

# 1st Sub. H.B. 200

## APPOINTMENT OF CONSTABLES AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 4, 2019 10:22 AM

Senator **Kirk A. Cullimore** proposes the following amendments:

1. *Page 1, Lines 12 through 16:*

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           { ~~▶ amends the term of constables;~~  
15           ▶ ~~allows a currently serving constable to complete the current term under the amended~~  
16 ~~term limit; and~~ }

2. *Page 1, Lines 23 through 25:*

23    AMENDS:  
24        17-25a-1, as last amended by Laws of Utah 1993, Chapters 38 and 234  
25        { ~~17-25a-3, as last amended by Laws of Utah 2012, Chapter 48~~ }

3. *Page 3, Lines 61 through 63:*

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 {~~, or sixth~~} class may appoint a constable on a  
63 recommendation from :  
          (a) the county sheriff {~~,~~} and the county attorney {~~,~~} : or  
          (b) the chief of police.

4. *Page 3, Lines 68 through 87:*

{ ~~68 Section 2. Section 17-25a-3 is amended to read:~~  
69 ~~17-25a-3. County and city constables -- Terms -- Authority -- Deputies.~~  
70 ~~(1) (a) Constables appointed by a county or city are appointed for terms of [four] six~~  
71 ~~years and may serve more than one term if reappointed by the appointing body.~~  
72 ~~(b) Notwithstanding the law in place at the time a constable was appointed, the term of~~  
73 ~~a constable actively serving on May 14, 2019 expires six years after the day on which the term~~  
74 ~~began.~~  
75 ~~(2) (a) Constables serving process outside the county in which they are appointed shall~~  
76 ~~contact the sheriff's office or police department of the jurisdiction prior to serving executions or~~  
77 ~~seizing any property.~~  
78 ~~(b) A constable or deputy constable shall notify the agency of jurisdiction by contacting~~  
79 ~~the sheriff's office or police department of jurisdiction before serving a warrant of arrest.~~

80 ~~—— (3) The appointed constable may, upon approval of the appointing county or city,~~  
81 ~~employ and deputize persons who are certified as special function peace officers to function as~~  
82 ~~deputy constables.~~  
83 ~~—— (4) If the county or city appointing body withdraws the authority of a constable, the~~  
84 ~~authority of all deputy constables is also withdrawn.~~  
85 ~~—— (5) If the authority of a constable or deputy constable is withdrawn, notification of the~~  
86 ~~Peace Officer Standards and Training Division of the Department of Public Safety shall be~~  
87 ~~made pursuant to Section 53-6-209.}~~