

Senator Lincoln Fillmore proposes the following substitute bill:

CONSTABLE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to constables.

Highlighted Provisions:

This bill:

- ▶ repeals provisions related to fees for constables;
- ▶ clarifies which local entities are authorized to appoint a constable;
- ▶ requires a nominating commission to provide notice that announces a county's or city's intent to appoint a constable and specifies the qualifications required to be considered for the appointment; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-25-1, as last amended by Laws of Utah 2003, Chapter 204

REPEALS AND REENACTS:



26 17-25a-1, as last amended by Laws of Utah 1993, Chapters 38 and 234

27 REPEALS:

28 17-25-2, as renumbered and amended by Laws of Utah 2001, Chapter 46

29 17-25-3, as renumbered and amended by Laws of Utah 2001, Chapter 46

30 17-25a-4, as last amended by Laws of Utah 2001, Chapter 46

31

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

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

34 **17-25-1. General powers and duties.**

35 (1) [Every] A constable shall:

36 (a) attend the justice courts within ~~[his]~~ the constable's city or county when required by
37 contract or court order; and

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

41 (2) [Any] A constable may serve any process throughout the state.

42 (3) A constable may charge a fee to the person for whom the constable is providing
43 service in an amount mutually agreed upon.

44 Section 2. Section 17-25a-1 is repealed and reenacted to read:

45 **17-25a-1. Constables -- Nomination -- Appointment.**

46 (1) (a) The following may appoint one or more constables:

47 (i) the legislative body of a county; or

48 (ii) the legislative body of a city of the first or second class.

49 (b) If a county or city described in Subsection (1)(a) chooses to appoint one or more
50 constables, the county or city shall nominate and appoint each constable in accordance with
51 this chapter.

52 (2) To nominate a constable, a county or city described in Subsection (1)(a) shall
53 establish a nominating commission that consists of:

54 (a) for a county:

55 (i) one member of the county legislative body;

56 (ii) one judge who presides over a court located within the county;

57 (iii) the county attorney;
58 (iv) the district attorney; and
59 (v) one private citizen; and
60 (b) for a city:
61 (i) one member of the city legislative body;
62 (ii) one judge who presides over a court located within the city;
63 (iii) the city attorney;
64 (iv) the chief of police; and
65 (v) one private citizen.
66 (3) A nominating commission described in Subsection (2) shall publish notice on the
67 county's or city's public website that:
68 (a) announces the county's or the city's intent to appoint a constable;
69 (b) describes the nomination and subsequent appointment processes; and
70 (c) specifies the qualifications required under Section [17-25a-2](#) to be considered for the
71 appointment.
72 (4) (a) Upon receipt of applications, a nominating commission shall:
73 (i) review each applicant's credentials;
74 (ii) by majority vote, determine which applicant is most qualified; and
75 (iii) report the nominating commission's determination to the legislative body of the
76 county or city.
77 (b) A county or city legislative body shall either appoint or reject the individual
78 nominated by the nominating commission in accordance with Subsection (4)(a).
79 (5) The legislative body of a county or city described in Subsection (1)(a) may
80 withdraw a constable's appointment for cause, including if the constable's peace officer
81 certification is suspended or revoked under Section [53-6-211](#).
82 Section 3. **Repealer.**
83 This bill repeals:
84 Section [17-25-2](#), **Fees for constables -- Civil.**
85 Section [17-25-3](#), **Fees for constables -- Criminal.**
86 Section [17-25a-4](#), **Rates recoverable -- Exception.**