

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
- 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

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

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

31 **17-22-2. Sheriff -- General duties.**

32 (1) The sheriff shall:

33 (a) preserve the peace;

34 (b) make all lawful arrests;

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

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

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

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

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

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

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

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

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

58 (l) if he makes service of process or notice, certify on the process or notices the manner,
59 time, and place of service, or, if he fails to make service, certify the reason upon the process or
60 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 law
67 enforcement service under Title 11, Chapter 13, Interlocal Cooperation Act, as authorized in
68 Section 17-50-324:

69 (i) provide law enforcement service as provided in the interlocal agreement; or

70 (ii) provide law enforcement service to an unincorporated area of the county to the
71 extent that the law enforcement service is not provided to the area by a local district or
72 interlocal entity, as defined in Section 11-13-103, established to provide law enforcement
73 service or extended police protection to the area;

74 [~~o~~] (p) manage search and rescue services in his county;

75 [~~p~~] (q) obtain saliva DNA specimens as required under Section 53-10-404;

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

79 [~~r~~] (s) perform any other duties that are required by law.

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

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

83 **17-50-324. First class county may contract to provide law enforcement service.**

84 (1) A county of the first class may enter into an interlocal agreement under Title 11,
85 Chapter 13, Interlocal Cooperation Act, to provide law enforcement service.

86 (2) An interlocal agreement described in Subsection (1) may be entered into on behalf
87 of the county by:
88 (a) the county sheriff; or
89 (b) on and after May 5, 2009, the county legislative body.