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DEPARTMENT OF NATURAL RESOURCES
LAW ENFORCEMENT AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Ryan D. Wilcox
Senate Sponsor: Derrin R. Owens

LONG TITLE

General Description:

This bill creates a law enforcement division managed by the Department of Natural Resources.

Highlighted Provisions:

This bill:

- defines terms;
- creates the Division of Law Enforcement (the division) within the Department of Natural Resources (the department);
- establishes the role and qualifications of the division director;
- outlines the division's enforcement authority, including the division's ability to initiate civil proceedings;
- authorizes the division to enter into contracts and agreements;
- moves management of the Aquatic Invasive Species Interdiction Account from the Division of Wildlife to the division; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.
This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

23A-1-101, as renumbered and amended by Laws of Utah 2023, Chapter 103

- 27 **23A-5-201**, as last amended by Laws of Utah 2023, Chapter 448 and renumbered and
28 amended by Laws of Utah 2023, Chapter 103
- 29 **23A-5-206**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 30 **23A-5-207**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 31 **23A-5-317**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 32 **23A-10-302**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 33 **53-13-103**, as last amended by Laws of Utah 2023, Chapter 34
- 34 **63A-17-512**, as last amended by Laws of Utah 2023, Chapter 34
- 35 **63L-8-304**, as last amended by Laws of Utah 2023, Chapter 34
- 36 **65A-1-1**, as last amended by Laws of Utah 2016, Chapter 174
- 37 **65A-3-3**, as last amended by Laws of Utah 2016, Chapter 174
- 38 **65A-8-308**, as renumbered and amended by Laws of Utah 2007, Chapter 136
- 39 **77-11a-101**, as last amended by Laws of Utah 2023, Chapters 111, 231 and renumbered
40 and amended by Laws of Utah 2023, Chapter 448
- 41 **77-11a-301**, as renumbered and amended by Laws of Utah 2023, Chapter 448
- 42 **79-2-102**, as last amended by Laws of Utah 2023, Chapter 34
- 43 **79-2-204**, as renumbered and amended by Laws of Utah 2009, Chapter 344
- 44 ENACTS:
- 45 **79-2-701**, Utah Code Annotated 1953
- 46 **79-2-702**, Utah Code Annotated 1953
- 47 **79-2-703**, Utah Code Annotated 1953
- 48 **79-2-704**, Utah Code Annotated 1953
- 49 **79-2-705**, Utah Code Annotated 1953
- 50 RENUMBERS AND AMENDS:
- 51 **79-2-706**, (Renumbered from 23A-3-211, as last amended by Laws of Utah 2023,
52 Chapter 244 and renumbered and amended by Laws of Utah 2023, Chapter 103)
- 53 REPEALS:
- 54 **23A-5-202**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 55 **23A-5-203**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 56 **23A-5-319**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 57 **79-4-501**, as renumbered and amended by Laws of Utah 2009, Chapter 344
- 58 **79-7-401**, as enacted by Laws of Utah 2021, Chapter 280
- 59 **Utah Code Sections affected by Coordination Clause:**
- 60 **23A-5-201**, as last amended by Laws of Utah 2023, Chapter 448 and renumbered and

61 amended by Laws of Utah 2023, Chapter 103

62

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

64 Section 1. Section **23A-1-101** is amended to read:

65 **23A-1-101 . Definitions.**

66 As used in this title:

67 (1) "Activity regulated under this title" means an act, attempted act, or activity prohibited or
68 regulated under this title or the rules and proclamations promulgated under this title
69 pertaining to protected wildlife including:

70 (a) fishing;

71 (b) hunting;

72 (c) trapping;

73 (d) taking;

74 (e) permitting a dog, falcon, or other domesticated animal to take;

75 (f) transporting;

76 (g) possessing;

77 (h) selling;

78 (i) wasting;

79 (j) importing;

80 (k) exporting;

81 (l) rearing;

82 (m) keeping;

83 (n) using as a commercial venture; and

84 (o) releasing to the wild.

85 (2) "Aquaculture facility" means the same as that term is defined in Section 4-37-103.

86 (3) "Aquatic animal" means the same as that term is defined in Section 4-37-103.

87 (4) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or
88 amphibians.

89 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that
90 one person may legally take during one day.

91 (6) "Big game" means species of hoofed protected wildlife.

92 (7) "Carcass" means the dead body of an animal or the animal's parts.

