

**Effective 1/1/2025**

**Part 7**  
**Division of Law Enforcement**

**79-2-701 Definitions.**

As used in this part:

- (1) "Division" means the Division of Law Enforcement.
- (2) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- (3)
  - (a) "Natural resources officer" means a full-time, permanent employee of the division who is POST certified as a peace officer.
  - (b) "Natural resources officer" includes a wildlife officer, as that term is defined in Section 23A-2-502.
- (4) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13, Peace Officer Classifications.

Enacted by Chapter 80, 2024 General Session

**79-2-702 Division creation -- Purpose.**

- (1) There is created within the department a Division of Law Enforcement.
- (2) Subject to the priorities defined by the director, the primary function of the division is to enforce:
  - (a) Title 23A, Wildlife Resources Act;
  - (b) Title 41, Chapter 22, Off-highway Vehicles;
  - (c) Title 65A, Forestry, Fire, and State Lands;
  - (d) Title 73, Chapter 18, State Boating Act;
  - (e) this title; and
  - (f) an administrative rule enacted by an advisory board within any of the department's divisions.
- (3) The division shall coordinate with county sheriffs, police, and other law enforcement officers within a law enforcement jurisdiction the division operates to enforce this part.
- (4) This part does not limit or modify the powers and duties of other law enforcement officers in the state.

Enacted by Chapter 80, 2024 General Session

**79-2-703 Division director -- Qualifications -- Duties -- Special deputies.**

- (1) The director is the executive and administrative head of the division, appointed in accordance with Section 79-2-204.
- (2) The director shall demonstrate:
  - (a) experience as a sworn law enforcement officer; and
  - (b) law enforcement leadership ability.
- (3) The director shall:
  - (a) enforce the policies and rules of the department's divisions; and
  - (b) perform the duties necessary to:
    - (i) coordinate, prioritize, and direct the law enforcement needs of the divisions within the department;
    - (ii) properly care for and maintain any property under the jurisdiction of the division; and
    - (iii) carry out the purposes of this part.

- (4)
  - (a) The director may appoint an individual, on a temporary basis, as a special deputy.
  - (b) A special deputy may enforce this part and rules made under this part.
- (5) The director may deputize an individual who is a peace officer to assist the division on a seasonal or temporary basis.

Enacted by Chapter 80, 2024 General Session

**79-2-704 Powers and duties of division -- Enforcement authority -- Ability to initiate civil proceedings.**

- (1) An employee of the division who is a POST certified law enforcement officer:
  - (a) has all the powers of a law enforcement officer and natural resources officer in the state;
  - (b) may arrest and prosecute violators of any law of this state;
  - (c) has the same right as other peace officers to require aid in executing the peace officer's duties;
  - (d) may take wildlife in performance of official duties, in accordance with Section 23A-2-207;
  - (e) may protect property under the jurisdiction of the department or the department's divisions from misuse or damage;
  - (f) may preserve the peace on property under the jurisdiction of the department or the department's divisions;
  - (g) may serve criminal process; and
  - (h) may not serve civil process.
- (2) The powers and duties conferred upon the director and members of the division are supplementary to and not a limitation on the powers and duties of other peace officers in the state.
- (3) The division shall have the authority to initiate civil proceedings, in addition to criminal proceedings provided for in this part, to:
  - (a) recover damages;
  - (b) compel performance;
  - (c) compel substitution;
  - (d) restrain or enjoin;
  - (e) initiate any other appropriate action; and
  - (f) seek appropriate remedies in the division's capacity as the primary law enforcement authority for the department.

Enacted by Chapter 80, 2024 General Session

**79-2-705 Division authorized to enter into contracts and agreements.**

- (1) The division, with the approval of the executive director, may enter into contracts and agreements as needed to:
  - (a) support law enforcement operations for the department;
  - (b) improve and maintain the property under the jurisdiction of the division; and
  - (c) secure labor, quarters, materials, services, or facilities for the division according to procedures established by the Division of Finance.
- (2) All departments, agencies, officers, and employees of the state shall give to the division the consultation and assistance that the division may reasonably request.

Enacted by Chapter 80, 2024 General Session

**79-2-706 Aquatic Invasive Species Interdiction Account.**

- (1) There is created within the General Fund a restricted account known as the "Aquatic Invasive Species Interdiction Account."
- (2) The Aquatic Invasive Species Interdiction Account shall consist of:
  - (a) nonresident aquatic invasive species fees collected under Subsection 23A-10-304(2);
  - (b) resident aquatic invasive species fees collected under Subsection 23A-10-304(1); and
  - (c) other amounts deposited in the Aquatic Invasive Species Interdiction Account from donations, appropriations, contractual agreements, and accrued interest.
- (3) Upon appropriation, the division shall use the aquatic invasive species fees collected under Subsections 23A-10-304(1) and (2) and deposited in the Aquatic Invasive Species Account to fund aquatic invasive species prevention and containment efforts.

Renumbered and Amended by Chapter 80, 2024 General Session