

COUNTY SHERIFF AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill repeals provisions regarding a county sheriff's role and duties in interlocal agreements for law enforcement services, police local districts, and police interlocal entities.

Highlighted Provisions:

This bill:

- ▶ establishes a repeal date for provisions governing the content of interlocal agreements for law enforcement services involving a county; and
- ▶ establishes a repeal date for provisions governing the role of a sheriff in police local districts and police interlocal entities.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-13-202, as last amended by Laws of Utah 2019, Chapter 197

63I-2-211, as last amended by Laws of Utah 2018, Chapters 337, 456

63I-2-217, as last amended by Laws of Utah 2022, Chapter 123

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 each public agency
47 that is a party to the agreement approves the agreement, as provided in Section [11-13-202.5](#).

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

50 (i) to restrict its authority to issue permits to or assess fees from another public agency
51 that is a party to the agreement; and

52 (ii) to exempt another public agency that is a party to the agreement from permit or fee
53 requirements.

54 (b) A provision in an agreement under Subsection (1) whereby the parties agree as
55 provided in Subsection (3)(a) is subject to all remedies provided by law and in the agreement,

56 including injunction, mandamus, abatement, or other remedy to prevent, enjoin, abate, or
57 enforce the provision.

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

62 (a) in a county of the second through sixth class, the county sheriff to provide or direct
63 the law enforcement service provided under the agreement; or

64 (b) in a county of the first class, the chief executive for law enforcement services to be
65 appointed to provide or direct the law enforcement service provided under the agreement.

66 (5) A peace officer employed by the interlocal entity, as defined in Section 11-13-103,
67 as of May 3, 2023, who transfers to the county sheriff's office before July 1, 2025, retains the
68 protections of Title 17, Chapter 30A, Part 3, Merit Officer Conditions of Employment.

69 Section 2. Section 63I-2-211 is amended to read:

70 **63I-2-211. Repeal dates: Title 11.**

71 (1) Subsection 11-13-202(4), requiring that counties and municipalities include certain
72 contractual provisions in an interlocal agreement for law enforcement services between a
73 county and one or more municipalities, is repealed July 1, 2025.

74 [(1)] (2) Subsections 11-13-302(2)(a)(i) and (2)(b)(i), the language that states "or
75 53F-2-301.5, as applicable" is repealed July 1, 2023.

76 [(2)] (3) Section 11-13-310, the language that states "or 53F-2-301.5, as applicable," is
77 repealed July 1, 2023.

78 [(3) Title 11, Chapter 53, Residential Property Reimbursement, is repealed on January
79 1, 2020.]

80 Section 3. Section 63I-2-217 is amended to read:

81 **63I-2-217. Repeal dates: Title 17.**

82 (1) On July 1, 2025:

83 (a) Subsection 17-22-2(1)(o), stating that a sheriff shall perform the sheriff's
84 contractual duties under an interlocal agreement for law enforcement services, is repealed; and

85 (b) Subsection 17-22-2(3), establishing the role of a sheriff in a police interlocal entity
86 or police local district, is repealed.

87 ~~[(1) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed~~
88 ~~January 1, 2022.]~~

89 (2) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to initiate
90 a change of form of government process by July 1, 2018, is repealed.

91 (3) On June 1, 2022:

92 (a) Section 17-52a-104 is repealed;

93 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
94 described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and

95 (c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.