

COUNTY SHERIFF AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses an interlocal agreement between a county and one or more municipalities for law enforcement services ("agreement").

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 law enforcement services under an interlocal agreement; and

▶ requires county funds to be used for county-wide benefits and services.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

17-22-2, as last amended by Laws of Utah 2022, Chapter 335

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



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

29 **11-13-202. Agreements for joint or cooperative undertaking, for providing or**
30 **exchanging services, or for law enforcement services -- Effective date of agreement --**
31 **Public agencies may restrict their authority or exempt each other regarding permits and**
32 **fees.**

33 (1) Any two or more public agencies may enter into an agreement with one another
34 under this chapter:

35 (a) for joint or cooperative action;

36 (b) to provide services that they are each authorized by statute to provide;

37 (c) to exchange services that they are each authorized by statute to provide;

38 (d) for a public agency to provide law enforcement services to one or more other public
39 agencies, if the public agency providing law enforcement services under the interlocal
40 agreement is authorized by law to provide those services, or to provide joint or cooperative law
41 enforcement services between or among public agencies that are each authorized by law to
42 provide those services;

43 (e) to create a transportation reinvestment zone as defined in Section 11-13-103; or

44 (f) to do anything else that they are each authorized by statute to do.

45 (2) An agreement under Subsection (1) does not take effect until each public agency
46 that is a party to the agreement approves the agreement, as provided in Section 11-13-202.5.

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

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

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

53 (b) A provision in an agreement under Subsection (1) whereby the parties agree as
54 provided in Subsection (3)(a) is subject to all remedies provided by law and in the agreement,
55 including injunction, mandamus, abatement, or other remedy to prevent, enjoin, abate, or
56 enforce the provision.

57 (4) In an interlocal agreement between a county and one or more municipalities for law
58 enforcement [~~service~~] services within an area that includes some or all of the unincorporated

59 area of the county, each county and municipality that is a party to the agreement shall ensure
60 that the agreement requires:

61 (a) in a county of the second through sixth [~~class,~~] classes, that the county sheriff [~~to~~]
62 provide or direct the law enforcement [~~service provided~~] services under the agreement; or

63 (b) in a county of the first class, that:

64 (i) [~~the~~] a chief executive for law enforcement services [to] be appointed to provide or
65 direct the law enforcement [service provided] services under the agreement; and

66 (ii) subject to Subsection (5), the county sheriff and the county sheriff's deputies may
67 not, other than for the county sheriff's office:

68 (A) act as the chief executive for law enforcement services of an entity that provides
69 law enforcement services under the agreement;

70 (B) act as an employee of an entity that provides law enforcement services under the
71 agreement; or

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

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

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

77 (b) sharing in grant funding.

78 (6) The county legislative body shall ensure that county funds provide a county-wide
79 benefit and do not disproportionately benefit a political subdivision that is a party to an
80 agreement for police or enforcement services over a political subdivision within the county that
81 is not a party to the agreement.

82 Section 2. Section **17-22-2** is amended to read:

83 **17-22-2. Sheriff -- General duties.**

84 (1) The sheriff shall:

85 (a) preserve the peace;

86 (b) make all lawful arrests;

87 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when
88 required or when the court is held within his county, all courts of record, and court
89 commissioner and referee sessions held within his county, obey their lawful orders and

90 directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial
91 Administration;

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

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

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

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

101 (h) receive and safely keep all persons committed to his custody, file and preserve the
102 commitments of those persons, and record the name, age, place of birth, and description of
103 each person committed;

104 (i) release on the record all attachments of real property when the attachment he
105 receives has been released or discharged;

106 (j) endorse on all process and notices the year, month, day, hour, and minute of
107 reception, and, upon payment of fees, issue a certificate to the person delivering process or
108 notice showing the names of the parties, title of paper, and the time of receipt;

109 (k) serve all process and notices as prescribed by law;

110 (l) if he makes service of process or notice, certify on the process or notices the
111 manner, time, and place of service, or, if he fails to make service, certify the reason upon the
112 process or notice, and return them without delay;

113 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public
114 land within his county;

115 (n) perform as required by any contracts between the county and private contractors for
116 management, maintenance, operation, and construction of county jails entered into under the
117 authority of Section 17-53-311;

118 (o) for the sheriff of a county of the second through sixth class that enters into an
119 interlocal agreement for law enforcement [~~service~~] services under Title 11, Chapter 13,
120 Interlocal Cooperation Act, provide or direct law enforcement [~~service~~] services as provided in

121 the interlocal agreement;

122 (p) manage search and rescue services in his county;

123 (q) obtain saliva DNA specimens as required under Section 53-10-404;

124 (r) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
125 detention, or search of any person when the action is solely motivated by considerations of
126 race, color, ethnicity, age, or gender;

127 (s) as applicable, select a representative of law enforcement to serve as a member of a
128 child protection team, as defined in Section 80-1-102; and

129 (t) perform any other duties that are required by law.

130 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other
131 subsection under Subsection (1) is a class A misdemeanor.

132 (3) (a) As used in this Subsection (3):

133 (i) "Police interlocal entity" has the same meaning as defined in Sections 17-30-3 and
134 17-30a-102.

135 (ii) "Police local district" has the same meaning as defined in Section 17-30-3.

136 (b) Except as provided in Subsections (3)(c) and 11-13-202(4), a sheriff in a county
137 which includes within its boundary a police local district or police interlocal entity, or both:

138 (i) serves as the chief executive officer of each police local district and police interlocal
139 entity within the county with respect to the provision of law enforcement service within the
140 boundary of the police local district or police interlocal entity, respectively; and

141 (ii) is subject to the direction of the police local district board of trustees or police
142 interlocal entity governing body, as the case may be, as and to the extent provided by
143 agreement between the police local district or police interlocal entity, respectively, and the
144 sheriff.

145 (c) Notwithstanding Subsection (3)(b), and except as provided in Subsection
146 11-13-202(4), if a police interlocal entity or police local district enters an interlocal agreement
147 with a public agency, as defined in Section 11-13-103, for the provision of law enforcement
148 service, the sheriff:

149 (i) does not serve as the chief executive officer of any interlocal entity created under
150 that interlocal agreement, unless the agreement provides for the sheriff to serve as the chief
151 executive officer; and

152 (ii) shall provide law enforcement service under that interlocal agreement as provided
153 in the agreement.

154 Section 3. **Effective date.**

155 This bill takes effect on December 31, 2023.