

1 **LAW ENFORCEMENT TRACKING AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Eric K. Hutchings**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions relating to a law enforcement agency's report of a
10 reportable incident.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ amends the definition of terms to include the deployment of an armored vehicle in
14 the definition of "reportable incident";

15 ▶ requires the Commission on Criminal and Juvenile Justice to submit certain
16 information to the Department of Technology Services for inclusion on the state's
17 open government website; and

18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 77-7-8.5, as enacted by Laws of Utah 2014, Chapter 106

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



28 Section 1. Section 77-7-8.5 is amended to read:

29 **77-7-8.5. Use of tactical groups -- Reporting requirements.**

30 (1) As used in this section:

31 (a) (i) "Reportable incident" means:

32 (A) the deployment of a tactical group, if a member of the tactical group arrives at the
33 location to which the tactical group is deployed; [or]

34 (B) law enforcement officers who serve a search warrant after using forcible entry[-];
35 or

36 (C) the deployment of an armored vehicle for a law enforcement purpose.

37 (ii) "Reportable incident" does not [~~mean~~] include a forced cell entry at a corrections
38 facility.

39 (b) "Tactical group" means a special unit, within a law enforcement agency,
40 specifically trained and equipped to respond to critical, high-risk situations.

41 (2) On and after January 1, 2015, every state, county, municipal, or other law
42 enforcement agency shall annually on or before April 30 report to the Commission on Criminal
43 and Juvenile Justice the following information for the previous calendar year:

44 (a) whether the law enforcement agency conducted one or more reportable incidents;

45 (b) the following information regarding each reportable incident:

46 (i) the organizational title of the agency, task force, or tactical group deployed;

47 (ii) the city, county, and zip code of the location where the reportable incident
48 occurred;

49 (iii) the reason for the deployment;

50 (iv) the type of warrant obtained, if any;

51 (v) if a threat assessment was completed;

52 (vi) if a warrant was obtained, the name of the judge or magistrate who authorized the
53 warrant;

54 (vii) the number of arrests made, if any;

55 (viii) if any evidence was seized;

56 (ix) if any property was seized, other than property that was seized as evidence;

57 (x) if a forcible entry was made;

58 (xi) if a firearm was discharged by a law enforcement officer, and, if so, approximately

59 how many shots were fired by each officer;

60 (xii) if a weapon was brandished by a person other than the law enforcement officers;

61 (xiii) if a weapon was used by a person against the law enforcement officers and, if a
62 firearm was used, the number or approximate number of shots fired by the person;

63 (xiv) the identity of any law enforcement agencies that participated or provided
64 resources for the deployment;

65 (xv) if a person or domestic animal was injured or killed by a law enforcement officer;
66 and

67 (xvi) if a law enforcement officer was injured or killed; and

68 (c) the number of arrest warrants served that required a forced entry as provided by
69 Section 77-7-8 and were not served in conjunction with a search warrant that resulted in a
70 reportable incident.

71 (3) If a warrant is served by a multijurisdictional team of law enforcement officers, the
72 reporting requirement in this section shall be the responsibility of the commanding agency or
73 governing authority of the multijurisdictional team.

74 (4) The Commission on Criminal and Juvenile Justice shall develop a standardized
75 format that each law enforcement agency shall use in reporting the data required in Subsection
76 (2).

77 (5) A law enforcement agency shall:

78 (a) compile the data described in Subsection (2) for each year as a report in the format
79 required under Subsection (4); and

80 (b) submit the report to:

81 (i) the Commission on Criminal and Juvenile Justice; and

82 (ii) the local governing body of the jurisdiction served by the law enforcement agency.

83 (6) (a) The Commission on Criminal and Juvenile Justice shall summarize the yearly
84 reports of law enforcement agencies submitted under Subsection (2).

85 (b) Before August 1 of each year, the Commission on Criminal and Juvenile Justice
86 shall submit:

87 (i) a report of the summaries described in Subsection (6)(a) to:

88 [(†)] (A) the attorney general;

89 [(†)] (B) the speaker of the House of Representatives, for referral to any house standing

90 or interim committees with oversight of law enforcement and criminal justice;

91 ~~[(iii)]~~ (C) the president of the Senate, for referral to any senate standing or interim

92 committees with oversight of law enforcement and criminal justice; ~~[and]~~

93 ~~[(iv)]~~ (D) each law enforcement agency~~[-]; and~~

94 ~~[(c) The report described in Subsection (6)(b) shall be published on the Utah Open~~

95 ~~Government website, open.utah.gov, before August 15 of each year.]~~

96 (E) the Department of Technology Services; and

97 (ii) the information reported to the commission under Subsection (2) to the Department

98 of Technology Services.

99 (c) Before August 15 of each year, the Department of Technology Services shall

100 publish, on the open government website maintained by the department, the report and

101 information submitted to the department under Subsection (6)(b).

102 (7) (a) If a law enforcement agency fails to comply with the reporting requirements

103 listed in Subsection (2), the Commission on Criminal and Juvenile Justice shall contact the law

104 enforcement agency and request that the agency comply with the required reporting provisions.

105 (b) If a law enforcement agency fails to comply with the reporting requirements listed

106 in Subsection (2) within 30 days after being contacted by the Commission on Criminal and

107 Juvenile Justice with a request to comply, the Commission on Criminal and Juvenile Justice

108 shall report the noncompliance to the attorney general, the speaker of the House of

109 Representatives, and the president of the Senate.

Legislative Review Note
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Office of Legislative Research and General Counsel