93 (8) "Certificate of registration" means a paper-based or electronic document issued under
94 this title, or a rule or proclamation of the Wildlife Board granting authority to engage in

- 95 activities not covered by a license, permit, or tag.
- 96 (9) "Closed season" means the period of time during which the taking of protected wildlife
97 is prohibited.
- 98 [~~(10) "Conservation officer" means a full-time, permanent employee of the division who is~~
99 ~~POST certified as a peace or a special function officer.~~]
- 100 [~~(11)~~ (10) "Dedicated hunter program" means a program that provides:
- 101 (a) expanded hunting opportunities;
- 102 (b) opportunities to participate in projects that are beneficial to wildlife; and
- 103 (c) education in hunter ethics and wildlife management principles.
- 104 [~~(12)~~ (11) "Department" means the Department of Natural Resources.
- 105 [~~(13)~~ (12) "Director" means the director of the division appointed under Section 23A-2-202.
- 106 [~~(14)~~ (13) "Division" means the Division of Wildlife Resources.
- 107 (14) "Division of Law Enforcement" means the division within the Department of Natural
108 Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.
- 109 (15) Subject to Section 23A-1-103, "domicile" means the place:
- 110 (a) where an individual has a fixed permanent home and principal establishment;
- 111 (b) to which the individual if absent, intends to return; and
- 112 (c) in which the individual, and the individual's family voluntarily reside, not for a
113 special or temporary purpose, but with the intention of making a permanent home.
- 114 (16) "Endangered" means wildlife designated as endangered according to Section 3 of the
115 federal Endangered Species Act of 1973.
- 116 (17) "Executive director" means the executive director of the Department of Natural
117 Resources.
- 118 (18) "Fee fishing facility" means the same as that term is defined in Section 4-37-103.
- 119 (19) "Feral" means an animal that is normally domesticated but has reverted to the wild.
- 120 (20) "Fishing" means to take fish or crayfish by any means.
- 121 (21) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and
122 Castoridae families, except coyote and cougar.
- 123 (22) "Game" means wildlife normally pursued, caught, or taken by sporting means for
124 human use.
- 125 (23) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any
126 means.
- 127 (24) "Hunting guide" means the same as that term is defined in Section 58-79-102.
- 128 (25) "Intimidate or harass" means to physically interfere with or impede, hinder, or

- 129 diminish the efforts of an officer in the performance of the officer's duty.
- 130 (26) (a) "Natural flowing stream" means a topographic low where water collects and
131 perennially or intermittently flows with a perceptible current in a channel formed
132 exclusively by forces of nature.
- 133 (b) "Natural flowing stream" includes perennial or intermittent water flows in a:
134 (i) realigned or modified channel that replaces the historic, natural flowing stream
135 channel; and
136 (ii) dredged natural flowing stream channel.
- 137 (c) "Natural flowing stream" does not include a human-made ditch, canal, pipeline, or
138 other water delivery system that diverts and conveys water to an approved place of
139 use pursuant to a certificated water right.
- 140 (27) (a) "Natural lake" means a perennial or intermittent body of water that collects on
141 the surface of the earth exclusively through the forces of nature and without human
142 assistance.
- 143 (b) "Natural lake" does not mean a lake where the surface water sources supplying the
144 body of water originate from groundwater springs no more than 100 yards upstream.
- 145 (28) "Natural resources officer" means the same as that term is defined in Section 79-2-701.
- 146 [~~(28)~~] (29) "Nominating committee" means the Wildlife Board Nominating Committee
147 created in Section 23A-2-302.
- 148 [~~(29)~~] (30) "Nonresident" means a person who does not qualify as a resident.
- 149 [~~(30)~~] (31) "Open season" means the period of time during which protected wildlife may be
150 legally taken.
- 151 [~~(31)~~] (32) "Outfitter" means the same as that term is defined in Section 58-79-102.
- 152 [~~(32)~~] (33) "Pecuniary gain" means the acquisition of money or something of monetary
153 value.
- 154 [~~(33)~~] (34) "Permit" means a paper-based or electronic document that grants authority to
155 engage in specified activities under this title or a rule or proclamation of the Wildlife
156 Board.
- 157 [~~(34)~~] (35) "Person" means an individual, association, partnership, government agency,
158 corporation, or an agent of the individual, association, partnership, government agency,
159 or corporation.
- 160 [~~(35)~~] (36) "Pollute water" means to introduce into waters within the state matter or thermal
161 energy that:
162 (a) exceeds state water quality standards; or

