

COUNTY SHERIFF QUALIFICATION

AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: Scott K. Jenkins

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LONG TITLE

General Description:

This bill modifies provisions in Title 17, Counties, relating to the qualifications of a county sheriff.

Highlighted Provisions:

This bill:

- ▶ provides new certification requirements for county sheriffs elected after the 2008 regular general election;
- ▶ requires a person filing a declaration of candidacy for county sheriff to submit a certificate issued by the Peace Officer Standards and Training Division stating that the candidate:
  - has successfully met the standards and training requirements established for law enforcement officers in Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; and
  - has qualified to be certified as a law enforcement officer, as defined in Section 53-13-103;
- ▶ requires an elected county sheriff to be certified at the time of taking office as:
  - a correctional officer, as defined in Section 53-13-104; or
  - a correctional facility manager by having completed a correctional facility management course approved by the POST Council; and
- ▶ requires a county sheriff to remain certified as a law enforcement officer and as a correctional officer or correctional facility manager during the sheriff's term of

30 office.

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides an immediate effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **17-22-1.5**, as last amended by Laws of Utah 2008, Chapter 338



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

40 Section 1. Section **17-22-1.5** is amended to read:

41 **17-22-1.5. County sheriff qualifications.**

42 (1) Each person filing a declaration of candidacy for the office of county sheriff shall  
43 submit to the county clerk, at the time of filing a declaration of candidacy, a certificate issued  
44 by the Peace Officer Standards and Training Division created under Section 53-6-103 stating  
45 that the candidate has:

46 (a) (i) successfully met the standards and training requirements established for peace  
47 officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or

48 (ii) passed a certification examination as provided in Section 53-6-206; and

49 (b) [~~qualified~~] met the qualifications to be certified as a law enforcement officer, as  
50 defined in Section 53-13-103.

51 (2) In addition to the general qualifications required of county officers by Title 17,  
52 Chapter 16, County Officers, each county sheriff shall:

53 (a) at the time of taking office:

54 (i) (A) have successfully met the standards and training requirements established for  
55 peace officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act;

56 or

57 (B) have passed a certification examination as provided in Section 53-6-206; and

58 (ii) be qualified to be certified as:  
 59 (A) a law enforcement officer, as defined in Section 53-13-103; and  
 60 (B) if the person is elected to the office of county sheriff in any election held after the

61 2008 general election:

62 [~~(B)~~] (I) a correctional officer, as defined in Section 53-13-104; [and] or  
 63 (II) a correctional facility manager by having successfully completed a correctional  
 64 facility management course that is offered by a certified academy in both an online web-based  
 65 format and in a classroom format and that is approved by the Peace Officer Standards and  
 66 Training Council created in Section 53-6-106;

67 (b) satisfactorily complete annual certified training as required in Section 53-13-103;  
 68 and

69 (c) after certification as provided in Subsection (2)(a), remain certified during the  
 70 sheriff's term of office as:

71 (i) a law enforcement officer [and correctional officer during the sheriff's term of  
 72 office.]; and

73 (ii) if the person is elected to the office of county sheriff in any election held after the  
 74 2008 general election:

75 (A) a correctional officer; or

76 (B) a correctional facility manager by having completed a correctional facility  
 77 management course approved by the Peace Officer Standards and Training Council.

78 (3) If a sheriff resigns, retires, dies, or otherwise does not complete the term of office,  
 79 the person appointed to serve for the remainder of the term shall within 60 days after the date  
 80 of appointment complete the training and exam required under Subsection (2)(a)(ii)(B).

81 [~~(3)~~] (4) The county legislative body shall declare the office of sheriff to be vacant if at  
 82 any time the incumbent sheriff fails to meet the qualifications for office under Subsection (2).

83 **Section 2. Effective date.**

84 If approved by two-thirds of all the members elected to each house, this bill takes effect  
 85 upon approval by the governor, or the day following the constitutional time limit of Utah

86 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
87 the date of veto override.