

LAW ENFORCEMENT OFFICER AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill addresses provisions related to law enforcement officers.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends the requirements regarding when an out-of-state law enforcement officer may respond to an emergency or a request for assistance in this state;
- ▶ authorizes the Peace Officer Standards and Training Division to discipline a chief executive who fails to report misconduct;
- ▶ addresses law enforcement officer employment and background checks;
- ▶ requires a law enforcement agency to use an early intervention system to determine law enforcement officer performance under certain circumstances;
- ▶ creates the Early Intervention System Grant Program; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates for fiscal year 2024:

- ▶ To the Department of Public Safety - Programs and Operations, as a one-time appropriation:
 - from the General Fund, One-time, \$3,000,000.

Other Special Clauses:

None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **11-13-203.5**, as enacted by Laws of Utah 2003, Chapter 38

32 **53-2a-506**, as renumbered and amended by Laws of Utah 2013, Chapter 295

33 **53-6-211**, as last amended by Laws of Utah 2021, Chapters 96, 311

34 **53-14-101**, as last amended by Laws of Utah 2021, Chapter 311

35 **63G-7-201**, as last amended by Laws of Utah 2021, Chapter 352

36 ENACTS:

37 **53-14-102**, Utah Code Annotated 1953

38 **53-14-103**, Utah Code Annotated 1953

39 **53-14-201**, Utah Code Annotated 1953

40 **53-14-202**, Utah Code Annotated 1953

41 **53-14-203**, Utah Code Annotated 1953



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

44 Section 1. Section **11-13-203.5** is amended to read:

45 **11-13-203.5. Powers, immunities, and privileges of law enforcement officers**
46 **under an agreement for law enforcement -- Requirements for out-of-state officers.**

47 (1) While performing duties under an agreement for law enforcement services under
48 Subsection **11-13-202**(1)(d), whether inside or outside the law enforcement officer's own
49 jurisdiction, each law enforcement officer shall possess:

50 (a) all law enforcement powers that the officer possesses within the officer's own
51 jurisdiction, including the power to arrest; and

52 (b) the same immunities and privileges as if the duties were performed within the
53 officer's own jurisdiction.

54 (2) ~~[Each]~~ Except as provided in Subsection (3), an agreement between a ~~[Utah]~~ public
55 agency in this state and an out-of-state public agency ~~[under Subsection **11-13-202**(1)(d)]~~

56 providing for reciprocal law enforcement services under Subsection 11-13-202(1)(d) shall
57 require each [~~person~~] individual from the [~~other state~~] out-of-state public agency assigned to
58 law enforcement duty in this state:

59 (a) to be certified as a peace officer in the state of the out-of-state public agency; and

60 (b) to apply to the Peace Officer Standards and Training Council, created in Section
61 53-6-106, for recognition before undertaking duties in this state under the agreement.

62 (3) The requirements under Subsection (2)(b) do not apply to an agreement between a
63 public agency of this state and an out-of-state public agency to provide reciprocal law
64 enforcement services under Subsection 11-13-202(1)(d) if the agreement:

65 (a) only provides for aid or assistance to be given by an out-of-state peace officer to a
66 peace officer of this state:

67 (i) during an emergency; or

68 (ii) when aid or assistance is requested by the public agency of this state; and

69 (b) does not include a provision allowing an out-of-state officer to be regularly
70 assigned to law enforcement duties in this state.

71 Section 2. Section **53-2a-506** is amended to read:

72 **53-2a-506. Privileges and immunities of emergency responders.**

73 (1) [~~Any~~] An emergency responder from another state who enters into this state has the
74 same authority to act as an emergency responder of this state while:

75 (a) responding to an emergency [~~has the same authority to act~~], including providing
76 care[~~, as does any emergency responder of this state~~]; or

77 (b) providing aid or assistance at the request of a public agency in this state.

78 (2) All privileges and immunities from liability, exemption from law, ordinances, and
79 rules, and any other benefits, which apply to an emergency responder while performing duties
80 in the responder's state of residence or state of employment as a responder, apply when the
81 emergency responder is acting as an emergency responder in [~~Utah~~] this state.