- 163 (b) could harm protected wildlife.
- 164 [~~(36)~~] (37) "Possession" means actual or constructive possession.
- 165 [~~(37)~~] (38) "Possession limit" means the number of bag limits one individual may legally
- 166 possess.
- 167 [~~(38)~~] (39) (a) "Private fish pond" means a pond, reservoir, or other body of water,
- 168 including a fish culture system, located on privately owned land where privately
- 169 owned fish:
- 170 (i) are propagated or kept for a private noncommercial purpose; and
- 171 (ii) may be taken without a fishing license.
- 172 (b) "Private fish pond" does not include:
- 173 (i) an aquaculture facility;
- 174 (ii) a fee fishing facility;
- 175 (iii) a short-term fishing event; or
- 176 (iv) private stocking.
- 177 [~~(39)~~] (40) "Private stocking" means an authorized release of privately owned, live fish in
- 178 the waters of the state not eligible as:
- 179 (a) a private fish pond under Section 23A-9-203; or
- 180 (b) an aquaculture facility or fee fishing facility under Title 4, Chapter 37, Aquaculture
- 181 Act.
- 182 [~~(40)~~] (41) "Private wildlife farm" means an enclosed place where privately owned birds or
- 183 furbearers are propagated or kept and that restricts the birds or furbearers from:
- 184 (a) commingling with wild birds or furbearers; and
- 185 (b) escaping into the wild.
- 186 [~~(41)~~] (42) "Proclamation" means the publication that is:
- 187 (a) used to convey a statute, rule, policy, or pertinent information related to wildlife; and
- 188 (b) issued in accordance with a rule made by the Wildlife Board under this title.
- 189 [~~(42)~~] (43) (a) "Protected aquatic wildlife" means aquatic wildlife except as provided in
- 190 Subsection [~~(42)(b)~~] (43)(b).
- 191 (b) "Protected aquatic wildlife" does not include aquatic insects.
- 192 [~~(43)~~] (44) (a) "Protected wildlife" means wildlife, except as provided in Subsection [
- 193 ~~(43)(b)~~] (44)(b).
- 194 (b) "Protected wildlife" does not include:
- 195 (i) coyote;
- 196 (ii) field mouse;

- 197 (iii) gopher;
- 198 (iv) ground squirrel;
- 199 (v) jack rabbit;
- 200 (vi) muskrat; or
- 201 (vii) raccoon.
- 202 [~~(44)~~] (45) "Regional advisory council" means a council created under Section 23A-2-303.
- 203 [~~(45)~~] (46) "Released to the wild" means to be turned loose from confinement.
- 204 [~~(46)~~] (47) (a) "Reservoir constructed on a natural stream channel" means a body of
- 205 water collected and stored on the course of a natural flowing stream by impounding
- 206 the stream through excavation or diking.
- 207 (b) "Reservoir constructed on a natural stream channel" does not mean an impoundment
- 208 on a natural flowing stream where all surface water sources supplying the
- 209 impoundment originate from groundwater springs no more than 100 yards upstream.
- 210 [~~(47)~~] (48) Subject to Section 23A-1-103, "resident" means a person who:
- 211 (a) has been domiciled in the state for six consecutive months immediately preceding the
- 212 purchase of a license; and
- 213 (b) does not claim residency for hunting, fishing, or trapping in another state or country.
- 214 [~~(48)~~] (49) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of
- 215 selling, bartering, exchanging, or trading.
- 216 [~~(49)~~] (50) "Short-term fishing event" means an event when:
- 217 (a) privately acquired fish are held or confined for a period not to exceed 10 days for the
- 218 purpose of providing fishing or recreational opportunity; and
- 219 (b) no fee is charged as a requirement to fish.
- 220 [~~(50)~~] (51) "Small game" means species of protected wildlife:
- 221 (a) commonly pursued for sporting purposes;
- 222 (b) not classified as big game, aquatic wildlife, or furbearers; and
- 223 (c) excluding turkey, cougar, and bear.
- 224 [~~(51)~~] (52) "Spoiled" means impairment of the flesh of wildlife that renders the flesh unfit
- 225 for human consumption.
- 226 [~~(52)~~] (53) "Spotlighting" means throwing or casting the rays of a spotlight, headlight, or
- 227 other artificial light on a highway or in a field, woodland, or forest while having in
- 228 possession a weapon by which protected wildlife may be killed.
- 229 [~~(53)~~] (54) "Tag" means a card, label, or other paper-based or electronic means of
- 230 identification used to document harvest of protected wildlife.

