

Todd Weiler proposes the following substitute bill:

Law Enforcement Quota Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:

LONG TITLE

General Description:

This bill concerns impermissible law enforcement quotas.

Highlighted Provisions:

This bill:

▸ 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 impermissible quota; or
- transferring, promoting, disciplining, or taking any other action against a peace officer

for reasons relating to an impermissible quota; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

31 (1) Except as provided in Subsection (2), the commission may not award a grant of state
32 funds to an entity subject to, and not in compliance with, the reporting requirements in
33 Subsection 63A-16-1002(4).

34 (2) The commission may award a grant to an entity under Section 63A-16-1003 even if the
35 entity is not in compliance with the reporting requirements described in Subsection
36 63A-16-1002(4).

37 (3) Beginning July 1, 2025, the commission may not award any grant of state funds to an
38 entity:

39 (a) [-]subject to the requirements under Sections 53-21-102 and 53-21-104.3, if the
40 commission has determined under Subsection 63M-7-204(1)(aa) that the entity is
41 currently not eligible to receive state grant funds under this section[-] ; or

42 (b) subject to, and in violation of, Section 77-7-27, impermissible law enforcement
43 quota prohibition, as reported to the commission by the attorney general under
44 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.**

47 (1) The attorney general shall:

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

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

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

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

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

62 (i) if civil, the nature of the demand, the stage of proceedings, and, when prosecuted

- 63 to judgment, a memorandum of the judgment and of any process issued if
64 satisfied, and if not satisfied, documentation of the return of the sheriff;
- 65 (ii) if criminal, the nature of the crime, the mode of prosecution, the stage of
66 proceedings, and, when prosecuted to sentence, a memorandum of the sentence
67 and of the execution, if the sentence has been executed, and, if not executed, the
68 reason for the delay or prevention; and
- 69 (iii) deliver this information to the attorney general's successor in office;
- 70 (f) exercise supervisory powers over the district and county attorneys of the state in all
71 matters pertaining to the duties of the district and county attorneys' offices, including
72 the authority described in Subsection (2);
- 73 (g) give the attorney general's opinion in writing and without fee, when required, upon
74 any question of law relating to the office of the requester:
- 75 (i) in accordance with Section 67-5-1.1, to the Legislature or either house;
- 76 (ii) to any state officer, board, or commission; and
- 77 (iii) to any county attorney or district attorney;
- 78 (h) when required by the public service or directed by the governor, assist any county,
79 district, or city attorney in the discharge of county, district, or city attorney's duties;
- 80 (i) purchase in the name of the state, under the direction of the state Board of Examiners,
81 any property offered for sale under execution issued upon judgments in favor of or
82 for the use of the state, and enter satisfaction in whole or in part of the judgments as
83 the consideration of the purchases;
- 84 (j) when the property of a judgment debtor in any judgment mentioned in Subsection
85 (1)(i) has been sold under a prior judgment, or is subject to any judgment, lien, or
86 encumbrance taking precedence of the judgment in favor of the state, redeem the
87 property, under the direction of the state Board of Examiners, from the prior
88 judgment, lien, or encumbrance, and pay all money necessary for the redemption,
89 upon the order of the state Board of Examiners, out of any money appropriated for
90 these purposes;
- 91 (k) when in the attorney general's opinion it is necessary for the collection or
92 enforcement of any judgment, institute and prosecute on behalf of the state any action
93 or proceeding necessary to set aside and annul all conveyances fraudulently made by
94 the judgment debtors, and pay the cost necessary to the prosecution, when allowed by
95 the state Board of Examiners, out of any money not otherwise appropriated;
- 96 (l) discharge the duties of a member of all official boards of which the attorney general

