87 including any of the offenses described in Section 41-6a-208 which addresses regulatory  
 88 powers of local highway authorities.

89           Section 5. Section **17-50-304** is amended to read:

90 **17-50-304. Police, building, and sanitary regulations -- Prohibition of quotas.**

91 (1) A county may make and enforce within the limits of the county, outside the limits  
92 of cities and towns, all such local, police, building, and sanitary regulations as are not in  
93 conflict with general laws.

94 (2) A county may not by any means require ~~H~~→ or direct ←~~H~~ its law enforcement  
94a agency or any law  
95 enforcement officer to issue within any specified time period a specific number of citations,  
96 complaints, or warning notices for violations of Title 41, Chapter 6a, Traffic Code, or  
97 violations of any local traffic ordinance, including any of the offenses described in Section  
98 41-6a-208 which addresses regulatory powers of local highway authorities.

99 Section 6. Section **53-1-108** is amended to read:

100 **53-1-108. Commissioner's powers and duties.**

101 (1) In addition to the responsibilities contained in this title, the commissioner shall:

102 (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility  
103 of Motor Vehicle Owners and Operators Act;

104 (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as  
105 required to properly discharge the duties of the department;

106 (c) make rules:

107 (i) governing emergency use of signal lights on private vehicles; and

108 (ii) allowing privately owned vehicles to be designated for part-time emergency use, as  
109 provided in Section 41-6a-310;

110 (d) set standards for safety belt systems, as required by Section [~~41-6a-1803~~]

111 ~~41-6a-1802~~;

112 (e) serve as the chairman of the Disaster Emergency Advisory Council, as required by  
113 Section 63-5-4;

114 (f) designate vehicles as "authorized emergency vehicles," as required by Section  
115 41-6a-102; and

116 (g) on or before January 1, 2003, adopt a written policy that prohibits the stopping,  
117 detention, or search of any person when the action is solely motivated by considerations of  
118 race, color, ethnicity, age, or gender.

119 (2) The commissioner may:

120 (a) subject to the approval of the governor, establish division headquarters at various

121 places in the state;

122 (b) issue to a special agent a certificate of authority to act as a peace officer and revoke  
123 that authority for cause, as authorized in Section 56-1-21.5;

124 (c) create specialized units within the commissioner's office for conducting internal  
125 affairs and aircraft operations as necessary to protect the public safety;

126 (d) cooperate with any recognized agency in the education of the public in safety and  
127 crime prevention and participate in public or private partnerships, subject to Subsection (3);

128 (e) cooperate in applying for and distributing highway safety program funds; and

129 (f) receive and distribute federal funding to further the objectives of highway safety in  
130 compliance with the Federal Assistance Management Program Act.

131 (3) (a) Money may not be expended under Subsection (2)(d) for public safety education  
132 unless it is specifically appropriated by the Legislature for that purpose.

133 (b) Any recognized agency receiving state money for public safety shall file with the  
134 auditor of the state an itemized statement of all its receipts and expenditures.

135 (4) The commissioner may not by any means require ~~H~~→ or direct ←~~H~~ any law  
135a enforcement officer to  
136 issue within any specified time period a specific number of citations, complaints, or warning  
137 notices for violations of Title 41, Chapter 6a, Traffic Code.

138 Section 7. Section **53-8-104** is amended to read:

139 **53-8-104. Superintendent's duties.**

140 (1) The superintendent shall:

141 [(1)] (a) divide the state highways into sections for the purpose of patrolling and  
142 policing;

143 [(2)] (b) employ peace officers known as highway patrol troopers to patrol or police the  
144 highways within this state and to enforce the state statutes as required;

145 [(3)] (c) establish ranks, grades, and positions in the Highway Patrol and designate the  
146 authority and responsibility in each rank, grade, and position;

147 [(4)] (d) establish for the Highway Patrol standards and qualifications and fix  
148 prerequisites of training, education, and experience for each rank, grade, and position;

149 [(5)] (e) appoint personnel to each rank, grade, and position necessary for the efficient  
150 operation and administration of the Highway Patrol;

151 [(6)] (f) devise and administer examinations designed to test applicants for positions

152 with the Highway Patrol;

153 ~~[(7)]~~ (g) make rules governing the Highway Patrol as appear to the superintendent  
154 advisable;

155 ~~[(8)]~~ (h) discharge, demote, or temporarily suspend any employee in the Highway  
156 Patrol for cause;

157 ~~[(9)]~~ (i) prescribe the uniforms to be worn and the equipment to be used by employees  
158 of the Highway Patrol;

159 ~~[(10)]~~ (j) charge against each employee of the Highway Patrol the value of any  
160 property of the state lost or destroyed through the carelessness of the employee;

161 ~~[(11)]~~ (k) establish, with the approval of the Division of Finance, the terms and  
162 conditions under which expense allowance should be paid to any employee of the Highway  
163 Patrol while away from his station;

164 ~~[(12)]~~ (l) station the Highway Patrol in localities as he finds advisable for the  
165 enforcement of the laws of this state;

166 ~~[(13)]~~ (m) conduct in conjunction with the State Board of Education in and through all  
167 state schools an educational campaign in highway safety and work in conjunction with civic  
168 organizations, churches, local units of government, and other organizations that may function  
169 in accomplishing the purposes of reducing highway accidents;

170 ~~[(14)]~~ (n) provide the initial mandatory uniform items for each new trooper hired after  
171 July 1, 1998;

172 ~~[(15)]~~ (o) determine by rule a basic uniform allowance system which includes the  
173 manner in which troopers may receive maintenance services and vouchers for basic uniforms  
174 and administer any funds appropriated by the Legislature to the division for that purpose; and

175 ~~[(16)]~~ (p) on or before January 1, 2003, adopt a written policy that prohibits the  
176 stopping, detention, or search of any person when the action is solely motivated by  
177 considerations of race, color, ethnicity, age, or gender.

178 (2) The superintendent may not by any means require ~~H~~→ or direct ←~~H~~ any law  
178a enforcement officer to  
179 issue within any specified time period a specific number of citations, complaints, or warning  
180 notices for violations of Title 41, Chapter 6a, Traffic Code.

**Legislative Review Note**  
as of 11-16-06 10:06 AM

**Office of Legislative Research and General Counsel**