- 231 [~~(54)~~] (55) "Take" means to:
- 232 (a) hunt, pursue, harass, catch, capture, possess, angle, seine, trap, or kill protected
- 233 wildlife; or
- 234 (b) attempt an action referred to in Subsection [~~(54)~~(a)] (55)(a).
- 235 [~~(55)~~] (56) "Threatened" means wildlife designated as threatened pursuant to Section 3 of
- 236 the federal Endangered Species Act of 1973.
- 237 [~~(56)~~] (57) "Trapping" means taking protected wildlife with a trapping device.
- 238 [~~(57)~~] (58) "Trophy animal" means an animal described as follows:
- 239 (a) deer - a buck with an outside antler measurement of 24 inches or greater;
- 240 (b) elk - a bull with six points on at least one side;
- 241 (c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;
- 242 (d) moose - a bull with at least one antler exceeding five inches in length;
- 243 (e) mountain goat - a male or female;
- 244 (f) pronghorn antelope - a buck with horns exceeding 14 inches; or
- 245 (g) bison - a bull.
- 246 [~~(58)~~] (59) "Upland game" means pheasant, quail, partridge, grouse, ptarmigan, mourning
- 247 dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.
- 248 [~~(59)~~] (60) "Waste" means to:
- 249 (a) abandon protected wildlife; or
- 250 (b) allow protected wildlife to spoil or to be used in a manner not normally associated
- 251 with the protected wildlife's beneficial use.
- 252 [~~(60)~~] (61) "Wildlife" means:
- 253 (a) crustaceans, including brine shrimp and crayfish;
- 254 (b) mollusks; and
- 255 (c) vertebrate animals living in nature, except feral animals.
- 256 [~~(61)~~] (62) "Wildlife Board" means the board created in Section 23A-2-301.
- 257 *The following section is affected by a coordination clause at the end of this bill.*
- 258 Section 2. Section **23A-5-201** is amended to read:
- 259 **23A-5-201 . Enforcement authority of natural resources officers -- Seizure and**
- 260 **disposition of property.**
- 261 (1) A [~~conservation~~] natural resources officer shall enforce the provisions of this title in
- 262 accordance with the same procedures and requirements for a law enforcement officer of
- 263 this state.
- 264 (2) (a) Except as provided in Subsection (2)(b), a [~~conservation~~] natural resources officer

- 265 may seize property or contraband in accordance with Title 77, Chapter 11a, Seizure
266 of Property and Contraband, and Title 77, Chapter 11b, Forfeiture of Seized Property.
- 267 (b) A [~~conservation~~] natural resources officer shall seize protected wildlife illegally taken
268 or held.
- 269 (3) (a) If a [~~conservation~~] natural resources officer seizes wildlife as part of an
270 investigation or prosecution of an offense and the wildlife may reasonably be used to
271 incriminate or exculpate a person for the offense, the [~~division~~] Division of Law
272 Enforcement is not required to retain the wildlife under Title 77, Chapter 11c,
273 Retention of Evidence.
- 274 (b) If the [~~division~~] Division of Law Enforcement does not retain wildlife under
275 Subsection (3)(a), the [~~division~~] Division of Law Enforcement is required to preserve
276 sufficient evidence from the wildlife for use as evidence in the prosecution of a
277 person for the offense.
- 278 (4) (a) If a [~~conservation~~] natural resources officer seizes wildlife and the wildlife or
279 parts of the wildlife are perishable, the [~~division~~] Division of Law Enforcement may
280 donate the wildlife or parts of the wildlife to be used for charitable purposes.
- 281 (b) If wildlife or parts of the wildlife are perishable and are not fit to be donated for
282 charitable purposes under Subsection (4)(a), the [~~division~~] Division of Law
283 Enforcement may dispose of the wildlife or parts of the wildlife in a reasonable
284 manner.
- 285 (5) (a) The court may order the [~~division~~] Division of Law Enforcement to sell or dispose
286 of protected wildlife that is seized by a [~~conservation~~] natural resources officer if the [~~division~~]
287 Division of Law Enforcement is permitted by law to sell or dispose of the
288 wildlife.
- 289 (b) The [~~division~~] Division of Law Enforcement may not sell migratory wildfowl but the [~~division~~]
290 Division of Law Enforcement shall donate the migratory wildfowl to be
291 used for charitable purposes.
- 292 (c) The [~~division~~] Division of Law Enforcement shall deposit the proceeds from the sale
293 of protected wildlife into the Wildlife Resources Account.
- 294 (6) If the [~~division~~] Division of Law Enforcement disposes of wildlife, the court may order
295 the [~~division~~] Division of Law Enforcement to:
- 296 (a) provide the owner of the disposed wildlife with wildlife that is reasonably equivalent
297 in value to the disposed wildlife within 180 days after the day on which the court
298 enters the order; or

