

1 **INTERLOCAL PROVISION OF LAW ENFORCEMENT**
2 **SERVICE**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mike Winder**

6 Senate Sponsor: Daniel McCay

8 **LONG TITLE**

9 **General Description:**

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 2018, Chapter 424

26 **17-22-2**, as last amended by Laws of Utah 2017, Chapter 459



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;
- 44 (e) to create a transportation reinvestment zone as defined in Section 11-13-103; or
- 45 (f) to do anything else that they are each authorized by statute to do.

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

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

- 51 (i) to restrict its authority to issue permits to or assess fees from another public agency
52 that is a party to the agreement; and
- 53 (ii) to exempt another public agency that is a party to the agreement from permit or fee
54 requirements.

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

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

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

66 (b) in a county of the first class, the chief executive for law enforcement services to be
 67 appointed ~~Ĥ→ [; according to the interlocal agreement,] ←Ĥ~~ to provide or direct the law
 67a enforcement
 68 service provided under the agreement.

69 Section 2. Section **17-22-2** is amended to read:

70 **17-22-2. Sheriff -- General duties.**

71 (1) The sheriff shall:

72 (a) preserve the peace;

73 (b) make all lawful arrests;

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

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

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

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

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

88 (h) receive and safely keep all persons committed to his custody, file and preserve the
 89 commitments of those persons, and record the name, age, place of birth, and description of

90 each person committed;

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

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

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

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

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

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

105 (o) for the sheriff of a county ~~H~~→ **of the second through sixth class** ←~~H~~ that enters into
105a an interlocal agreement for law
106 enforcement service under Title 11, Chapter 13, Interlocal Cooperation Act, provide law
107 enforcement service as provided in the interlocal agreement;

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

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

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

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

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

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

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

119 (i) "Police interlocal entity" has the same meaning as defined in Sections 17-30-3 and
120 17-30a-102.

- 121 (ii) "Police local district" has the same meaning as defined in Section [17-30-3](#).
- 122 (b) [~~A~~] Except as provided in Subsections (3)(c) and [11-13-202\(4\)](#), a sheriff in a
123 county which includes within its boundary a police local district or police interlocal entity, or
124 both:
- 125 (i) serves as the chief executive officer of each police local district and police interlocal
126 entity within the county with respect to the provision of law enforcement service within the
127 boundary of the police local district or police interlocal entity, respectively; and
- 128 (ii) is subject to the direction of the police local district board of trustees or police
129 interlocal entity governing body, as the case may be, as and to the extent provided by
130 agreement between the police local district or police interlocal entity, respectively, and the
131 sheriff.
- 132 (c) [~~H~~] Notwithstanding Subsection (3)(b), and except as provided in Subsection
133 [11-13-202\(4\)](#), ~~H~~→ **if** ←~~H~~ a police interlocal entity or police local district enters an interlocal
133a agreement
134 with a public agency, as defined in Section [11-13-103](#), for the provision of law enforcement
135 service, the sheriff:
- 136 (i) does not serve as the chief executive officer of any interlocal entity created under
137 that interlocal agreement, unless the agreement provides for the sheriff to serve as the chief
138 executive officer; and
- 139 (ii) shall provide law enforcement service under that interlocal agreement as provided
140 in the agreement.