{deleted text} shows text that was in HB0374 but was deleted in HB0374S01.

inserted text shows text that was not in HB0374 but was inserted into HB0374S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Jordan D. Teuscher proposes the following substitute bill:

#### **COUNTY SHERIFF AMENDMENTS**

2023 GENERAL SESSION STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher** 

| Senate | Sponsor: |  |
|--------|----------|--|
|        |          |  |

#### **LONG TITLE**

#### **General Description:**

This bill {addresses an} repeals provisions regarding a county sheriff's role and duties in interlocal {agreement between a county and one or more municipalities} agreements for law enforcement services { ("agreement")}, police local districts, and police interlocal entities.

#### **Highlighted Provisions:**

This bill:

\* {prohibits, with certain exceptions, a county sheriff and the sheriff's deputies, in a county of the first class, from directing or acting as an employee or chief executive for an entity, other than the county sheriff's office, that provides} establishes a repeal date for provisions governing the content of interlocal agreements for law enforcement services {under an interlocal agreement; and

- requires county funds to be used for county-wide benefits and 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:**

This bill provides a special effective date.

#### **Utah Code Sections Affected:**

#### AMENDS:

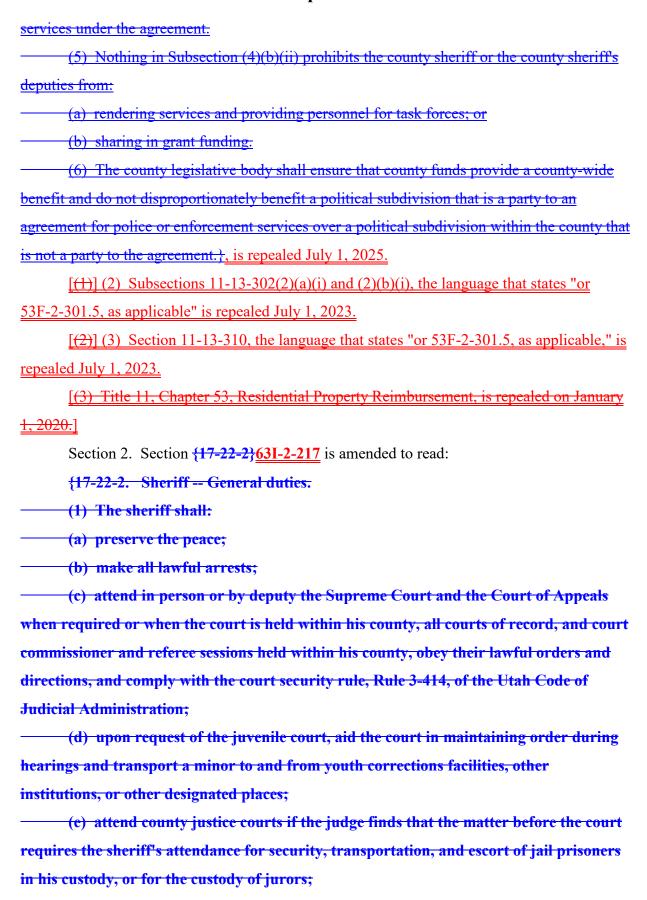
*Be it enacted by the Legislature of the state of Utah:* 

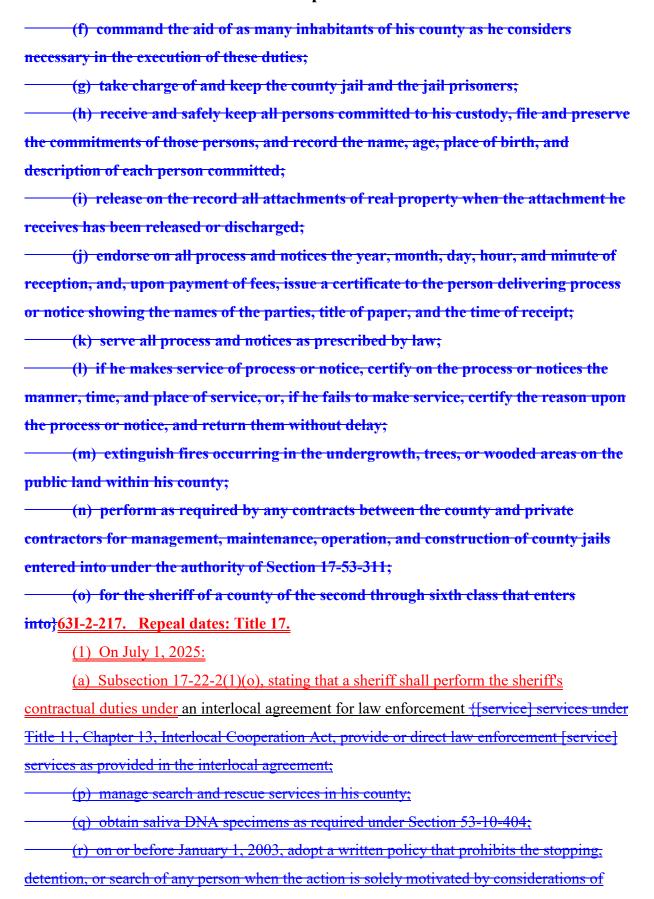
Section 1. Section {11-13-202}63I-2-211 is amended to read:

{11-13-202. Agreements for joint or cooperative undertaking, for providing or exchanging services, or}63I-2-211. Repeal dates: Title 11.

