

Representative Paul Ray proposes the following substitute bill:

**PUBLIC SAFETY OFFICERS - CRITICAL
INCIDENT SHOOTING PROVISIONS**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Paul Ray

LONG TITLE

General Description:

This bill prohibits a peace officer from being interviewed as part of an internal investigation until at least a 24-hour period after the peace officer's involvement in a critical or fatal incident.

Highlighted Provisions:

This bill:

- ▶ provides that a specified level of law enforcement officers shall adopt a written policy that provides that no peace officer may be interviewed as part of an internal investigation until at least 24 hours after the peace officer's involvement in a critical or fatal shooting or accident that may have produced a physiological or psychological effect on the peace officer.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-913, as last amended by Chapter 219, Laws of Utah 2002



26 17-22-2, as last amended by Chapters 140 and 219, Laws of Utah 2002

27 53-1-108, as last amended by Chapter 219, Laws of Utah 2002

28 53-8-104, as last amended by Chapter 219, Laws of Utah 2002

29

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

31 Section 1. Section 10-3-913 is amended to read:

32 **10-3-913. Authority of chief of police.**

33 (1) The chief of police has the same authority as the sheriff within the boundaries of
34 the municipality of appointment. The chief has authority to:

- 35 (a) suppress riots, disturbances, and breaches of the peace;
- 36 (b) apprehend all persons violating state laws or city ordinances;
- 37 (c) diligently discharge his duties and enforce all ordinances of the city to preserve the
38 peace, good order, and protection of the rights and property of all persons; and
- 39 (d) attend the municipal justice court located within the city when required, provide
40 security for the court, and obey its orders and directions.

41 (2) This section is not a limitation of a police chief's statewide authority as otherwise
42 provided by law.

43 (3) The chief of police shall, on or before January 1, 2003, adopt a written policy that
44 prohibits the stopping, detention, or search of any person when the action is solely motivated
45 by considerations of race, color, ethnicity, age, or gender.

46 (4) The chief of police shall, on or before July 1, 2005, adopt a written policy that
47 provides that no peace officer, as defined under Title 53, Chapter 13, Peace Officer
48 Classifications, may be interviewed as part of an internal investigation for at least 24 hours
49 after a critical or fatal incident shooting or accident which may have produced a physiological
50 or psychological effect on the peace officer.

51 Section 2. Section 17-22-2 is amended to read:

52 **17-22-2. Sheriff -- General duties.**

- 53 (1) The sheriff shall:
 - 54 (a) preserve the peace;
 - 55 (b) make all lawful arrests;
 - 56 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when

57 required or when the court is held within his county, all courts of record, and court
58 commissioner and referee sessions held within his county, obey their lawful orders and
59 directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial
60 Administration;

61 (d) upon request of the juvenile court, aid the court in maintaining order during
62 hearings and transport a minor to and from youth corrections facilities, other institutions, or
63 other designated places;

64 (e) attend county justice courts if the judge finds that the matter before the court
65 requires the sheriff's attendance for security, transportation, and escort of jail prisoners in his
66 custody, or for the custody of jurors;

67 (f) command the aid of as many inhabitants of his county as he considers necessary in
68 the execution of these duties;

69 (g) take charge of and keep the county jail and the jail prisoners;

70 (h) receive and safely keep all persons committed to his custody, file and preserve the
71 commitments of those persons, and record the name, age, place of birth, and description of
72 each person committed;

73 (i) release on the record all attachments of real property when the attachment he
74 receives has been released or discharged;

75 (j) endorse on all process and notices the year, month, day, hour, and minute of
76 reception, and, upon payment of fees, issue a certificate to the person delivering process or
77 notice showing the names of the parties, title of paper, and the time of receipt;

78 (k) serve all process and notices as prescribed by law;

79 (l) if he makes service of process or notice, certify on the process or notices the
80 manner, time, and place of service, or, if he fails to make service, certify the reason upon the
81 process or notice, and return them without delay;

82 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public
83 land within his county;

84 (n) perform as required by any contracts between the county and private contractors for
85 management, maintenance, operation, and construction of county jails entered into under the
86 authority of Section 17-53-311;

87 (o) manage search and rescue services in his county;

88 (p) obtain saliva DNA specimens as required under Section 53-10-404;

89 (q) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
90 detention, or search of any person when the action is solely motivated by considerations of
91 race, color, ethnicity, age, or gender; [~~and~~]

92 (r) on or before July 1, 2005, adopt a written policy that provides that no peace officer,
93 as defined under Title 53, Chapter 13, Peace Officer Classifications, may be interviewed as part
94 of an internal investigation for at least 24 hours after a critical or fatal incident shooting or
95 accident which may have produced a physiological or psychological effect on the peace officer;
96 and

97 [~~(r)~~] (s) perform any other duties that are required by law.

98 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other
99 subsection under Subsection (1) is a class A misdemeanor.

