

1 **LOCAL LAW ENFORCEMENT STRUCTURE AND**
2 **GOVERNANCE AMENDMENTS**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Paul Ray**

6 Senate Sponsor: Don L. Ipson

8 **LONG TITLE**

9 **General Description:**

10 This bill prohibits a municipality from establishing a board or committee with certain
11 powers over a police chief.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ prohibits a municipality from establishing a board or committee with certain powers
- 15 over a police chief;
- 16 ▶ establishes limitations on a municipality's power to establish a board or committee
- 17 that relates to the provision of law enforcement services; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **10-3-910**, as enacted by Laws of Utah 1977, Chapter 48

26 **10-3-913**, as last amended by Laws of Utah 2017, Chapter 459

27 **10-3-918**, as last amended by Laws of Utah 2003, Chapter 292

28
29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **10-3-910** is amended to read:

31 **10-3-910. Heads of departments and subordinate officers.**

32 (1) The administration of the police and fire departments shall consist of a chief of
33 ~~[the] each~~ department and ~~[such] other~~ officers, members, employees and agents ~~[as the board~~
34 ~~of commissioners may by ordinance prescribe, and the board of commissioners]~~ as provided by
35 ordinance or statute.

36 (2) The ~~[shall appoint the]~~ heads of ~~[such] the~~ police and fire departments shall be
37 appointed in accordance with Title 10, Chapter 3b, Forms of Municipal Government.

38 Section 2. Section **10-3-913** is amended to read:

39 **10-3-913. Authority of chief of police -- Oversight.**

40 (1) The chief of police has the same authority as the sheriff within the boundaries of
41 the municipality of appointment. The chief has authority to:

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

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

51 (3) The chief of police shall ~~[, on or before January 1, 2003,]~~ adopt a written policy that
52 prohibits the stopping, detention, or search of any person when the action is solely motivated
53 by considerations of race, color, ethnicity, age, or gender.

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

- 56 (i) has authority independent of the chief of police; and
- 57 (ii) (A) has authority to overrule a hiring or appointment proposal of the chief of

58 police;

59 (B) is required to review or approve a police department's rules, regulations, policies,
60 or procedures in order for the rules, regulations, policies, or procedures to take effect;

61 (C) has authority to veto a new policy, or strike down an existing policy, established
62 under the authority of the chief of police;

63 (D) is required to review or approve a police department's budget in order for the
64 budget to take effect; or

65 (E) has authority to review or approve a contract the police department makes with a
66 police union or other organization.

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

68 (i) limits the authority the Utah Code provides over the chief of police;

69 (ii) prohibits the municipal council or chief executive officer from taking a lawful
70 action described in Subsection (4)(a)(ii) that is allowed by law; or

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

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

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

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

78 Section 3. Section **10-3-918** is amended to read:

79 **10-3-918. Chief of police or marshal in a city of the third, fourth, or fifth class or**
80 **town.**

81 ~~[The]~~ Subject to Subsection [10-3-913\(4\)](#), the chief of police or marshal in each city of
82 the third, fourth, or fifth class or town:

83 (1) shall:

84 (a) exercise and perform the duties that are prescribed by the legislative body;

85 (b) be under the direction, control, and supervision of the person or body that appointed

86 the chief or marshal; and

87 (c) [~~on or before January 1, 2003,~~] adopt a written policy that prohibits the stopping,
88 detention, or search of any person when the action is solely motivated by considerations of
89 race, color, ethnicity, age, or gender; and

90 (2) may, with the consent of the person or body that appointed the chief or marshal,
91 appoint assistants to the chief of police or marshal.