

HB0252S01 compared with HB0252

~~{deleted text}~~ shows text that was in HB0252 but was deleted in HB0252S01.

inserted text shows text that was not in HB0252 but was inserted into HB0252S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

~~{POST-CERTIFICATION WAIVERS}~~ Representative 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: _____

LONG TITLE

General Description:

This bill modifies the Public Safety Code regarding Peace Officer Standards and Training certification~~{ as a peace officer }~~.

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 ~~{ be able to lawfully possess a firearm, in addition to complying with the current waiver requirements }~~ provide proof of either of the following during the past four years:

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- 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

Utah Code Sections Affected:

AMENDS:

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

53-6-206, as repealed and reenacted by Laws of Utah 2011, Chapter 58

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

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

53-6-106. Creation of Peace Officer Standards and Training Council -- Purpose --

Membership -- Quorum -- Meetings -- Compensation.

- (1) There is created the Peace Officer Standards and Training Council.
- (2) The council shall serve as an advisory board to the director of the division on matters relating to peace officer and dispatcher standards and training.
- (3) The council includes:
 - (a) the attorney general or his designated representative;
 - (b) the superintendent of the highway patrol;
 - (c) the executive director of the Department of Corrections or his designated representative; and
 - (d) 14 additional members appointed by the governor having qualifications, experience, or education in the field of law enforcement as follows:
 - (i) one incumbent mayor;
 - (ii) one incumbent county commissioner;
 - (iii) three incumbent sheriffs, one of whom is a representative of the Utah Sheriffs Association, one of whom is from a county having a population of 100,000 or more, and one of whom is from a county having a population of less than 100,000;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) A member may not receive compensation or benefits for the member's service, but

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may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

63A-3-107.

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

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

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

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

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

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

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

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

~~(e) is not restricted from possessing a firearm under Section 76-10-503 or federal law~~ provides proof that within the previous four years the applicant either:

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

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

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

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

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Legislative Review Note

~~as of 12-27-11 1:17 PM~~

~~Office of Legislative Research and General Counsel}~~