

HB0374S02 compared with HB0374

~~{deleted text}~~ shows text that was in HB0374 but was deleted in HB0374S02.

inserted text shows text that was not in HB0374 but was inserted into HB0374S02.

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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~~

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- ~~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.} None~~

Utah Code Sections Affected:

AMENDS:

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

~~17-22-2} 63I-2-211, as last amended by Laws of Utah ~~2022}2018, {Chapter 335} 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:

Section 1. Section **11-13-202** is amended to read:

11-13-202. Agreements for joint or cooperative undertaking, for providing or exchanging services, or 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;

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- (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~~ {}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~~ {}services under the agreement ~~;~~
and;

~~(ii) subject to Subsection (5), the county sheriff and the county sheriff's deputies may not, other than for~~ 5) A peace officer employed by the interlocal entity, as defined in Section 11-13-103, as of May 3, 2023, who transfers to 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~~

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~~agreement; or~~

~~—— (C) direct the law enforcement services of an entity that provides law enforcement services under the agreement.~~

~~—— (5) Nothing in Subsection (4)(b)(ii) prohibits the county sheriff or the county sheriff's deputies from:~~

~~—— (a) rendering services and providing personnel for task forces; or~~

~~—— (b) sharing in grant funding.~~

~~—— (6) The county legislative body shall ensure that county funds provide a county-wide benefit and do not disproportionately benefit a political subdivision that is a party to an agreement for police or enforcement services over a political subdivision within the county that is not a party to the agreement.} before July 1, 2025, retains the protections of Title 17, Chapter 30A, Part 3, Merit Officer Conditions of Employment.~~

Section 2. Section ~~{17-22-2}~~63I-2-211 is amended to read:

~~{17-22-2}~~63I-2-211. ~~{Sheriff==General duties:~~

~~—— (1) The sheriff shall:~~

~~—— (a) preserve the peace;~~

~~—— (b) make all lawful arrests;~~

~~—— (c) attend in person or by deputy the Supreme Court and the Court of Appeals when required or when the court is held within his county, all courts of record, and court commissioner and referee sessions held within his county, obey their lawful orders and directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration;~~

~~—— (d) upon request of the juvenile court, aid the court in maintaining order during hearings and transport a minor to and from youth corrections facilities, other institutions, or other designated places;~~

~~—— (e) attend county justice courts if the judge finds that the matter before the court requires the sheriff's attendance for security, transportation, and escort of jail prisoners in his custody, or for the custody of jurors;~~

~~—— (f) command the aid of as many inhabitants of his county as he considers necessary in the execution of these duties;~~

~~—— (g) take charge of and keep the county jail and the jail prisoners;~~

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- ~~—— (h) receive and safely keep all persons committed to his custody, file and preserve the commitments of those persons, and record the name, age, place of birth, and description of each person committed;~~
- ~~—— (i) release on the record all attachments of real property when the attachment he receives has been released or discharged;~~
- ~~—— (j) endorse on all process and notices the year, month, day, hour, and minute of reception, and, upon payment of fees, issue a certificate to the person delivering process or notice showing the names of the parties, title of paper, and the time of receipt;~~
- ~~—— (k) serve all process and notices as prescribed by law;~~
- ~~—— (l) if he makes service of process or notice, certify on the process or notices the manner, time, and place of service, or, if he fails to make service, certify the reason upon the process or notice, and return them without delay;~~
- ~~—— (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public land within his county;~~
- ~~—— (n) perform as required by any contracts between the county and private contractors for management, maintenance, operation, and construction of county jails entered into under the authority of Section 17-53-311;~~
- ~~—— (o) for the sheriff of a county of the second through sixth class that enters into}~~ **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 {[service]} services under} services between a county and one or more municipalities, is repealed July 1, 2025.

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

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

{(3)} Title 11, Chapter {13, Interlocal Cooperation Act, provide or direct law enforcement [service]} services as provided in the }53, Residential Property Reimbursement, is repealed on January 1, 2020.}

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

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

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(1) On July 1, 2025:

- (a) Subsection 17-22-2(1)(o), stating that a sheriff shall perform the sheriff's contractual duties under an interlocal agreement~~;~~
- ~~(p) manage search and rescue services in his county;~~
- ~~(q) obtain saliva DNA specimens as required under Section 53-10-404;~~
- ~~(r) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or gender;~~
- ~~(s) as applicable, select a representative of~~ for ~~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.]

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(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.

—— Section 3. **Effective date.**

—— This bill takes effect on December 31, 2023.

‡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.