

Michael K. McKell proposes the following substitute bill:

Public Safety Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill addresses provisions related to public safety.

Highlighted Provisions:

This bill:

- enacts provisions requiring a law enforcement agency of a city that is the seat of government for a county of the first class to enter into an interagency agreement related to public safety concerns with the Department of Public Safety (the department) and repeals the provisions, subject to a review by an interim committee, on July 1, 2027;

- enacts provisions requiring a law enforcement agency that has entered into an interagency agreement with the department to submit a report to the Law Enforcement and Criminal Justice Interim Committee regarding the interagency agreement and repeals the provisions, subject to a review by an interim committee, on July 1, 2027;

- enacts provisions allowing the Division of Facilities Construction and Management to use eminent domain to condemn unincorporated property owned by a city that is the seat of government for a county of the first class in certain circumstances that are repealed on July 1, 2027;

- enacts provisions taking effect on July 1, 2026, related to procedures that are required to be undertaken by a law enforcement agency before the law enforcement agency may take an adverse decision regarding a law enforcement officer's employment; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

63I-1-253 (Effective 05/07/25), as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

63I-2-263 (Effective 05/07/25), as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

ENACTS:

53-25-701 (Effective 07/01/26), Utah Code Annotated 1953

53-25-702 (Effective 07/01/26), Utah Code Annotated 1953

53-29-101 (Effective 05/07/25), Utah Code Annotated 1953

53-29-102 (Effective 05/07/25), Utah Code Annotated 1953

63A-5b-807 (Effective 05/07/25), Utah Code Annotated 1953

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

Section 1. Section **53-25-701** is enacted to read:

Part 7. Law Enforcement Officer Employment Due Process

53-25-701 (Effective 07/01/26). Definitions.

As used in this part:

(1) "Adverse employment decision" means a decision affecting a law enforcement officer's employment that could result in:

(a) reduction of rank;

(b) suspension without pay exceeding three days; or

(c) termination of employment.

(2) "Formal interview" means an interview at which an employer:

(a) requires the employee to respond truthfully under the threat of disciplinary action or termination; and

(b) provides the employee with the assurance that the statement cannot be used against the employee in any criminal proceeding.

(3) "Legal representative" means an attorney, who is licensed to practice law in this state.

Section 2. Section **53-25-702** is enacted to read:

53-25-702 (Effective 07/01/26). Notice of internal investigation -- Discovery --

Right to counsel.

(1) If a law enforcement officer is the subject of an internal investigation by the law enforcement agency that employs the law enforcement officer that could result in an adverse employment decision against the law enforcement officer, the law enforcement

agency shall, at least 48 hours before any formal interview of the law enforcement officer related to the internal investigation:

- (a) notify the law enforcement officer that the law enforcement officer is the subject of the internal investigation;
- (b) provide the time and location for the formal interview; and
- (c) notify the law enforcement officer that the law enforcement officer may bring a legal representative to the interview to assist the law enforcement officer in the formal interview.

(2) During an internal investigation conducted regarding a law enforcement officer that could result in an adverse employment decision against the law enforcement officer, the law enforcement officer has the right to have a legal representative, paid for at the law enforcement officer's expense, present during any formal interview of the law enforcement officer conducted during an internal investigation.

(3) Except as provided in Subsection (4), at any disciplinary meeting that could result in an adverse employment decision against a law enforcement officer, the law enforcement officer or, if applicable, a legal representative, paid for at the law enforcement officer's expense, has the right to:

- (a) receive written notification of the allegations against the law enforcement officer and the proposed discipline;
- (b) provide written statements;
- (c) review any statement made by the officer in the formal interview;
- (d) meet with the agency head or the agency head's designee;
- (e) present, in writing or in person, comments or reasons as to why the proposed adverse employment decision should not be taken; and
- (f) present documents, affidavits, or other written materials.

