

**CITATION AUTHORITY AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kay J. Christofferson**

Senate Sponsor: Todd Weiler

**LONG TITLE**

**General Description:**

This bill addresses who may enforce a local ordinance through issuing a citation.

**Highlighted Provisions:**

This bill:

- ▶ amends a provision that prohibits certain municipal officers and officials from enforcing a local ordinance through issuing a citation to except violations regarding animals;
- ▶ clarifies that county and municipal animal control officers may issue a citation; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**10-3-703 (Effective 05/01/18)**, as last amended by Laws of Utah 2017, Chapter 314

**77-7-18**, as last amended by Laws of Utah 2012, Chapter 322

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

Section 1. Section **10-3-703 (Effective 05/01/18)** is amended to read:

**10-3-703 (Effective 05/01/18). Criminal penalties for violation of ordinance --**

**Civil penalties prohibited -- Exceptions.**

30 (1) The governing body of each municipality may impose a criminal penalty for the  
31 violation of any municipal ordinance by a fine not to exceed the maximum class B  
32 misdemeanor fine under Section 76-3-301 or by a term of imprisonment up to six months, or  
33 by both the fine and term of imprisonment.

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

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

39 (3) (a) ~~[A]~~ Except as provided in Subsection (3)(b) or Section 77-7-18, a municipal  
40 officer or official who is not a law enforcement officer described in [accordance with] Section  
41 53-13-103 or a special function officer described in Section 53-13-105 may not issue a criminal  
42 citation for a violation that is punished as a misdemeanor.

43 (b) Notwithstanding Subsection (3)(a), the following may issue a criminal citation for a  
44 violation that is punished as a misdemeanor if the violation threatens the health and safety of an  
45 animal or the public:

46 (i) a fire officer described in Section 53-7-102; or

47 (ii) an animal control officer described in Section 11-46-102.

48 Section 2. Section 77-7-18 is amended to read:

49 **77-7-18. Citation on misdemeanor or infraction charge.**

50 (1) Any person subject to arrest or prosecution on a misdemeanor or infraction charge  
51 may be issued and delivered a citation that requires the person to appear at the court of the  
52 magistrate with territorial jurisdiction.

53 (2) The following may issue the citation ~~[may be issued by]~~ described in Subsection  
54 (1):

55 ~~[(1)]~~ (a) a peace officer, in lieu of or in addition to taking the person into custody;

56 ~~[(2)]~~ (b) any public official of any county or municipality charged with the enforcement  
57 of the law;

58            [~~3~~] (c) a port-of-entry agent as defined in Section [72-1-102](#);  
59            [~~4~~] (d) an animal control officer of a county, municipality, or special service district  
60 under Title 17D, Chapter 1, Special Service District Act, who is authorized to provide animal  
61 control service; and  
62            [~~5~~] (e) a volunteer authorized to issue a citation under Section [~~41-6a-213~~]  
63 [41-6a-217](#).

64            Section 3. **Effective date.**

65            If approved by two-thirds of all the members elected to each house, this bill takes effect  
66 on May 1, 2018.