

CORRECTIONAL OFFICER ELIGIBILITY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill removes the prohibition for 19-year-olds to work as correctional officers for the Department of Corrections.

Highlighted Provisions:

This bill:

- ▶ removes the prohibition for 19-year-olds to work as correctional officers for the Department of Corrections; and
- ▶ removes the sunset date from the pilot program allowing 19-year-olds to work as correctional officers.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53-6-203, as last amended by Laws of Utah 2021, First Special Session, Chapter 13

53-13-104, as last amended by Laws of Utah 2019, Chapter 90

63I-1-253, as last amended by Laws of Utah 2021, Chapters 14, 64, 106, 233, and 307

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



28 Section 1. Section **53-6-203** is amended to read:

29 **53-6-203. Applicants for admission to training programs or for certification**
30 **examination -- Requirements.**

31 (1) Before being accepted for admission to the training programs conducted by a
32 certified academy, and before being allowed to take a certification examination, each applicant
33 for admission or certification examination shall meet the following requirements:

34 (a) be either:

35 (i) a United States citizen; or

36 (ii) a lawful permanent resident of the United States who:

37 (A) has been in the United States legally for the five years immediately before the day
38 on which the application is made; and

39 (B) has legal authorization to work in the United States;

40 (b) be at least:

41 (i) 21 years old at the time of certification as a special function officer; or

42 (ii) [~~as of July 1, 2019,~~] 19 years old at the time of certification as a correctional
43 officer;

44 (c) be a high school graduate or furnish evidence of successful completion of an
45 examination indicating an equivalent achievement;

46 (d) have not been convicted of a crime for which the applicant could have been
47 punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of
48 this or another state;

49 (e) have demonstrated good moral character, as determined by a background
50 investigation;

51 (f) be free of any physical, emotional, or mental condition that might adversely affect
52 the performance of the applicant's duties as a peace officer; and

53 (g) meet all other standards required by POST.

54 (2) (a) An application for admission to a training program shall be accompanied by a
55 criminal history background check of local, state, and national criminal history files and a
56 background investigation.

57 (b) The costs of the background check and investigation shall be borne by the applicant
58 or the applicant's employing agency.

59 (3) (a) Notwithstanding any expungement statute or rule of any other jurisdiction, any
60 conviction obtained in this state or other jurisdiction, including a conviction that has been
61 expunged, dismissed, or treated in a similar manner to either of these procedures, may be
62 considered for purposes of this section.

63 (b) This provision applies to convictions entered both before and after the effective
64 date of this section.

65 (4) Any background check or background investigation performed under the
66 requirements of this section shall be to determine eligibility for admission to training programs
67 or qualification for certification examinations and may not be used as a replacement for any
68 background investigations that may be required of an employing agency.

69 (5) An applicant shall be considered to be of good moral character under Subsection
70 (1)(e) if the applicant has not engaged in conduct that would be a violation of Subsection
71 53-6-211(1).

72 (6) An applicant seeking certification as a law enforcement officer, as defined in
73 Section 53-13-103, shall be qualified to possess a firearm under state and federal law.

74 Section 2. Section 53-13-104 is amended to read:

75 **53-13-104. Correctional officer.**

76 (1) (a) "Correctional officer" means a sworn and certified officer employed by the
77 Department of Corrections, any political subdivision of the state, or any private entity which
78 contracts with the state or its political subdivisions to incarcerate inmates who is charged with
79 the primary duty of providing community protection.

80 (b) "Correctional officer" includes an individual assigned to carry out any of the
81 following types of functions:

82 (i) controlling, transporting, supervising, and taking into custody of persons arrested or
83 convicted of crimes;

84 (ii) supervising and preventing the escape of persons in state and local incarceration
85 facilities;

86 (iii) guarding and managing inmates and providing security and enforcement services
87 at a correctional facility; and

88 (iv) employees of the Board of Pardons and Parole serving on or before September 1,
89 1993, whose primary responsibility is to prevent and detect crime, enforce criminal statutes,

90 and provide security to the Board of Pardons and Parole, and who are designated by the Board
91 of Pardons and Parole, approved by the commissioner of public safety, and certified by the
92 Peace Officer Standards and Training Division.

93 (2) (a) Correctional officers have peace officer authority only while on duty. The
94 authority of correctional officers employed by the Department of Corrections is regulated by
95 Title 64, Chapter 13, Department of Corrections - State Prison.

96 (b) Correctional officers may carry firearms only if authorized by and under conditions
97 specified by the director of the Department of Corrections or the chief law enforcement officer
98 of the employing agency.

99 (3) (a) An individual may not exercise the authority of an adult correctional officer
100 until the individual has satisfactorily completed a basic training program for correctional
101 officers and the director of the Department of Corrections has certified the completion of
102 training to the director of the division.

