

HB0442S01 compared with HB0442

~~text~~ shows text that was in HB0442 but was deleted in HB0442S01.

text shows text that was not in HB0442 but was inserted into HB0442S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Paul Ray proposes the following substitute bill:

LAW ENFORCEMENT TRACKING AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines "deployment":
- ▶ amends the definition of terms to include the deployment of an armored vehicle in the definition of "reportable incident";
- ▶ requires the Commission on Criminal and Juvenile Justice to submit certain information to the Department of Technology Services for inclusion on the state's open government website; and
- ▶ makes technical changes.

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Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

(1) As used in this section:

(a) "Deployment" means the use of personnel or a resource by a law enforcement agency, regardless of whether the personnel or resource is:

(i) owned, leased, rented, or borrowed by the law enforcement agency; or

(ii) used by, or provided to, the law enforcement agency in response to a request for assistance by the law enforcement agency.

~~(a)~~ (b) (i) "Reportable incident" means:

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

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

or

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

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

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

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

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

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(b) the following information regarding each reportable incident:

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

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

(iii) the reason for the deployment;

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

(v) if a threat assessment was completed;

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

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

(viii) if any evidence was seized;

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

(x) if a forcible entry was made;

(xi) if a firearm was discharged by a law enforcement officer, and, if so, approximately how many shots were fired by each officer;

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

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

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

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

and

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

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

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

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

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(2).

(5) A law enforcement agency shall:

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

(b) submit the report to:

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

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

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

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

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

~~[(i)]~~ (A) the attorney general;

~~[(ii)]~~ (B) the speaker of the House of Representatives, for referral to any house standing or interim committees with oversight of law enforcement and criminal justice;

~~[(iii)]~~ (C) the president of the Senate, for referral to any senate standing or interim committees with oversight of law enforcement and criminal justice; ~~[and]~~

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

~~[(e) The report described in Subsection (6)(b) shall be published on the Utah Open Government website, open.utah.gov, before August 15 of each year.]~~

(E) the Department of Technology Services; and

(ii) the information reported to the commission under Subsection (2) to the Department of Technology Services.

(c) Before August 15 of each year, the Department of Technology Services shall publish, on the open government website maintained by the department, the report and information submitted to the department under Subsection (6)(b).

(7) (a) If a law enforcement agency fails to comply with the reporting requirements listed in Subsection (2), the Commission on Criminal and Juvenile Justice shall contact the law enforcement agency and request that the agency comply with the required reporting provisions.

(b) If a law enforcement agency fails to comply with the reporting requirements listed in Subsection (2) within 30 days after being contacted by the Commission on Criminal and

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Juvenile Justice with a request to comply, the Commission on Criminal and Juvenile Justice shall report the noncompliance to the attorney general, the speaker of the House of Representatives, and the president of the Senate.

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Legislative Review Note

———— as of ~~2-27-15 4:35 PM~~

———— ~~Office of Legislative Research and General Counsel~~