

1 **APPOINTMENT OF CONSTABLES AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Logan Wilde**

5 Senate Sponsor: Kirk A. Cullimore

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts authority for certain counties and cities to appoint constables.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ enacts authority and provides a process for counties of the third through sixth class
13 and cities of the third through sixth class to appoint constables; and
14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **17-25a-1**, as last amended by Laws of Utah 1993, Chapters 38 and 234

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

24 Section 1. Section **17-25a-1** is amended to read:

25 **17-25a-1. Constables -- Nomination -- Appointment -- Authority.**

26 (1) (a)(i) The legislative governing bodies of counties and cities [~~of the first or second~~
27 ~~class~~] shall determine whether to appoint constables.



28 (ii) If a county or city [~~of the first or second class~~] decides to appoint constables, [~~they~~]
29 ~~the county or city shall [be nominated and appointed under]~~ nominate and appoint constables in
30 accordance with this chapter.

31 (b)(i) [~~However~~] Notwithstanding Subsection (1)(a), a constable holding office on
32 [~~April 23, 1990~~] July 1, 2019, may complete [~~his~~] the constable's term.

33 (ii) [~~Any~~] A constable shall serve any subsequent terms [~~he~~] the constable may serve
34 [~~shall be~~] in accordance with this chapter.

35 (2) To nominate a constable, the legislative body of a county of the first or second class
36 or the legislative body of a city of the first or second class shall establish a nominating
37 commission.

38 (a) The county nominating commission shall consist of:

39 (i) one member of the county legislative governing body[;] or the member's designee;

40 (ii) one judge[;] or the judge's designee;

41 (iii) the county attorney[;] or the county attorney's designee;

42 (iv) the district attorney[;] or the district attorney's designee;

43 (v) the sheriff of the county[; or their designees;] or the sheriff's designee; and

44 (vi) one private citizen.

45 (b) The city nominating commission shall consist of:

46 (i) one member of the city legislative governing body[;] or the member's designee;

47 (ii) one judge[;] or the judge's designee;

48 (iii) the city attorney[;] or the city attorney's designee;

49 (iv) the chief of police[; or their designees;] or the chief's designee; and

50 (v) one private citizen.

51 (c) The nominating commission described in this Subsection (2) shall review each
52 applicant's credentials and, by majority vote, recommend to the legislative governing body of
53 the county or city the nominees [~~it~~] the nominating commission finds most qualified [~~by~~
54 majority vote].

55 [~~(3)~~] (d) The county or city legislative governing body shall either appoint or reject any
56 nominee that the nominating commission recommends under Subsection (2)(c).

57 (3) The legislative body of a county of the third, fourth, fifth, or sixth class or the
58 legislative body of a city of the third, fourth, fifth, or sixth class may appoint a constable on a

59 recommendation from ~~H~~→ :

59a **(a) for a county,** ~~H~~→ the county sheriff ~~H~~→ [i] **and** ~~H~~→ the county attorney ~~H~~→ [i] ; ~~H~~→ or

59b ~~H~~→ **(b) for a city,** ~~H~~→ the chief of police.

60 (4) [~~The~~] A county or city legislative governing body that appoints a constable under
61 this section may withdraw the authority of [a] the constable [~~may be withdrawn by the county~~
62 ~~or city legislative governing body~~] for cause, including if the constable's peace officer
63 certification is suspended or revoked under Section 53-6-211.