82 Section 3. Section **53-6-211** is amended to read:

83 **53-6-211. Suspension or revocation of certification -- Right to a hearing --**

84 **Grounds -- Notice to employer -- Reporting -- Judicial appeal.**

85 (1) The council has the authority to issue a Letter of Caution, or suspend or revoke the
86 certification of a peace officer, if the peace officer:

87 (a) willfully falsifies any information to obtain certification;

88 (b) has any physical or mental disability affecting the peace officer's ability to perform
89 duties;

90 (c) engages in conduct constituting a state or federal criminal offense, but not including
91 a traffic offense that is a class C misdemeanor or infraction;

92 (d) refuses to respond, or fails to respond truthfully, to questions after having been
93 issued a warning issued based on Garrity v. New Jersey, 385 U.S. 493 (1967);

94 (e) engages in sexual conduct while on duty;

95 (f) is certified as a law enforcement peace officer, as defined in Section 53-13-102, and
96 is unable to possess a firearm under state or federal law;

97 (g) is found by a court or by a law enforcement agency to have knowingly engaged in
98 conduct that involves dishonesty or deception in violation of a policy of the peace officer's
99 employer or in violation of a state or federal law; [or]

100 (h) is found by a court or by a law enforcement agency to have knowingly engaged in
101 biased or prejudicial conduct against one or more individuals based on the individual's race,
102 color, sex, pregnancy, age, religion, national origin, disability, sexual orientation, or gender
103 identity; or

104 (i) is a chief, sheriff, or administrative officer of a law enforcement agency and fails to
105 comply with Subsection (6).

106 (2) The council may not issue a Letter of Caution or suspend or revoke the certification
107 of a peace officer for a violation of state or federal law or a violation of a law enforcement
108 agency's policies, general orders, or guidelines of operation that do not amount to a cause of
109 action under Subsection (1).

110 (3) (a) The division is responsible for investigating officers who are alleged to have
111 engaged in conduct in violation of Subsection (1).

112 (b) The division shall initiate all adjudicative proceedings under this section by
113 providing to the peace officer involved notice and an opportunity for a hearing before an
114 administrative law judge.

115 (c) All adjudicative proceedings under this section are civil actions, notwithstanding
116 whether the issue in the adjudicative proceeding is a violation of statute that may be prosecuted
117 criminally.

118 (d) (i) The burden of proof on the division in an adjudicative proceeding under this
119 section is by clear and convincing evidence.

120 (ii) If a peace officer asserts an affirmative defense, the peace officer has the burden of
121 proof to establish the affirmative defense by a preponderance of the evidence.

122 (e) If the administrative law judge issues findings of fact and conclusions of law stating
123 there is sufficient evidence to demonstrate that the officer engaged in conduct that is in
124 violation of Subsection (1), the division shall present the finding and conclusions issued by the
125 administrative law judge to the council.

126 (f) The division shall notify the chief, sheriff, or administrative officer of the police
127 agency which employs the involved peace officer of the investigation and shall provide any
128 information or comments concerning the peace officer received from that agency regarding the
129 peace officer to the council before a Letter of Caution is issued, or a peace officer's certification
130 may be suspended or revoked.

131 (g) If the administrative law judge finds that there is insufficient evidence to
132 demonstrate that the officer is in violation of Subsection (1), the administrative law judge shall
133 dismiss the adjudicative proceeding.

134 (4) (a) The council shall:

135 (i) accept the administrative law judge's findings of fact and conclusions of law, and
136 the information concerning the peace officer provided by the officer's employing agency; and

137 (ii) choose whether to issue a Letter of Caution, or suspend or revoke the officer's
138 certification.

139 (b) Before making a decision, the council may consider aggravating and mitigating
140 circumstances.

141 (c) A member of the council shall recuse him or herself from consideration of an issue
142 that is before the council if the council member:

143 (i) has a personal bias for or against the officer;

144 (ii) has a substantial pecuniary interest in the outcome of the proceeding and may gain
145 or lose some benefit from the outcome; or

146 (iii) employs, supervises, or works for the same law enforcement agency as the officer
147 whose case is before the council.

148 (5) (a) Termination of a peace officer, whether voluntary or involuntary, does not
149 preclude suspension or revocation of a peace officer's certification by the council if the peace
150 officer was terminated for any of the reasons under Subsection (1).

