

1st Sub. H.B. 213

PEACE OFFICER STANDARDS AND TRAINING AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

FEBRUARY 12, 2013 9:07 AM

Representative **Richard A. Greenwood** proposes 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 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:]~~