

SHERIFFS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to a sheriff.

Highlighted Provisions:

This bill:

▶ provides that the sheriff has primary law enforcement authority when a sheriff and a municipal law enforcement agency disagree on the provision of law enforcement services during a riot, civil disturbance, or breach of the peace; and

▶ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-913, as last amended by Laws of Utah 2019, Chapter 472

17-22-31, as enacted by Laws of Utah 2014, Chapter 333

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

Section 1. Section **10-3-913** is amended to read:

10-3-913. Authority of chief of police -- Oversight.



28 (1) [~~The~~] Subject to Subsection 17-22-31(1), the chief of police has the same authority
29 as the sheriff within the boundaries of the municipality of appointment. The chief has authority
30 to:

- 31 (a) suppress riots, disturbances, and breaches of the peace;
- 32 (b) apprehend all persons violating state laws or city ordinances;
- 33 (c) diligently discharge his duties and enforce all ordinances of the city to preserve the
34 peace, good order, and protection of the rights and property of all persons;
- 35 (d) attend the municipal justice court located within the city when required, provide
36 security for the court, and obey its orders and directions; and
- 37 (e) create a child protection unit, as defined in Section [62A-4a-101](#).

38 (2) This section is not a limitation of a police chief's statewide authority as otherwise
39 provided by law.

40 (3) The chief of police shall adopt a written policy that prohibits the stopping,
41 detention, or search of any person when the action is solely motivated by considerations of
42 race, color, ethnicity, age, or gender.

43 (4) (a) Notwithstanding Sections [10-3-918](#) and [10-3-919](#), a municipality may not
44 establish a board, committee, or other entity that:

- 45 (i) has authority independent of the chief of police; and
- 46 (ii) (A) has authority to overrule a hiring or appointment proposal of the chief of
47 police;
- 48 (B) is required to review or approve a police department's rules, regulations, policies,
49 or procedures in order for the rules, regulations, policies, or procedures to take effect;
- 50 (C) has authority to veto a new policy, or strike down an existing policy, established
51 under the authority of the chief of police;
- 52 (D) is required to review or approve a police department's budget in order for the
53 budget to take effect; or
- 54 (E) has authority to review or approve a contract the police department makes with a
55 police union or other organization.

56 (b) Nothing in this Subsection (4):

- 57 (i) limits the authority the Utah Code provides over the chief of police;
- 58 (ii) prohibits the municipal council or chief executive officer from taking a lawful

59 action described in Subsection (4)(a)(ii) that is allowed by law; or

60 (iii) limits the authority of a civil service commission established in accordance with
61 Title 10, Chapter 3, Part 10, Civil Service Commission.

62 (5) Subject to Subsection (4), a municipality may establish a board, committee, or other
63 entity that relates to the provision of law enforcement services and that has authority
64 independent of the chief of police if the municipality:

65 (a) directly appoints the board, committee, or other entity's members; and

66 (b) provides direct oversight of the board, committee, or other entity.

67 Section 2. Section 17-22-31 is amended to read:

68 **17-22-31. Sheriff -- Primary law enforcement authority.**

69 (1) If a sheriff and a municipal law enforcement agency disagree on any issue that
70 relates to the provision of law enforcement services during a riot, civil disturbance, or breach of
71 the peace occurring within the boundaries of the county in which the sheriff is elected, the
72 sheriff:

73 (a) is the primary law enforcement authority; and

74 (b) may direct or provide the law enforcement services.

75 (2) The sheriff is the primary law enforcement authority of state law on federal land
76 except as otherwise assigned by law to the authority of a state or municipal law enforcement
77 agency.