151 (b) Employment by another agency, or reinstatement of a peace officer by the original
152 employing agency after termination by that agency, whether the termination was voluntary or
153 involuntary, does not preclude suspension or revocation of a peace officer's certification by the
154 council if the peace officer was terminated for any of the reasons under Subsection (1).

155 (6) (a) A chief, sheriff, or administrative officer of a law enforcement agency who is
156 made aware of an allegation against a peace officer employed by that agency that involves
157 conduct in violation of [~~Subsection (1)~~] Subsections (1)(a) through (h) shall conduct an
158 administrative or internal investigation into the allegation and report the findings of the
159 investigation to the division if the allegation is substantiated.

160 (b) If a peace officer who is the subject of an internal or administrative investigation
161 into allegations that include any of the conditions or circumstances outlined in [~~Subsection (1)~~]
162 Subsections (1)(a) through (h) resigns, retires, or otherwise separates from the investigating law
163 enforcement agency before the conclusion of the investigation, the chief, sheriff, or

164 administrative officer of that law enforcement agency shall complete the investigation and
165 report the findings to the division.

166 (7) The council's issuance of a Letter of Caution, or suspension or revocation of an
167 officer's certification under Subsection (4) may be appealed under Title 63G, Chapter 4, Part 4,
168 Judicial Review.

169 Section 4. Section 53-14-101 is amended to read:

170 **CHAPTER 14. PEACE OFFICER INFORMATION**

171 **Part 1. Peace Officer Background Checks**

172 **53-14-101. Definitions.**

173 ~~[(1)]~~ As used in this ~~[section]~~ part:

174 ~~[(a)]~~ (1) "Director" means the director of a ~~[certified law enforcement officer]~~ training
175 academy.

176 ~~[(b)]~~ (2) "Employer" ~~[includes]~~ means a public employer ~~[and a]~~ or private employer
177 ~~[and includes the human resource officer for the employer].~~

178 (3) "POST" means the Peace Officer Standards and Training Division created in
179 Section 53-6-103.

180 ~~[(c)]~~ "Law enforcement agency" has the same definition as in Section ~~53-1-102.~~

181 ~~[(d)]~~ "Law enforcement officer" has the same definition as in Section ~~53-13-103,~~ and
182 ~~includes those officers in administrative positions.]~~

183 ~~[(e)]~~ (4) "Training academy" means a peace officer training institution certified in
184 accordance with the standards developed under Section ~~53-6-105.~~

185 ~~[(2)]~~ ~~A current or former employer and the director of any training academy an~~
186 ~~applicant has attended or graduated from shall provide all available information in accordance~~
187 ~~with this section regarding an applicant if the request complies with Subsection (3) and is~~
188 ~~submitted by:]~~

189 ~~[(a)]~~ a law enforcement agency regarding an applicant for an employment position; or]

190 ~~[(b)]~~ the director of a law enforcement training academy for which the applicant

191 requests admission under Section ~~53-6-203.~~]

192 ~~[(3) The request for information pursuant to Subsection (2) shall be:]~~

193 ~~[(a) in writing;]~~

194 ~~[(b) accompanied by an authorization signed by the applicant and notarized by a notary~~
195 ~~public, in which the applicant consents to the release of the requested information and releases~~
196 ~~the employer or training academy providing the information from liability; and]~~

197 ~~[(c) addressed to the employer or director and signed by a sworn officer or other~~
198 ~~authorized representative of the requesting law enforcement agency or the academy.]~~

199 ~~[(4) The information that a law enforcement agency or the director of an academy shall~~
200 ~~request pursuant to Subsection (2) includes:]~~

201 ~~[(a) the date on which the applicant's employment commenced and, if applicable, the~~
202 ~~date on which applicant's employment was terminated;]~~

203 ~~[(b) a list of the compensation that the employer provided to the applicant during the~~
204 ~~course of the employment;]~~

205 ~~[(c) a copy of the application for a position of employment that the applicant submitted~~
206 ~~to the employer;]~~

207 ~~[(d) a written evaluation of the performance of the applicant;]~~

208 ~~[(e) a record of the attendance of the applicant;]~~

209 ~~[(f) a record of disciplinary action taken against the applicant;]~~

210 ~~[(g) a statement regarding whether the employer would rehire the applicant and, if the~~
211 ~~employer would not rehire the applicant, the reasons why;]~~

