



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

March 7, 2014

Madam Speaker:

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 433**, PEACE OFFICER MERIT AMENDMENTS, by Representative B. Dee, with the following amendments:

1. *Page 7, Lines 190 through 192:*

190 (1) The appointing authority of a county or police interlocal
 ~~{agency}~~ entity subject to this
191 chapter that regularly employs one or more peace officers shall:
192 (a) appoint a peace officer with the advice and consent of the county legislative
 body **or police interlocal entity governing body** .

2. *Page 7, Line 201:*

201 (3) A peace officer appointed ~~{on or after}~~ before May 13, 2014, is
 considered to have been

3. *Page 11, Lines 330 through 331:*

330 (1) In accordance with this section and rules adopted by the commission, an
 applicant
331 ~~{is}~~ may be disqualified if the applicant:

4. *Page 12, Lines 341 through 342:*

341 (4) An applicant may file a written appeal regarding the application process with the
342 commission **at any time before the date of the exam** .

5. *Page 13, Lines 385 through 386:*

385 (1) A peace officer appointed under Section ~~{17-30a-402}~~

Bill Number



HB0433

Action Class



H

Action Code



HCRAMD

-} 17-30a-306 shall serve a probationary
386 period of 12 consecutive months, during which time the officer may be discharged at the
sole

6. *Page 15, Lines 432 through 433:*

432 (2) A merit system officer may be **voluntarily** reassigned, including to another
class and grade, in
433 accordance with rules adopted by the commission.

7. *Page 16, Lines 475 through 477:*

475 For merit system officers, provisions regarding vacation, sick, other leave, or any
other
476 employment condition or benefit not covered by this chapter shall be established by :
(a) applicable
477 law {or by} :
(b) county ordinance or regulation ; or
(c) police interlocal entity rule or regulation .

8. *Page 16, Line 479 through Page 17, Line 496:*

479 17-30a-314. Prohibitions against political activities -- Penalties.
480 {~~(1) (a) As used in this Subsection (1), "person" means:~~
481 ~~(i) an employee of a department;~~
482 ~~(ii) a member of a department governing body;~~
483 ~~(iii) an appointing authority;~~
484 ~~(iv) a merit system officer; and~~
485 ~~(v) a peace officer;~~
486 ~~(b) A person is guilty of a misdemeanor if the person appoints, promotes,~~
~~transfers,~~
487 ~~demotes, suspends, discharges, or changes the amount of compensation of a merit~~
~~system~~
488 ~~officer;~~
489 ~~(c) A person is guilty of a misdemeanor if the person seeks, aids, abets, promises~~



or
490 threatens the appointment, promotion, transfer, demotion, suspension, discharge, or
change in
491 the amount of compensation as a condition or result of a merit system officer giving,
492 withholding, or neglecting to make a contribution to or provide service for a political
purpose.
493 —(d) Except as provided in Subsection (2), a person is guilty of a misdemeanor if
the
494 person solicits, directly or indirectly, a contribution or service for a political purpose
from a
495 merit system officer.}

(1)(a) An officer, employee, or member of a governing body of a county or a
police interlocal entity, whether elected or appointed, may not directly or indirectly
coerce, command, or advise a merit system officer to pay, lend, or contribute part of
the officer's salary or compensation or anything else of value to a party, committee,
organization, agency, or person for political purpose.

(b) A county or police interlocal entity officer, employee, or member of a
governing body, whether elected or appointed, may not make or attempt to make a
merit system officer's personnel status dependent upon the officer's support or lack of
support for a political party, committee, organization, agency, or person engaged in a
political activity.

496 (2) Subsection (1) ~~{(d)}~~ does not apply to political speeches or use of mass

9. Page 18, Lines 541 through 543:

541 (5) The commission may hear appeals regarding demotion, reduction in pay,
542 suspension, or discharge of a merit system officer for any cause provided in Section
543 ~~{17-30a-313}~~ 17-30a-402 .

10. Page 19, Lines 564 through 565:

564 (11) In resolving an appeal, the commission may sustain ~~{or}~~ , modify, or
vacate a decision of the
565 appointing authority.

Bill Number



HB0433

Action Class



H

Action Code



HCRAMD

11. Page 19, Lines 569 through 579:

569 17-30a-404. Appeal to {~~district court~~} Court of Appeals -- Scope of
review.
570 {~~(1) A party may appeal to the district court the commission's final decision~~
~~regarding~~
571 ~~disciplinary charges under Section 17-30a-403:~~
572 ~~—(2) (a) The court:~~
573 ~~—(i) shall conduct its review on the record of the hearing held by the commission;~~
~~and~~
574 ~~—(ii) may affirm or overturn the ruling:~~
575 ~~—(b) The district court shall overturn the commission only if the commission's~~
~~decision~~
576 ~~is arbitrary or capricious:~~
577 ~~—(3) An appeal to the district court shall be made within 30 days after the~~
~~commission's~~
578 ~~written decision.}~~
(1) A person may appeal a final action or order of the commission to the Court
of Appeals for review.
(2) A person shall file a notice of appeal within 30 days of the issuance of the
final action or order of the commission.
(3) The Court of Appeals shall base its review on the record of the commission
and for the purpose of determining if the commission has abused its discretion or
exceeded its authority.
579 Section 32. Section **17-30a-501** is enacted to read:

Respectfully,

Curtis Oda
Committee Chair

Voting: 6-0-5

3 HB0433.HC1.WPD 3/7/14 10:05 am nbrady/NWB VA/JTW

Bill Number



HB0433

Action Class



H

Action Code



HCRAMD