

## HB0226S04 compared with HB0226S03

~~{deleted text}~~ shows text that was in HB0226S03 but was deleted in HB0226S04.

Inserted text shows text that was not in HB0226S03 but was inserted into HB0226S04.

**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.

Senator ~~{Daniel W. Thatcher}~~Todd Weiler proposes the following substitute bill:

### 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:

## HB0226S04 compared with HB0226S03

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.**

(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) [A] Except as provided in Subsection (3)(b) or Section 77-7-18, a municipal officer or official who is not a law enforcement officer described in [accordance with] Section 53-13-103 or a special function officer described in Section ~~53-13-105~~ 53-13-103 may not issue a criminal citation for a violation that is punished as a misdemeanor ~~except for violations regarding animals and the public health and safety or~~

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

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

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

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

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

## HB0226S04 compared with HB0226S03

(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~~] 41-6a-217.

Section 3. **Effective date.**

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