

## SB0222S01 compared with SB0222

~~deleted text~~ shows text that was in SB0222 but was deleted in SB0222S01.

inserted text shows text that was not in SB0222 but was inserted into SB0222S01.

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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: \_\_\_\_\_

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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;

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- ▶ 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.

### Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

#### **53-1-102. Definitions.**

(1) As used in this title:

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

63C-9-102.

~~[(a)]~~ (b) "Commissioner" means the commissioner of public safety appointed under Section 53-1-107.

~~[(b)]~~ (c) "Department" means the Department of Public Safety created in Section 53-1-103.

(d) "Governor-elect" means an individual whom the board of canvassers determines to be the successful candidate for governor after a general election for the office of governor.

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

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

(B) a state institution of higher education; or

(C) a private institution of higher education, if the entity or division has been certified by the commissioner; and

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

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and ordinances.

~~[(d)]~~ (f) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

~~[(e)]~~ (g) "Motor vehicle" means every self-propelled vehicle and every vehicle propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except motorized wheel chairs and vehicles moved solely by human power.

~~[(f)]~~ (h) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13, Peace Officer Classifications.

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) provide assistance to the Crime Victim Reparations Board and the Utah Office for

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Victims of Crime in conducting research or monitoring victims' programs, as required by Section 63M-7-505;

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

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

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

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

(i) under this title;

(ii) by the department; or

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

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

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

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

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

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

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

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

(3) The department may establish or contract for the establishment of an Organ

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Procurement Donor Registry in accordance with Section 26-28-120.

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

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

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

- (a) the governor and the governor's immediate family;
- (b) a governor-elect and the governor-elect's immediate family; and
- (c) the capitol hill complex.

(2) (a) Subject to the ~~[direction]~~ authorization of the commissioner, and only if there is a demonstrable need or a specifically identified threat to the individual to be protected, the Office of Executive Protection may provide protection to:

- (i) other public officials;
- (ii) a public official's staff member;
- (iii) a candidate for an elected state office and the candidate's immediate family during the time beginning on the date of the general election and ending on the date of the meeting of the board of canvassers under Section 20A-4-306; or
- (iv) an outgoing elected state official and the outgoing elected state official's immediate family.

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

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

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

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

(d) The requirement for review and approval described in Subsection (2)(b)(ii) and the reporting requirement described in Subsection (2)(c) may be waived or modified by majority

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vote of the president of the Senate, the speaker of the House of Representatives, and the commissioner.

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

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

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

(a) personal protection;

(b) special tactics;

(c) facility defense; and

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

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

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

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.