(4)(a) A law enforcement officer, or a legal representative of the law enforcement officer, is not entitled to present or discover documents within the possession or control of the law enforcement agency that are private, protected, or controlled under Title 63G, Chapter 2, Part 3, Classification.

(b) A law enforcement agency undertaking a disciplinary meeting under Subsection (3) is not required to receive or allow other witnesses to testify at the disciplinary meeting on behalf of the law enforcement officer.

(5) For a law enforcement officer who has completed any employment probationary period, a law enforcement agency may only terminate the law enforcement officer's

employment after an internal investigation and disciplinary meeting if the law enforcement agency has:

(a) given the officer five working days to reply to the notice of the disciplinary meeting;

(b) provided an opportunity for the law enforcement officer to speak to the complaint and results of the internal investigation; and

(c) substantiated the complaint that resulted in the internal investigation against the law enforcement officer by clear and convincing evidence.

(6) After a disciplinary meeting is held under Subsection (3), the law enforcement agency shall notify the law enforcement officer in writing of the law enforcement agency's decision, and the reasons for the decision.

(7) This section does not:

(a) apply to the termination of employment of a law enforcement officer due to budget constraints of the government entity that oversees the law enforcement agency that employs the law enforcement officer; or

(b) supersede the rights of a law enforcement officer under Title 17, Chapter 30, Deputy Sheriffs - Merit System, Title 10, Chapter 3, Part 11, Personnel Rules and Benefits, or Title 63A, Chapter 17, Part 3, Classification and Career Service, or any other section of code.

Section 3. Section **53-29-101** is enacted to read:

CHAPTER 29. DEPARTMENT INTERACTION WITH LOCAL LAW

ENFORCEMENT

53-29-101 (Effective 05/07/25). Definitions.

As used in this chapter, "county of the first class" means a county that is classified by population as a county of the first class under Section 17-50-501.

Section 4. Section **53-29-102** is enacted to read:

53-29-102 (Effective 05/07/25). Public safety interagency agreement.

(1) Subject to Subsection (2), by July 1, 2025, the law enforcement agency of a city that is the seat of government for a county of the first class shall enter into a public safety interagency agreement with the department that addresses how the law enforcement agency and the department can improve public safety within the jurisdiction of the law enforcement agency.

(2) The interagency agreement described in Subsection (1) shall include:

- (a) at a minimum, terms that require the law enforcement agency to reimburse the department for the department's expenses if the department deploys department resources to effectuate the interagency agreement;
- (b) if the agreement requires joint operations to be conducted between the department and the law enforcement agency, the roles and responsibilities of the department and the law enforcement agency in any joint operations;
- (c) the parameters on any data shared under the agreement to assist in effectuating the agreement;
- (d) measures to ensure accountability and communication between the department and the law enforcement agency; and
- (e) accountability metrics to determine if public safety within the jurisdiction of the law enforcement agency has improved.

(3) By November 1 of each year, a law enforcement agency that has entered into an agreement under Subsection (1), shall make a presentation to the Law Enforcement and Criminal Justice Interim Committee regarding:

- (a) the terms of the interagency agreement;
- (b) if available, any information regarding the implementation and operation of the interagency agreement; and
- (c) whether the law enforcement agency has successfully improved public safety within the jurisdiction of the law enforcement agency.

Section 5. Section **63A-5b-807** is enacted to read:

63A-5b-807 (Effective 05/07/25). Eminent domain of unincorporated city owned land.

(1) As used in this section:

- (a) "County of the first class" means a county that is classified by population as a county of the first class under Section 17-50-501.
- (b) "Unincorporated land" means land that before January 1, 2025, was not within the boundaries of a city.

(2) The division may exercise eminent domain, consistent with the procedures described in Title 78B, Chapter 6, Part 5, Eminent Domain, to condemn unincorporated land for the public use of constructing a new facility on the land for homelessness services provided by, or under contract with, the state if the land is owned by a city that is the seat of government for a county of the first class.

(3) The division may consult with the Department of Transportation for assistance in

performing the division's duties under Subsection (2).

