

HB0226S01 compared with HB0226

~~deleted text~~ shows text that was in HB0226 but was deleted in HB0226S01.

Inserted text shows text that was not in HB0226 but was inserted into HB0226S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Kay J. Christofferson proposes the following substitute bill:

CITATION AUTHORITY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ prevents a provision from taking effect that prohibits certain municipal officers and officials from enforcing a local ordinance through issuing a citation~~;~~;
- ▶ 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.

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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:

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

~~Any person subject to arrest or prosecution on a misdemeanor or infraction charge may be issued and delivered a citation that requires the person to appear at the court of the magistrate with territorial jurisdiction. The citation may be issued by:~~

- ~~— (1) a peace officer, in lieu of or in addition to taking the person into custody;~~
- ~~— (2) any public official of any county or municipality charged with the enforcement of the law;~~
- ~~— (3) a port-of-entry agent as defined in Section 72-1-102;~~
- ~~— (4) an animal control officer of a special service district under Title 17D, Chapter 1, Special Service District Act, who is authorized to provide animal control service; and~~
- ~~— (5) a volunteer authorized to issue a citation under Section 41-6a-213.~~

‡ 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.

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

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

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

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

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misdemeanor.]

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

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

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

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

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

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

[(3)] (c) a port-of-entry agent as defined in Section 72-1-102;

[(4)] (d) an animal control officer of a county, municipality, or special service district under Title 17D, Chapter 1, Special Service District Act, who is authorized to provide animal control service; and

[(5)] (e) a volunteer authorized to issue a citation under Section 41-6a-213.

Section ~~2~~3. **Effective date.**

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

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Legislative Review Note

Office of Legislative Research and General Counsel†