

26 **53-14-101**, as last amended by Laws of Utah 2004, Chapter 62

27

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

29 Section 1. Section **53-6-209** is amended to read:

30 **53-6-209. Termination of employment -- Change of status form.**

31 (1) When a peace officer's employment terminates, the employing agency shall submit
32 a change of status form noting the termination of the peace officer to the division.

33 (2) The change of status form shall:

34 (a) be completed and submitted within [~~seven~~] 30 days of the peace officer's
35 termination date;

36 (b) identify the circumstances of the peace officer's status change by indicating that the
37 peace officer has resigned, retired, terminated, transferred, deceased, or that the peace officer's
38 name has changed;

39 (c) indicate the effective date of action; and

40 (d) indicate the name of the new employer, if the status change is due to a transfer.

41 (3) If a peace officer's employment terminates during an open internal investigation
42 regarding that peace officer and involving an alleged violation of Subsection 53-6-211(1), the
43 employing agency shall notify the division of the investigation in accordance with Subsection
44 53-6-211(6) within 30 days of the peace officer's termination date and provide a reasonable
45 estimated date of completion for the investigation.

46 (4) If an employing agency receives credible allegations and opens an internal
47 investigation ~~§~~ **within two years** ~~←§~~ after a peace officer's employment has been terminated, the
47a employing agency
48 shall notify the division within 30 days of the date of the opening of the investigation and
49 provide a reasonable estimated date of completion for the investigation. If the allegations
50 involve alleged violations of Subsection 53-6-211(1), the agency shall report the allegations to
51 the division in accordance with Subsection 53-6-211(6) whether or not the employing agency
52 opens an internal investigation.

53 [~~3~~] (5) Any person or agency who intentionally falsifies, misrepresents, or fails to
54 give notice of the change of status of a peace officer is liable to the division for any damages
55 that may be sustained by the failure to make the notification.

56 Section 2. Section **53-6-211** is amended to read:

119 employing agency after termination by that agency, whether the termination was voluntary or
120 involuntary, does not preclude suspension or revocation of a peace officer's certification by the
121 council if the peace officer was terminated for any of the reasons under Subsection (1).

122 (6) (a) A chief, sheriff, or administrative officer of a law enforcement agency who is
123 made aware of an allegation against a peace officer employed by that agency that involves
124 conduct in violation of Subsection (1) shall ~~[investigate]~~ conduct an administrative or internal
125 investigation into the allegation and report the findings of the investigation to the division if the
126 allegation is ~~§→ [found to be true]~~ substantiated ~~←§~~ .

127 (b) If a peace officer who is the subject of an internal or administrative investigation
128 into allegations that include any of the conditions or circumstances outlined in Subsection (1)
129 resigns, retires, or otherwise separates from the investigating law enforcement agency before
130 the conclusion of the investigation, the chief, sheriff, or administrative officer of that law
131 enforcement agency shall complete the investigation and report the ~~[allegations and any~~
132 ~~investigation results]~~ findings to the division.

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

136 Section 3. Section **53-14-101** is amended to read:

137 **53-14-101. Law enforcement and training academy applicants -- Employer**
138 **background information.**

139 (1) As used in this section:

140 (a) "Director" means the director of a certified law enforcement officer training
141 academy.

142 (b) "Employer" includes a public employer and a private employer and includes the
143 human resource officer for the employer.

144 (c) "Law enforcement agency" has the same definition as in Section [53-1-102](#).

145 (d) "Law enforcement officer" has the same definition as in Section [53-13-103](#), and
146 includes those officers in administrative positions.

147 (e) "Training academy" means a peace officer training institution certified in
148 accordance with the standards developed under Section [53-6-105](#).

149 (2) A current or former employer and the director of any training academy an applicant