

CORRECTIONAL OFFICER AMENDMENT

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Blake D. Chard

AN ACT RELATING TO THE UTAH CODE OF CRIMINAL PROCEDURE; REMOVING THE REFERENCE TO YOUTH CORRECTIONS FROM THE CORRECTIONAL OFFICER STATUTE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

77-1a-2, as last amended by Chapters 7 and 315, Laws of Utah 1997

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

Section 1. Section **77-1a-2** is amended to read:

77-1a-2. Correctional officer.

(1) (a) "Correctional officer" means an officer or employee of the Department of Corrections, [~~youth corrections,~~] any political subdivision of the state, or any private entity which contracts with the state or its political subdivisions to incarcerate inmates, who is charged with the primary duty of providing community protection.

(b) "Correctional officer" includes an individual assigned to carry out any of the following types of functions:

(i) controlling, transporting, supervising, and taking into custody of persons arrested or convicted of crimes;

(ii) supervising and preventing the escape of persons in state and local incarceration facilities; [~~and~~]

(iii) guarding and managing inmates and providing security and enforcement services at a correctional facility; and

(iv) employees of the Board of Pardons and Parole serving on or before September 1, 1993, whose primary responsibility is to prevent and detect crime, enforce criminal statutes, and provide security to the Board of Pardons and Parole, and who are designated by the Board of Pardons and Parole, approved by the commissioner of public safety, and certified by the Peace

Officer Standards and Training Division.

(2) (a) Correctional officers have peace officer authority only while engaged in the performance of their duties. The authority of correctional officers employed by the Department of Corrections is regulated by Title 64, Chapter 13, Department of Corrections -- State Prison.

(b) Correctional officers may carry firearms only if authorized by and under conditions specified by the director of the Department of Corrections or the chief law enforcement officer of the employing agency.

(3) (a) An individual may not exercise the authority of a correctional officer until the individual has satisfactorily completed a basic training program for correctional officers and the director of the Department of Corrections or the chief administrator of the employing agency has certified the completion of training to the director of Peace Officer Standards and Training.

(b) The Department of Corrections of the state or the employing agency, shall establish and maintain a corrections officer basic course and in-service training programs as approved by the director of Peace Officer Standards and Training, with the advice and consent of the Council on Peace Officer Standards and Training. The in-service training shall consist of no fewer than 40 hours per year, and shall be conducted by the agency's own staff or other agencies.

~~[(4) Employees of the Division of Youth Corrections or private entities that contract with the division are not required to comply with the provisions of this section until July 1, 1998.]~~