

CONSTABLES AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to a county constable and deputy constable.

Highlighted Provisions:

This bill:

- ▶ prohibits a county from contracting with a constable for a period that exceeds four years;
- ▶ requires a constable to present certain identification;
- ▶ requires a constable or deputy constable to notify the agency of jurisdiction before serving a bench warrant;
- ▶ limits a constable's appointed term to four years;
- ▶ prohibits a constable from operating in a county unless the constable registers with the county; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-25-5, as last amended by Laws of Utah 2010, Chapter 49



28 17-25-6, as enacted by Laws of Utah 2011, Chapter 135

29 17-25a-3, as last amended by Laws of Utah 1993, Chapter 234

30 ENACTS:

31 17-25-7, Utah Code Annotated 1953



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

34 Section 1. Section 17-25-5 is amended to read:

35 **17-25-5. Contracts for constable services.**

36 (1) The governing body of ~~any~~ a municipality or county where a justice court exists
37 may contract with ~~any~~ a constable to provide services in criminal cases for the contracting
38 governmental entity by ~~any~~ a method and for ~~any~~ an amount mutually agreed upon.

39 (2) A contract between a governing body and a constable, including a contract
40 described in Subsection (1), may not exceed four years.

41 Section 2. Section 17-25-6 is amended to read:

42 **17-25-6. Identification of constables -- Uniform requirements.**

43 (1) While performing a duty described in Section 17-25-1, a constable shall
44 prominently display a badge, subject to Subsection (3), or other visible form of credentials and
45 identification identifying:

46 ~~(1)~~ (a) a person as a constable;

47 ~~(2)~~ (b) the person's name; and

48 ~~(3)~~ (c) the county or municipality for which the constable is employed.

49 (2) If a constable serves process, the constable shall:

50 (a) verbally communicate to the person being served that the constable is a constable;

51 (b) subject to Subsection (3), if the constable is wearing a law enforcement or similar
52 uniform, verbally inform the person being served that the constable is not acting in a law
53 enforcement role; and

54 (c) print on the first page of each document served:

55 (i) the constable's name and identification as a constable;

56 (ii) the county or municipality for which the constable is employed; and

57 (iii) a business phone number for the constable.

58 (3) (a) A constable may not wear a uniform, badge, or other identification that is

59 similar to or maybe confused with another law enforcement officer's uniform, badge, or other
60 identification unless the constable:

61 (i) is also employed as another law enforcement officer with the county or city in
62 which the constable performs a duty described in Section 17-25-1; and

63 (ii) complies with the identification requirements of Subsections (1) and (2) if the
64 constable is serving process.

65 (b) If a constable other than a constable described in Subsection (3)(a) wears a uniform,
66 the uniform shall be clearly marked with the word "constable" on the front and back of the
67 uniform shirt and, if applicable, jacket.

68 Section 3. Section **17-25-7** is enacted to read:

69 **17-25-7. Notification of bench warrant.**

70 If a constable or deputy constable serves a bench warrant, the constable shall notify the
71 agency of jurisdiction before serving the bench warrant.

72 Section 4. Section **17-25a-3** is amended to read:

73 **17-25a-3. County and city constables -- Terms -- Authority -- Deputies.**

74 (1) Constables appointed by a county or city are appointed for terms of [~~six~~] four years
75 and may serve more than one term if reappointed by the appointing body.

76 [~~(2) Constables serving process outside the county in which they are appointed shall~~
77 ~~contact the sheriff's office or police department of the jurisdiction prior to serving executions or~~
78 ~~bench warrants or seizing any property.]~~

79 (2) A constable may not operate, as defined in Section 17-25-7, in a county unless the
80 constable registers in accordance with Section 17-25-7 in that county.

81 (3) The appointed constable may, upon approval of the appointing county or city,
82 employ and deputize persons who are certified as special function peace officers to function as
83 deputy constables.

84 (4) If the county or city appointing body withdraws the authority of a constable, the
85 authority of all deputy constables is also withdrawn.

86 (5) If the authority of a constable or deputy constable is withdrawn, notification of the
87 Peace Officer Standards and Training Division of the Department of Public Safety shall be
88 made pursuant to Section 53-6-209.

Legislative Review Note
as of 1-20-12 12:53 PM

Office of Legislative Research and General Counsel