100 Section 3. Section **53-1-108** is amended to read:

101 **53-1-108. Commissioner's powers and duties.**

102 (1) In addition to the responsibilities contained in this title, the commissioner shall:

103 (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility
104 of Motor Vehicle Owners and Operators Act;

105 (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as
106 required to properly discharge the duties of the department;

107 (c) make rules:

108 (i) governing emergency use of signal lights on private vehicles; and

109 (ii) allowing privately owned vehicles to be designated for part-time emergency use, as
110 provided in Section 41-6-1.5;

111 (d) set standards for safety belt systems, as required by Section 41-6-182;

112 (e) serve as the chairman of the Disaster Emergency Advisory Council, as required by
113 Section 63-5-4;

114 (f) designate vehicles as "authorized emergency vehicles," as required by Section
115 41-6-1; [~~and~~]

116 (g) on or before July 1, 2005, adopt a written policy that provides that no peace officer,
117 as defined under Title 53, Chapter 13, Peace Officer Classifications, may be interviewed as part
118 of an internal investigation for at least 24 hours after a critical or fatal incident shooting or

119 accident which may have produced a physiological or psychological effect on the peace officer;
120 and

121 [~~(g)~~] (h) on or before January 1, 2003, adopt a written policy that prohibits the
122 stopping, detention, or search of any person when the action is solely motivated by
123 considerations of race, color, ethnicity, age, or gender.

124 (2) The commissioner may:

125 (a) subject to the approval of the governor, establish division headquarters at various
126 places in the state;

127 (b) issue to a special agent a certificate of authority to act as a peace officer and revoke
128 that authority for cause, as authorized in Section 56-1-21.5;

129 (c) create specialized units within the commissioner's office for conducting internal
130 affairs and aircraft operations as necessary to protect the public safety;

131 (d) cooperate with any recognized agency in the education of the public in safety and
132 crime prevention and participate in public or private partnerships, subject to Subsection (3);

133 (e) cooperate in applying for and distributing highway safety program funds; and

134 (f) receive and distribute federal funding to further the objectives of highway safety in
135 compliance with the Federal Assistance Management Program Act.

136 (3) (a) Money may not be expended under Subsection (2)(d) for public safety education
137 unless it is specifically appropriated by the Legislature for that purpose.

138 (b) Any recognized agency receiving state money for public safety shall file with the
139 auditor of the state an itemized statement of all its receipts and expenditures.

140 Section 4. Section **53-8-104** is amended to read:

141 **53-8-104. Superintendent's duties.**

142 The superintendent shall:

143 (1) divide the state highways into sections for the purpose of patrolling and policing;

144 (2) employ peace officers known as highway patrol troopers to patrol or police the
145 highways within this state and to enforce the state statutes as required;

146 (3) establish ranks, grades, and positions in the Highway Patrol and designate the
147 authority and responsibility in each rank, grade, and position;

148 (4) establish for the Highway Patrol standards and qualifications and fix prerequisites
149 of training, education, and experience for each rank, grade, and position;

- 150 (5) appoint personnel to each rank, grade, and position necessary for the efficient
151 operation and administration of the Highway Patrol;
- 152 (6) devise and administer examinations designed to test applicants for positions with
153 the Highway Patrol;
- 154 (7) make rules governing the Highway Patrol as appear to the superintendent advisable;
- 155 (8) discharge, demote, or temporarily suspend any employee in the Highway Patrol for
156 cause;
- 157 (9) prescribe the uniforms to be worn and the equipment to be used by employees of
158 the Highway Patrol;
- 159 (10) charge against each employee of the Highway Patrol the value of any property of
160 the state lost or destroyed through the carelessness of the employee;
- 161 (11) establish, with the approval of the Division of Finance, the terms and conditions
162 under which expense allowance should be paid to any employee of the Highway Patrol while
163 away from his station;
- 164 (12) station the Highway Patrol in localities as he finds advisable for the enforcement
165 of the laws of this state;
- 166 (13) conduct in conjunction with the State Board of Education in and through all state
167 schools an educational campaign in highway safety and work in conjunction with civic
168 organizations, churches, local units of government, and other organizations that may function
169 in accomplishing the purposes of reducing highway accidents;
- 170 (14) provide the initial mandatory uniform items for each new trooper hired after July
171 1, 1998;
- 172 (15) determine by rule a basic uniform allowance system which includes the manner in
173 which troopers may receive maintenance services and vouchers for basic uniforms and
174 administer any funds appropriated by the Legislature to the division for that purpose; ~~and~~
- 175 (16) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
176 detention, or search of any person when the action is solely motivated by considerations of
177 race, color, ethnicity, age, or gender[-]; and
- 178 (17) on or before July 1, 2005, adopt a written policy that provides that no peace
179 officer, as defined under Title 53, Chapter 13, Peace Officer Classifications, may be
180 interviewed as part of an internal investigation for at least 24 hours after a critical or fatal

181 incident shooting or accident which may have produced a physiological or psychological effect
182 on the peace officer.