Section 6. Section **63I-1-253** is amended to read:

63I-1-253 (Effective 05/07/25). Repeal dates: Titles 53 through 53G.

- (1) Section 53-1-122, Road Rage Awareness and Prevention Restricted Account, is repealed July 1, 2028.
- (2) Section 53-2a-105, Emergency Management Administration Council created -- Function -- Composition -- Expenses, is repealed July 1, 2029.
- (3) Section 53-2a-1103, Search and Rescue Advisory Board -- Members -- Compensation, is repealed July 1, 2027.
- (4) Section 53-2a-1104, General duties of the Search and Rescue Advisory Board, is repealed July 1, 2027.
- (5) Title 53, Chapter 2a, Part 15, Grid Resilience Committee, is repealed July 1, 2027.
- (6) Section 53-2d-104, State Emergency Medical Services Committee -- Membership -- Expenses, is repealed July 1, 2029.
- (7) Section 53-2d-703, Volunteer Emergency Medical Service Personnel Health Insurance Program -- Creation -- Administration -- Eligibility -- Benefits -- Rulemaking -- Advisory board, is repealed July 1, 2027.
- (8) Section 53-5-703, Board -- Membership -- Compensation -- Terms -- Duties, is repealed July 1, 2029.
- (9) Section 53-11-104, Board, is repealed July 1, 2029.
- (10) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem -- Report -- Expiration, is repealed December 31, 2025.
- (11) Section 53-22-104.2, The School Security Task Force -- Education Advisory Board, is repealed December 31, 2025.
- (12) Title 53, Chapter 29, Department Interaction With Local Law Enforcement, is repealed July 1, 2027.
- ~~[(12)]~~ (13) Subsection 53B-1-301(1)(j), regarding the Higher Education and Corrections Council, is repealed July 1, 2027.
- ~~[(13)]~~ (14) Section 53B-7-709, Five-year performance goals, is repealed July 1, 2027.
- ~~[(14)]~~ (15) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed July 1, 2028.
- ~~[(15)]~~ (16) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- ~~[(16)]~~ (17) Section 53B-17-1203, SafeUT and School Safety Commission established -- Members, is repealed January 1, 2030.

197 ~~[(17)]~~ (18) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
198 ~~[(18)]~~ (19) Title 53B, Chapter 18, Part 17, Food Security Council, is repealed July 1, 2027.
199 ~~[(19)]~~ (20) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
200 Research Center, is repealed July 1, 2028.
201 ~~[(20)]~~ (21) Title 53B, Chapter 35, Higher Education and Corrections Council, is repealed
202 July 1, 2027.
203 ~~[(21)]~~ (22) Subsection 53C-3-203(4)(b)(vii), regarding the distribution of money from the
204 Land Exchange Distribution Account to the Geological Survey for test wells and other
205 hydrologic studies in the West Desert, is repealed July 1, 2030.
206 ~~[(22)]~~ (23) Subsection 53E-1-201(1)(q), regarding the Higher Education and Corrections
207 Council, is repealed July 1, 2027.
208 ~~[(23)]~~ (24) Subsection 53E-2-304(6), regarding foreclosing a private right of action or
209 waiver of governmental immunity, is repealed July 1, 2027.
210 ~~[(24)]~~ (25) Subsection 53E-3-503(5), regarding coordinating councils for youth in care, is
211 repealed July 1, 2027.
212 ~~[(25)]~~ (26) Subsection 53E-3-503(6), regarding coordinating councils for youth in care, is
213 repealed July 1, 2027.
214 ~~[(26)]~~ (27) Subsection 53E-4-202(8)(b), regarding a standards review committee, is repealed
215 January 1, 2028.
216 ~~[(27)]~~ (28) Section 53E-4-203, Standards review committee, is repealed January 1, 2028.
217 ~~[(28)]~~ (29) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission,
218 is repealed July 1, 2033.
219 ~~[(29)]~~ (30) Subsection 53E-7-207(7), regarding a private right of action or waiver of
220 governmental immunity, is repealed July 1, 2027.
221 ~~[(30)]~~ (31) Section 53F-2-420, Intensive Services Special Education Pilot Program, is
222 repealed July 1, 2024.
223 ~~[(31)]~~ (32) Section 53F-5-214, Grant for professional learning, is repealed July 1, 2025.
224 ~~[(32)]~~ (33) Section 53F-5-215, Elementary teacher preparation grant, is repealed July 1,
225 2025.
226 ~~[(33)]~~ (34) Section 53F-5-219, Local Innovations Civics Education Pilot Program, is
227 repealed July 1, 2025.
228 ~~[(34)]~~ (35) Title 53F, Chapter 10, Part 2, Capital Projects Evaluation Panel, is repealed July
229 1, 2027.
230 ~~[(35)]~~ (36) Subsection 53G-4-608(2)(b), regarding the Utah Seismic Safety Commission, is

