

## HB5007S01 compared with HB5007

~~text~~ shows text that was in HB5007 but was deleted in HB5007S01.

inserted text shows text that was not in HB5007 but was inserted into HB5007S01.

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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

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

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**LONG TITLE**

**General Description:**

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

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

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

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

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

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

(1) The director, with the advice of the council, shall:

(a) prescribe standards for the certification of a peace officer training academy, certify an academy that meets the prescribed standards, and prescribe standards for revocation of certification for cause;

(b) prescribe minimum qualifications for certification of peace officers appointed or

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elected to enforce the laws of this state and its subdivisions and prescribe standards for revocation of certification for cause;

(c) establish minimum requirements for the certification of training instructors and establish standards for revocation of certification;

(d) provide for the issuance of appropriate certificates to those peace officers completing the basic training programs offered by a certified academy or those persons who pass a certification examination as provided for in this chapter;

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

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

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

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

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

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

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

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

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

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

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(3) The director may:

- (a) revoke certification of a certified academy for cause; and
- (b) make training aids and materials available to local law enforcement agencies.

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

(a) establishing minimum requirements for the certification of dispatcher training instructors in a certified academy or interagency program and standards for revocation of this certification;

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

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

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

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

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

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

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

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

(1) (a) The director shall:

- (i) (A) suggest and prepare subject material; and
- (B) schedule instructors for basic training courses; or
- (ii) review the material and instructor choices submitted by a certified academy.

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

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

(3) The basic training in a certified academy:

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

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

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

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

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

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

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

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

(3) ~~{Violation}~~A violation of this section is an aggravated assault in violation of Section 76-5-103; a third degree felony.

(4) If the violation results in:

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

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

Section 4. **Effective date.**

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