

1                                   **COUNTY SHERIFF QUALIFICATION**

2   **AMENDMENTS**

3   2009 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Richard A. Greenwood**

6   Senate Sponsor: Scott K. Jenkins

---

7

8                   **LONG TITLE**

9                   **Committee Note:**

10                   The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

11                   **General Description:**

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

14                   **Highlighted Provisions:**

15                   This bill:

16                   ▶ provides new certification requirements for county sheriffs elected after the 2008  
17 regular general election;

18                   ▶ requires a person filing a declaration of candidacy for county sheriff to submit a  
19 certificate issued by the Peace Officer Standards and Training Division stating that  
20 the candidate:

21                   • has successfully met the standards and training requirements established for law  
22 enforcement officers in Title 53, Chapter 6, Part 2, Peace Officer Training and  
23 Certification Act; and

24                   • has qualified to be certified as a law enforcement officer, as defined in Section  
25 53-13-103;

26                   ▶ requires an elected county sheriff to be certified at the time of taking office as:

27                   • a correctional officer, as defined in Section 53-13-104; or



- 28 • a correctional facility manager by having completed a correctional facility
- 29 management course approved by the POST Council; and
- 30 ▶ requires a county sheriff to remain certified as a law enforcement officer and as a
- 31 correctional officer or correctional facility manager during the sheriff's term of
- 32 office.

33 **Monies Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **17-22-1.5**, as last amended by Laws of Utah 2008, Chapter 338



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

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

43 **17-22-1.5. County sheriff qualifications.**

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

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

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

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

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

55 (a) at the time of taking office:

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

58 or

59 (B) have passed a certification examination as provided in Section 53-6-206; and  
60 (ii) be qualified to be certified as:  
61 (A) a law enforcement officer, as defined in Section 53-13-103; and  
62 (B) if the person is elected to the office of county sheriff in any election held after the  
63 2008 general election:  
64 ~~[(B)]~~ (I) a correctional officer, as defined in Section 53-13-104; [and] or  
65 (II) a correctional facility manager by having completed a correctional facility  
66 management course approved by the Peace Officer Standards and Training Council created in  
67 Section 53-6-106;  
68 (b) satisfactorily complete annual certified training as required in Section 53-13-103;  
69 and  
70 (c) after certification as provided in Subsection (2)(a), remain certified during the  
71 sheriff's term of office as:  
72 (i) a law enforcement officer [and correctional officer during the sheriff's term of  
73 office.]; and  
74 (ii) if the person is elected to the office of county sheriff in any election held after the  
75 2008 general election:  
76 (A) a correctional officer; or  
77 (B) a correctional facility manager by having completed a correctional facility  
78 management course approved by the Peace Officer Standards and Training Council.  
79 (3) The county legislative body shall declare the office of sheriff to be vacant if at any  
80 time the incumbent sheriff fails to meet the qualifications for office under Subsection (2).

---

**Legislative Review Note**  
as of 5-13-08 1:50 PM

**Office of Legislative Research and General Counsel**