

1 **INTERLOCAL PROVISION OF LAW ENFORCEMENT**

2 **SERVICE**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mike Winder**

6 Senate Sponsor: Daniel McCay

7	Cosponsors:	Merrill F. Nelson	Elizabeth Weight
8	Cheryl K. Acton	Val K. Potter	Logan Wilde
9	Kim F. Coleman	Marie H. Poulson	
10	James A. Dunnigan	Lawanna Shurtliff	
	Stephen G. Handy		

11

12 **LONG TITLE**

13 **General Description:**

14 This bill addresses an interlocal agreement between a county and one or more
15 municipalities to provide law enforcement service.

16 **Highlighted Provisions:**

17 This bill:

18 ▶ requires that an interlocal agreement between a county and one or more
19 municipalities to provide law enforcement service requires or appoints a certain
20 individual to provide or direct law enforcement service, depending on the county
21 classification; and

22 ▶ makes technical and conforming changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **11-13-202**, as last amended by Laws of Utah 2018, Chapter 424

30 **17-22-2**, as last amended by Laws of Utah 2017, Chapter 459

31

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

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

34 **11-13-202. Agreements for joint or cooperative undertaking, for providing or**
35 **exchanging services, or for law enforcement services -- Effective date of agreement --**
36 **Public agencies may restrict their authority or exempt each other regarding permits and**
37 **fees.**

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

- 40 (a) for joint or cooperative action;
- 41 (b) to provide services that they are each authorized by statute to provide;
- 42 (c) to exchange services that they are each authorized by statute to provide;
- 43 (d) for a public agency to provide law enforcement services to one or more other public
44 agencies, if the public agency providing law enforcement services under the interlocal
45 agreement is authorized by law to provide those services, or to provide joint or cooperative law
46 enforcement services between or among public agencies that are each authorized by law to
47 provide those services;
- 48 (e) to create a transportation reinvestment zone as defined in Section **11-13-103**; or
- 49 (f) to do anything else that they are each authorized by statute to do.

50 (2) An agreement under Subsection (1) does not take effect until ~~[it has been approved]~~
51 each public agency that is a party to the agreement approves the agreement, as provided in
52 Section **11-13-202.5**~~[, by each public agency that is a party to it].~~

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

- 55 (i) to restrict its authority to issue permits to or assess fees from another public agency

56 that is a party to the agreement; and

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

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

63 (4) ~~[An]~~ In an interlocal agreement between a county and one or more municipalities
64 for law enforcement service within an area that includes some or all of the unincorporated area
65 of the county ~~[shall require]~~, each county and municipality that is a party to the agreement shall
66 ensure that the agreement requires:

67 (a) in a county of the second through sixth class, the county sheriff to provide or direct
68 the law enforcement service provided under the agreement ~~[to be provided by or under the~~
69 ~~direction of the county sheriff.]; or~~

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

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

73 **17-22-2. Sheriff -- General duties.**

74 (1) The sheriff shall:

75 (a) preserve the peace;

76 (b) make all lawful arrests;

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

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

84 other designated places;

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

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

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

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

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

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

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

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

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

105 (n) perform as required by any contracts between the county and private contractors for
106 management, maintenance, operation, and construction of county jails entered into under the
107 authority of Section [17-53-311](#);

108 (o) for the sheriff of a county of the second through sixth class that enters into an
109 interlocal agreement for law enforcement service under Title 11, Chapter 13, Interlocal
110 Cooperation Act, provide law enforcement service as provided in the interlocal agreement;

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

- 112 (q) obtain saliva DNA specimens as required under Section [53-10-404](#);
- 113 (r) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
114 detention, or search of any person when the action is solely motivated by considerations of
115 race, color, ethnicity, age, or gender;
- 116 (s) create a child protection unit, as defined in Section [62A-4a-101](#), if the sheriff
117 determines that creation of a child protection unit is warranted; and
- 118 (t) perform any other duties that are required by law.
- 119 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other
120 subsection under Subsection (1) is a class A misdemeanor.
- 121 (3) (a) As used in this Subsection (3):
- 122 (i) "Police interlocal entity" has the same meaning as defined in Sections [17-30-3](#) and
123 [17-30a-102](#).
- 124 (ii) "Police local district" has the same meaning as defined in Section [17-30-3](#).
- 125 (b) [~~A~~] Except as provided in Subsections (3)(c) and [11-13-202\(4\)](#), a sheriff in a
126 county which includes within its boundary a police local district or police interlocal entity, or
127 both:
 - 128 (i) serves as the chief executive officer of each police local district and police interlocal
129 entity within the county with respect to the provision of law enforcement service within the
130 boundary of the police local district or police interlocal entity, respectively; and
 - 131 (ii) is subject to the direction of the police local district board of trustees or police
132 interlocal entity governing body, as the case may be, as and to the extent provided by
133 agreement between the police local district or police interlocal entity, respectively, and the
134 sheriff.
- 135 (c) [~~H~~] Notwithstanding Subsection (3)(b), and except as provided in Subsection
136 [11-13-202\(4\)](#), if a police interlocal entity or police local district enters an interlocal agreement
137 with a public agency, as defined in Section [11-13-103](#), for the provision of law enforcement
138 service, the sheriff:
 - 139 (i) does not serve as the chief executive officer of any interlocal entity created under

140 that interlocal agreement, unless the agreement provides for the sheriff to serve as the chief
141 executive officer; and
142 (ii) shall provide law enforcement service under that interlocal agreement as provided
143 in the agreement.