

**DRILL STATUS TRAVEL AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val L. Peterson**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill amends the privilege from arrest or citation exceptions for members of the National Guard.

**Highlighted Provisions:**

This bill:

- ▶ limits the privilege from arrest by civil authorities during certain conditions requiring a member of the National Guard's presence;
- ▶ includes traveling to and from locations related to orders for a prompt response; and
- ▶ modifies the penalties for which a member of the National Guard can be arrested or cited when responding to orders for a prompt response.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**39-1-54**, as repealed and reenacted by Laws of Utah 1988, Chapter 210

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

Section 1. Section **39-1-54** is amended to read:



28 **39-1-54. Privilege from arrest or citation -- Exceptions.**

29 (1) ~~[The members]~~ A member of the National Guard [are] is privileged from arrest or  
30 citation by civil authorities [during their attendance at drill parades or encampments, or in  
31 going to and returning from any of these activities.]:

32 (a) during military formations, exercises, mobilizations, or other duty when exigent,  
33 perilous, emergency, or similar circumstances require the member ~~H→~~ ' ~~←H~~ s presence; and

34 (b) while traveling to and from military duty locations when exigent, perilous,  
35 emergency, or similar circumstances require the member ~~H→~~ ' ~~←H~~ s presence.

36 (2) This privilege does not extend to arrest or citation for:

37 (a) treason;

38 (b) any ~~H→~~ class A misdemeanor or ~~←H~~ felony;

39 (c) breach of the peace; or

40 (d) operation of a vehicle in a reckless manner or while under the influence of any drug  
41 or alcohol~~[; or]~~.

42 ~~[(e) offenses which under state law are class A misdemeanors or greater.]~~

**Legislative Review Note**  
as of 1-16-15 9:57 AM

**Office of Legislative Research and General Counsel**