

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

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

31 Section 1. Section **17A-2-1062** is amended to read:

32 **17A-2-1062. Multicounty district may employ or contract for law enforcement**
33 **officers -- Law enforcement officer status, powers, and jurisdiction.**

34 (1) The governing body of a multicounty district may employ [security] law
35 enforcement officers or contract with [a private firm to supply security officers] other law
36 enforcement agencies to provide law enforcement services for the district.

37 (2) [~~Each security~~] A law enforcement officer employed or [~~supplied~~] provided by
38 contract under Subsection (1) is a [~~special function~~] law enforcement officer under Section
39 [~~53-13-105~~] 53-13-103 and shall be subject to the provisions of that section.

40 [~~(3) The duties of a security officer under this section include:]~~

41 [~~(a) issuing a citation for a violation of Subsection 17A-2-1061(1);~~]

42 [~~(b) enforcing the district's parking ordinance under Subsection 17A-2-1061(3);~~]

43 [~~(c) detaining a person committing a felony or misdemeanor at a transit facility until~~
44 ~~law enforcement authorities arrive, if the security officer has probable cause to believe that the~~
45 ~~person committed a felony or misdemeanor; and]~~

46 [~~(d) security functions respecting transit facilities and preserving the security, peace,~~
47 ~~and safety of persons using transit facilities.]~~

48 [~~(4) A person may not recover damages in an action based on a claim related to a~~
49 ~~security officer's conduct if:]~~

50 [~~(a) the security officer had probable cause to believe that the person had committed a~~
51 ~~felony or misdemeanor at a transit facility; and]~~

52 [~~(b) the security officer acted reasonably under the circumstances.]~~

53 (3) Subject to the provisions of Section 53-13-103, the jurisdiction of a law
54 enforcement officer employed under this section is limited to transit facilities and transit
55 vehicles.

56 Section 2. Section **53-13-103** is amended to read:

57 **53-13-103. Law enforcement officer.**

58 (1) (a) "Law enforcement officer" means a sworn and certified peace officer who is an
59 employee of a law enforcement agency that is part of or administered by the state or any of its
60 political subdivisions, and whose primary and principal duties consist of the prevention and
61 detection of crime and the enforcement of criminal statutes or ordinances of this state or any of
62 its political subdivisions.

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

64 (i) any sheriff or deputy sheriff, chief of police, police officer, or marshal of any
65 county, city, or town;

66 (ii) the commissioner of public safety and any member of the Department of Public
67 Safety certified as a peace officer;

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

69 (iv) any police officer employed by any college or university;

70 (v) investigators for the Motor Vehicle Enforcement Division;

71 (vi) special agents or investigators employed by the attorney general, district attorneys,
72 and county attorneys;

73 (vii) employees of the Department of Natural Resources designated as peace officers
74 by law;

75 (viii) school district police officers as designated by the board of education for the
76 school district;

77 (ix) the executive director of the Department of Corrections and any correctional
78 enforcement or investigative officer designated by the executive director and approved by the
79 commissioner of public safety and certified by the division;

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

82 (xi) members of a law enforcement agency established by a private college or
83 university provided that the college or university has been certified by the commissioner of
84 public safety according to rules of the Department of Public Safety; ~~and~~

85 (xii) airport police officers of any airport owned or operated by the state or any of its

86 political subdivisions[-]; and

87 (xiii) transit police officers designated under Section 17A-2-1062.

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

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

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

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

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

102 (4) A law enforcement officer shall, prior to exercising peace officer authority,
103 satisfactorily complete:

104 (a) the basic course at a certified law enforcement officer training academy or pass a
105 certification examination as provided in Section 53-6-206, and be certified; and

106 (b) annual certified training of at least 40 hours per year as directed by the director of
107 the division, with the advice and consent of the council.