

**Senator Don L. Ipson** proposes the following substitute bill:

**PUBLIC OFFICIAL AND STATE CAPITOL PROTECTION**

**AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Don L. Ipson**

House Sponsor: Robert M. Spendlove

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**LONG TITLE**

**General Description:**

This bill addresses security and protection for public officials and the state capitol complex.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires the Office of Executive Protection to provide security to public officials and public officials' staff, with certain qualifications;
- requires the Office of Executive Protection to provide security and protection to the capitol hill complex;
- requires security training and equipment for members of the Office of Executive Protection and certain individuals who work at the capitol hill complex; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53-1-102**, as last amended by Laws of Utah 2019, Chapter 280

29 **53-1-106**, as last amended by Laws of Utah 2019, Chapter 441

30 **53-1-114**, as last amended by Laws of Utah 2000, Chapter 146

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

33 Section 1. Section **53-1-102** is amended to read:

34 **53-1-102. Definitions.**

35 (1) As used in this title:

36 (a) "Capitol hill complex" means the same as that term is defined in Section

37 63C-9-102.

38 [~~(a)~~] (b) "Commissioner" means the commissioner of public safety appointed under

39 Section 53-1-107.

40 [~~(b)~~] (c) "Department" means the Department of Public Safety created in Section

41 53-1-103.

42 (d) "Governor-elect" means an individual whom the board of canvassers determines to

43 be the successful candidate for governor after a general election for the office of governor.

44 [~~(e)~~] (e) "Law enforcement agency" means an entity or division of:

45 (i) (A) the federal government, a state, or a political subdivision of a state;

46 (B) a state institution of higher education; or

47 (C) a private institution of higher education, if the entity or division has been certified

48 by the commissioner; and

49 (ii) that exists primarily to prevent and detect crime and enforce criminal laws, statutes,

50 and ordinances.

51 [~~(f)~~] (f) "Law enforcement officer" means the same as that term is defined in Section

52 53-13-103.

53 [~~(g)~~] (g) "Motor vehicle" means every self-propelled vehicle and every vehicle

54 propelled by electric power obtained from overhead trolley wires, but not operated upon rails,

55 except motorized wheel chairs and vehicles moved solely by human power.

56 [~~(h)~~] (h) "Peace officer" means any officer certified in accordance with Title 53,

57 Chapter 13, Peace Officer Classifications.

58 (i) "Public official" means the same as that term is defined in Section [36-11-102](#).

59 ~~[(g)]~~ (j) "State institution of higher education" means the same as that term is defined  
60 in Section [53B-3-102](#).

61 ~~[(h)]~~ (k) "Vehicle" means every device in, upon, or by which any person or property is  
62 or may be transported or drawn upon a highway, excepting devices used exclusively upon  
63 stationary rails or tracks.

64 (2) The definitions provided in Subsection (1) are to be applied throughout this title in  
65 addition to definitions that are applicable to specific chapters or parts.

66 Section 2. Section **53-1-106** is amended to read:

67 **53-1-106. Department duties -- Powers.**

68 (1) In addition to the responsibilities contained in this title, the department shall:

69 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic  
70 Code, including:

71 (i) setting performance standards for towing companies to be used by the department,  
72 as required by Section [41-6a-1406](#); and

73 (ii) advising the Department of Transportation regarding the safe design and operation  
74 of school buses, as required by Section [41-6a-1304](#);

75 (b) make rules to establish and clarify standards pertaining to the curriculum and  
76 teaching methods of a motor vehicle accident prevention course under Section [31A-19a-211](#);

77 (c) aid in enforcement efforts to combat drug trafficking;

78 (d) meet with the Department of Technology Services to formulate contracts, establish  
79 priorities, and develop funding mechanisms for dispatch and telecommunications operations;

80 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for  
81 Victims of Crime in conducting research or monitoring victims' programs, as required by  
82 Section [63M-7-505](#);

83 (f) develop sexual assault exam protocol standards in conjunction with the Utah  
84 Hospital Association;

85 (g) engage in emergency planning activities, including preparation of policy and  
86 procedure and rulemaking necessary for implementation of the federal Emergency Planning  
87 and Community Right to Know Act of 1986, as required by Section [53-2a-702](#);

88 (h) implement the provisions of Section 53-2a-402, the Emergency Management  
89 Assistance Compact;

