

HB0229S01 compared with HB0229

~~{deleted text}~~ shows text that was in HB0229 but was deleted in HB0229S01.

inserted text shows text that was not in HB0229 but was inserted into HB0229S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Lee B. Perry proposes the following substitute bill:

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}~~ in certain circumstances;
- ▶ 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

HB0229S01 compared with HB0229

- ▶ 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

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

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

~~ENACTS:~~

~~———— **17-25-7**, Utah Code Annotated 1953~~

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

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

17-25-5. Contracts for constable services.

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

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

(b) A contract described in Subsection (2)(a) may be renewed or extended for a period not to exceed four years.

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

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

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

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

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

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

HB0229S01 compared with HB0229

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

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

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

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

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

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

(iii) a business phone number for the constable.

~~(3) (a) A constable may not wear a uniform, badge, or other identification that is similar to or maybe confused with another law enforcement officer's uniform, badge, or other identification unless the constable:~~

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

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

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

~~_____ Section 3. Section 17-25-7 is enacted to read:~~

~~_____ 17-25-7. Notification of bench warrant.~~

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

Section ~~(4)~~ 3. Section **17-25a-3** is amended to read:

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

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

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

~~(2)~~ b A constable ~~may not operate, as defined in Section 17-25-7, in a county unless~~

HB0229S01 compared with HB0229

~~the constable registers in accordance with Section 17-25-7 in that county}~~ or deputy constable shall notify the agency of jurisdiction by contacting the sheriff's office or police department of jurisdiction before serving a warrant of arrest.

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

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

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

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~~Legislative Review Note~~

~~as of 1-20-12 12:53 PM~~

~~Office of Legislative Research and General Counsel}~~