



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
P.O. BOX 145030 • SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

February 12, 2013

Madam Speaker:

The Law Enforcement and Criminal Justice Committee recommends **H.B. 213, PEACE OFFICER STANDARDS AND TRAINING AMENDMENTS**, by Representative R. Greenwood, be replaced and reports a favorable recommendation on **1st Sub. H.B. 213, PEACE OFFICER STANDARDS AND TRAINING AMENDMENTS** with the following amendments:

1. *Page 2, Lines 37 through 51:*

- 37 (1) Before being accepted for admission to the training programs conducted by a
38 certified academy, and before being allowed to take a certification examination, each
applicant
39 for admission or certification examination shall meet the following requirements:
40 (a) be a United States citizen;
41 (b) be at least 21 years old at the time of appointment as a peace officer;
42 (c) be a high school graduate or furnish evidence of successful completion of an
43 examination indicating an equivalent achievement;
44 (d) have not been convicted of a crime for which the applicant could have been
45 punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary
of
46 this or another state;
47 (e) have demonstrated good moral character, as determined by a background
48 investigation; ~~{+}~~ and ~~{+}~~
49 (f) be free of any physical, emotional, or mental condition that might adversely affect
50 the performance of the applicant's duties as a peace officer ~~{+}~~ . ~~{+}~~ ~~{+ and~~
51 ~~—(g) be eligible to possess a firearm under state law.—~~

2. *Page 3, Lines 67 through 69:*

- 67 (5) An applicant shall be considered to be of good moral character under Subsection
68 (1)(e) if the applicant has not engaged in conduct that would be a violation of Subsection
69 53-6-211(1). =

(6) An applicant seeking certification as a law enforcement officer, as defined in Section 53-13-103, shall be qualified to possess a firearm under state and federal

Bill Number



HB0213S01

Action Class



H

Action Code



HCRSUBAMD

law.

3. Page 3, Line 73 through Page 4, Line 88:

- 73 (1) The council has authority to suspend or revoke the certification of a peace officer,
if
74 the peace officer:
75 (a) willfully falsifies any information to obtain certification;
76 (b) has any physical or mental disability affecting the peace officer's ability to
perform
77 duties;
78 (c) is addicted to alcohol or any controlled substance, unless the peace officer reports
79 the addiction to the employer and to the director as part of a departmental early
intervention
80 process;
81 (d) engages in conduct which is a state or federal criminal offense, but not including
a
82 traffic offense that is a class C misdemeanor or infraction;
83 (e) refuses to respond, or fails to respond truthfully, to questions after having been
84 issued a warning issued based on Garrity v. New Jersey, 385 U.S. 493 (1967);
85 (f) engages in sexual conduct while on duty; or
86 (g) is certified as a law enforcement officer, as defined in Section 53-13-103,
and is unable to possess a firearm under state or federal law.
87 [~~(g) is dismissed from the armed forces of the United States under dishonorable~~
88 ~~conditions.~~]

Respectfully,

Curtis Oda
Committee Chair

Voting: 9-0-2

7 HB0213.HC1.WPD 2/12/13 4:58 pm nbrady/NWB AKJ/MDA

Bill Number



HB0213S01

Action Class



H

Action Code



HCRSUBAMD