

1                   **LOCAL GOVERNMENT CRIMINAL PENALTY AMENDMENTS**

2   2017 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Daniel W. Thatcher**

5                                   House Sponsor: Daniel McCay

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7   **LONG TITLE**

8   **General Description:**

9           This bill makes changes to local ordinance enforcement practice.

10 **Highlighted Provisions:**

11       This bill:

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

14 **Money Appropriated in this Bill:**

15       None

16 **Other Special Clauses:**

17       This bill provides a special effective date.

18 **Utah Code Sections Affected:**

19 AMENDS:

20       **10-3-703**, as last amended by Laws of Utah 2014, Chapter 149

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

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

24       **10-3-703. Criminal penalties for violation of ordinance -- Civil penalties**  
25 **prohibited -- Exceptions.**

26       (1) The governing body of each municipality may impose a criminal penalty for the  
27 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 not issue a criminal citation for a violation that is punished as a  
37 misdemeanor.

38           Section 2. **Effective date.**

39           This bill takes effect on May 1, 2018.