

28 (a) "Deadly force" means force that creates or is likely to create, or that the individual
29 using the force intends to create, a substantial likelihood of death or serious bodily injury to an
30 individual.

31 (b) "Officer" means an officer described in Section 53-13-102.

32 (c) "Serious bodily injury" means the same as that term is defined in Section 76-1-601.

33 (2) The defense of justification applies to the use of deadly force by an officer, or an
34 individual acting by the officer's command in providing aid and assistance, when:

35 (a) the officer is acting in obedience to and in accordance with the judgment of a
36 competent court in executing a penalty of death under Subsection 77-18-113(2), (3), or (4);

37 (b) effecting an arrest or preventing an escape from custody following an arrest, if:

38 (i) the officer reasonably believes that deadly force is necessary to prevent the arrest
39 from being defeated by escape; and

40 (ii) (A) the officer has probable cause to believe that the suspect has committed a
41 felony offense involving the infliction or threatened infliction of death or serious bodily injury;
42 or

43 (B) the officer has probable cause to believe the suspect poses a threat of death or
44 serious bodily injury to the officer or to an individual other than the suspect if apprehension is
45 delayed; or

46 (c) the officer reasonably believes that the use of deadly force is necessary to prevent
47 death or serious bodily injury to the officer or an individual other than the suspect.

48 (3) If feasible, ~~Ĥ~~→ [f] a verbal warning should be given by the officer [t] ←~~Ĥ~~ prior to
48a any use of

49 deadly force under Subsection (2)(b) or (2)(c) ~~Ĥ~~→ [~~a peace officer~~ ~~Ĥ~~→ [~~shall~~] ~~may~~ ←~~Ĥ~~ identify
49a1 himself

49a or herself
50 as a peace officer and give a clear oral warning of his or her intent to use a firearm or other
51 physical force] ←~~Ĥ~~ .

52 Section 2. Section 76-2-408 is amended to read:

53 **76-2-408. Officer use of force -- Investigations.**

54 (1) As used in this section:

55 (a) "Dangerous weapon" means a firearm or an object that in the manner of its use or
56 intended use is capable of causing death or serious bodily injury to [~~a person~~] an individual.

57 (b) "Deadly force" means a force that creates or is likely to create, or that the [~~person~~]
58 individual using the force intends to create, a substantial likelihood of death or serious bodily

90 (b) the chief executive of the law enforcement agency and the county or district
 91 attorney having jurisdiction where the incident occurred shall:

92 (i) jointly designate an investigating agency for the officer-involved critical incident;
 93 and

94 (ii) designate which agency is the lead investigative agency if the officer-involved
 95 critical incident involves multiple investigations.

96 (3) The investigating agency under Subsection (2) may not be the law enforcement
 97 agency employing the officer who is alleged to have caused or contributed to the
 98 officer-involved critical incident.

99 (4) This section does not preclude the law enforcement agency employing an officer
 100 alleged to have caused or contributed to the officer-involved critical incident from conducting
 101 an internal administrative investigation.

102 (5) Each law enforcement agency that is part of or administered by the state or any of
 103 the state's political subdivisions shall adopt and post on the agency's publicly accessible
 104 website:

105 (a) the policies and procedures the agency has adopted to select the investigating
 106 agency if an officer-involved critical incident occurs in the agency's jurisdiction and one of the
 107 agency's officers is alleged to have caused or contributed to the officer-involved incident; and

108 (b) the protocols the agency has adopted to ensure that any investigation of
 109 officer-involved incidents occurring in the agency's jurisdiction are conducted professionally,
 110 thoroughly, and impartially.

111 (6) Once a criminal investigation is turned over from law enforcement, ~~H~~→ [all
 112 investigations] the county or district attorney's findings or analyses ~~←H~~ into an officer's use of
 112a force shall be completed within 180 days of the ~~H~~→ [incident
 113 occurring] turnover ~~←H~~ . If ~~H~~→ [an investigation] the findings or analyses ~~←H~~ is not
 113a ~~H~~→ [-completed] published ~~←H~~ within 180 days ~~H~~→ of the turnover ~~←H~~ , the county or district
 113b attorney
 114 shall post a public statement on the county or district attorney's website stating a reasonable
 115 estimate when the ~~H~~→ [investigation] findings or analyses ~~←H~~ will be complete and the reason for
 115a the delay.

116 (7) Subject to the requirements of Title 63G, Chapter 2, Government Records Access
 117 and Management Act, ~~H~~→ [all investigative reports and any] the county or district attorney's ~~←H~~
 117a resulting findings or analyses shall be
 118 published on the county or district attorney's website within five business days of completion.