212 ~~[(h) if applicable, a record setting forth the reason that the employment of the applicant~~
213 ~~was terminated and whether the termination was voluntary or involuntary;]~~

214 ~~[(i) the record of any final action regarding an applicant's peace officer certification~~
215 ~~that is based on an investigation concerning the applicant's qualification for certification; and]~~

216 ~~[(j) notice of any pending or ongoing investigation regarding the applicant's~~
217 ~~certification as a peace officer.]~~

218 ~~[(5) (a) In the absence of fraud or malice, an employer or training academy is not~~
219 ~~subject to any civil liability for any relevant cause of action by releasing employment~~
220 ~~information requested under this section.]~~

221 ~~[(b) This section does not in any way or manner abrogate or lessen the existing~~
222 ~~common law or statutory privileges and immunities of an employer.]~~

223 ~~[(c) An employer or training academy may not provide information pursuant to~~
224 ~~Subsection (2) if the disclosure of the information is prohibited pursuant to federal or state~~
225 ~~law;]~~

226 ~~[(6) An employer's refusal to disclose information to a law enforcement agency in~~
227 ~~accordance with this section constitutes grounds for a civil action by the requesting agency for~~
228 ~~injunctive relief requiring disclosure on the part of an employer.]~~

229 ~~[(7) (a) (i) A law enforcement agency may use the information received pursuant to this~~
230 ~~section only to determine the suitability of an applicant for employment.]~~

231 ~~[(ii) A director may use the information received pursuant to this section only to~~
232 ~~determine the suitability of an applicant for acceptance at the training academy.]~~

233 ~~[(b) Except as otherwise provided in Subsection (7)(c), the recipient law enforcement~~
234 ~~agency and director shall maintain the confidentiality of information received pursuant to this~~
235 ~~section.]~~

236 ~~[(c) (i) A law enforcement agency shall share information regarding an applicant that it~~
237 ~~receives pursuant to this section with another law enforcement agency if:]~~

238 ~~[(A) the information is requested by the other law enforcement agency in accordance~~
239 ~~with this section;]~~

240 ~~[(B) the applicant is also an applicant for any employment position with the other law~~
241 ~~enforcement agency; and]~~

242 ~~[(C) the confidentiality of the information is otherwise maintained.]~~

243 ~~[(ii) A director shall share information regarding an applicant that is received pursuant~~
244 ~~to this section with another training academy if:]~~

245 ~~[(A) the information is requested by the other training academy in accordance with this~~
246 ~~section;]~~

247 ~~[(B) the applicant is an applicant for acceptance at the other training academy; and]~~

248 ~~[(C) the confidentiality of the information is otherwise maintained.]~~

249 ~~[(iii) A director shall share information regarding an applicant, attendee, or graduate of~~
250 ~~a training academy that is received pursuant to this section with a law enforcement agency if:]~~

251 ~~[(A) the information is requested by the law enforcement agency in accordance with~~
252 ~~this section;]~~

253 ~~[(B) the applicant is applying for a position as a peace officer with the law enforcement~~
254 ~~agency; and]~~

255 ~~[(C) the confidentiality of the information is otherwise maintained.]~~

256 ~~[(8) This section applies to requests submitted to employers on and after July 1, 2020~~
257 ~~for employment information under this section.]~~

258 Section 5. Section **53-14-102** is enacted to read:

259 **53-14-102. Background check for peace officer applicants.**

260 A law enforcement agency may not employ a peace officer who is currently working, or
261 has previously worked, for another law enforcement agency unless the hiring law enforcement
262 agency:

263 (1) confirms that the peace officer is certified by POST or another comparable
264 certifying agency if the peace officer is currently employed, or has previously been employed,
265 by a law enforcement agency in a different state; and

266 (2) completes a background check that contains the information outlined in Subsection
267 [53-14-103\(3\)](#).

268 Section 6. Section **53-14-103** is enacted to read:

269 **53-14-103. Law enforcement and training academy applicants -- Employer**
270 **background information -- Information required upon request.**

271 (1) Except as provided in Subsection (4), an employer or director shall provide

272 available information regarding an individual in accordance with this section if the request for
273 the information:

274 (a) complies with Subsection (2); and

275 (b) is submitted by:

276 (i) if the individual is applying for employment, a law enforcement agency; or

277 (ii) if the individual is applying for admission under Section 53-6-203 to a training
278 academy, the director.