- (1) Subsection 11-13-202(4), requiring that counties and municipalities include certain contractual provisions in an interlocal agreement for law enforcement services { -- Effective date of agreement -- Public agencies may restrict their authority or exempt each other regarding permits and fees.
- (1) Any two or more public agencies may enter into an agreement with one another under this chapter:
  - (a) for joint or cooperative action;
  - (b) to provide services that they are each authorized by statute to provide;
- (c) to exchange services that they are each authorized by statute to provide;
- (d) for a public agency to provide law enforcement services to one or more other public agencies, if the public agency providing law enforcement services under the interlocal agreement is authorized by law to provide those services, or to provide joint or cooperative law enforcement services between or among public agencies that are each authorized by law to

# provide those services; (e) to create a transportation reinvestment zone as defined in Section 11-13-103; or (f) to do anything else that they are each authorized by statute to do. (2) An agreement under Subsection (1) does not take effect until each public agency that is a party to the agreement approves the agreement, as provided in Section 11-13-202.5. (3) (a) In an agreement under Subsection (1), a public agency that is a party to the agreement may agree: (i) to restrict its authority to issue permits to or assess fees from another public agency that is a party to the agreement; and (ii) to exempt another public agency that is a party to the agreement from permit or fee requirements. (b) A provision in an agreement under Subsection (1) whereby the parties agree as provided in Subsection (3)(a) is subject to all remedies provided by law and in the agreement, including injunction, mandamus, abatement, or other remedy to prevent, enjoin, abate, or enforce the provision. (4) In an interlocal agreement between a county and one or more municipalities for law enforcement [service] services within an area that includes some or all of the unincorporated area of the county, each county and municipality that is a party to the agreement shall ensure that the agreement requires: (a) in a county of the second through sixth [class,] classes, that the county sheriff [to] provide or direct the law enforcement [service provided] services under the agreement; or (b) in a county of the first class, that: (i) [the] a chief executive for law enforcement services [to] be appointed to provide or direct the law enforcement [service provided] services under the agreement; and (ii) subject to Subsection (5), the county sheriff and the county sheriff's deputies may not, other than for the county sheriff's office: (A) act as the chief executive for law enforcement services of an entity that provides law enforcement services under the agreement; (B) act as an employee of an entity that provides law enforcement services under the agreement; or (C) direct the law enforcement services of an entity that provides law enforcement





## race, color, ethnicity, age, or gender;

- (s) as applicable, select a representative of law enforcement to serve as a member of a child protection team, as defined in Section 80-1-102; and
  - (t) perform any other duties that are required by law.
- (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other subsection under Subsection (1) is a class A misdemeanor.
  - (3) (a) As used in this Subsection (3):
- (i) "Police interlocal entity" has the same meaning as defined in Sections 17-30-3 and 17-30a-102.
  - (ii) "Police local district" has the same meaning as defined in Section 17-30-3.
- (b) Except as provided in Subsections (3)(c) and 11-13-202(4), a sheriff in a county which includes within its boundary a police local district or police interlocal entity, or both:
- (i) serves as the chief executive officer of each police local district and} services, is repealed; and
- (b) Subsection 17-22-2(3), establishing the role of a sheriff in a police interlocal entity {within the county with respect to the provision of law enforcement service within the boundary of the}or police local district{ or police interlocal entity, respectively; and
- (ii) is subject to the direction of the police local district board of trustees or police interlocal entity governing body, as the case may be, as and to the extent provided by agreement between the police local district or police interlocal entity, respectively, and the sheriff.
- (c) Notwithstanding Subsection (3)(b), and except as provided}, is repealed.
- [(1) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed January 1, 2022.]
- (2) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to initiate a change of form of government process by July 1, 2018, is repealed.
  - (3) On June 1, 2022:
  - (a) Section 17-52a-104 is repealed;
- (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision described in Subsection {11-13-202(4), if a police interlocal entity or police local district enters an interlocal agreement with a public agency, as defined in Section 11-13-103, for the

provision of law enforcement service, the sheriff:

- (i) does not serve as the chief executive officer of any interlocal entity created under that interlocal agreement, unless the agreement provides for the sheriff to serve as the chief executive officer; and
- (ii) shall provide law enforcement service under that interlocal agreement as provided in the agreement.
- $\frac{17-52a-104(1)(b)}{17-52a-104(1)(b)}$  or (2)(b)," is repealed; and
  - (c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.

Section 3. Effective date.

This bill takes effect on December 31, 2023.