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1	LOCAL GOVERNMENT INDIGENT DEFENSE REQUIREMENT
2	2018 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Daniel W. Thatcher
5	House Sponsor: V. Lowry Snow
6	Cosponsor: Todd Weiler
7	
8	LONG TITLE
9	General Description:
10	This bill requires local governments to include certain information in ordinances with
11	criminal penalties that include any possibility of imprisonment.
12	Highlighted Provisions:
13	This bill:
14	<ul> <li>requires local governments to include information regarding indigent legal defense</li> </ul>
15	of an indigent individual in ordinances with criminal penalties that include any
16	possibility of imprisonment; and
17	<ul> <li>makes technical and conforming changes.</li> </ul>
18	Money Appropriated in this Bill:
19	None
20	Other Special Clauses:
21	None
22	Utah Code Sections Affected:
23	AMENDS:
24	10-3-704, as last amended by Laws of Utah 2010, Chapter 378
25	17-53-223, as last amended by Laws of Utah 2000, Chapter 323 and renumbered and
26	amended by Laws of Utah 2000, Chapter 133
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28 Be it enacted by the Legislature of the state of Utah:

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## **S.B. 24**

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29	Section 1. Section <b>10-3-704</b> is amended to read:
30	10-3-704. Form of ordinance.
31	[Any] The governing body shall ensure that any ordinance [passed by] that the
32	governing body[, after the effective date of this act, shall contain and be] passes contains the
33	following, in substantially the following order and form:
34	(1) a number;
35	(2) a title which indicates the nature of the subject matter of the ordinance;
36	(3) a preamble which states the need or reason for the ordinance;
37	(4) an ordaining clause which states "Be it ordained by the (name of the
38	governing body and municipality):";
39	(5) the body or subject of the ordinance;
40	(6) when applicable, a statement indicating the penalty for violation of the ordinance or
41	a reference that the punishment is covered by an ordinance which prescribes the fines and
42	terms of imprisonment for the violation of a municipal ordinance; or, the penalty may establish
43	a classification of penalties and refer to such ordinance in which the penalty for such violation
44	is established;
45	(7) when a penalty for a violation of the ordinance includes any possibility of $(1)$
46	imprisonment, a statement that the municipality is required, under Section 77-32-301, to
47	provide for indigent legal defense, as those terms are defined in Section 77-32-201;
48	[(7)] (8) a statement indicating the effective date of the ordinance or the date when the
49	ordinance shall become effective after publication or posting as required by this chapter;
50	[(8)] (9) a line for the signature of the mayor or acting mayor to sign the ordinance;
51	[(9)] (10) a place for the municipal recorder to attest the ordinance and fix the seal of
52	the municipality; and
53	[(10)] (11) in municipalities where the mayor may disapprove an ordinance passed by
54	the legislative body, [the ordinance shall show, that it was passed] a statement showing:
55	(a) if the mayor approves the ordinance, that the governing body passes the ordinance
56	with the mayor's approval [or that];

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57	(b) if the mayor [disapproved] disapproves the ordinance, that [it was passed] the
58	governing body passes the ordinance over [his] the mayor's disapproval[. If]; or
59	(c) if the mayor neither approves[ <del>,</del> ] or disapproves [ <del>an</del> ] the ordinance, that the
60	ordinance [shall show that it] became effective without the approval or disapproval of the
61	mayor.
62	Section 2. Section 17-53-223 is amended to read:
63	17-53-223. Ordinances Power to enact Penalty for violation.
64	(1) A county legislative body may:
65	(a) pass all ordinances and rules and make all regulations, not repugnant to law,
66	necessary for carrying into effect or discharging the powers and duties conferred by this title,
67	and as are necessary and proper to provide for the safety, and preserve the health, promote the
68	prosperity, improve the morals, peace, and good order, comfort, and convenience of the county
69	and its inhabitants, and for the protection of property in the county;
70	(b) enforce obedience to ordinances with fines or penalties as the county legislative
71	body considers proper; and
72	(c) pass ordinances to control air pollution.
73	(2) (a) Punishment imposed under Subsection (1)(b) shall be by fine, not to exceed the
74	maximum fine for a class B misdemeanor under Section 76-3-301, imprisonment, or [by] both
75	fine and imprisonment.
76	(b) When a penalty for a violation of an ordinance includes any possibility of
77	imprisonment, the county legislative body shall include in the ordinance a statement that the
78	county is required, under Section 77-32-301, to provide for indigent legal defense, as those
79	terms are defined in Section 77-32-201.
80	(3) (a) Except as specifically authorized by statute, the county legislative body may not
81	impose a civil penalty for the violation of a county traffic ordinance.
82	(b) Subsection (3)(a) does not apply to an ordinance regulating the parking of vehicles

83 on a highway.