

1                                   **CORRECTIONAL OFFICER AMENDMENT**

2   1998 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Blake D. Chard**

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

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

9 AMENDS:

10           **77-1a-2**, as last amended by Chapters 7 and 315, Laws of Utah 1997

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

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

13           **77-1a-2. Correctional officer.**

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

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

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

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

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

26           (iv) employees of the Board of Pardons and Parole serving on or before September 1,  
27 1993, whose primary responsibility is to prevent and detect crime, enforce criminal statutes, and

1 provide security to the Board of Pardons and Parole, and who are designated by the Board of  
2 Pardons and Parole, approved by the commissioner of public safety, and certified by the Peace  
3 Officer Standards and Training Division.

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

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

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

14 (b) The Department of Corrections of the state or the employing agency, shall establish  
15 and maintain a corrections officer basic course and in-service training programs as approved by  
16 the director of Peace Officer Standards and Training, with the advice and consent of the Council  
17 on Peace Officer Standards and Training. The in-service training shall consist of no fewer than  
18 40 hours per year, and shall be conducted by the agency's own staff or other agencies.

19 [~~4~~ Employees of the Division of Youth Corrections or private entities that contract with  
20 the division are not required to comply with the provisions of this section until July 1, 1998.]

---

---

**Legislative Review Note**  
**as of 11-20-97 1:17 PM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Committee Note**

The Judiciary Interim Committee recommended this bill.