279 (2) A law enforcement agency or director requesting information under Subsection (1)
280 shall:

281 (a) make the request in writing;

282 (b) include with the request:

283 (i) an authorization signed by the applicant and notarized by a notary public, in which
284 the applicant consents to the release of the requested information and releases the employer or
285 training academy providing the information from liability; and

286 (ii) a signature by a sworn officer or other authorized representative of the requesting
287 law enforcement agency or the academy; and

288 (c) address the request to the employer or director.

289 (3) A law enforcement agency or director requesting information under Subsection (1)
290 shall request:

291 (a) the date on which the applicant's employment commenced and, if applicable, the
292 date on which the applicant's employment was terminated;

293 (b) a list of the compensation that the employer provided to the applicant during the
294 course of the employment;

295 (c) a copy of the application for a position of employment that the applicant submitted
296 to the employer;

297 (d) a written evaluation of the performance of the applicant;

298 (e) an attendance record of the applicant noting disciplinary action taken due to the

299 applicant being late or absent without permission;

300 (f) a record of disciplinary action taken against the applicant;

301 (g) a statement regarding whether the employer would rehire the applicant and, if the
302 employer would not rehire the applicant, the reasons why;

303 (h) if applicable, a record setting forth the reason that the employment of the applicant
304 was terminated and whether the termination was voluntary or involuntary;

305 (i) the record of any final action regarding an applicant's peace officer certification that
306 is based on an investigation concerning the applicant's qualification for certification; and

307 (j) notice of any pending or ongoing investigation regarding the applicant's certification
308 as a peace officer.

309 (4) (a) In the absence of fraud or malice, an employer or training academy is not
310 subject to any civil liability for any relevant cause of action by releasing employment
311 information requested under this section.

312 (b) This section does not abrogate or lessen the existing common law or statutory
313 privileges and immunities of an employer.

314 (c) An employer or training academy may not provide information under this section if
315 the disclosure of the information is prohibited under federal or state law.

316 (5) An employer's refusal to make available information to a law enforcement agency
317 in accordance with this section is grounds for a civil action by the requesting agency for
318 injunctive relief requiring disclosure on the part of the employer.

319 (6) (a) (i) A law enforcement agency may use the information received under this
320 section to determine the suitability of an applicant for employment.

321 (ii) A director may use the information received under this section to determine the
322 suitability of an applicant for acceptance at the training academy.

323 (b) Except as provided in Subsection (6)(c), the recipient law enforcement agency and
324 director shall maintain the confidentiality of information received under this section.

325 (c) (i) A law enforcement agency shall share information regarding an applicant that

326 the law enforcement agency is in possession of with another law enforcement agency if:

327 (A) the information is requested by the other law enforcement agency in accordance
328 with this section;

329 (B) the applicant is also an applicant for any employment position with the other law
330 enforcement agency; and

331 (C) the confidentiality of the information is otherwise maintained.

332 (ii) A director shall share information regarding an applicant that is received under this
333 section with another training academy if:

334 (A) the information is requested by the other training academy in accordance with this
335 section;

336 (B) the applicant is an applicant for acceptance at the other training academy; and

337 (C) the confidentiality of the information is otherwise maintained.

338 (iii) A director shall share information regarding an applicant, attendee, or graduate of
339 a training academy that is received under this section with a law enforcement agency if:

340 (A) the information is requested by the law enforcement agency in accordance with this
341 section;

342 (B) the applicant is applying for a position as a peace officer with the law enforcement
343 agency; and

344 (C) the confidentiality of the information is otherwise maintained.

345 Section 7. Section **53-14-201** is enacted to read:

346 **Part 2. Law Enforcement Early Intervention**

347 **53-14-201. Definitions.**

348 As used in this part:

349 (1) "Early intervention system" means an electronic data-based police management tool
350 designed to track behaviors of a law enforcement officer based on performance factors.

351 (2) "Grant" means a grant awarded under this part.

352 (3) "Program" means the Early Intervention Grant Program created in section

353 [53-14-203.](#)

354 Section 8. Section **53-14-202** is enacted to read:

355 **53-14-202. Early intervention system implementation.**

356 (1) On or before January 1, 2025, a law enforcement agency shall use an early
357 intervention system.

