

## HB0283S04 compared with HB0283S03

~~text~~ shows text that was in HB0283S03 but was deleted in HB0283S04.

text shows text that was not in HB0283S03 but was inserted into HB0283S04.

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Representative ~~Matthew H. Gwynn~~Mark A. Wheatley proposes the following substitute bill:

### COMMUNITY AND POLICE RELATIONS COMMISSION

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark A. Wheatley**

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

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#### LONG TITLE

##### General Description:

This bill creates the Community and Police Relations Commission.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Community and Police Relations Commission;
- ▶ provides for the appointment of members of the commission;
- ▶ establishes procedures for the commission;
- ▶ requires the commission to:
  - discuss and report on improved relations between police and the community, data collection, law enforcement transparency, and addressing systemic issues of

## HB0283S04 compared with HB0283S03

inequality and racial disparities; and

- provide a forum for citizens to voice concerns and comments about police service, practices, and policies;
- ▶ requires the commission to provide a report to the governor and the Law Enforcement and Criminal Justice Interim Committee; and
- ▶ provides a sunset date for the commission.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**63I-1-253**, as last amended by Laws of Utah 2020, Chapters 154, 174, 214, 234, 242, 269, 335, and 354

ENACTS:

**53-6a-101**, Utah Code Annotated 1953

**53-6a-102**, Utah Code Annotated 1953

**53-6a-103**, Utah Code Annotated 1953

**53-6a-104**, Utah Code Annotated 1953

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

Section 1. Section **53-6a-101** is enacted to read:

### **CHAPTER 6a. COMMUNITY AND POLICE RELATIONS COMMISSION**

#### **53-6a-101. Title.**

This chapter is known as the "Community and Police Relations Commission."

Section 2. Section **53-6a-102** is enacted to read:

#### **53-6a-102. Definitions.**

As used in this chapter, "commission" means the Community and Police Relations Commission created in Section 53-6a-103.

Section 3. Section **53-6a-103** is enacted to read:

**53-6a-103. Creation of Community and Police Relations Commission -- Purpose --**

## HB0283S04 compared with HB0283S03

### Membership -- Quorum -- Meetings -- Compensation.

- (1) There is created the Community and Police Relations Commission.
- (2) The commission comprises the following members:
  - (a) the commissioner or the commissioner's designee;
  - (b) the director of the Utah Commission on Criminal and Juvenile Justice or the director's designee;
  - (c) the director of the Utah Division of Multicultural Affairs or the director's designee;
  - (d) five members nominated by community, minority, or civil rights organizations and appointed by the director of the Utah Division of Multicultural Affairs, one of which shall be between 15 and 18 years old at the time of appointment;
  - (e) two members of the House of Representatives, appointed by the speaker of the House of Representatives, no more than one of whom may be from the same political party;
  - (f) two members of the Senate, appointed by the president of the Senate, no more than one of whom may be from the same political party;
  - (g) two members from the Utah Chiefs of Police Association, one representing an urban area and one representing a rural area, appointed by the president of the Utah Chiefs of Police Association;
  - (h) two members from the Utah Sheriffs' Association, one representing an urban area and one representing a rural area, appointed by the president of the Utah Sheriffs' Association;
  - (i) one representative of the substance abuse or mental health community, appointed by the executive director of the Department of Human Services;
  - (j) one representative of the faith community, appointed by the chair;
  - (k) one representative of the refugee community, appointed by the director of the Utah Division of Multicultural Affairs;
  - (l) the director of the Utah Division of Indian Affairs or the director's designee;
  - (m) the president of the Utah Statewide Association of Prosecutors and Public Attorneys or the president's designee;
  - (n) the president of the Utah Association of Criminal Defense Lawyers or the president's designee;
  - (o) one member who represents the Office of the Attorney General, appointed by the attorney general;

## HB0283S04 compared with HB0283S03

(p) the president of the Utah Association of Counties or the president's designee;

(q) an elected official who represents the Utah League of Cities and Towns, appointed by the president of the Utah League of Cities and Towns;

(r) the director of the Peace Officer Standards and Training Division or the director's designee;

(s) one non-administrative law enforcement officer, appointed by the president of the Utah Chiefs of Police Association; ~~and~~

(t) one non-administrative law enforcement deputy, appointed by the president of the Utah Sheriffs' Association; ~~and~~

(u) the executive director of the Department of Corrections or the executive director's designee.

(3) (a) Members of the commission shall be appointed to two-year terms.

(b) A member may be appointed for additional terms.

(c) When a vacancy occurs in the membership of the commission, the replacement shall be appointed for the unexpired term.

