1	EXECUTIVE PROTECTION AMENDMENTS
2	2000 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Gerry A. Adair
5	AN ACT RELATING TO PUBLIC SAFETY AND STATE GOVERNMENT; AMENDING THE
6	AUTHORITY OF THE OFFICE OF EXECUTIVE PROTECTION REGARDING ITS DUTIES
7	IN PROVIDING FOR THE SECURITY OF THE GOVERNOR AND OTHERS.
8	This act affects sections of Utah Code Annotated 1953 as follows:
9	AMENDS:
10	53-1-114, as renumbered and amended by Chapter 234, Laws of Utah 1993
11	53-1-115, as renumbered and amended by Chapter 234, Laws of Utah 1993
12	Be it enacted by the Legislature of the state of Utah:
13	Section 1. Section 53-1-114 is amended to read:
14	53-1-114. Office of Executive Protection Security and protection for governor and
15	family Protection for other officials Closure of governor's premises or office Violation
16	of order of closure.
17	(1) The Office of Executive Protection shall provide all necessary security and protection
18	for the governor and the governor's immediate family.
19	(2) (a) Subject to the direction of the commissioner, the Office of Executive Protection
20	may provide protection to other public officials.
21	(b) That protection may not extend for more than 15 days without review and approval by
22	majority vote of the president of the Senate, the speaker of the House, and the commissioner.
23	(c) Review and approval by the same majority vote shall be required at the end of each
24	15-day period.
25	[(3) (a) Members of the Office of Executive Protection may order the closure of or
26	restriction of access to the governor's premises or office when in their discretion that action
27	becomes necessary to insure the safety of persons within. An order of closure or restriction shall

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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

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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 $[E]$ $B$

(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.

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88 89 misdemeanor.

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## 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