358 (2) Information contained in an early intervention system is part of a law enforcement
359 officer's internal personnel file and may only be shared in accordance with Section [53-14-103.](#)

360 (3) The department shall establish by rule, in accordance with Title 63G, Chapter 3,
361 Utah Administrative Rulemaking Act, the minimum standards that an early intervention system
362 is required to meet in order for a law enforcement agency to comply with Subsection (1).

363 Section 9. Section **53-14-203** is enacted to read:

364 **53-14-203. Early Intervention System Grant Program.**

365 (1) (a) There is created within the department the Early Intervention System Grant
366 Program.

367 (b) The purpose of the program is to award grants to law enforcement agencies to
368 initially establish an early intervention system.

369 (2) (a) A law enforcement agency that submits a proposal for a grant to the department
370 shall include in the proposal:

371 (i) the plan for establishing and cost of an early intervention system;

372 (ii) a statement that the early intervention system to be established complies with the
373 standards under Subsection [53-14-202\(3\)](#);

374 (iii) any funding sources in addition to the grant for the proposal; and

375 (iv) other information the department determines necessary to evaluate the proposal.

376 (b) When evaluating a proposal for a grant, the department shall consider:

377 (i) whether the proposed early intervention system meets the standards under
378 Subsection [53-14-202\(3\)](#);

379 (ii) the cost of the proposal;

380 (iii) the extent to which additional funding sources may benefit the proposal; and
381 (iv) the viability and sustainability of the proposal.

382 (3) Subject to Subsection (2), the department may, in accordance with Title 63G,
383 Chapter 3, Utah Administrative Rulemaking Act, make rules to establish:

- 384 (a) eligibility criteria for a grant;
- 385 (b) the form and process for submitting a proposal to the department for a grant;
- 386 (c) the method and formula for determining a grant amount; and
- 387 (d) reporting requirements for a grant recipient.

388 Section 10. Section **63G-7-201** is amended to read:

389 **63G-7-201. Immunity of governmental entities and employees from suit.**

390 (1) Except as otherwise provided in this chapter, each governmental entity and each
391 employee of a governmental entity are immune from suit for any injury that results from the
392 exercise of a governmental function.

393 (2) Notwithstanding the waiver of immunity provisions of Section **63G-7-301**, a
394 governmental entity, its officers, and its employees are immune from suit:

- 395 (a) as provided in Section **78B-4-517**; and
- 396 (b) for any injury or damage resulting from the implementation of or the failure to
397 implement measures to:

398 (i) control the causes of epidemic and communicable diseases and other conditions
399 significantly affecting the public health or necessary to protect the public health as set out in
400 Title 26A, Chapter 1, Local Health Departments;

401 (ii) investigate and control suspected bioterrorism and disease as set out in Title 26,
402 Chapter 23b, Detection of Public Health Emergencies Act;

403 (iii) respond to a national, state, or local emergency, a public health emergency as
404 defined in Section **26-23b-102**, or a declaration by the President of the United States or other
405 federal official requesting public health related activities, including the use, provision,
406 operation, and management of:

407 (A) an emergency shelter;
408 (B) housing;
409 (C) a staging place; or
410 (D) a medical facility; and
411 (iv) adopt methods or measures, in accordance with Section 26-1-30, for health care
412 providers, public health entities, and health care insurers to coordinate among themselves to
413 verify the identity of the individuals they serve.

414 (3) A governmental entity, its officers, and its employees are immune from suit, and
415 immunity is not waived, for any injury if the injury arises out of or in connection with, or
416 results from:

417 (a) a latent dangerous or latent defective condition of:

418 (i) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or
419 viaduct; or

420 (ii) another structure located on any of the items listed in Subsection (3)(a)(i); or

421 (b) a latent dangerous or latent defective condition of any public building, structure,
422 dam, reservoir, or other public improvement.