- 97 is or may be made a member by the Utah Constitution or by the laws of the state, and
98 other duties prescribed by law;
- 99 (m) institute and prosecute proper proceedings in any court of the state or of the United
100 States to restrain and enjoin corporations organized under the laws of this or any
101 other state or territory from acting illegally or in excess of their corporate powers or
102 contrary to public policy, and in proper cases forfeit their corporate franchises,
103 dissolve the corporations, and wind up their affairs;
- 104 (n) institute investigations for the recovery of all real or personal property that may have
105 escheated or should escheat to the state, and for that purpose, subpoena any persons
106 before any of the district courts to answer inquiries and render accounts concerning
107 any property, examine all books and papers of any corporations, and when any real or
108 personal property is discovered that should escheat to the state, institute suit in the
109 district court of the county where the property is situated for its recovery, and escheat
110 that property to the state;
- 111 (o) administer the Children's Justice Center as a program to be implemented in various
112 counties pursuant to Sections 67-5b-101 through 67-5b-107;
- 113 (p) assist the Constitutional Defense Council as provided in Title 63C, Chapter 4a,
114 Constitutional and Federalism Defense Act;
- 115 (q) pursue any appropriate legal action to implement the state's public lands policy
116 established in Section 63C-4a-103;
- 117 (r) investigate and prosecute violations of all applicable state laws relating to fraud in
118 connection with the state Medicaid program and any other medical assistance
119 program administered by the state, including violations of Title 26B, Chapter 3, Part
120 11, Utah False Claims Act;
- 121 (s) investigate and prosecute complaints of abuse, neglect, or exploitation of patients:
122 (i) in health care facilities that receive payments under the state Medicaid program;
123 (ii) in board and care facilities, as defined in the federal Social Security Act, 42
124 U.S.C. Sec. 1396b(q)(4)(B), regardless of the source of payment to the board and
125 care facility; and
126 (iii) who are receiving medical assistance under the Medicaid program as defined in
127 Section 26B-3-101 in a noninstitutional or other setting;
- 128 (t)(i) report at least twice per year to the Legislative Management Committee on any
129 pending or anticipated lawsuits, other than eminent domain lawsuits, that might:
130 (A) cost the state more than \$500,000; or

- 131 (B) require the state to take legally binding action that would cost more than
132 \$500,000 to implement; and
- 133 (ii) if the meeting is closed, include an estimate of the state's potential financial or
134 other legal exposure in that report;
- 135 (u)(i) submit a written report to the committees described in Subsection (1)(u)(ii) that
136 summarizes any lawsuit or decision in which a court or the Office of the Attorney
137 General has determined that a state statute is unconstitutional or unenforceable
138 since the attorney general's last report under this Subsection (1)(u), including any:
- 139 (A) settlements reached;
- 140 (B) consent decrees entered;
- 141 (C) judgments issued;
- 142 (D) preliminary injunctions issued;
- 143 (E) temporary restraining orders issued; or
- 144 (F) formal or informal policies of the Office of the Attorney General to not
145 enforce a law; and
- 146 (ii) at least 30 days before the Legislature's May and November interim meetings,
147 submit the report described in Subsection (1)(u)(i) to:
- 148 (A) the Legislative Management Committee;
- 149 (B) the Judiciary Interim Committee; and
- 150 (C) the Law Enforcement and Criminal Justice Interim Committee;
- 151 (v) if the attorney general operates the Office of the Attorney General or any portion of
152 the Office of the Attorney General as an internal service fund agency in accordance
153 with Section 67-5-4, submit to the rate committee established in Section 67-5-34:
- 154 (i) a proposed rate and fee schedule in accordance with Subsection 67-5-34(4); and
155 (ii) any other information or analysis requested by the rate committee;
- 156 (w) before the end of each calendar year, create an annual performance report for the
157 Office of the Attorney General and post the report on the attorney general's website;
- 158 (x) ensure that any training required under this chapter complies with Title 63G, Chapter
159 22, State Training and Certification Requirements;
- 160 (y) notify the legislative general counsel in writing within three business days after the
161 day on which the attorney general is officially notified of a claim, regardless of
162 whether the claim is filed in state or federal court, that challenges:
- 163 (i) the constitutionality of a state statute;
- 164 (ii) the validity of legislation; or

