

**K-9 POLICY REQUIREMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

House Sponsor: Candice B. Pierucci

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**LONG TITLE**

**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 15 voting for 0 voting against 1 absent

**General Description:**

This bill amends the liability provisions for dog bites relating to law enforcement activities and requires the annual certification of law enforcement canines and handlers.

**Highlighted Provisions:**

This bill:

▶ amends the liability provision for dog bites relating to law enforcement activities to require certification of dogs and handlers, a written policy on the use of dogs, and compliance with the policy; and

▶ enacts the Law Enforcement Canine Team Certification Act, to require certification and training of dogs and handlers.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**18-1-1**, as last amended by Laws of Utah 2019, Chapter 92



28 ENACTS:

29 **53-6-401**, Utah Code Annotated 1953

30 **53-6-402**, Utah Code Annotated 1953

31 **53-6-403**, Utah Code Annotated 1953



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

34 Section 1. Section **18-1-1** is amended to read:

35 **18-1-1. Liability and damages for dog injury -- Dogs used in law enforcement.**

36 (1) (a) Except as provided in Subsection (2), a person who owns or keeps a dog is  
37 liable for an injury caused by the dog, regardless of whether:

- 38 (i) the dog is vicious or mischievous; or
- 39 (ii) the owner knows the dog is vicious or mischievous.

40 (b) Damages for an injury described in Subsection (1)(a) shall be determined in  
41 accordance with Section **78B-5-818**.

42 (2) Neither the state nor any county, city, metro township, or town in the state nor any  
43 peace officer employed by the state, a county, a city, a metro township, or a town shall be liable  
44 in damages for an injury caused by a dog, if:

45 (a) the dog [~~has been trained~~] and the dog's law enforcement handler are trained to  
46 assist in law enforcement[;] and are certified according to the standards adopted in Title 53,  
47 Chapter 6, Part 4, Law Enforcement Canine Team Certification Act;

48 (b) the governmental agency has adopted a written policy on the necessary and  
49 appropriate use of dogs in official law enforcement duties;

50 (c) the actions of the dog's handler do not violate the agency's written policy; and

51 ~~(b)~~ (d) the injury occurs while the dog is reasonably and carefully being used in the  
52 apprehension, arrest, or location of a suspected offender or in maintaining or controlling the  
53 public order.

54 Section 2. Section **53-6-401** is enacted to read:

55 **Part 4. Law Enforcement Canine Team Certification Act**

56 **53-6-401. Definitions.**

57 As used in this part:

58 (1) "Council" means the Peace Officer Standards and Training Council created in

59 Section 53-6-106.

60 (2) "Qualifying canine certifying entity" means an entity that certifies law enforcement  
61 canines and law enforcement canine handlers in accordance with the standards developed under  
62 Section 53-6-403.

63 Section 3. Section **53-6-402** is enacted to read:

64 **53-6-402. Law enforcement canine and handler certification.**

65 (1) Each law enforcement canine in the state shall be initially certified and annually  
66 recertified by a qualifying canine certifying entity.

67 (2) Each law enforcement canine handler in the state shall be initially certified and  
68 annually recertified by a qualifying canine certifying entity.

69 Section 4. Section **53-6-403** is enacted to read:

70 **53-6-403. Canine and handler certification standards and criteria--Rules.**

71 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
72 council shall establish and maintain required standards for the training, certification, and  
73 recertification of:

74 (1) law enforcement canines; and

75 (2) law enforcement canine handlers.