

1 **INTERNAL INVESTIGATION AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Craig Hall**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions related to certain internal investigations by government
10 entities.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms; and
- 14 ▶ requires certain government entities to use an independent law enforcement agency
15 or prosecutorial agency to conduct certain internal investigations of criminal
16 misconduct.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **63G-27-101**, Utah Code Annotated 1953

24 **63G-27-102**, Utah Code Annotated 1953

25 **63G-27-103**, Utah Code Annotated 1953

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



28 Section 1. Section **63G-27-101** is enacted to read:

29 **CHAPTER 27. INVESTIGATION REQUIREMENTS**

30 **63G-27-101. Title.**

31 This chapter is known as "Investigation Requirements."

32 Section 2. Section **63G-27-102** is enacted to read:

33 **63G-27-102. Definitions.**

34 As used in this chapter:

35 (1) "Investigatory agency" means:

36 (a) a law enforcement agency;

37 (b) a local education agency;

38 (c) a prosecutorial agency; or

39 (d) a state institution of higher education, as defined in Section [53B-3-102](#).

40 (2) "Law enforcement agency" means the same as that term is defined in Section

41 [53-1-102](#).

42 (3) "Local education agency" means a school district or a charter school.

43 (4) "Prosecutorial agency" means:

44 (a) the Office of the Attorney General; or

45 (b) when acting as a public prosecutor, a city, county, or district attorney.

46 Section 3. Section **63G-27-103** is enacted to read:

47 **63G-27-103. Internal investigations.**

48 (1) An investigatory agency may not investigate a criminal allegation against a member

49 or employee of:

50 (a) the same investigatory agency; or

51 (b) an entity that oversees the investigatory agency.

52 (2) If a criminal allegation described in Subsection (1) arises, the investigatory agency

53 shall request an independent law enforcement agency or an independent prosecutorial agency

54 investigate the allegation.