

1 **INTERLOCAL PROVISION OF LAW ENFORCEMENT**

2 **SERVICE**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Daniel McCay**

6 Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

8 **General Description:**

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10 This bill addresses an interlocal agreement between a county and one or more  
11 municipalities to provide law enforcement service.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ requires that an interlocal agreement between a county and one or more  
15 municipalities to provide law enforcement service requires or appoints a certain  
16 individual to provide or direct law enforcement service, depending on the county  
17 classification; and

18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **11-13-202**, as last amended by Laws of Utah 2009, Chapter 218

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



28 Section 1. Section 11-13-202 is amended to read:

29 **11-13-202. Agreements for joint or cooperative undertaking, for providing or**  
30 **exchanging services, or for law enforcement services -- Effective date of agreement --**  
31 **Public agencies may restrict their authority or exempt each other regarding permits and**  
32 **fees.**

33 (1) Any two or more public agencies may enter into an agreement with one another  
34 under this chapter:

35 (a) for joint or cooperative action;

36 (b) to provide services that they are each authorized by statute to provide;

37 (c) to exchange services that they are each authorized by statute to provide;

38 (d) for a public agency to provide law enforcement services to one or more other public  
39 agencies, if the public agency providing law enforcement services under the interlocal  
40 agreement is authorized by law to provide those services, or to provide joint or cooperative law  
41 enforcement services between or among public agencies that are each authorized by law to  
42 provide those services; or

43 (e) to do anything else that they are each authorized by statute to do.

44 (2) An agreement under Subsection (1) does not take effect until ~~[it has been approved]~~  
45 each public agency that is a party to the agreement approves the agreement, as provided in  
46 Section ~~11-13-202.5~~11-13-202.5~~[, by each public agency that is a party to it].~~

47 (3) (a) In an agreement under Subsection (1), a public agency that is a party to the  
48 agreement may agree:

49 (i) to restrict its authority to issue permits to or assess fees from another public agency  
50 that is a party to the agreement; and

51 (ii) to exempt another public agency that is a party to the agreement from permit or fee  
52 requirements.

53 (b) A provision in an agreement under Subsection (1) whereby the parties agree as  
54 provided in Subsection (3)(a) is subject to all remedies provided by law and in the agreement,  
55 including injunction, mandamus, abatement, or other remedy to prevent, enjoin, abate, or  
56 enforce the provision.

57 (4) ~~[An]~~ In an interlocal agreement between a county and one or more municipalities  
58 for law enforcement service within an area that includes some or all of the unincorporated area

59 of the county [~~shall require~~], each county and municipality that is a party to the agreement shall  
60 ensure that the agreement requires:

61 (a) in a county of the second through sixth class, the county sheriff to provide or direct  
62 the law enforcement service provided under the agreement [~~to be provided by or under the~~  
63 direction of the county sheriff.]; or

64 (b) in a county of the first class, the chief executive for law enforcement services to be  
65 appointed, according to the interlocal agreement, to provide or direct the law enforcement  
66 service provided under the agreement.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**