90 (i) ensure that any training or certification required of a public official or public  
91 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
92 22, State Training and Certification Requirements, if the training or certification is required:

93 (i) under this title;

94 (ii) by the department; or

95 (iii) by an agency or division within the department; [~~and~~]

96 (j) employ a law enforcement officer as a public safety liaison to be housed at the State  
97 Board of Education who shall work with the State Board of Education to:

98 (i) support training with relevant state agencies for school resource officers as  
99 described in Section 53G-8-702;

100 (ii) coordinate the creation of model policies and memorandums of understanding for a  
101 local education agency and a local law enforcement agency; and

102 (iii) ensure cooperation between relevant state agencies, a local education agency, and  
103 a local law enforcement agency to foster compliance with disciplinary related statutory  
104 provisions, including Sections 53E-3-516 and 53G-8-211[-]; and

105 (k) provide for the security and protection of public officials, public officials' staff, and  
106 the capitol hill complex in accordance with the provisions of this part.

107 (2) (a) The department shall establish a schedule of fees as required or allowed in this  
108 title for services provided by the department.

109 (b) All fees not established in statute shall be established in accordance with Section  
110 63J-1-504.

111 (3) The department may establish or contract for the establishment of an Organ  
112 Procurement Donor Registry in accordance with Section 26-28-120.

113 Section 3. Section 53-1-114 is amended to read:

114 **53-1-114. Office of Executive Protection -- Security and protection for governor**  
115 **and family -- Protection for other officials and staff -- Training -- Equipment.**

116 (1) The Office of Executive Protection shall provide all necessary security and  
117 protection for:

118 (a) the governor and the governor's immediate family;

119 (b) a governor-elect and the governor-elect's immediate family; and

120 (c) the capitol hill complex.

121 (2) (a) Subject to the [direction] authorization of the commissioner, and only if there is  
122 a demonstrable need or a specifically identified threat to the individual to be protected, the

123 Office of Executive Protection may provide protection to:

124 (i) other public officials;

125 (ii) a public official's staff member;

126 (iii) a candidate for an elected state office and the candidate's immediate family during  
127 the time beginning on the date of the general election and ending on the date of the meeting of  
128 the board of canvassers under Section 20A-4-306; or

129 (iv) an outgoing elected state official and the outgoing elected state official's immediate  
130 family.

131 (b) [That protection] (i) Protection provided under Subsection (2)(a) may not extend  
132 for more than 15 days without review and approval by [majority vote of the president of the  
133 Senate, the speaker of the House, and] the commissioner.

134 [~~(c) Review and approval by the same majority vote shall be required at the end of each~~  
135 ~~15-day period.]~~

136 (ii) Review and approval by the commissioner is required at the end of each 15-day  
137 period.

138 (c) When protection is provided under Subsection (2)(a), the commissioner shall  
139 provide a report to the president of the Senate and the speaker of the House of Representatives  
140 at the end of each 15-day period.

141 (d) The requirement for review and approval described in Subsection (2)(b)(ii) and the  
142 reporting requirement described in Subsection (2)(c) may be waived or modified by majority  
143 vote of the president of the Senate, the speaker of the House of Representatives, and the  
144 commissioner.

145 (3) The Office of Executive Protection shall assess, monitor, and address any threat to  
146 a public official, a public official's staff member, or any part of the capitol hill complex.

147 (4) The commissioner or the commissioner's designee shall provide weekly public  
148 protection training to members of the Office of Executive Protection who are assigned to  
149 provide security and protection to an individual described in Subsection (1) or (2).

150           (5) The commissioner or the commissioner's designee shall provide regular training to  
151 all members of the Office of Executive Protection on:

152           (a) personal protection;

153           (b) special tactics;

154           (c) facility defense; and

155           (d) any other topic that, in the determination of the commissioner or the  
156 commissioner's designee, is relevant to providing for the security and protection of public  
157 officials, public officials' staff, and the capitol hill complex.

158           (6) (a) At times that the commissioner determines to be reasonable, the Office of  
159 Executive Protection shall provide personal security training for all public officials and public  
160 officials' staff members who work at the capitol hill complex.

161           (b) The Office of Executive Protection shall make personal security equipment, that the  
162 commissioner determines to be reasonable, available to the public officials and public officials'  
163 staff members who work at the capitol hill complex.

164           Section 4. **Effective date.**

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