

**CONSTABLE AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis Oda**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to qualifications and licensure for county constables, deputy constables, and apprentice constables.

**Highlighted Provisions:**

This bill:

- ▶ creates the position of apprentice constable;
- ▶ requires county constables, deputy constables, and apprentice constables to be licensed by the Bureau of Criminal Identification;
- ▶ provides the requirements for applicants to be licensed as a county constable, deputy constable, or apprentice constable; and
- ▶ provides rulemaking authority for the Bureau of Criminal Identification to establish a licensing process for constables, deputy constables, and apprentice constables.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-25a-2**, as enacted by Laws of Utah 1990, Chapter 44

ENACTS:



28 [17-25a-2.5](#), Utah Code Annotated 1953

29 [17-25a-2.6](#), Utah Code Annotated 1953



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

32 Section 1. Section **17-25a-2** is amended to read:

33 **17-25a-2. Constable -- Licensure -- Duties.**

34 (1) To qualify as a constable, a deputy constable, or an apprentice constable, a person  
35 shall be [~~certified as a special function peace officer in the state~~] licensed by the Bureau of  
36 Criminal Identification.

37 (2) A constable, a deputy constable, and an apprentice constable shall:

38 (a) avoid all conflicts of interest; and

39 (b) maintain a public office and be accessible to the public and to the court during the  
40 hours the court is open.

41 Section 2. Section **17-25a-2.5** is enacted to read:

42 **17-25a-2.5. Constable, deputy constable, and apprentice constable --**  
43 **Qualifications and licensing requirements.**

44 (1) An applicant to be licensed as a constable, a deputy constable, or an apprentice  
45 constable by the Bureau of Criminal Identification under Section [17-25a-2](#) shall be:

46 (a) at least 21 years of age;

47 (b) a citizen or legal resident of the United States; and

48 (c) of good moral character.

49 (2) An applicant may not have been convicted of:

50 (a) a felony;

51 (b) any act involving the illegal use, carrying, or possession of a dangerous weapon;

52 (c) any act or threat of personal violence or force against another person;

53 (d) any act constituting dishonesty or fraud;

54 (e) impersonating a peace officer; or

55 (f) any act of moral turpitude.

56 (3) Any person applying to be licensed as a constable shall be currently certified as a  
57 law enforcement officer or a special function officer.

58 (4) Any person applying to be licensed as a deputy constable shall:

59 (a) be currently certified as a law enforcement officer or a special function officer; or

60 (b) have a minimum of 2,000 hours of civil process service experience.

61 (5) (a) Any person applying to be licensed as an apprentice constable is not required to

62 have prior experience or be currently certified as a law enforcement officer or a special

63 function officer.

64 (b) An apprentice constable shall work under the supervision of a constable or deputy

65 constable for a minimum of 2,000 hours as an apprentice constable before qualifying for

66 licensure as a deputy constable.

67 (6) Deputy constables and apprentice constables shall work for, or contract with, a

68 currently licensed constable.

69 Section 3. Section **17-25a-2.6** is enacted to read:

70 **17-25a-2.6. Rulemaking.**

71 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

72 Bureau of Criminal Identification shall make rules to establish procedures under which a

73 person may be licensed as a constable, a deputy constable, or an apprentice constable under this

74 chapter.

75 (2) The Bureau of Criminal Identification shall establish fees in accordance with

76 Section [63J-1-504](#).

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**Legislative Review Note**

as of 2-28-14 4:56 PM

**Office of Legislative Research and General Counsel**