- 165 (iii) any action of the Legislature;
- 166 (z)(i) notwithstanding Title 63G, Chapter 6a, Utah Procurement Code, provide a
 167 special advisor to the Office of the Governor and the Office of the Attorney
 168 General in matters relating to Native American and tribal issues to:
- 169 (A) establish outreach to the tribes and affected counties and communities; and
 170 (B) foster better relations and a cooperative framework; and
- 171 (ii) annually report to the Executive Offices and Criminal Justice Appropriations
 172 Subcommittee regarding:
- 173 (A) the status of the work of the special advisor described in Subsection (1)(z)(i);
 174 and
 175 (B) whether the need remains for the ongoing appropriation to fund the special
 176 advisor described in Subsection (1)(z)(i);~~and~~
- 177 (aa)(i) enforce compliance with Title 63G, Chapter 31, Distinctions on the Basis of
 178 Sex, in accordance with Section 63G-31-401; and
- 179 (ii) report to the Legislative Management Committee, upon request, regarding the
 180 attorney general's enforcement under this Subsection (1)(aa)~~[-]~~ ;
- 181 (bb) ensure compliance with Title 53B, Chapter 27, Part 6, Student Legal Representation,
 182 by:
- 183 (i) establishing a process to track the number of complaints submitted by students;
 184 (ii) pursuing civil action to enforce statutory protections; and
 185 (iii) no later than November 1 each year, reporting to the Judiciary Interim
 186 Committee regarding the attorney general's enforcement under this Subsection [
 187 ~~(1)(aa)~~] (1)(bb); and
- 188 (cc) investigate complaints of a violation of Section 77-7-27, impermissible law
 189 enforcement quota prohibition, and report a substantiated violation to the State
 190 Commission on Criminal and Juvenile Justice under Section 63M-7-218.
- 191 (2)(a) The attorney general may require a district attorney or county attorney of the state
 192 to, upon request, report on the status of public business entrusted to the district or
 193 county attorney's charge.
- 194 (b) The attorney general may review investigation results de novo and file criminal
 195 charges, if warranted, in any case involving a first degree felony, if:
- 196 (i) a law enforcement agency submits investigation results to the county attorney or
 197 district attorney of the jurisdiction where the incident occurred and the county
 198 attorney or district attorney:

- 199 (A) declines to file criminal charges; or
200 (B) fails to screen the case for criminal charges within six months after the law
201 enforcement agency's submission of the investigation results; and
202 (ii) after consultation with the county attorney or district attorney of the jurisdiction
203 where the incident occurred, the attorney general reasonably believes action by the
204 attorney general would not interfere with an ongoing investigation or prosecution
205 by the county attorney or district attorney of the jurisdiction where the incident
206 occurred.
- 207 (c) If the attorney general decides to conduct a review under Subsection (2)(b), the
208 district attorney, county attorney, and law enforcement agency shall, within 14 days
209 after the day on which the attorney general makes a request, provide the attorney
210 general with:
- 211 (i) all information relating to the investigation, including all reports, witness lists,
212 witness statements, and other documents created or collected in relation to the
213 investigation;
- 214 (ii) all recordings, photographs, and other physical or digital media created or
215 collected in relation to the investigation;
- 216 (iii) access to all evidence gathered or collected in relation to the investigation; and
217 (iv) the identification of, and access to, all officers or other persons who have
218 information relating to the investigation.
- 219 (d) If a district attorney, county attorney, or law enforcement agency fails to timely
220 comply with Subsection (2)(c), the attorney general may seek a court order
221 compelling compliance.
- 222 (e) If the attorney general seeks a court order under Subsection (2)(d), the court shall
223 grant the order unless the district attorney, county attorney, or law enforcement
224 agency shows good cause and a compelling interest for not complying with
225 Subsection (2)(c).
- 226 (3) The attorney general:
- 227 (a) is a full-time employee of the state; and
228 (b) may not engage in the private practice of law.
- 229 Section 3. Section **77-7-27** is amended to read:
- 230 **77-7-27 . Impermissible law enforcement quota prohibition.**
- 231 (1) As used in this section:
- 232 (a) "Impermissible quota" mean any requirement or minimum standard regarding the

- 233 number or percentage of citations or arrests made by a law enforcement officer.
- 234 (b) "Law enforcement agency" means an entity of the state, or a political subdivision of
- 235 the state, that exists primarily to prevent and detect crime and enforce criminal laws,
- 236 statutes, or ordinances.
- 237 ~~[(b) "Law enforcement quota" means any requirement or minimum standard regarding~~
- 238 ~~the number or percentage of citations or arrests made by a law enforcement officer.]~~
- 239 (2) A political subdivision or law enforcement agency employing a peace officer may not:
- 240 (a) require or direct that a peace officer meet ~~[a law enforcement]~~ an impermissible quota;
- 241 (b) evaluate, promote, compensate, reward, or discipline a peace officer on the basis of
- 242 an impermissible quota; or
- 243 (c) transfer a peace officer from an employment assignment on the basis of an
- 244 impermissible quota.
- 245 (3) Subsection (2) does not prohibit a political subdivision or law enforcement agency from
- 246 including a peace officer's engagement with the community or enforcement activity,
- 247 including a metric based on the peace officer's interactions with members of the
- 248 community, as part of an overall determination of the peace officer's performance.
- 249 (4) The attorney general shall investigate an alleged violation of this section in accordance
- 250 with Section 67-5-1.

251 Section 4. **Effective Date.**

252 This bill takes effect on May 7, 2025.