

LOCAL GOVERNMENT CRIMINAL PENALTY AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill makes changes to local ordinance enforcement practice.

Highlighted Provisions:

This bill:

requires that only a law enforcement officer may enforce a local ordinance that is a misdemeanor.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-703, as last amended by Laws of Utah 2014, Chapter 149

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

Section 1. Section **10-3-703** is amended to read:

10-3-703. Criminal penalties for violation of ordinance -- Civil penalties prohibited -- Exceptions.

(1) The governing body of each municipality may impose a criminal penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B



28 misdemeanor fine under Section 76-3-301 or by a term of imprisonment up to six months, or
29 by both the fine and term of imprisonment.

30 (2) (a) Except as provided in Subsection (2)(b), the governing body may prescribe a
31 civil penalty for the violation of any municipal ordinance by a fine not to exceed the maximum
32 class B misdemeanor fine under Section 76-3-301.

33 (b) A municipality may not impose a civil penalty and adjudication for the violation of
34 a municipal moving traffic ordinance.

35 (3) A municipal officer or official who is not a law enforcement officer in accordance
36 with Section 53-13-103 may ~~only enforce an ordinance~~ **not issue a criminal citation for**
36a **a** ~~violation that is punished as~~ **an**

37 ~~infraction~~ **a misdemeanor** .

37a **Section 2. Effective date.**

37b **This bill takes effect on May 1, 2018.**

Legislative Review Note
Office of Legislative Research and General Counsel