

Representative Kim F. Coleman proposes the following substitute bill:

SEARCH AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires correctional facilities to implement certain search policies.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires correctional facilities to create and adhere to a policy regarding body cavity searches; and
- ▶ dictates certain requirements to be included in the policy.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

77-7-17.5, Utah Code Annotated 1953

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

Section 1. Section **77-7-17.5** is enacted to read:



26 77-7-17.5. Physical body cavity search policy -- Requirements.

27 (1) As used in this section:

28 (a) "Arrestee" means an individual who is in the custody of law enforcement for an
29 offense for which the individual has not been convicted.

30 (b) (i) "Body cavity" includes the anus, rectum, vagina, ear canal, nasal passages,
31 esophagus, or stomach.

32 (ii) "Body cavity" does not include the mouth.

33 (c) "Correctional facility" means the same as that term is defined in Section
34 77-16b-102.

35 (d) (i) "Physical body cavity search" means a search of a body cavity of an individual
36 that involves touching the individual with:

37 (A) any part of another individual's body; or

38 (B) an instrument or other item.

39 (ii) "Physical body cavity search" does not include a clothed, pat down search.

40 (2) Each state correctional facility shall create and implement a policy specifying rules
41 and procedures to be followed by the correctional facility when a body cavity search is
42 performed on an arrestee within the correctional facility's jurisdiction.

43 (3) The correctional facility's body cavity search policy shall:

44 (a) state with specificity the circumstances under which a body cavity search may be
45 performed on an arrestee;

46 (b) designate who may authorize the performance of a body cavity search;

47 (c) designate specific jail staff or medical personnel who may perform a body cavity
48 search;

49 (d) require any non-medically trained jail staff who may perform a body cavity search
50 to be trained on safe practices for conducting a body cavity search;

51 (e) require documentation of each body cavity search performed at the correctional
52 facility, including:

53 (i) the identity of the arrestee searched;

54 (ii) the date, time, and location of the search;

55 (iii) the identity of the individual performing the search;

56 (iv) the identity of the individual authorizing the search;

57 (v) a description of the body areas searched and the procedures followed in performing
58 search; and

59 (vi) the circumstances necessitating the body cavity search; and

60 (f) designate rules and procedures to be followed, by authorized staff, when performing
61 a body cavity search that account for the health and privacy interests of the arrestee, including:

62 (i) the location where a body cavity search must be performed;

63 (ii) the gender requirements of the individuals who perform or observe the search in
64 relation to the gender of the arrestee being searched; and

65 (iii) methods to ensure the body cavity search is conducted with the minimal amount of
66 touching necessary to effectuate the purposes of the search.

67 (4) A correctional facility's body cavity search policy is a public record.