

Senator Todd Weiler 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) ~~[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 described in ~~[accordance with]~~ Section
 41 53-13-103 or a special function officer described in Section 53-13-103 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 (1):

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

56 ~~[(2)]~~ (b) any public official of any county or municipality charged with the enforcement

57 of the law;

58 [~~3~~] (c) 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
61 control service; and

62 [~~5~~] (e) a volunteer authorized to issue a citation under Section [~~41-6a-213~~]

63 [41-6a-217](#).

64 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.