

EXECUTIVE PROTECTION AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Gerry A. Adair

AN ACT RELATING TO PUBLIC SAFETY AND STATE GOVERNMENT; AMENDING THE AUTHORITY OF THE OFFICE OF EXECUTIVE PROTECTION REGARDING ITS DUTIES IN PROVIDING FOR THE SECURITY OF THE GOVERNOR AND OTHERS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53-1-114, as renumbered and amended by Chapter 234, Laws of Utah 1993

53-1-115, as renumbered and amended by Chapter 234, Laws of Utah 1993

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

Section 1. Section **53-1-114** is amended to read:

53-1-114. Office of Executive Protection -- Security and protection for governor and family -- Protection for other officials.

(1) The Office of Executive Protection shall provide all necessary security and protection for the governor and the governor's immediate family.

(2) (a) Subject to the direction of the commissioner, the Office of Executive Protection may provide protection to other public officials.

(b) That protection may not extend for more than 15 days without review and approval by majority vote of the president of the Senate, the speaker of the House, and the commissioner.

(c) Review and approval by the same majority vote shall be required at the end of each 15-day period.

~~[(3) (a) Members of the Office of Executive Protection may order the closure of or restriction of access to the governor's premises or office when in their discretion that action becomes necessary to insure the safety of persons within. An order of closure or restriction shall not remain in effect for more than three consecutive days without approval of the commissioner.]~~

~~[(b) The order shall be posted by placing a copy of it at the entrance to the premises of the governor's residence or at the entrance to the governor's office. The order shall specify the extent~~

of closure or restriction.]

~~[(c) A person who intentionally or knowingly enters or remains within the premises of the governor's residence or the governor's office in violation of an order of closure or of restricted access is guilty of a class B misdemeanor.]~~

Section 2. Section **53-1-115** is amended to read:

**53-1-115. Office of Executive Protection -- Closure of property to protect governor --
Violation of order of closure.**

(1) As used in this section:

(a) "Office" includes the governor's official office and any other location not generally open to the public in which the governor is conducting the business of the state.

(b) "Parking space" includes any space occupied or to be occupied by the governor's vehicle when parked, regardless of whether it is the regular parking space of the governor's vehicle.

(c) "Premises" includes:

(i) the governor's official residence, private residence, and any temporary residence owned by the governor or the governor's family; and

(ii) any temporary lodging or residence where the governor is staying or intends to stay, regardless of whether the stay is for official or other purposes.

(d) "Vehicle" includes an automobile, airplane, or other mode of conveyance in which the governor is traveling or intends to travel.

(2) A member of the Office of Executive Protection may order the closure of or restriction of access to the governor's premises or office when in the member's discretion that action is necessary to insure the safety of the governor, the governor's immediate family, or other persons within the premises or office.

(3) A member of the Office of Executive Protection may order restriction of access to the governor's vehicle by ordering closure of or restriction of access to areas surrounding the vehicle, the vehicle's parking space, or the vehicle's routes of ingress or egress, when in the member's discretion that action is necessary to ensure the safety of the governor, the governor's immediate family, other persons within the vehicle, or the safe passage of persons in or out of or to or from the vehicle.

~~[(1)(a) The]~~ (4) A member of the Office of Executive Protection may order closure or restriction of access to any public property when in the member's discretion [of the commissioner closure becomes] that action is necessary in the discharge of the duty to protect the governor [and], the governor's immediate family, or other persons [as] for whom protection may be provided [in] under Section 53-1-114.

(5) (a) A member of the Office of Executive Protection may order closure of or restriction of access to privately owned property to the same extent and for the same purposes as for publicly owned property with the consent of the owner, tenant, or occupant of the private property.

(b) The owner, tenant, or occupant may:

(i) expressly ratify consent that was previously implicit; and

(ii) withdraw consent by informing a member of the Office of Executive Protection.

(6) An order of closure or restriction remains in effect for up to three consecutive days and may be extended beyond three days:

(a) with the commissioner's approval; or

(b) without the commissioner's approval if immediate circumstances warrant the extension.

~~[(b) The]~~ (7) (a) An order [for closure or restriction] closing or restricting access to property shall be posted by placing a copy of it at the primary entrance to the [public] property.

(b) An order restricting access to a vehicle shall be posted by placing a copy of it in the area to be closed or restricted, including the area surrounding the vehicle, the vehicle's parking space, or the vehicle's routes of ingress or egress.

(c) An order is not invalidated for failure to comply with the procedures of Subsection (7)(a) or (7)(b) if notice to the public of the order is otherwise sufficient and reasonable under the circumstances.

~~[(c) The]~~ (8) An order shall specify the extent of the closure or restriction.

~~[(2) Any]~~ (9) A person who intentionally or knowingly enters or remains within public property in violation of an order of closure or restricted access is guilty of a class [C] B misdemeanor.

(10) This section does not restrict or limit a member of the Office of Executive Protection in exercising any other power available to the member as an officer of the law to provide for the

security of the governor or the safety of the public.