

PRIVATE SECURITY SERVICES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Keith Grover

LONG TITLE

General Description:

This bill modifies the Security Personnel and Licensing Act and the Public Safety Code regarding peace officers.

Highlighted Provisions:

This bill:

► requires that law enforcement agencies establish a written policy regarding peace officers working as security officers while off-duty ~~§~~→ **including the issue of financial responsibility** ←~~§~~ ;

► requires that law enforcement agencies provide written authorization for a peace officer to work while off-duty as a security officer; and

► requires that the employer of the off-duty officer comply with state and federal income reporting and withholding requirements.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-63-304, as last amended by Laws of Utah 2008, Chapter 382

ENACTS:

53-13-114, Utah Code Annotated 1953

S.B. 92



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

Section 1. Section **53-13-114** is enacted to read:

53-13-114. Off-duty peace officer working as a security officer.

A peace officer may engage in off-duty employment as a security officer under Section 58-63-304 only if:

(1) the law enforcement agency employing the peace officer has a written policy regarding peace officer employees working while off-duty as security officers;

(2) the agency's chief administrative officer, or that officer's designee, provides written authorization for an off-duty peace officer to work as a security officer; and

(3) the business or entity employing the off-duty peace officer to work as a security officer complies with state and federal income reporting and withholding requirements regarding the off-duty officer's wages.

Section 2. Section **58-63-304** is amended to read:

58-63-304. Exemptions from licensure.

(1) In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in acts regulated under this chapter without being licensed under this chapter:

(a) a peace officer employed by or licensed as a contract security company, as provided in Subsection (2); and

(b) a person employed by a contract security company for the sole purpose of operating or staffing security apparatus, including a magnetometer, magnetometer wand, x-ray viewing device, or other device approved by rule of the division.

(2) A peace officer may only engage in off-duty employment as a security officer if:

(a) the law enforcement agency employing the peace officer has a written policy regarding peace officer employees working while off-duty as a security officer ~~§~~ and the policy shall address the issue of financial responsibility ~~←~~§ :

(b) the agency's chief administrative officer, or that officer's designee, provides written authorization for an off-duty peace officer to work as a security officer; and

(c) the business or entity employing the off-duty peace officer to work as a security officer complies with state and federal income reporting and withholding requirements regarding the off-duty officer's wages.

59 [~~2~~] (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
60 Act, the division may make rules approving security apparatus under Subsection (1)(b).

Legislative Review Note
as of 2-2-11 1:14 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 92

SHORT TITLE: **Private Security Services**

SPONSOR: **Dayton, M.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.