

TRANSIT SECURITY AMENDMENTS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill modifies the Utah Public Transit District Act **§→** and the Public Safety Code **←§**
by amending provisions related
to transit security.

Highlighted Provisions:

This bill:

- ▶ provides that a multicounty district may employ law enforcement officers or contract with other law enforcement agencies to provide law enforcement services, rather than employing security officers;
- ▶ provides that the jurisdiction for a law enforcement officer employed by a multicounty district is limited to transit facilities and transit vehicles;
- ▶ repeals limitations on duties and liability provisions for security officers employed by a multicounty district; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17A-2-1062, as last amended by Chapter 21, Laws of Utah 1999

§→ **53-13-103**, as last amended by Chapter 296, Laws of Utah 2001 **←§**



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29 *Be it enacted by the Legislature of the state of Utah:*30 Section 1. Section **17A-2-1062** is amended to read:31 **17A-2-1062. Multicounty district may employ or contract for law enforcement**
32 **officers -- Law enforcement officer status, powers, and jurisdiction.**33 (1) The governing body of a multicounty district may employ [security] law
34 enforcement officers or contract with [a private firm to supply security officers] other law
35 enforcement agencies to provide law enforcement services for the district.36 (2) [~~Each security~~] A law enforcement officer employed or [supplied] provided by
37 contract under Subsection (1) is a [~~special function~~] law enforcement officer under Section
38 [~~53-13-105~~] 53-13-103 and shall be subject to the provisions of that section.39 [~~(3) The duties of a security officer under this section include:~~]40 [~~(a) issuing a citation for a violation of Subsection 17A-2-1061(1);~~]41 [~~(b) enforcing the district's parking ordinance under Subsection 17A-2-1061(3);~~]42 [~~(c) detaining a person committing a felony or misdemeanor at a transit facility until~~
43 ~~law enforcement authorities arrive, if the security officer has probable cause to believe that the~~
44 ~~person committed a felony or misdemeanor; and]~~45 [~~(d) security functions respecting transit facilities and preserving the security, peace,~~
46 ~~and safety of persons using transit facilities.]~~47 [~~(4) A person may not recover damages in an action based on a claim related to a~~
48 ~~security officer's conduct if:~~]49 [~~(a) the security officer had probable cause to believe that the person had committed a~~
50 ~~felony or misdemeanor at a transit facility; and]~~51 [~~(b) the security officer acted reasonably under the circumstances.]~~52 (3) Subject to the provisions of Section 53-13-103, the jurisdiction of a law
53 enforcement officer employed under this section is limited to transit facilities and transit
54 vehicles.54a **§→ Section 2. Section 53-13-103 is amended to read:**54b **53-13-103. Law enforcement officer.**54c (1) (a) "Law enforcement officer" means a sworn and certified peace officer who is an
54d employee of a law enforcement agency that is part of or administered by the state or any of its political
54e subdivisions, and whose primary and principal duties consist of the prevention and detection of crime
54f and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.

54g (b) "Law enforcement officer" specifically includes the following:

54h (i) any sheriff or deputy sheriff, chief of police, police officer, or marshal of any county, ←§

54i **§→ city, or town;**

54j **(ii) the commissioner of public safety and any member of the Department of Public Safety certified**
 54k **as a peace officer;**

54l **(iii) all persons specified in Sections 23-20-1.5 and 63-11-17.2;**

54m **(iv) any police officer employed by any college or university;**

54n **(v) investigators for the Motor Vehicle Enforcement Division;**

54o **(vi) special agents or investigators employed by the attorney general, district attorneys, and county**
 54p **attorneys;**

54q **(vii) employees of the Department of Natural Resources designated as peace officers by law;**

54r **(viii) school district police officers as designated by the board of education for the school district;**

54s **(ix) the executive director of the Department of Corrections and any correctional enforcement or**
 54t **investigative officer designated by the executive director and approved by the commissioner of public safety**
 54u **and certified by the division;**

54v **(x) correctional enforcement, investigative, or adult probation and parole officers employed by the**
 54w **Department of Corrections serving on or before July 1, 1993;**

54x **(xi) members of a law enforcement agency established by a private college or university provided**
 54y **that the college or university has been certified by the commissioner of public safety according to rules of the**
 54z **Department of Public Safety; [and]**

54aa **(xii) airport police officers of any airport owned or operated by the state or any of its political**
 54ab **subdivisions [-] ; and**

54ac **(xiii) transit police officers designated under Section 17A-2-1062.**

54ad **(2) Law enforcement officers may serve criminal process and arrest violators of any law of this state**
 54ae **and have the right to require aid in executing their lawful duties.**

54af **(3) (a) A law enforcement officer has statewide full-spectrum peace officer authority, but the**
 54ag **authority extends to other counties, cities, or towns only when the officer is acting under Title 77, Chapter 9,**
 54ah **Uniform Act on Fresh Pursuit, unless the law enforcement officer is employed by the state.**

54ai **(b) (i) A local law enforcement agency may limit the jurisdiction in which its law enforcement**
 54aj **officers may exercise their peace officer authority to a certain geographic area.**

54ak **(ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise his authority**
 54al **outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act on Fresh Pursuit, if the**
 54am **officer is pursuing an offender for an offense that occurred within the limited geographic area.**

54an **(c) The authority of law enforcement officers employed by the Department of Corrections is**
 54ao **regulated by Title 64, Chapter 13, Department of Corrections -- State Prison.**

54ap **(4) A law enforcement officer shall, prior to exercising peace officer authority, satisfactorily**
 54aq **complete: ←§**



- 54ar** **§→** (a) the basic course at a certified law enforcement officer training academy or pass a certification
54as examination as provided in Section 53-6-206, and be certified; and
54at (b) annual certified training of at least 40 hours per year as directed by the director of the division,
54au with the advice and consent of the council. **←§**

Legislative Review Note

as of 2-1-06 11:30 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0256

Transit Security Amendments

07-Feb-06

3:15 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst