

1 PEACE OFFICER STANDARDS AND TRAINING AMENDMENTS

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Richard A. Greenwood

5 Senate Sponsor: Daniel W. Thatcher

6 Cosponsor: Lee B. Perry

8 LONG TITLE

9 General Description:

10 This bill modifies the Public Safety Code regarding Peace Officer Standards and
11 Training certification.

12 Highlighted Provisions:

13 This bill:

14 ▶ modifies the membership of the Peace Officer Standards and Training Council by
15 replacing one position to be filled by an officer from the Federal Bureau of
16 Investigation with an additional at large position, appointed by the governor; and

17 ▶ requires that an applicant for peace officer certification who requests a waiver of the
18 peace officer training course must provide proof of either of the following during
19 the past four years:

- 20 • the applicant completed the basic peace officer training program for which the
21 applicant is seeking credit; or
- 22 • the applicant was actively engaged in performing the duties of a peace officer.

23 Money Appropriated in this Bill:

24 None

25 Other Special Clauses:

26 None

27 Utah Code Sections Affected:

28 AMENDS:

29 **53-6-106**, as last amended by Laws of Utah 2010, Chapter 286

30 **53-6-206**, as repealed and reenacted by Laws of Utah 2011, Chapter 58

31

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

33 Section 1. Section **53-6-106** is amended to read:

34 **53-6-106. Creation of Peace Officer Standards and Training Council -- Purpose --**
35 **Membership -- Quorum -- Meetings -- Compensation.**

36 (1) There is created the Peace Officer Standards and Training Council.

37 (2) The council shall serve as an advisory board to the director of the division on
38 matters relating to peace officer and dispatcher standards and training.

39 (3) The council includes:

40 (a) the attorney general or his designated representative;

41 (b) the superintendent of the highway patrol;

42 (c) the executive director of the Department of Corrections or his designated
43 representative; and

44 (d) 14 additional members appointed by the governor having qualifications,
45 experience, or education in the field of law enforcement as follows:

46 (i) one incumbent mayor;

47 (ii) one incumbent county commissioner;

48 (iii) three incumbent sheriffs, one of whom is a representative of the Utah Sheriffs
49 Association, one of whom is from a county having a population of 100,000 or more, and one of
50 whom is from a county having a population of less than 100,000;

51 (iv) three incumbent police chiefs, one of whom is a representative of the Utah Chiefs
52 of Police Association, one of whom is from a city of the first or second class, and one of whom
53 is from a city of the third, fourth, or fifth class or town;

54 ~~[(v) one officer from the Federal Bureau of Investigation appointed by the governor~~
55 ~~upon the recommendation of the agency;]~~

56 ~~[(vi)]~~ (v) a representative of the Utah Peace Officers Association;

57 [~~(vii)~~] (vi) an educator in the field of public administration, criminal justice, or related
58 area; and

59 [~~(viii) three~~] (vii) four persons selected at large by the governor.

60 (4) (a) Except as required by Subsection (4)(b), the 14 members of the council shall be
61 appointed by the governor for four-year terms.

62 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
63 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
64 council members are staggered so that approximately half of the council is appointed every two
65 years.

66 (c) A member may be reappointed for additional terms.

67 (d) When a vacancy occurs in the membership for any reason, the replacement shall be
68 appointed for the unexpired term by the governor from the same category in which the vacancy
69 occurs.

70 (5) A member of the council ceases to be a member:

71 (a) immediately upon the termination of his holding the office or employment that was
72 the basis for his eligibility to membership on the council; or

73 (b) upon two unexcused absences in one year from regularly scheduled council
74 meetings.

75 (6) The council shall select a chair and vice chair from among its members.

76 (7) Ten members of the advisory council constitute a quorum.

77 (8) (a) Meetings may be called by the chair, the commissioner, or the director and shall
78 be called by the chair upon the written request of nine members.

79 (b) Meetings shall be held at the times and places determined by the director.

80 (9) The council shall meet at least two times per year.

81 (10) A member may not receive compensation or benefits for the member's service, but
82 may receive per diem and travel expenses in accordance with:

83 (a) Section 63A-3-106;

84 (b) Section 63A-3-107; and

85 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
86 63A-3-107.

87 (11) Membership on the council does not disqualify any member from holding any
88 other public office or employment.

89 Section 2. Section **53-6-206** is amended to read:

90 **53-6-206. Waiver of training course requirement.**

91 (1) The [~~director~~] division may waive the required basic peace officer training course
92 and certify an applicant who:

93 (a) provides proof that the applicant meets the requirements under Section 53-6-203
94 relating to qualifications for admission to the training course;

95 (b) provides proof that the applicant has completed a basic peace officer training
96 program that[~~, in the director's judgment,~~] the division determines is equivalent to the course
97 required for certification under this part;

98 (c) passes the certification examination; [~~and~~]

99 (d) passes a physical fitness test[-]; and

100 (e) provides proof that within the previous four years the applicant either:

101 (i) completed the basic peace officer training program for which the applicant is
102 seeking credit; or

103 (ii) was actively engaged in performing the duties of a peace officer.

104 (2) A waiver applicant may not exercise peace officer authority until all waiver process
105 requirements have been met and the applicant has been certified.

106 (3) If an applicant fails the examination under Subsection (1)(c), the [~~director~~] division
107 may not waive the required basic peace officer training course and the applicant shall comply
108 with all of the requirements in Subsection 53-6-205(1) to be certified as a peace officer in Utah.