repealed January 1, 2025.

~~[(36)]~~ (37) Subsection 53G-4-608(4)(b), regarding the Utah Seismic Safety Commission, is repealed January 1, 2025.

~~[(37)]~~ (38) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.

Section 7. Section **63I-2-263** is amended to read:

63I-2-263 (Effective 05/07/25). Repeal dates: Titles 63A through 63O.

(1) Title 63A, Chapter 2, Part 5, Educational Interpretation and Translation Services Procurement Advisory Council is repealed July 1, 2025.

(2) Section 63A-5b-807, Eminent domain of unincorporated city owned land, is repealed January 1, 2027.

~~[(2)]~~ (3) Section 63A-17-806, Definitions -- Infant at Work Pilot Program -- Administration -- Report, is repealed June 30, 2026.

~~[(3)]~~ (4) Section 63C-1-103, Appointment and terms of boards, committees, councils, and commissions transitioning on October 1, 2024, or December 31, 2024, is repealed July 1, 2025.

~~[(4)]~~ (5) Section 63C-1-104, Appointment and terms of boards transitioning on October 1, 2024, is repealed January 1, 2025.

~~[(5)]~~ (6) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed October 1, 2024.

~~[(6)]~~ (7) Subsection 63G-6a-802(1)(e), regarding a procurement for a presidential debate, is repealed January 1, 2025.

~~[(7)]~~ (8) Subsection 63G-6a-802(3)(b)(iii), regarding a procurement for a presidential debate, is repealed January 1, 2025.

~~[(8)]~~ (9) Subsection 63H-7a-403(2)(b), regarding the charge to maintain the public safety communications network, is repealed July 1, 2033.

~~[(9)]~~ (10) Subsection 63J-1-602.2(47), regarding appropriations to the State Tax Commission for deferral reimbursements, is repealed July 1, 2027.

~~[(10)]~~ (11) Section 63M-7-221, Expungement working group, is repealed April 30, 2025.

~~[(11)]~~ (12) Section 63M-7-504, Crime Victim Reparations and Assistance Board -- Members, is repealed December 31, 2024.

~~[(12)]~~ (13) Section 63M-7-505, Board and office within Commission on Criminal and Juvenile Justice, is repealed December 31, 2024.

~~[(13)]~~ (14) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed December 31, 2024.

265 ~~[(14)]~~ (15) Subsection 63N-2-213(12)(a), regarding claiming a tax credit in the same taxable
266 year as the targeted business income tax credit, is repealed December 31, 2024.

267 ~~[(15)]~~ (16) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an
268 Enterprise Zone, is repealed December 31, 2024.

269 Section 8. **Effective Date.**

270 (1) Except as provided in Subsection (2), this bill takes effect May 7, 2025.

271 (2) The actions affecting the following sections take effect on July 1, 2026:

272 (a) Section 53-25-702 (Effective 07/01/26); and

273 (b) Section 53-25-701 (Effective 07/01/26).