

Part 3

Distribution of Amounts in Canine Body Armor Restricted Account

53-16-301 Commissioner to distribute amounts deposited into Canine Body Armor Restricted Account -- Procedures for distribution.

- (1) Subject to the other provisions of this section, the commissioner shall distribute amounts deposited into the restricted account in accordance with Section 53-16-201 to one or more law enforcement agencies.
- (2) A law enforcement agency that receives a distribution from the commissioner in accordance with Subsection (1) shall expend the distribution only to purchase canine body armor for one or more police service canines.
- (3) In accordance with any rules the department makes as authorized under Section 53-16-302, each year a law enforcement agency may apply to the commissioner to receive a distribution under this section by filing an application with the department:
 - (a) on or before November 1; and
 - (b) on a form provided by the department.
- (4) The application:
 - (a) shall include:
 - (i) information required by the department establishing that the law enforcement agency intends to expend the distribution to purchase canine body armor for one or more police service canines;
 - (ii) a written cost estimate prepared by the seller of the canine body armor of the cost of the canine body armor the law enforcement agency seeks to purchase;
 - (iii) information required by the department establishing that each police service canine for which the law enforcement agency seeks to purchase canine body armor:
 - (A) is owned by and in the possession of the law enforcement agency;
 - (B) is specially trained or is in training for law enforcement work;
 - (C) assists or will assist a law enforcement agency in the performance of law enforcement duties; and
 - (D) has been trained by or is training with a law enforcement officer who is qualified to train a police service canine; and
 - (iv) information required by the department establishing that the law enforcement agency has a vehicle to transport each police service canine for which the law enforcement agency seeks to purchase canine body armor; and
 - (b) may include other information the department requires by rule.
- (5) The department shall determine on or before the November 30 immediately following the November 1 described in Subsection (3) whether a law enforcement agency's application to the department meets the requirements of Subsection (4).
- (6) Subject to Subsections (7) and (8), the commissioner shall distribute money appropriated by the Legislature to the department from the restricted account to one or more law enforcement agencies that meet the requirements of Subsection (4):
 - (a) in a total amount that does not exceed the money appropriated by the Legislature to the department from the restricted account;
 - (b) on or before the December 31 immediately following the November 1 described in Subsection (3); and
 - (c) in an amount that for a calendar year for each law enforcement agency described in this Subsection (6) does not exceed the lesser of:

- (i) \$3,000; or
 - (ii) the amount listed on the written cost estimate described in Subsection (4)(a)(ii).
- (7) If the total amount of distributions law enforcement agencies seek under this section exceeds the money appropriated by the Legislature to the department from the restricted account, the commissioner shall make the distributions required by this section in the order of the date each law enforcement agency files the application required by Subsection (3) with the department until the appropriation from the restricted account is expended.
- (8) If the total amount of distributions the commissioner makes under Subsection (6) is less than the money appropriated by the Legislature to the department from the restricted account, the commissioner shall make an additional distribution to one or more law enforcement agencies:
- (a) that:
 - (i) meet the requirements of Subsection (4); and
 - (ii) provide a written cost estimate described in Subsection (4)(a)(ii) to the department that exceeds \$3,000;
 - (b) in an amount that for a calendar year for each law enforcement agency described in this Subsection (8) does not exceed the lesser of:
 - (i) \$3,000; or
 - (ii) the difference between the amount listed on the written cost estimate described in Subsection (4)(a)(ii) and \$3,000;
 - (c) in the order of the date each law enforcement agency files the application required by Subsection (3) with the department; and
 - (d) until the sooner of:
 - (i) the date each law enforcement agency described in this Subsection (8) receives an additional distribution of not to exceed the amount described in Subsection (8)(b); or
 - (ii) the date the appropriation from the restricted account is expended.
- (9) If a law enforcement agency that receives a distribution under this section does not expend the distribution to purchase canine body armor within 90 days after the date the law enforcement agency receives the distribution:
- (a) the law enforcement agency shall return the distribution to the department; and
 - (b) the department shall deposit the distribution a law enforcement agency returns in accordance with Subsection (9)(a) into the restricted account.

Enacted by Chapter 294, 2011 General Session

53-16-302 Department rulemaking authority.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules consistent with Section 53-16-301 prescribing information that a law enforcement agency shall include with an application under Section 53-16-301.

Enacted by Chapter 294, 2011 General Session