423 (4) A governmental entity, its officers, and its employees are immune from suit, and
424 immunity is not waived, for any injury proximately caused by a negligent act or omission of an
425 employee committed within the scope of employment, if the injury arises out of or in
426 connection with, or results from:

427 (a) the exercise or performance, or the failure to exercise or perform, a discretionary
428 function, whether or not the discretion is abused;

429 (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery,
430 false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process,
431 libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation
432 of civil rights;

433 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue,

- 434 deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar
435 authorization;
- 436 (d) a failure to make an inspection or making an inadequate or negligent inspection;
- 437 (e) the institution or prosecution of any judicial or administrative proceeding, even if
438 malicious or without probable cause;
- 439 (f) a misrepresentation by an employee whether or not the misrepresentation is
440 negligent or intentional;
- 441 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;
- 442 (h) the collection or assessment of taxes;
- 443 (i) an activity of the Utah National Guard;
- 444 (j) the incarceration of a person in a state prison, county or city jail, or other place of
445 legal confinement;
- 446 (k) a natural condition on publicly owned or controlled land;
- 447 (l) a condition existing in connection with an abandoned mine or mining operation;
- 448 (m) an activity authorized by the School and Institutional Trust Lands Administration
449 or the Division of Forestry, Fire, and State Lands;
- 450 (n) the operation or existence of a pedestrian or equestrian trail that is along a ditch,
451 canal, stream, or river, regardless of ownership or operation of the ditch, canal, stream, or river,
452 if:
- 453 (i) the trail is designated under a general plan adopted by a municipality under Section
454 10-9a-401 or by a county under Section 17-27a-401;
- 455 (ii) the trail right-of-way or the right-of-way where the trail is located is open to public
456 use as evidenced by a written agreement between:
- 457 (A) the owner or operator of the trail right-of-way or of the right-of-way where the trail
458 is located; and
- 459 (B) the municipality or county where the trail is located; and
- 460 (iii) the written agreement:

- 461 (A) contains a plan for operation and maintenance of the trail; and
- 462 (B) provides that an owner or operator of the trail right-of-way or of the right-of-way
- 463 where the trail is located has, at a minimum, the same level of immunity from suit as the
- 464 governmental entity in connection with or resulting from the use of the trail;
- 465 (o) research or implementation of cloud management or seeding for the clearing of fog;
- 466 (p) the management of flood waters, earthquakes, or natural disasters;
- 467 (q) the construction, repair, or operation of flood or storm systems;
- 468 (r) the operation of an emergency vehicle, while being driven in accordance with the
- 469 requirements of Section [41-6a-212](#);
- 470 (s) the activity of:
 - 471 (i) providing emergency medical assistance;
 - 472 (ii) fighting fire;
 - 473 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
 - 474 (iv) an emergency evacuation;
 - 475 (v) transporting or removing an injured person to a place where emergency medical
 - 476 assistance can be rendered or where the person can be transported by a licensed ambulance
 - 477 service; or
 - 478 (vi) intervening during a dam emergency;
 - 479 (t) the exercise or performance, or the failure to exercise or perform, any function
 - 480 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;
 - 481 (u) an unauthorized access to government records, data, or electronic information
 - 482 systems by any person or entity;
 - 483 (v) an activity of wildlife, as defined in Section [23-13-2](#), that arises during the use of a
 - 484 public or private road; or
 - 485 (w) a communication between employees of one or more law enforcement agencies
 - 486 related to the employment, disciplinary history, character, professional competence, or physical
 - 487 or mental health of a peace officer, or a former, current, or prospective employee of a law

488 enforcement agency, including any communication made in accordance with Section
489 ~~[53-14-101]~~ [53-14-103](#).

490 Section 11. **Appropriation.**

491 The following sums of money are appropriated for the fiscal year beginning July 1,
492 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
493 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
494 Act, the Legislature appropriates the following sums of money from the funds or accounts
495 indicated for the use and support of the government of the state of Utah.

496 ITEM 1

497 To Department of Public Safety - Programs and Operations

498 From General Fund, One-time 3,000,000

499 Schedule of Programs:

500 Highway Patrol - Special Services 3,000,000

501 The Legislature intends that:

502 (1) the appropriation under this item be used to award grants over a three-year period
503 under Title 53, Chapter 14, Part 2, Law Enforcement Early Intervention; and

504 (2) under Section [63J-1-603](#), the appropriation under this item not lapse at the close of
505 fiscal year 2024 and the use of any nonlapsing funds is limited to the purposes described in
506 Subsection (1) of this item.