

COUNTY LAW ENFORCEMENT DUTIES

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael G. Waddoups

House Sponsor: Carl Wimmer

LONG TITLE

General Description:

This bill modifies county provisions relating to providing law enforcement service.

Highlighted Provisions:

This bill:

▶ requires county sheriffs ~~§~~ **in counties of the first class** ~~§~~ to ~~§~~ :

▶ ~~§~~ provide law enforcement service as provided in an interlocal agreement; ~~§~~ **and**

~~[requires county sheriffs to]~~ ~~§~~ provide law enforcement service to an unincorporated area of the county to the extent that another entity established to provide ~~§~~ **law enforcement service or** ~~§~~ extended

police protection does not; and

▶ authorizes first class counties to enter into an interlocal agreement to provide law enforcement service.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-22-2, as last amended by Laws of Utah 2002, Chapters 140 and 219

ENACTS:

17-50-324, Utah Code Annotated 1953



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

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

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

(1) The sheriff shall:

(a) preserve the peace;

(b) make all lawful arrests;

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

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

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

(f) command the aid of as many inhabitants of his county as he considers necessary in the execution of these duties;

(g) take charge of and keep the county jail and the jail prisoners;

(h) receive and safely keep all persons committed to his custody, file and preserve the commitments of those persons, and record the name, age, place of birth, and description of each person committed;

(i) release on the record all attachments of real property when the attachment he receives has been released or discharged;

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

(k) serve all process and notices as prescribed by law;

(l) if he makes service of process or notice, certify on the process or notices the

59 manner, time, and place of service, or, if he fails to make service, certify the reason upon the
60 process or notice, and return them without delay;

61 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public
62 land within his county;

63 (n) perform as required by any contracts between the county and private contractors for
64 management, maintenance, operation, and construction of county jails entered into under the
65 authority of Section 17-53-311;

66 (o) ~~§~~ **→ for the sheriff of a first class county that enters into an interlocal agreement for**
66a **law enforcement service under Title 11, Chapter 13, Interlocal Cooperation Act, as authorized**
66b **in Section 17-50-324:**

66c (i) ~~←§~~ provide law enforcement service as provided in ~~§~~ **→ [an] the ←§** interlocal
66d agreement ~~§~~ **→ [under Title**

67 **11, Chapter 13, Interlocal Cooperation Act, to which the county is a party;**

68 ~~—(p)~~ ; or

68a (ii) ~~←§~~ provide law enforcement service to an unincorporated area of the county to the
69 extent that the law enforcement service is not provided to the area by a local district or

70 interlocal entity, as defined in Section 11-13-103, established to provide ~~§~~ **→ law enforcement**
70a **service or ←§** extended police

71 protection to the area;

72 ~~[(o)]~~ ~~§~~ **→ [(q)] (p) ←§** manage search and rescue services in his county;

73 ~~[(p)]~~ ~~§~~ **→ [(r)] (q) ←§** obtain saliva DNA specimens as required under Section 53-10-404;

74 ~~[(q)]~~ ~~§~~ **→ [(s)] (r) ←§** on or before January 1, 2003, adopt a written policy that prohibits the
75 stopping, detention, or search of any person when the action is solely motivated by
76 considerations of race, color, ethnicity, age, or gender; and

77 ~~[(r)]~~ ~~§~~ **→ [(t)] (s) ←§** perform any other duties that are required by law.

78 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other
79 subsection under Subsection (1) is a class A misdemeanor.

80 Section 2. Section 17-50-324 is enacted to read:

81 **17-50-324. First class county may contract to provide law enforcement service.**

82 ~~§~~ **→ (1) ←§** A county of the first class may enter into an interlocal agreement under Title 11,
83 Chapter 13, Interlocal Cooperation Act, to provide law enforcement service.

83a ~~§~~ **→ (2) An interlocal agreement described in Subsection (1) may be entered into on behalf of**
83b **the county by:**

83c **(a) the county sheriff; or**

83d **(b) on and after May 5, 2009, the county legislative body. ←§**

S.B. 253

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Office of Legislative Research and General Counsel

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Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
