

## HB0156S02 compared with HB0156S01

~~text~~ shows text that was in HB0156S01 but was deleted in HB0156S02.

Inserted text shows text that was not in HB0156S01 but was inserted into HB0156S02.

**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 Kim F. Coleman proposes the following substitute bill:

### SEARCH AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kim F. Coleman**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill requires correctional facilities to implement certain search policies.

##### Highlighted Provisions:

This bill:

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

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

None

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### Utah Code Sections Affected:

ENACTS:

77-7-17.5, Utah Code Annotated 1953

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

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

#### **77-7-17.5. Physical body cavity search policy -- Requirements.**

(1) As used in this section:

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

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

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

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

~~(d), ear canal, or nasal passages.~~

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

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

(B) an instrument or other item.

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

(2) Each ~~state correctional facility~~ county jail shall ~~create~~ adopt and implement a policy ~~specifying rules~~ that meets the minimum standards contained in a model policy established by the Utah Substance Abuse Advisory Council.

(3) The model policy shall specify the minimum standards and procedures to be followed by the ~~correctional facility~~ county jail when a body cavity search is performed on an arrestee within the ~~correctional facility's jurisdiction.~~

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

~~(a) state~~ county jail's jurisdiction, including:

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

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(b) ~~{designate}~~designating who may authorize the performance of a body cavity search;

(c) ~~{designate}~~designating specific jail staff or medical personnel who may perform a body cavity search;

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

(e) ~~{require}~~requiring documentation of each body cavity search performed at the correctional facility, including:

(i) the identity of the arrestee searched;

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

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

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

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

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

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

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

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

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

(4) A ~~{correctional facility's}~~county jail's body cavity search policy is a public record.