

Senator Daniel W. Thatcher proposes the following substitute bill:

CITATION AUTHORITY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill addresses who may enforce a local ordinance through issuing a citation.

Highlighted Provisions:

This bill:

- ▶ amends a provision that prohibits certain municipal officers and officials from enforcing a local ordinance through issuing a citation to except violations regarding animals;
- ▶ clarifies that county and municipal animal control officers may issue a citation; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

10-3-703 (Effective 05/01/18), as last amended by Laws of Utah 2017, Chapter 314

77-7-18, as last amended by Laws of Utah 2012, Chapter 322



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.**

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 municipal officer or official who is not a law enforcement officer described in
40 [accordance with] Section 53-13-103 or a special function officer described in Section
41 53-13-105 may not issue a criminal citation for a violation that is punished as a misdemeanor,
42 except for violations regarding animals and the public health and safety or the health and safety
43 of animals.

44 Section 2. Section 77-7-18 is amended to read:

45 **77-7-18. Citation on misdemeanor or infraction charge.**

46 (1) Any person subject to arrest or prosecution on a misdemeanor or infraction charge
47 may be issued and delivered a citation that requires the person to appear at the court of the
48 magistrate with territorial jurisdiction.

49 (2) The following may issue the citation ~~[may be issued by]~~ described in Subsection
50 (1):

51 ~~[(1)]~~ (a) a peace officer, in lieu of or in addition to taking the person into custody;

52 ~~[(2)]~~ (b) any public official of any county or municipality charged with the enforcement
53 of the law;

54 ~~[(3)]~~ (c) a port-of-entry agent as defined in Section 72-1-102;

55 ~~[(4)]~~ (d) an animal control officer of a county, municipality, or special service district
56 under Title 17D, Chapter 1, Special Service District Act, who is authorized to provide animal

57 control service; and

58 [~~5~~] (e) a volunteer authorized to issue a citation under Section [~~41-6a-213~~]

59 [41-6a-217](#).

60 Section 3. **Effective date.**

61 If approved by two-thirds of all the members elected to each house, this bill takes effect

62 on May 1, 2018.