

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53-6-203**, as last amended by Laws of Utah 2010, Chapter 313

29 **53-6-211**, as repealed and reenacted by Laws of Utah 2010, Chapter 313

30 **53-13-106**, as last amended by Laws of Utah 2010, Chapter 411

31 **53-13-106.5**, as enacted by Laws of Utah 2010, Chapter 411



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

34 Section 1. Section **53-6-203** is amended to read:

35 **53-6-203. Applicants for admission to training programs or for certification**  
36 **examination -- Requirements.**

37 (1) Before being accepted for admission to the training programs conducted by a  
38 certified academy, and before being allowed to take a certification examination, each applicant  
39 for admission or certification examination shall meet the following requirements:

40 (a) be a United States citizen;

41 (b) be at least 21 years old at the time of appointment as a peace officer;

42 (c) be a high school graduate or furnish evidence of successful completion of an  
43 examination indicating an equivalent achievement;

44 (d) have not been convicted of a crime for which the applicant could have been  
45 punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of  
46 this or another state;

47 (e) have demonstrated good moral character, as determined by a background  
48 investigation; ~~H~~→ [f] and [j] ←~~H~~

49 (f) be free of any physical, emotional, or mental condition that might adversely affect  
50 the performance of the applicant's duties as a peace officer ~~H~~→ [f] . [j] [~~;~~and

51 ~~(g) be eligible to possess a firearm under state law.] ←~~H~~~~

52 (2) (a) An application for admission to a training program shall be accompanied by a  
53 criminal history background check of local, state, and national criminal history files and a  
54 background investigation.

55 (b) The costs of the background check and investigation shall be borne by the applicant  
56 or the applicant's employing agency.

57 (3) (a) Notwithstanding any expungement statute or rule of any other jurisdiction, any  
 58 conviction obtained in this state or other jurisdiction, including a conviction that has been  
 59 expunged, dismissed, or treated in a similar manner to either of these procedures, may be  
 60 considered for purposes of this section.

61 (b) This provision applies to convictions entered both before and after the effective  
 62 date of this section.

63 (4) Any background check or background investigation performed pursuant to the  
 64 requirements of this section shall be to determine eligibility for admission to training programs  
 65 or qualification for certification examinations and may not be used as a replacement for any  
 66 background investigations that may be required of an employing agency.

67 (5) An applicant shall be considered to be of good moral character under Subsection  
 68 (1)(e) if the applicant has not engaged in conduct that would be a violation of Subsection  
 69 53-6-211(1).

69a **H→ (6) An applicant seeking certification as a law enforcement officer, as defined in Section**  
 69b **53-13-103, shall be qualified to possess a firearm under state and federal law. ←H**

70 Section 2. Section **53-6-211** is amended to read:

71 **53-6-211. Suspension or revocation of certification -- Right to a hearing --**  
 72 **Grounds -- Notice to employer -- Reporting.**

73 (1) The council has authority to suspend or revoke the certification of a peace officer, if  
 74 the peace officer:

75 (a) willfully falsifies any information to obtain certification;

76 (b) has any physical or mental disability affecting the peace officer's ability to perform  
 77 duties;

78 (c) is addicted to alcohol or any controlled substance, unless the peace officer reports  
 79 the addiction to the employer and to the director as part of a departmental early intervention  
 80 process;

81 (d) engages in conduct which is a state or federal criminal offense, but not including a  
 82 traffic offense that is a class C misdemeanor or infraction;

83 (e) refuses to respond, or fails to respond truthfully, to questions after having been  
 84 issued a warning issued based on Garrity v. New Jersey, 385 U.S. 493 (1967);

85 (f) engages in sexual conduct while on duty; or

86 **(g) H→ is certified as a law enforcement officer, as defined in Section 53-13-103,**  
 86a **and ←H is unable to possess a firearm under state H→ or federal ←H law.**

87 ~~[(g) is dismissed from the armed forces of the United States under dishonorable~~