

29 **17-25a-1. Constables -- Nomination -- Appointment -- Authority.**

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

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

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

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

39 (2) To nominate a constable, the legislative body of a county of the first or second class
40 or the legislative body of a city of the first or second class shall establish a nominating
41 commission.

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

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

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

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

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

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

48 (vi) one private citizen.

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

50 (i) one member of the city legislative governing body[;];

51 (ii) one judge[;];

52 (iii) the city attorney[;];

53 (iv) the chief of police[~~, or their designees,~~]; and

54 (v) one private citizen.

55 (c) The nominating commission described in this Subsection (2) shall review each

56 applicant's credentials and, by majority vote, recommend to the legislative governing body of
 57 the county or city the nominees [it] the nominating commission finds most qualified [by
 58 majority vote].

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

61 (3) The legislative body of a county of the third, fourth, fifth, or sixth class or the
 62 legislative body of a city of the third, fourth, or fifth class may appoint a constable on a
 63 recommendation from:

64 (a) the county sheriff and the county attorney; or

65 (b) the chief of police.

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

70 Section 2. Section 17-25a-3 is amended to read:

71 **17-25a-3. County and city constables -- Terms -- Authority -- Deputies.**

72 (1) (a) Constables appointed by a county or city are appointed for terms of [~~four~~] six
 73 years and may serve more than one term if reappointed by the appointing body.

74 (b) Notwithstanding the law in place at the time a constable was appointed, the term of
 75 a constable appointed on or after July 1, 2018, expires six years after the day on which the term
 76 began.

77 (2) (a) Constables serving process outside the county in which they are appointed shall
 78 contact the sheriff's office or police department of the jurisdiction prior to serving executions or
 79 seizing any property.

80 (b) A constable or deputy constable shall notify the agency of jurisdiction by contacting
 81 the sheriff's office or police department of jurisdiction before serving a warrant of arrest.

82 (3) The appointed constable may, upon approval of the appointing county or city,

83 employ and deputize persons who are certified as special function peace officers to function as
84 deputy constables.

85 (4) If the county or city appointing body withdraws the authority of a constable, the
86 authority of all deputy constables is also withdrawn.

87 (5) If the authority of a constable or deputy constable is withdrawn, notification of the
88 Peace Officer Standards and Training Division of the Department of Public Safety shall be
89 made pursuant to Section [53-6-209](#).