

28 not remain in effect for more than three consecutive days without approval of the commissioner.]

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

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

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

36 **53-1-115. Office of Executive Protection -- Closure of property to protect governor**
37 **-- Violation of order of closure.**

38 (1) As used in this section:

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

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

43 (c) "Premises" includes:

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

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

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

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

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

59 the vehicle.

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

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

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

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

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

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

73 (a) with the commissioner's approval; or

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

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

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

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

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

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

87 (10) This section does not restrict or limit a member of the Office of Executive Protection
88 in exercising any other power available to the member as an officer of the law to provide for the
89 security of the governor or the safety of the public.

Legislative Review Note
as of 1-26-00 2:52 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel