

# SB0243S02 compared with SB0243S01

{Omitted text} shows text that was in SB0243S01 but was omitted in SB0243S02

inserted text shows text that was not in SB0243S01 but was inserted into SB0243S02

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## Law Enforcement Quota Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:

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### LONG TITLE

#### General Description:

This bill concerns impermissible law enforcement quotas.

#### Highlighted Provisions:

This bill:

▸ {~~requires the Peace Officer Standards and Training Council to develop model standards unrelated to law enforcement quotas to evaluate peace officer performance;~~}

▸ restricts the State Commission on Criminal and Juvenile Justice from awarding a grant of state funds to an entity that violates the impermissible law enforcement quota prohibition;

▸ requires the attorney general to investigate potential impermissible law enforcement quota violations;

▸ prohibits a political subdivision or law enforcement agency from:

• requiring or directing a peace officer to meet an {~~arrest, citation, stop, or other~~} impermissible quota; or

• transferring, promoting, disciplining, or taking any other action against a peace officer for reasons relating to an {~~arrest, citation, stop, or other~~} impermissible quota; and

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17       ▸ makes technical and conforming changes.

### 18 **Money Appropriated in this Bill:**

19       None

20       None

### 23 **AMENDS:**

24       ~~{53-6-107, as last amended by Laws of Utah 2024, Chapter 163, as last amended by Laws of Utah 2024, Chapter 163}~~

24       **63M-7-218** , as last amended by Laws of Utah 2024, Chapter 345 , as last amended by Laws of Utah 2024, Chapter 345

25       **67-5-1** , as last amended by Laws of Utah 2024, Chapters 2, 74 and 348 , as last amended by Laws of Utah 2024, Chapters 2, 74 and 348

26       **77-7-27** , as enacted by Laws of Utah 2018, Chapter 289 , as enacted by Laws of Utah 2018, Chapter 289

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

30       ~~{Section 1. Section 53-6-107 is amended to read: }~~

### 31       **53-6-107. General duties of council.**

32       (1) The council shall:

33       (a) advise the director regarding:

34       (i) the approval, certification, or revocation of certification of any certified academy established in the state;

36       (ii) minimum courses of study, attendance requirements, and the equipment and facilities to be required at a certified academy;

38       (iii) minimum qualifications for instructors at a certified academy;

39       (iv) the minimum basic training requirements that peace officers shall complete before receiving certification;

41       (v) the minimum basic training requirements that dispatchers shall complete before receiving certification; and

43       (vi) categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements for the categories or classifications;

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- (b) recommend that studies, surveys, or reports, or all of them be made by the director concerning the implementation of the objectives and purposes of this chapter;
- 48 (c) make recommendations and reports to the commissioner and governor from time to time;
- 50 (d) choose from the sanctions to be imposed against certified peace officers as provided in Section 53-6-211, and dispatchers as provided in Section 53-6-309;
- 52 (e) establish and annually review:
- 53 (i) minimum use of force standards for all peace officers in the state;
- 54 (ii) minimum standards for officer intervention and the reporting of police misconduct based on Section 53-6-210.5; and
- 56 (iii) the best practices for investigating sexual assaults;
- 57 (f) in consultation with the Utah Victim Services Commission's subcommittee on rape and sexual assault created in Subsection 63M-7-903(5)(b), create and, if necessary, annually update a model sexual assault investigation policy based on the best practices established in Subsection (1)(e)(iii) that can be adopted and used by a law enforcement agency;
- 62 (g) develop model standards regarding the evaluation of peace officer performance based on objective criteria that do not rely on a law enforcement quota, as defined in Section 77-7-27; and
- 65 [~~g~~] (h) perform other acts as necessary to carry out the duties of the council in this chapter.
- 67 (2) The council may approve special function officers for membership in the Public Safety Retirement System in accordance with Sections 49-14-201 and 49-15-201.

29 Section 1. Section **63M-7-218** is amended to read:

30 **63M-7-218. State grant requirements.**

- 71 (1) Except as provided in Subsection (2), the commission may not award a grant of state funds to an entity subject to, and not in compliance with, the reporting requirements in Subsection 63A-16-1002(4).
- 74 (2) The commission may award a grant to an entity under Section 63A-16-1003 even if the entity is not in compliance with the reporting requirements described in Subsection 63A-16-1002(4).
- 77 (3) Beginning July 1, 2025, the commission may not award any grant of state funds to an entity:
- 79 (a) [-]subject to the requirements under Sections 53-21-102 and 53-21-104.3, if the commission has determined under Subsection 63M-7-204(1)(aa) that the entity is currently not eligible to receive state grant funds under this section[-]; or

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(b) subject to, and in violation of, Section 77-7-27, impermissible law enforcement quota prohibition, as reported to the commission by the attorney general under Sections 67-5-1 and 77-7-27.

45 Section 2. Section **67-5-1** is amended to read:

46 **67-5-1. General duties -- Restrictions.**

87 (1) The attorney general shall:

88 (a) perform all duties in a manner consistent with the attorney-client relationship under Section 67-5-17;

90 (b) except as provided in Sections 10-3-928 and 17-18a-403, attend the Supreme Court and the Court of Appeals of this state, and all courts of the United States, and prosecute or defend all causes to which the state or any officer, board, or commission of the state in an official capacity is a party, and take charge, as attorney, of all civil legal matters in which the state is interested;

95 (c) after judgment on any cause referred to in Subsection (1)(b), direct the issuance of process as necessary to execute the judgment;

97 (d) account for, and pay over to the proper officer, all money that comes into the attorney general's possession that belongs to the state;

99 (e) keep a file of all cases in which the attorney general is required to appear, including any documents and papers showing the court in which the cases have been instituted and tried, and whether they are civil or criminal, and:

102 (i) if civil, the nature of the demand, the stage of proceedings, and, when prosecuted to judgment, a memorandum of the judgment and of any process issued if satisfied, and if not satisfied, documentation of the return of the sheriff;

105 (ii) if criminal, the nature of the crime, the mode of prosecution, the stage of proceedings, and, when prosecuted to sentence, a memorandum of the sentence and of the execution, if the sentence has been executed, and, if not executed, the reason for the delay or prevention; and

109 (iii) deliver this information to the attorney general's successor in office;

110 (f) exercise supervisory powers over the district and county attorneys of the state in all matters pertaining to the duties of the district and county attorneys' offices, including the authority described in Subsection (2);

113 (g) give the attorney general's opinion in writing and without fee, when required, upon any question of law relating to the office of the requester:

115 (i) in accordance with Section 67-5-1.1, to the Legislature or either house;

116 (ii) to any state officer, board, or commission; and

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- 117 (iii) to any county attorney or district attorney;
- 118 (h) when required by the public service or directed by the governor, assist any county, district, or city attorney in the discharge of county, district, or city attorney's duties;
- 120 (i) purchase in the name of the state, under the direction of the state Board of Examiners, any property offered for sale under execution issued upon judgments in favor of or for the use of the state, and enter satisfaction in whole or in part of the judgments as the consideration of the purchases;
- 124 (j) when the property of a judgment debtor in any judgment mentioned in Subsection (1)(i) has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance taking precedence of the judgment in favor of the state, redeem the property, under the direction of the state Board of Examiners, from the prior judgment, lien, or encumbrance, and pay all money necessary for the redemption, upon the order of the state Board of Examiners, out of any money appropriated for these purposes;
- 131 (k) when in the attorney general's opinion it is necessary for the collection or enforcement of any judgment, institute and prosecute on behalf of the state any action or proceeding necessary to set aside and annul all conveyances fraudulently made by the judgment debtors, and pay the cost necessary to the prosecution, when allowed by the state Board of Examiners, out of any money not otherwise appropriated;
- 136 (l) discharge the duties of a member of all official boards of which the attorney general is or may be made a member by the Utah Constitution or by the laws of the state, and other duties prescribed by law;
- 139 (m) institute and prosecute proper proceedings in any court of the state or of the United States to restrain and enjoin corporations organized under the laws of this or any other state or territory from acting illegally or in excess of their corporate powers or contrary to public policy, and in proper cases forfeit their corporate franchises, dissolve the corporations, and wind up their affairs;
- 144 (n) institute investigations for the recovery of all real or personal property that may have escheated or should escheat to the state, and for that purpose, subpoena any persons before any of the district courts to answer inquiries and render accounts concerning any property, examine all books and papers of any corporations, and when any real or personal property is discovered that should escheat to the state, institute suit in the district court of the county where the property is situated for its recovery, and escheat that property to the state;

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- (o) administer the Children's Justice Center as a program to be implemented in various counties pursuant to Sections 67-5b-101 through 67-5b-107;
- 153 (p) assist the Constitutional Defense Council as provided in Title 63C, Chapter 4a, Constitutional and Federalism Defense Act;
- 155 (q) pursue any appropriate legal action to implement the state's public lands policy established in Section 63C-4a-103;
- 157 (r) investigate and prosecute violations of all applicable state laws relating to fraud in connection with the state Medicaid program and any other medical assistance program administered by the state, including violations of Title 26B, Chapter 3, Part 11, Utah False Claims Act;
- 161 (s) investigate and prosecute complaints of abuse, neglect, or exploitation of patients:
- 162 (i) in health care facilities that receive payments under the state Medicaid program;
- 163 (ii) in board and care facilities, as defined in the federal Social Security Act, 42 U.S.C. Sec. 1396b(q)(4)(B), regardless of the source of payment to the board and care facility; and
- 166 (iii) who are receiving medical assistance under the Medicaid program as defined in Section 26B-3-101 in a noninstitutional or other setting;
- 168 (t)
  - . (i) report at least twice per year to the Legislative Management Committee on any pending or anticipated lawsuits, other than eminent domain lawsuits, that might:
    - 170 (A) cost the state more than \$500,000; or
    - 171 (B) require the state to take legally binding action that would cost more than \$500,000 to implement; and
  - 173 (ii) if the meeting is closed, include an estimate of the state's potential financial or other legal exposure in that report;
- 175 (u)
  - . (i) submit a written report to the committees described in Subsection (1)(u)(ii) that summarizes any lawsuit or decision in which a court or the Office of the Attorney General has determined that a state statute is unconstitutional or unenforceable since the attorney general's last report under this Subsection (1)(u), including any:
    - 179 (A) settlements reached;
    - 180 (B) consent decrees entered;
    - 181 (C) judgments issued;

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- 182 (D) preliminary injunctions issued;
- 183 (E) temporary restraining orders issued; or
- 184 (F) formal or informal policies of the Office of the Attorney General to not enforce a law; and
- 186 (ii) at least 30 days before the Legislature's May and November interim meetings, submit the report described in Subsection (1)(u)(i) to:
- 188 (A) the Legislative Management Committee;
- 189 (B) the Judiciary Interim Committee; and
- 190 (C) the Law Enforcement and Criminal Justice Interim Committee;
- 191 (v) if the attorney general operates the Office of the Attorney General or any portion of the Office of the Attorney General as an internal service fund agency in accordance with Section 67-5-4, submit to the rate committee established in Section 67-5-34:
- 194 (i) a proposed rate and fee schedule in accordance with Subsection 67-5-34(4); and
- 195 (ii) any other information or analysis requested by the rate committee;
- 196 (w) before the end of each calendar year, create an annual performance report for the Office of the Attorney General and post the report on the attorney general's website;
- 198 (x) ensure that any training required under this chapter complies with Title 63G, Chapter 22, State Training and Certification Requirements;
- 200 (y) notify the legislative general counsel in writing within three business days after the day on which the attorney general is officially notified of a claim, regardless of whether the claim is filed in state or federal court, that challenges:
- 203 (i) the constitutionality of a state statute;
- 204 (ii) the validity of legislation; or
- 205 (iii) any action of the Legislature;
- 206 (z)
- . (i) notwithstanding Title 63G, Chapter 6a, Utah Procurement Code, provide a special advisor to the Office of the Governor and the Office of the Attorney General in matters relating to Native American and tribal issues to:
- 209 (A) establish outreach to the tribes and affected counties and communities; and
- 210 (B) foster better relations and a cooperative framework; and
- 211 (ii) annually report to the Executive Offices and Criminal Justice Appropriations Subcommittee regarding:

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- 213 (A) the status of the work of the special advisor described in Subsection (1)(z)(i); and  
215 (B) whether the need remains for the ongoing appropriation to fund the special advisor described in  
Subsection (1)(z)(i); ~~[f]~~ and]
- 217 (aa)
- . (i) enforce compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in accordance with  
Section 63G-31-401; and
- 219 (ii) report to the Legislative Management Committee, upon request, regarding the attorney general's  
enforcement under this Subsection (1)(aa)[:] ;
- 221 (bb) ensure compliance with Title 53B, Chapter 27, Part 6, Student Legal Representation, by:
- 223 (i) establishing a process to track the number of complaints submitted by students;
- 224 (ii) pursuing civil action to enforce statutory protections; and
- 225 (iii) no later than November 1 each year, reporting to the Judiciary Interim Committee regarding the  
attorney general's enforcement under this Subsection ~~[(1)(aa)]~~ (1)(bb); and
- 228 (cc) investigate complaints of a violation of Section 77-7-27, ~~impermissible~~ law enforcement quota  
prohibition, and report a substantiated violation to the State Commission on Criminal and Juvenile  
Justice under Section 63M-7-218.
- 231 (2)
- . (a) The attorney general may require a district attorney or county attorney of the state to, upon request,  
report on the status of public business entrusted to the district or county attorney's charge.
- 234 (b) The attorney general may review investigation results de novo and file criminal charges, if  
warranted, in any case involving a first degree felony, if:
- 236 (i) a law enforcement agency submits investigation results to the county attorney or district attorney of  
the jurisdiction where the incident occurred and the county attorney or district attorney:
- 239 (A) declines to file criminal charges; or
- 240 (B) fails to screen the case for criminal charges within six months after the law enforcement agency's  
submission of the investigation results; and
- 242 (ii) after consultation with the county attorney or district attorney of the jurisdiction where the incident  
occurred, the attorney general reasonably believes action by the attorney general would not interfere  
with an ongoing investigation or prosecution by the county attorney or district attorney of the  
jurisdiction where the incident occurred.

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- (b) evaluate, promote, compensate, reward, or discipline a peace officer on the basis of { a law enforcement } an impermissible quota; or
- 282 (c) transfer a peace officer from an employment assignment on the basis of { a law enforcement } an  
impermissible quota.
- 284 (3) Subsection (2) does not prohibit a political subdivision or law enforcement agency from including a peace officer's engagement with the community or enforcement activity, including a metric based on the peace officer's interactions with members of the community,{-} as part of an overall determination of the peace officer's performance.
- 288 (4) The attorney general shall investigate an alleged violation of this section in accordance with Section 67-5-1.

251 Section 4. **Effective date.**

This bill takes effect on May 7, 2025.

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