

Representative Daniel McCay proposes the following substitute bill:

**INTERLOCAL PROVISION OF LAW ENFORCEMENT
SERVICE**

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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



26 [17-22-2](#), as last amended by Laws of Utah 2017, Chapter 459

27

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

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

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

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

36 (a) for joint or cooperative action;

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

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

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

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

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

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

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

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

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

57 enforce the provision.

58 (4) ~~[An]~~ In an interlocal agreement between a county and one or more municipalities
59 for law enforcement service within an area that includes some or all of the unincorporated area
60 of the county ~~[shall require]~~, each county and municipality that is a party to the agreement shall
61 ensure that the agreement requires:

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

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

68 Section 2. Section 17-22-2 is amended to read:

69 **17-22-2. Sheriff -- General duties.**

70 (1) The sheriff shall:

71 (a) preserve the peace;

72 (b) make all lawful arrests;

73 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when
74 required or when the court is held within his county, all courts of record, and court
75 commissioner and referee sessions held within his county, obey their lawful orders and
76 directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial
77 Administration;

78 (d) upon request of the juvenile court, aid the court in maintaining order during
79 hearings and transport a minor to and from youth corrections facilities, other institutions, or
80 other designated places;

81 (e) attend county justice courts if the judge finds that the matter before the court
82 requires the sheriff's attendance for security, transportation, and escort of jail prisoners in his
83 custody, or for the custody of jurors;

84 (f) command the aid of as many inhabitants of his county as he considers necessary in
85 the execution of these duties;

86 (g) take charge of and keep the county jail and the jail prisoners;

87 (h) receive and safely keep all persons committed to his custody, file and preserve the

88 commitments of those persons, and record the name, age, place of birth, and description of
89 each person committed;

90 (i) release on the record all attachments of real property when the attachment he
91 receives has been released or discharged;

92 (j) endorse on all process and notices the year, month, day, hour, and minute of
93 reception, and, upon payment of fees, issue a certificate to the person delivering process or
94 notice showing the names of the parties, title of paper, and the time of receipt;

95 (k) serve all process and notices as prescribed by law;

96 (l) if he makes service of process or notice, certify on the process or notices the
97 manner, time, and place of service, or, if he fails to make service, certify the reason upon the
98 process or notice, and return them without delay;

99 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public
100 land within his county;

101 (n) perform as required by any contracts between the county and private contractors for
102 management, maintenance, operation, and construction of county jails entered into under the
103 authority of Section 17-53-311;

104 (o) for the sheriff of a county that enters into an interlocal agreement for law
105 enforcement service under Title 11, Chapter 13, Interlocal Cooperation Act, provide law
106 enforcement service as provided in the interlocal agreement;

107 (p) manage search and rescue services in his county;

108 (q) obtain saliva DNA specimens as required under Section 53-10-404;

109 (r) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
110 detention, or search of any person when the action is solely motivated by considerations of
111 race, color, ethnicity, age, or gender;

112 (s) create a child protection unit, as defined in Section 62A-4a-101, if the sheriff
113 determines that creation of a child protection unit is warranted; and

114 (t) perform any other duties that are required by law.

115 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other
116 subsection under Subsection (1) is a class A misdemeanor.

117 (3) (a) As used in this Subsection (3):

118 (i) "Police interlocal entity" has the same meaning as defined in Sections 17-30-3 and

119 17-30a-102.

120 (ii) "Police local district" has the same meaning as defined in Section 17-30-3.

121 (b) [~~A~~] Except as provided in Subsections (3)(c) and 11-13-202(4), a sheriff in a
122 county which includes within its boundary a police local district or police interlocal entity, or
123 both:

124 (i) serves as the chief executive officer of each police local district and police interlocal
125 entity within the county with respect to the provision of law enforcement service within the
126 boundary of the police local district or police interlocal entity, respectively; and

127 (ii) is subject to the direction of the police local district board of trustees or police
128 interlocal entity governing body, as the case may be, as and to the extent provided by
129 agreement between the police local district or police interlocal entity, respectively, and the
130 sheriff.

131 (c) [~~H~~] Notwithstanding Subsection (3)(b), and except as provided in Subsection
132 11-13-202(4), a police interlocal entity or police local district enters an interlocal agreement
133 with a public agency, as defined in Section 11-13-103, for the provision of law enforcement
134 service, the sheriff:

135 (i) does not serve as the chief executive officer of any interlocal entity created under
136 that interlocal agreement, unless the agreement provides for the sheriff to serve as the chief
137 executive officer; and

138 (ii) shall provide law enforcement service under that interlocal agreement as provided
139 in the agreement.