

**LOCAL LAW ENFORCEMENT STRUCTURE AND
GOVERNANCE AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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



28 [17-22-31](#), as enacted by Laws of Utah 2014, Chapter 333



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

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

32 **10-3-910. Heads of departments and subordinate officers.**

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

37 (2) The municipal council shall appoint the heads of [such] the police and fire
38 departments.

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

40 **10-3-913. Authority of chief of police -- Oversight.**

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

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

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

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

55 (4) (a) Notwithstanding Sections [10-2-918](#) and [10-3-919](#), a municipality may not
56 establish a board, committee, or other entity that:

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

59 of police;

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

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

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

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

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

69 (i) limits a municipal council's authority over the chief of police;

70 (ii) prohibits the municipal council or mayor from taking a lawful action described in
71 Subsection (4)(a)(ii); or

72 (iii) limits a municipality's authority under Subsection (5).

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 municipal legislative body:

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.

92 Section 4. Section 17-22-31 is amended to read:

93 **17-22-31. Sheriff -- Primary law enforcement authority -- Oversight.**

94 (1) The sheriff is the primary law enforcement authority of state law on federal land
95 except as otherwise assigned by law to the authority of a state or municipal law enforcement
96 agency.

97 (2) (a) A county may not establish a board, committee, or other entity that:

98 (i) has authority independent of the county sheriff; and

99 (ii) (A) has authority to veto or overrule a hiring or appointment decision of the county
100 sheriff;

101 (B) is required to review or approve a sheriff's office rules, regulations, policies, or
102 procedures in order for the rules, regulations, policies, or procedures to take effect;

103 (C) has authority to veto a new policy, or strike down an existing policy, established
104 under the authority of a county sheriff;

105 (D) is required to review or approve a county sheriff's budget in order for the budget to
106 take effect; or

107 (E) has authority to review or approve a contract the county sheriff makes with a police
108 union or other organization in order for the contract to take effect.

109 (b) Nothing in this Subsection (2):

110 (i) limits a county legislative body's authority to take an action that is otherwise
111 authorized under this title;

112 (ii) prohibits the county legislative body from taking an action described in Subsection
113 (2)(a) that the county legislative body may legally take; or

114 (iii) limits county's authority under Subsection (3).

115 (3) Subject to Subsection (2), a county may establish a board, committee, or other
116 entity that relates to the provision of law enforcement services and that has authority
117 independent of the county sheriff if the county legislative body:

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

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