

PEACE OFFICER LIMITS AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Public Safety Code regarding peace officers by authorizing law enforcement agencies to confer authority on certified peace officers and providing for rescinding that authority under specified conditions.

Highlighted Provisions:

This bill:

▶ provides that a law enforcement agency may confer law enforcement authority on a peace officer who has been certified by the Peace Officer Standards and Training Division;

▶ provides that this conferred authority may be terminated if the council finds that 50% or more of the agency's peace officers have been disciplined by the Peace Officer Standards and Training Council over any consecutive four year period;

▶ provides that this conferred authority may be terminated if the council finds that:
• the council has revoked the peace officer certification of the chief, sheriff, or administrative officer of the law enforcement agency; and

• a qualified interim successor has not been appointed within 30 days of receiving notice of the suspension or revocation of the peace officer certification of the chief, sheriff, or administrative officer;

▶ provides that the county sheriff may assume law enforcement authority and responsibility when the council terminates the authority of a city law enforcement



28 agency and provides for the reimbursement of any costs incurred by the county sheriff while
29 performing these duties; and

30 ▶ provides that the Department of Public Safety may assume law enforcement
31 authority and responsibility when the council terminates the authority of a county or
32 state law enforcement agency and provides for the reimbursement of any costs
33 incurred by the department while performing these duties.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 ENACTS:

40 **53-13-105.5**, Utah Code Annotated 1953



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

43 Section 1. Section **53-13-105.5** is enacted to read:

44 **53-13-105.5. Limitations on functions of a peace officer.**

45 (1) (a) A law enforcement agency, as defined by Section 53-1-102, may confer law
46 enforcement authority on a peace officer as provided by Subsection 53-13-101 who has been
47 certified by the division.

48 (b) A peace officer may only exercise law enforcement authority when the authority is
49 conferred under Subsection (1)(a).

50 (2) The council may terminate the ability of a law enforcement agency to confer law
51 enforcement authority on a peace officer if it finds, after a formal hearing conducted pursuant
52 to Title 63G, Chapter 4, Administrative Procedures Act, that:

53 (a) 50% or more of the law enforcement agency's peace officers have been disciplined
54 by the council during any consecutive four year period; or

55 (b) (i) the council has revoked or suspended the peace officer certification of the chief,
56 sheriff, or administrative officer of a state law enforcement agency, county, city, or
57 multi-county transit district's law enforcement agency; and

58 (ii) the employing state, county, city, or multi-county transit district's executive,

59 legislative, or governing body has failed to appoint a qualified interim successor chief
60 executive officer within 30 days after notice of the suspension or revocation; or

61 (c) the agency's peace officers have engaged in conduct which substantially undermines
62 the public confidence in the law enforcement agency.

63 (3) (a) When the ability of a city law enforcement agency to confer law enforcement
64 authority on a peace officer has been terminated:

65 (i) the council shall notify the appropriate county legislative body;

66 (ii) the county sheriff shall assume law enforcement authority and responsibility for the
67 city; and

68 (iii) the city shall reimburse the county sheriff for all reasonable costs for providing
69 law enforcement functions in the city within 60 days of the notification.

70 (b) If a city fails to reimburse the county sheriff for all reasonable costs for providing
71 law enforcement functions as directed above, the state treasurer shall withhold from the
72 distribution of shared revenues to the affected city the amount computed by the county sheriff
73 to provide law enforcement functions to the city and shall pay this money to the county sheriff.

74 (4) (a) When the ability of a county or state law enforcement agency to confer law
75 enforcement authority on a peace officer is terminated:

76 (i) the council shall notify the appropriate legislative body;

77 (ii) the Department of Public Safety shall assume law enforcement authority and
78 responsibility for the areas of the county not served by a municipal law enforcement agency;
79 and

80 (iii) the county shall reimburse the department for all reasonable costs for providing
81 law enforcement functions in the affected areas of the county within 60 days of the notification.

82 (b) If a county fails to reimburse the department for all reasonable costs for providing
83 law enforcement functions, the state treasurer shall withhold from the distribution of shared
84 revenues to the affected county the amount computed by the department to provide law
85 enforcement functions to the county and shall pay this money to the department.

Legislative Review Note
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Office of Legislative Research and General Counsel