Enrolled Copy H.B. 226

1	CITATION AUTHORITY AMENDMENTS	
2	2018 GENERAL SESSION	
3	STATE OF UTAH	
4	Chief Sponsor: Kay J. Christofferson	
5	Senate Sponsor: Todd Weiler	
6 7	LONG TITLE	
8	General Description:	
9	This bill addresses who may enforce a local ordinance through issuing a citation.	
10	Highlighted Provisions:	
11	This bill:	
12	 amends a provision that prohibits certain municipal officers and officials from 	
13	enforcing a local ordinance through issuing a citation to except violations regarding	
14	animals;	
15	 clarifies that county and municipal animal control officers may issue a citation; and 	
16	makes technical and conforming changes.	
17	Money Appropriated in this Bill:	
18	None	
19	Other Special Clauses:	
20	This bill provides a special effective date.	
21	Utah Code Sections Affected:	
22	AMENDS:	
23	10-3-703 (Effective 05/01/18), as last amended by Laws of Utah 2017, Chapter 314	
24	77-7-18, as last amended by Laws of Utah 2012, Chapter 322	
25		
26	Be it enacted by the Legislature of the state of Utah:	
27	Section 1. Section 10-3-703 (Effective 05/01/18) is amended to read:	
28	10-3-703 (Effective 05/01/18). Criminal penalties for violation of ordinance	
29	Civil penalties prohibited Exceptions.	

H.B. 226 Enrolled Copy

30	(1) The governing body of each municipality may impose a criminal penalty for the
31	violation of any municipal ordinance by a fine not to exceed the maximum class B
32	misdemeanor fine under Section 76-3-301 or by a term of imprisonment up to six months, or
33	by both the fine and term of imprisonment.
34	(2) (a) Except as provided in Subsection (2)(b), the governing body may prescribe a
35	civil penalty for the violation of any municipal ordinance by a fine not to exceed the maximum
36	class B misdemeanor fine under Section 76-3-301.
37	(b) A municipality may not impose a civil penalty and adjudication for the violation of
38	a municipal moving traffic ordinance.
39	(3) (a) [A] Except as provided in Subsection (3)(b) or Section 77-7-18, a municipal
40	officer or official who is not a law enforcement officer <u>described</u> in [accordance with] Section
41	53-13-103 or a special function officer described in Section 53-13-105 may not issue a criminal
42	citation for a violation that is punished as a misdemeanor.
43	(b) Notwithstanding Subsection (3)(a), the following may issue a criminal citation for a
44	violation that is punished as a misdemeanor if the violation threatens the health and safety of an
45	animal or the public:
46	(i) a fire officer described in Section 53-7-102; or
47	(ii) an animal control officer described in Section 11-46-102.
48	Section 2. Section 77-7-18 is amended to read:
49	77-7-18. Citation on misdemeanor or infraction charge.
50	(1) Any person subject to arrest or prosecution on a misdemeanor or infraction charge
51	may be issued and delivered a citation that requires the person to appear at the court of the
52	magistrate with territorial jurisdiction.
53	(2) The following may issue the citation [may be issued by] described in Subsection
54	<u>(1)</u> :
55	[(1)] (a) a peace officer, in lieu of or in addition to taking the person into custody;
56	$[\frac{(2)}{(b)}]$ any public official of any county or municipality charged with the enforcement
57	of the law;

Enrolled Copy	H.B. 22
I - J	

58	$\left[\frac{(3)}{(c)}\right]$ a port-of-entry agent as defined in Section 72-1-102;
59	[(4)] (d) an animal control officer of a county, municipality, or special service district
60	under Title 17D, Chapter 1, Special Service District Act, who is authorized to provide animal
51	control service; and
52	$[\frac{(5)}{(e)}]$ a volunteer authorized to issue a citation under Section $[\frac{41-6a-213}{(e)}]$
63	<u>41-6a-217</u> .
54	Section 3. Effective date.
65	If approved by two-thirds of all the members elected to each house, this bill takes effect
66	on May 1, 2018.