

**Representative Richard A. Greenwood** proposes the following substitute bill:

**PEACE OFFICER STANDARDS AND TRAINING AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Richard A. Greenwood**

Senate Sponsor: Daniel W. Thatcher

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**LONG TITLE**

**General Description:**

This bill modifies the Public Safety Code regarding Peace Officer Standards and Training certification.

**Highlighted Provisions:**

This bill:

- ▶ modifies the membership of the Peace Officer Standards and Training Council by replacing one position to be filled by an officer from the Federal Bureau of Investigation with an additional at large position, appointed by the Governor; and
- ▶ requires that an applicant for peace officer certification who requests a waiver of the peace officer training course must provide proof of either of the following during the past four years:
  - the applicant completed the basic peace officer training program for which the applicant is seeking credit; or
  - the applicant was actively engaged in performing the duties of a peace officer.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53-6-106**, as last amended by Laws of Utah 2010, Chapter 286

29 **53-6-206**, as repealed and reenacted by Laws of Utah 2011, Chapter 58

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

32 Section 1. Section **53-6-106** is amended to read:

33 **53-6-106. Creation of Peace Officer Standards and Training Council -- Purpose --**  
34 **Membership -- Quorum -- Meetings -- Compensation.**

35 (1) There is created the Peace Officer Standards and Training Council.

36 (2) The council shall serve as an advisory board to the director of the division on  
37 matters relating to peace officer and dispatcher standards and training.

38 (3) The council includes:

39 (a) the attorney general or his designated representative;

40 (b) the superintendent of the highway patrol;

41 (c) the executive director of the Department of Corrections or his designated  
42 representative; and

43 (d) 14 additional members appointed by the governor having qualifications,  
44 experience, or education in the field of law enforcement as follows:

45 (i) one incumbent mayor;

46 (ii) one incumbent county commissioner;

47 (iii) three incumbent sheriffs, one of whom is a representative of the Utah Sheriffs  
48 Association, one of whom is from a county having a population of 100,000 or more, and one of  
49 whom is from a county having a population of less than 100,000;

50 (iv) three incumbent police chiefs, one of whom is a representative of the Utah Chiefs  
51 of Police Association, one of whom is from a city of the first or second class, and one of whom  
52 is from a city of the third, fourth, or fifth class or town;

53 [~~(v)~~] ~~one officer from the Federal Bureau of Investigation appointed by the governor~~  
54 ~~upon the recommendation of the agency;~~

55 [~~(vi)~~] (v) a representative of the Utah Peace Officers Association;

56 [~~(vii)~~] (vi) an educator in the field of public administration, criminal justice, or related

57 area; and

58 [~~viii) three~~] (vii) four persons selected at large by the governor.

59 (4) (a) Except as required by Subsection (4)(b), the 14 members of the council shall be  
60 appointed by the governor for four-year terms.

61 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
62 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
63 council members are staggered so that approximately half of the council is appointed every two  
64 years.

65 (c) A member may be reappointed for additional terms.

66 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
67 appointed for the unexpired term by the governor from the same category in which the vacancy  
68 occurs.

69 (5) A member of the council ceases to be a member:

70 (a) immediately upon the termination of his holding the office or employment that was  
71 the basis for his eligibility to membership on the council; or

72 (b) upon two unexcused absences in one year from regularly scheduled council  
73 meetings.

74 (6) The council shall select a chair and vice chair from among its members.

75 (7) Ten members of the advisory council constitute a quorum.

76 (8) (a) Meetings may be called by the chair, the commissioner, or the director and shall  
77 be called by the chair upon the written request of nine members.

78 (b) Meetings shall be held at the times and places determined by the director.

79 (9) The council shall meet at least two times per year.

80 (10) A member may not receive compensation or benefits for the member's service, but  
81 may receive per diem and travel expenses in accordance with:

82 (a) Section 63A-3-106;

83 (b) Section 63A-3-107; and

84 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
85 63A-3-107.

86 (11) Membership on the council does not disqualify any member from holding any  
87 other public office or employment.

88 Section 2. Section **53-6-206** is amended to read:

89 **53-6-206. Waiver of training course requirement.**

90 (1) The [~~director~~] division may waive the required basic peace officer training course  
91 and certify an applicant who:

92 (a) provides proof that the applicant meets the requirements under Section 53-6-203  
93 relating to qualifications for admission to the training course;

94 (b) provides proof that the applicant has completed a basic peace officer training  
95 program that, [~~in the director's judgment~~] the division determines, is equivalent to the course  
96 required for certification under this part;

97 (c) passes the certification examination; [~~and~~]

98 (d) passes a physical fitness test[-]; and

99 (e) provides proof that within the previous four years the applicant either:

100 (i) completed the basic peace officer training program for which the applicant is  
101 seeking credit; or

102 (ii) was actively engaged in performing the duties of a peace officer.

103 (2) A waiver applicant may not exercise peace officer authority until all waiver process  
104 requirements have been met and the applicant has been certified.

105 (3) If an applicant fails the examination under Subsection (1)(c), the [~~director~~] division  
106 may not waive the required basic peace officer training course and the applicant shall comply  
107 with all of the requirements in Subsection 53-6-205(1) to be certified as a peace officer in Utah.