(4) A member of the commission ceases to be a member:

(a) immediately upon the termination of the member's holding the office, membership, or employment that was the basis for eligibility to membership on the board; or

(b) upon two unexcused absences in one year from regularly scheduled commission meetings.

(5) (a) The commissioner or the commissioner's designee shall serve as chair of the commission.

(b) The chair shall set the agenda for commission meetings.

(6) Attendance of a majority of the members constitutes a quorum for the transaction of official commission business.

(7) Formal action by the commission requires a majority vote of a quorum present.

(8) (a) Meetings may be called by the chair and shall be called by the chair upon the written request of six members.

(b) Meetings shall be held at the times and places determined by the commission.

(9) The commission shall meet at least four times per year.

(10) (a) Except as provided in Subsection (10)(b), a member may not receive

## HB0283S04 compared with HB0283S03

compensation, benefits, per diem, or travel expenses for the member's service.

(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(11) Membership on the commission does not disqualify any member from holding any other public office or employment.

(12) The department shall provide staff support to the commission.

Section 4. Section **53-6a-104** is enacted to read:

### **53-6a-104. Commission duties -- Reports.**

(1) The commission shall:

(a) discuss and report on the following:

(i) improved relations between police and the community;

(ii) data collection and sharing;

(iii) transparency in law enforcement; and

(iv) addressing systemic issues of inequality and racial disparities; and

(b) provide a forum for citizens to voice concerns and comments about police service, practices, and policies.

(2) On or before November 30, 2022, the commission shall report on the commission's progress to:

(a) the governor; and

(b) the Law Enforcement and Criminal Justice Interim Committee.

(3) On or before November 30, 2024, the commission shall provide a report, including a summary of the commission's findings and recommendations with regard to the subjects described in Subsection (1), to:

(a) the governor; and

(b) the Law Enforcement and Criminal Justice Interim Committee.

Section 5. Section **63I-1-253** is amended to read:

### **63I-1-253. Repeal dates, Titles 53 through 53G.**

(1) Section 53-2a-105, which creates the Emergency Management Administration Council, is repealed July 1, 2021.

(2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory Board, are repealed July 1, 2022.

## HB0283S04 compared with HB0283S03

(3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed July 1, 2023.

(4) Subsection 53-6-203(1)(b)(ii), regarding being 19 years old at certification, is repealed July 1, 2027.

(5) Title 53, Chapter 6a, Community and Police Relations Commission, is repealed January 1, 2025.

~~(5)~~ (6) Subsection 53-13-104(6)(a), regarding being 19 years old at certification, is repealed July 1, 2027.

~~(6)~~ (7) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is repealed July 1, 2024.

~~(7)~~ (8) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

~~(8)~~ (9) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is repealed January 1, 2025.

~~(9)~~ (10) Section 53B-18-1501 is repealed July 1, 2021.

~~(10)~~ (11) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

~~(11)~~ (12) Title 53B, Chapter 24, Part 4, Rural Residency Training Program, is repealed July 1, 2025.

~~(12)~~ (13) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells and other hydrologic studies in the West Desert, is repealed July 1, 2030.

~~(13)~~ (14) Section 53E-3-515 is repealed January 1, 2023.

~~(14)~~ (15) In relation to a standards review committee, on January 1, 2023:

(a) in Subsection 53E-4-202(8), the language "by a standards review committee and the recommendations of a standards review committee established under Section 53E-4-203" is repealed; and

(b) Section 53E-4-203 is repealed.

~~(15)~~ (16) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in custody, are repealed July 1, 2027.

~~(16)~~ (17) Section 53E-4-402, which creates the State Instructional Materials Commission, is repealed July 1, 2022.

## **HB0283S04 compared with HB0283S03**

~~[(17)]~~ (18) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2023.

~~[(18)]~~ (19) Subsection 53E-8-204(4), which creates the advisory council for the Utah Schools for the Deaf and the Blind, is repealed July 1, 2021.

~~[(19) Section 53F-2-514 is repealed July 1, 2020.]~~

(20) Section 53F-5-203 is repealed July 1, 2024.

(21) Section 53F-5-212 is repealed July 1, 2024.

(22) Section 53F-5-213 is repealed July 1, 2023.

(23) Section 53F-5-214, in relation to a grant for professional learning, is repealed July 1, 2025.

(24) Section 53F-5-215, in relation to an elementary teacher preparation grant is repealed July 1, 2025.

(25) Subsection 53F-9-203(7), which creates the Charter School Revolving Account Committee, is repealed July 1, 2024.

(26) Section 53F-9-501 is repealed January 1, 2023.

(27) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety Commission, are repealed January 1, 2025.

(28) Subsection 53G-8-211(5), regarding referrals of a minor to court for a class C misdemeanor, is repealed July 1, 2022.