

1st Sub. H.B. 235
PROCESS SERVER AMENDMENTS

Senator **Stephen H. Urquhart** proposes the following amendments:

1. *Page 1, Lines 22 through 24*

House Committee Amendments

2-14-2013:

22 Utah Code Sections Affected:

23 AMENDS:

= 17-25-1, as last amended by Laws of Utah 2003, Chapter 204
24 78B-8-302, as last amended by Laws of Utah 2012, Chapter 413

2. *Page 2, Line 26:*

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

= Section 1. Section 17-25-1 is amended to read:

17-25-1. General powers and duties.

(1) Every constable shall:

(a) attend the justice courts within ~~{ his }~~ the city or county of appointment when required by contract or court order; and

(b) execute, serve, and return all process directed or delivered to him by a judge of the justice court serving the city or county, or by any competent authority within the limits of this section.

(2) ~~{ Any }~~ A constable may only serve ~~{ any }~~ process ~~{ throughout the state }~~ in the county in which the constable is appointed .

Renumber remaining sections accordingly.

3. *Page 2, Lines 31 through 37*

House Floor Amendments

2-28-2013:

31 (2) ~~[The]~~ Except as provided in Subsection ~~Ĥ~~ → ~~(4)~~ (5) ~~←Ĥ~~ , the following persons

31a may serve all

32 process issued by the courts of this state:

* * * *Some lines not shown* * * *

36 (c) a constable, or the constable's deputy, serving in the county in which the constable is appointed,
in compliance with applicable law;

37 ~~[and]~~

4. Page 3, Lines 65 through 69

House Floor Amendments

2-28-2013:

65 ~~→~~ [(3)] (4) ~~←~~ Any service under this section where ~~→~~ ~~[breach of the peace]~~ the use of
65a force ~~←~~ is authorized on the face
66 of the document, **and** ~~→~~ a breach of the peace is ~~←~~ imminent, or likely under the totality of the
66a circumstances may only be served
67 by:
68 (a) a law enforcement officer, as defined in Section 53-13-103; or
69 (b) a constable, as defined in Subsection 53-13-105(b)(ii) **, and limited by Subsection (2)(c)** .