103 (b) An individual may not exercise the authority of a county correctional officer until:

104 (i) the individual has satisfactorily completed a basic training program for correctional
105 officers and any other specialized training required by the local law enforcement agency; and

106 (ii) the chief administrator of the local law enforcement agency has certified the
107 completion of training to the director of the division.

108 (4) (a) The Department of Corrections of the state shall establish and maintain a
109 correctional officer basic course and in-service training programs as approved by the director of
110 the division with the advice and consent of the council.

111 (b) The in-service training shall:

112 (i) consist of no fewer than 40 hours per year; and

113 (ii) be conducted by the agency's own staff or other agencies.

114 (5) The local law enforcement agencies may establish correctional officer basic,
115 advanced, or in-service training programs as approved by the director of the division with the
116 advice and consent of the council.

117 (6) ~~[(a) Beginning July 1, 2019, an]~~ An individual shall be 19 years ~~[of age]~~ old or
118 older before being certified or employed as a correctional officer under this section.

119 ~~[(b) A person under the age of 21 years who is certified as a correctional officer may~~
120 ~~only be employed in a jail facility.]~~

121 Section 3. Section **63I-1-253** is amended to read:

122 **63I-1-253. Repeal dates, Titles 53 through 53G.**

123 (1) Section **53-2a-105**, which creates the Emergency Management Administration
124 Council, is repealed July 1, 2022.

125 (2) Sections **53-2a-1103** and **53-2a-1104**, which create the Search and Rescue Advisory
126 Board, are repealed July 1, 2022.

127 (3) Section **53-5-703**, which creates the Concealed Firearm Review Board, is repealed
128 July 1, 2023.

129 [~~(4)~~ Subsection **53-6-203**(1)(b)(ii), regarding being 19 years old at certification, is
130 repealed July 1, 2027.]

131 [~~(5)~~ Subsection **53-13-104**(6)(a), regarding being 19 years old at certification, is
132 repealed July 1, 2027.]

133 [~~(6)~~ (4) Section **53B-6-105.5**, which creates the Technology Initiative Advisory Board,
134 is repealed July 1, 2024.

135 [~~(7)~~ (5) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

136 [~~(8)~~ (6) Section **53B-17-1203**, which creates the SafeUT and School Safety
137 Commission, is repealed January 1, 2025.

138 [~~(9)~~ (7) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

139 [~~(10)~~ (8) Title 53B, Chapter 24, Part 4, Rural Residency Training Program, is repealed
140 July 1, 2025.

141 [~~(11)~~ (9) Subsection **53C-3-203**(4)(b)(vii), which provides for the distribution of
142 money from the Land Exchange Distribution Account to the Geological Survey for test wells
143 and other hydrologic studies in the West Desert, is repealed July 1, 2030.

144 [~~(12)~~ (10) Section **53E-3-515** is repealed January 1, 2023.

145 [~~(13)~~ (11) In relation to a standards review committee, on January 1, 2023:

146 (a) in Subsection **53E-4-202**(8), the language "by a standards review committee and the
147 recommendations of a standards review committee established under Section **53E-4-203**" is
148 repealed; and

149 (b) Section **53E-4-203** is repealed.

150 [~~(14)~~ (12) Subsections **53E-3-503**(5) and (6), which create coordinating councils for
151 youth in custody, are repealed July 1, 2027.

152 [~~(15)~~] (13) Section 53E-4-402, which creates the State Instructional Materials
153 Commission, is repealed July 1, 2022.

154 [~~(16)~~] (14) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory
155 Commission, is repealed July 1, 2023.

156 [~~(17)~~] (15) Subsection 53E-8-204(4), which creates the advisory council for the Utah
157 Schools for the Deaf and the Blind, is repealed July 1, 2021.

158 [~~(18)~~] (16) Section 53F-2-420, which creates the Intensive Services Special Education
159 Pilot Program, is repealed July 1, 2024.

160 [~~(19)~~] (17) Section 53F-5-203 is repealed July 1, 2024.

161 [~~(20)~~] (18) Section 53F-5-212 is repealed July 1, 2024.

162 [~~(21)~~] (19) Section 53F-5-213 is repealed July 1, 2023.

163 [~~(22)~~] (20) Section 53F-5-214, in relation to a grant for professional learning, is
164 repealed July 1, 2025.

165 [~~(23)~~] (21) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
166 repealed July 1, 2025.

167 [~~(24)~~] (22) Subsection 53F-9-203(7), which creates the Charter School Revolving
168 Account Committee, is repealed July 1, 2024.

169 [~~(25)~~] (23) Section 53F-9-501 is repealed January 1, 2023.

170 [~~(26)~~] (24) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
171 Commission, are repealed January 1, 2025.

172 [~~(27)~~] (25) Subsection 53G-8-211(5), regarding referrals of a minor to court for a class
173 C misdemeanor, is repealed July 1, 2022.

174 Section 4. **Effective date.**

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