

CORRECTION OFFICER AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson S. Burton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to the designation and duties of officers within the Department of Corrections.

Highlighted Provisions:

This bill:

- ▶ modifies provisions relating to the designation and duties of officers within the Department of Corrections; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-13-103, as last amended by Laws of Utah 2021, Chapter 349

64-13-21.5, as last amended by Laws of Utah 2022, Chapter 10

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

Section 1. Section **53-13-103** is amended to read:

53-13-103. Law enforcement officer.



- 28 (1) (a) "Law enforcement officer" means a sworn and certified peace officer:
29 (i) who is an employee of a law enforcement agency; and
30 (ii) whose primary and principal duties consist of the prevention and detection of crime
31 and the enforcement of criminal statutes or ordinances of this state or any of its political
32 subdivisions.
- 33 (b) "Law enforcement officer" includes the following:
34 (i) a sheriff or deputy sheriff, chief of police, police officer, or marshal of any county,
35 city, or town;
36 (ii) the commissioner of public safety and any member of the Department of Public
37 Safety certified as a peace officer;
38 (iii) all persons specified in Sections 23-20-1.5 and 79-4-501;
39 (iv) a police officer employed by a state institution of higher education;
40 (v) investigators for the Motor Vehicle Enforcement Division;
41 (vi) investigators for the Department of Insurance, Fraud Division;
42 (vii) special agents or investigators employed by the attorney general, district attorneys,
43 and county attorneys;
44 (viii) employees of the Department of Natural Resources designated as peace officers
45 by law;
46 (ix) school district police officers as designated by the board of education for the
47 school district;
48 (x) the executive director of the Department of Corrections and ~~[any] a~~ correctional
49 enforcement [or] officer, investigative officer, or adult probation and parole officer that is
50 certified as a peace officer and designated by the executive director ~~[and approved by the~~
51 ~~commissioner of public safety and certified by the division]~~;
52 (xi) correctional enforcement, investigative, or adult probation and parole officers
53 employed by the Department of Corrections serving on or before July 1, 1993;
54 (xii) members of a law enforcement agency established by a private college or
55 university if the agency is certified by the commissioner under Title 53, Chapter 19,
56 Certification of Private Law Enforcement Agency;
57 (xiii) airport police officers of any airport owned or operated by the state or any of its
58 political subdivisions; and

59 (xiv) transit police officers designated under Section 17B-2a-822.

60 (2) Law enforcement officers may serve criminal process and arrest violators of any
61 law of this state and have the right to require aid in executing their lawful duties.

62 (3) (a) A law enforcement officer has statewide full-spectrum peace officer authority,
63 but the authority extends to other counties, cities, or towns only when the officer is acting
64 under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is
65 employed by the state.

66 (b) (i) A local law enforcement agency may limit the jurisdiction in which its law
67 enforcement officers may exercise their peace officer authority to a certain geographic area.

68 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise
69 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act
70 on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the
71 limited geographic area.

72 (c) The authority of law enforcement officers employed by the Department of
73 Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.

74 (4) A law enforcement officer shall, prior to exercising peace officer authority:

75 (a) (i) have satisfactorily completed the requirements of Section 53-6-205; or

76 (ii) have met the waiver requirements in Section 53-6-206; and

77 (b) have satisfactorily completed annual certified training of at least 40 hours per year
78 as directed by the director of the division, with the advice and consent of the council.

79 Section 2. Section 64-13-21.5 is amended to read:

80 **64-13-21.5. Powers of correctional officers and POST certified correctional**
81 **enforcement or investigation officers.**

82 (1) Employees of the department who are designated by the executive director as
83 correctional officers may exercise the powers and authority of a correctional officer as needed
84 to properly carry out the following functions:

85 (a) performing the officer's duties within the boundaries of a correctional facility;

86 (b) supervising an offender during transportation;

87 (c) when in fresh pursuit of an offender who has escaped from the custody of the
88 department; or

89 (d) when requested to assist a local, state, or federal law enforcement agency.

90 (2) Employees of the department who are POST certified as law enforcement officers
91 or correctional officers and who are designated as correctional enforcement [~~or investigation~~]
92 officers, investigative officers, or adult probation and parole officers have the following duties
93 as specified by the executive director:

- 94 (a) providing investigative services for the department;
- 95 (b) conducting criminal investigations and operations in cooperation with state, local,
96 and federal law enforcement agencies; and
- 97 (c) providing security and enforcement for the department.