

121 (5) (a) Termination of a peace officer, whether voluntary or involuntary, does not  
 122 preclude suspension or revocation of a peace officer's certification by the council if the peace  
 123 officer was terminated for any of the reasons under Subsection (1).

124 (b) Employment by another agency, or reinstatement of a peace officer by the original  
 125 employing agency after termination by that agency, whether the termination was voluntary or  
 126 involuntary, does not preclude suspension or revocation of a peace officer's certification by the  
 127 council if the peace officer was terminated for any of the reasons under Subsection (1).

128 (6) (a) A chief, sheriff, or administrative officer of a law enforcement agency who is  
 129 made aware of an allegation against a peace officer employed by that agency that involves  
 130 conduct in violation of Subsection (1) shall investigate the allegation and report to the division  
 131 if the allegation is found to be true.

132 (b) If a peace officer who is the subject of an internal or administrative investigation  
 133 ~~H→ [that involves conduct in violation of]~~ **into allegations that include any of the conditions or**  
 133a **circumstances outlined in** ~~←H~~ Subsection (1) resigns, retires, or otherwise separates from  
 134 the investigating law enforcement agency before the conclusion of the investigation, the chief,  
 135 sheriff, or administrative officer of that law enforcement agency shall report the allegations and  
 136 any investigation results to the division.

137 (7) The council's issuance of a Letter of Caution, or suspension or revocation of an  
 138 officer's certification under Subsection (4) may be appealed under Title 63G, Chapter 4, Part 4,  
 139 Judicial Review.

140 Section 3. Section **53-6-309** is amended to read:

141 **53-6-309. Suspension or revocation of certification -- Right to a hearing --**  
 142 **Grounds -- Notice to employer -- Reporting.**

143 (1) The council has the authority to issue a Letter of Caution, or suspend or revoke the  
 144 certification of a dispatcher, if the dispatcher:

145 (a) willfully falsifies any information to obtain certification;

146 (b) has any physical or mental disability affecting the dispatcher's ability to perform  
 147 duties;

148 (c) is addicted to alcohol or any controlled substance, unless the dispatcher reports the  
 149 addiction to the employer and to the director as part of a departmental early intervention  
 150 process;

151 (d) engages in conduct [~~that is~~] constituting a state or federal criminal offense, but not

183 (i) accept the administrative law judge's findings of fact and conclusions of law and the  
 184 information concerning the dispatcher provided by the dispatcher's employing agency; and  
 185 [determine]

186 (ii) choose whether to issue a Letter of Caution, or suspend or revoke the dispatcher's  
 187 certification.

188 (b) Before making a decision, the council may consider aggravating and mitigating  
 189 circumstances.

190 ~~(b)~~ (c) A council member shall recuse himself or herself from consideration of an  
 191 issue that is before the council if the council member:

192 (i) has a personal bias for or against the dispatcher;

193 (ii) has a substantial pecuniary interest in the outcome of the proceeding and may gain  
 194 or lose some benefit from the outcome; or

195 (iii) employs, supervises, or works for the same agency as the dispatcher whose case is  
 196 before the council.

197 (5) (a) Termination of a dispatcher, whether voluntary or involuntary, does not  
 198 preclude suspension or revocation of a dispatcher's certification by the council if the dispatcher  
 199 was terminated for any of the reasons under Subsection (1).

200 (b) Employment by another agency, or reinstatement of a dispatcher by the original  
 201 employing agency after termination by that agency, whether the termination was voluntary or  
 202 involuntary, does not preclude suspension or revocation of a dispatcher's certification by the  
 203 council if the dispatcher was terminated for any of the reasons under Subsection (1).

204 (6) (a) An agency that is made aware of an allegation against a dispatcher employed by  
 205 that agency that involves conduct in violation of Subsection (1) shall investigate the allegation  
 206 and report to the division if the allegation is found to be true.

207 (b) If a dispatcher who is the subject of an internal or administrative investigation ~~H~~→ [that  
 208 involves conduct in violation of] **into allegations that include any of the conditions or**  
 208a **circumstances outlined in** ~~H~~ Subsection (1) resigns, retires, or otherwise separates from the  
 209 investigating law enforcement agency before the conclusion of the investigation, the agency  
 210 shall report the allegations and any investigation results to the division.

211 (7) The council's issuance of a Letter of Caution, or suspension or revocation of an  
 212 officer's certification under Subsection (4) may be appealed under Title 63G, Chapter 4, Part 4,  
 213 Judicial Review.