

59 (b) The costs of the background check and investigation shall be borne by the applicant
60 or the applicant's employing agency.

61 ~~[(i) Conviction of any offense not serious enough to be covered under Subsection~~
62 ~~(1)(d), involving dishonesty, unlawful sexual conduct, physical violence, or the unlawful use,~~
63 ~~sale, or possession for sale of a controlled substance is an indication that an applicant may not~~
64 ~~be of good moral character and may be grounds for denial of certification or refusal to give a~~
65 ~~certification examination.]~~

66 ~~[(ii) An applicant may be allowed to take a certification examination provisionally,~~
67 ~~pending completion of any background check or investigation required by this~~
68 ~~Subsection (2)(b).]~~

69 (3) (a) Notwithstanding Title 77, Chapter 40, Utah Expungement Act, regarding
70 expungements, or a similar statute or rule of any other jurisdiction, any conviction obtained in
71 this state or other jurisdiction, including a conviction that has been expunged, dismissed, or
72 treated in a similar manner to either of these procedures, may be considered for purposes of this
73 section.

74 (b) Subsection (3)(a) applies to convictions entered both before and after May 1, 1995.

75 (4) Any background check or background investigation performed pursuant to the
76 requirements of this section shall be to determine eligibility for admission to training programs
77 or qualification for certification examinations and may not be used as a replacement for any
78 background investigations that may be required of an employing agency.

79 (5) An applicant is considered to be of good moral character under Subsection (1)(e) if
80 the applicant has not engaged in conduct that would be a violation of Subsection 53-6-309(1)

81 ~~↔~~ [or (2)] ~~↔~~ .

82 Section 2. Section **53-6-304** is amended to read:

83 **53-6-304. Waiver of training course requirement.**

84 (1) The director may waive the required basic dispatcher training course and certify an
85 applicant who:

86 (a) provides evidence that the applicant meets the requirements under Section
87 53-6-302, relating to qualifications for admission to the training course;

88 (b) provides evidence that the applicant has completed a basic dispatcher training
89 program that, in the director's judgment, is equivalent to the course required for certification

121 (b) If a dispatcher fails to satisfactorily complete the annual training, the dispatcher's
122 certificate shall be suspended until any deficiency in the annual training is remedied.

123 Section 4. Section **53-6-309** is repealed and reenacted to read:

124 **53-6-309. Suspension or revocation of certification -- Right to a hearing --**
125 **Grounds -- Notice to employer -- Reporting.**

126 (1) The council has authority to suspend or revoke the certification of a dispatcher, if
127 the dispatcher:

128 (a) willfully falsifies any information to obtain certification;

129 (b) has any physical or mental disability affecting the dispatcher's ability to perform
130 duties;

131 (c) is addicted to alcohol or any controlled substance, unless the dispatcher reports the
132 addiction to the employer and to the director as part of a departmental early intervention
133 process;

134 (d) engages in conduct that is a state or federal criminal offense, but not including a
135 traffic offense that is a class C misdemeanor or infraction;

136 (e) refuses to respond, or fails to respond truthfully, to questions after having been
137 issued a warning ~~H~~→ [issued] ←~~H~~ based on Garrity v. New Jersey, 385 U.S. 493 (1967); or

138 (f) engages in sexual conduct while on duty.

139 (2) The council may not suspend or revoke the certification of a dispatcher for a
140 violation of the employing agency's policies, general orders, or guidelines of operation that do
141 not amount to a cause of action under Subsection (1).

142 (3) (a) The division is responsible for investigating dispatchers who are alleged to have
143 engaged in conduct in violation of Subsection (1).

144 (b) The division shall initiate all adjudicative proceedings under this section by
145 providing to the dispatcher involved notice and an opportunity for a hearing before an
146 administrative law judge.

147 (c) All adjudicative proceedings under this section are civil actions, notwithstanding
148 whether the issue in the adjudicative proceeding is a violation of statute that may be prosecuted
149 criminally.

150 (d) (i) The burden of proof on the division in an adjudicative proceeding under this
151 section is by clear and convincing evidence.