

Representative Sandra Hollins proposes the following substitute bill:

PEACE OFFICER AMENDMENTS

2020 FIFTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Sandra Hollins

Senate Sponsor: Evan J. Vickers

6	Cosponsors:	Eric K. Hutchings	Mike Schultz
7	Cheryl K. Acton	Dan N. Johnson	Robert M. Spendlove
8	Brady Brammer	Brian S. King	Jeffrey D. Stenquist
9	Joel K. Briscoe	Carol Spackman Moss	Andrew Stoddard
10	Walt Brooks	Merrill F. Nelson	Steve Waldrip
11	Jennifer Dailey-Provost	Lee B. Perry	Raymond P. Ward
12	James A. Dunnigan	Stephanie Pitcher	Elizabeth Weight
13	Craig Hall	Val K. Potter	Brad R. Wilson
14	Stephen G. Handy	Marie H. Poulson	Mike Winder
15	Suzanne Harrison	Angela Romero	
	Timothy D. Hawkes		

LONG TITLE

General Description:

This bill prohibits training peace officers in the use of chokeholds or restraints that may cause unconsciousness and prohibits a peace officer's use of such a restraint.

Highlighted Provisions:

This bill:

- ▶ prohibits the approval of peace officer training curriculum which contains the use of



- 24 chokeholds or other restraints that may cause unconsciousness;
- 25 ▶ prohibits the inclusion of training of peace officers in the use of chokeholds, carotid
- 26 restraints, or other methods of restraint that may impede breathing or blood
- 27 circulation and cause unconsciousness;
- 28 ▶ prohibits a peace officer from employing a "knee on the neck" method of restraint
- 29 that may impede breathing or blood circulation and cause unconsciousness; and
- 30 ▶ provides penalties.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides a special effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **53-6-105**, as last amended by Laws of Utah 2010, Chapter 313

38 **53-6-202**, as last amended by Laws of Utah 2010, Chapter 313

39 ENACTS:

40 **53-13-115**, Utah Code Annotated 1953



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

42 Section 1. Section **53-6-105** is amended to read:

43 **53-6-105. Duties of director -- Powers -- Rulemaking.**

- 44 (1) The director, with the advice of the council, shall:
- 45 (a) prescribe standards for the certification of a peace officer training academy, certify
- 46 an academy that meets the prescribed standards, and prescribe standards for revocation of
- 47 certification for cause;
- 48 (b) prescribe minimum qualifications for certification of peace officers appointed or
- 49 elected to enforce the laws of this state and its subdivisions and prescribe standards for
- 50 revocation of certification for cause;
- 51 (c) establish minimum requirements for the certification of training instructors and
- 52 establish standards for revocation of certification;
- 53 (d) provide for the issuance of appropriate certificates to those peace officers
- 54

55 completing the basic training programs offered by a certified academy or those persons who
56 pass a certification examination as provided for in this chapter;

57 (e) consult and cooperate with certified academy administrators and instructors for the
58 continued development and improvement of the basic training programs provided by the
59 certified academy and for the further development and implementation of advanced in-service
60 training programs;

61 (f) consult and cooperate with state institutions of higher education to develop
62 specialized courses of study for peace officers in the areas of criminal justice, police
63 administration, criminology, social sciences, and other related disciplines;

64 (g) consult and cooperate with other departments, agencies, and local governments
65 concerned with peace officer training;

66 (h) perform any other acts necessary to develop peace officer training programs within
67 the state;

68 (i) report to the council at regular meetings of the council and when the council
69 requires;

70 (j) recommend peace officer standards and training requirements to the commissioner,
71 governor, and the Legislature; and

72 (k) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
73 director shall, with the advice of the council, make rules necessary to administer this chapter.

74 (2) With the permission of the commissioner, the director may execute contracts on
75 behalf of the division with criminal justice agencies to provide training for employees of those
76 agencies if:

77 (a) the employees or the employing agency pay a registration fee equivalent to the cost
78 of the training; and

79 (b) the contract does not reduce the effectiveness of the division in its primary
80 responsibility of providing training for peace officers of the state.

81 (3) The director may:

82 (a) revoke certification of a certified academy for cause; and

83 (b) make training aids and materials available to local law enforcement agencies.

84 (4) The director shall, with the advice of the council, make rules:

85 (a) establishing minimum requirements for the certification of dispatcher training

86 instructors in a certified academy or interagency program and standards for revocation of this
87 certification;

88 (b) establishing approved curriculum and a basic schedule for the basic dispatcher
89 training course and the content of the dispatcher certification examination;

90 (c) providing for the issuance of appropriate certificates to a person who completes the
91 basic dispatcher course or who passes a dispatcher certification examination as provided for in
92 this chapter;

93 (d) establishing approved courses for certified dispatchers' annual training; and

94 (e) establishing a reinstatement procedure for a certified dispatcher who has not
95 obtained the required annual training hours.

96 (5) The director may not, in approving and reviewing curriculum and training aids for
97 academies, approve or recommend any curriculum which includes the use of chokeholds,
98 carotid restraints, or any act that impedes the breathing or circulation of blood likely to produce
99 a loss of consciousness, as a valid method of restraint.

100 Section 2. Section **53-6-202** is amended to read:

101 **53-6-202. Basic training course -- Completion required -- Annual training --**

102 **Prohibition from exercising powers -- Reinstatement.**

103 (1) (a) The director shall:

104 (i) (A) suggest and prepare subject material; and

105 (B) schedule instructors for basic training courses; or

106 (ii) review the material and instructor choices submitted by a certified academy.

107 (b) The subject material, instructors, and schedules shall be approved or disapproved
108 by a majority vote of the council.

109 (2) The materials shall be reviewed and approved by the council on or before July 1st
110 of each year and may from time to time be changed or amended by majority vote of the council.

111 (3) The basic training in a certified academy;

112 (a) shall be appropriate for the basic training of peace officers in the techniques of law
113 enforcement in the discretion of the director[-]; and

114 (b) may not include the use of chokeholds, carotid restraints, or any act that impedes
115 the breathing or circulation of blood likely to produce a loss of consciousness, as a valid
116 method of restraint.

117 (4) (a) All peace officers must satisfactorily complete the basic training course or the
118 waiver process provided for in this chapter as well as annual certified training of not less than
119 40 hours as the director, with the advice and consent of the council, directs.

120 (b) A peace officer who fails to satisfactorily complete the annual training shall
121 automatically be prohibited from exercising peace officer powers until any deficiency is made
122 up.

123 Section 3. Section **53-13-115** is enacted to read:

124 **53-13-115. Peace officer restraint prohibition.**

125 (1) A peace officer may not restrain a person by the application of a knee applying
126 pressure to the neck or throat of a person.

127 (2) A violation of this section shall be referred separately to the county or district
128 attorney for review, and to the Peace Officer Standards and Training Council for investigation.

129 (3) A violation of this section is a third degree felony.

130 (4) If the violation results in:

131 (a) serious bodily injury or loss of consciousness, it is a second degree felony; or

132 (b) death, it is a first degree felony.

133 Section 4. **Effective date.**

134 If approved by two-thirds of all the members elected to each house, this bill takes effect
135 upon approval by the governor, or the day following the constitutional time limit of Utah
136 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
137 the date of veto override.