

K-9 POLICY REQUIREMENTS

2021 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends the liability provisions for dog bites relating to law enforcement activities and requires the annual certification of law enforcement canines and handlers.

Highlighted Provisions:

This bill:

- ▶ amends the liability provision for dog bites relating to law enforcement activities to require certification of dogs and handlers, a written policy on the use of dogs, and compliance with the policy; and
- ▶ enacts the Law Enforcement Canine Team Certification Act, to require certification and training of dogs and handlers.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

18-1-1, as last amended by Laws of Utah 2019, Chapter 92

ENACTS:

53-6-401, Utah Code Annotated 1953

53-6-402, Utah Code Annotated 1953

53-6-403, Utah Code Annotated 1953

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

Section 1. Section **18-1-1** is amended to read:

18-1-1. Liability and damages for dog injury -- Dogs used in law enforcement.

(1) (a) Except as provided in Subsection (2), a person who owns or keeps a dog is liable for an injury caused by the dog, regardless of whether:

- 33 (i) the dog is vicious or mischievous; or
- 34 (ii) the owner knows the dog is vicious or mischievous.
- 35 (b) Damages for an injury described in Subsection (1)(a) shall be determined in
36 accordance with Section 78B-5-818.
- 37 (2) Neither the state nor any county, city, metro township, or town in the state nor any
38 peace officer employed by the state, a county, a city, a metro township, or a town shall be liable
39 in damages for an injury caused by a dog, if:
- 40 (a) the dog [~~has been trained~~] and the dog's law enforcement handler are trained to
41 assist in law enforcement[;] and are certified according to the standards adopted in Title 53,
42 Chapter 6, Part 4, Law Enforcement Canine Team Certification Act;
- 43 (b) the governmental agency has adopted a written policy on the necessary and
44 appropriate use of dogs in official law enforcement duties;
- 45 (c) the actions of the dog's handler do not violate the agency's written policy; and
46 [~~(b)~~] (d) the injury occurs while the dog is reasonably and carefully being used in the
47 apprehension, arrest, or location of a suspected offender or in maintaining or controlling the
48 public order.

49 Section 2. Section **53-6-401** is enacted to read:

50 **Part 4. Law Enforcement Canine Team Certification Act**

51 **53-6-401. Definitions.**

52 As used in this part:

53 (1) "Council" means the Peace Officer Standards and Training Council created in
54 Section 53-6-106.

55 (2) "Qualifying canine certifying entity" means an entity that certifies law enforcement
56 canines and law enforcement canine handlers in accordance with the standards developed under
57 Section 53-6-403.

58 Section 3. Section **53-6-402** is enacted to read:

59 **53-6-402. Law enforcement canine and handler certification.**

60 (1) Each law enforcement canine in the state shall be initially certified and annually
61 recertified by a qualifying canine certifying entity.

62 (2) Each law enforcement canine handler in the state shall be initially certified and
63 annually recertified by a qualifying canine certifying entity.

64 Section 4. Section **53-6-403** is enacted to read:

65 **53-6-403. Canine and handler certification standards and criteria--Rules.**

66 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
67 council shall establish and maintain required standards for the training, certification, and
68 recertification of:

69 (1) law enforcement canines; and

70 (2) law enforcement canine handlers.