299 (b) if the [~~division~~] Division of Law Enforcement is unable to obtain wildlife that is
 300 reasonably equivalent in value to the disposed wildlife, pay the owner of the disposed
 301 wildlife for the non-trophy value of the disposed wildlife in accordance with
 302 Subsection 23A-5-312(2) within 180 days after the day on which the court enters the
 303 order.

304 (7) (a) If a [~~conservation~~] natural resources officer seizes a vehicle under Section
 305 77-11a-201, the [~~division~~] Division of Law Enforcement shall store the seized vehicle
 306 in a public or private garage, state impound lot, or any other secured storage facility.

307 (b) The [~~division~~] Division of Law Enforcement shall release a seized vehicle to the
 308 owner no later than 30 days after the day on which the vehicle is seized, unless the
 309 vehicle was used for the unlawful taking or possessing of wildlife by a person
 310 charged with a felony under this title.

311 (c) The owner of a seized vehicle is liable for the payment of any impound fee if:

- 312 (i) the owner used the vehicle for the unlawful taking or possessing of wildlife; and
- 313 (ii) the owner is convicted of an offense under this title.

314 (d) The owner of a seized vehicle is not liable for the payment of any impound fee or, if
 315 the fees have been paid, is entitled to reimbursement of the fees paid, if:

- 316 (i) no charges are filed or all charges are dropped that involve the use of the vehicle
 317 for the unlawful taking or possessing of wildlife;
- 318 (ii) the person charged with using the vehicle for the unlawful taking or possessing of
 319 wildlife is found by a court to be not guilty; or
- 320 (iii) the owner did not consent to a use of the vehicle that violates this chapter.

321 Section 3. Section **23A-5-206** is amended to read:

322 **23A-5-206 . Search warrants.**

323 (1) A search warrant may be issued by a magistrate to search for property that may
 324 constitute evidence of a violation of this title, rules, or proclamations of the Wildlife
 325 Board upon an affidavit of a person.

326 (2) The search warrant shall be directed to a [~~conservation~~] natural resources officer or a
 327 peace officer, directing the officer to search for evidence and to bring the evidence
 328 before the magistrate.

329 (3) A search warrant may not be issued except upon probable cause supported by oath or
 330 affirmation, particularly describing the place, person, or thing to be searched for and the
 331 person or thing to be seized.

332 (4) The warrant shall be served in the daytime, unless there is reason to believe that the

- 333 service of the search warrant is required immediately because a person may:
- 334 (a) flee the jurisdiction to avoid prosecution or discovery of a violation noted above;
- 335 (b) destroy or conceal evidence of the commission of a violation; or
- 336 (c) injure another person or damage property.
- 337 (5) Notwithstanding Subsection (4), a search warrant may be served at night if:
- 338 (a) there is reason to believe that a violation may occur at night; or
- 339 (b) the evidence of the violation may not be available to the officers serving the warrant
- 340 during the day.

341 Section 4. Section **23A-5-207** is amended to read:

342 **23A-5-207 . Exhibition of license, permit, tag, or device required -- Criminal**
 343 **penalty.**

- 344 (1) A person while engaged in an activity regulated under this title, shall exhibit the
- 345 following at the request of [~~conservation~~] a natural resources officer or other peace
- 346 officer:
- 347 (a) the required license, permit, or tag;
- 348 (b) a device or apparatus in that person's possession used for an activity regulated under
- 349 this title; or
- 350 (c) wildlife in that person's possession.
- 351 (2) A [~~conservation~~] natural resources officer who has a reasonable belief that a person is
- 352 engaged in an activity regulated under this title may stop and temporarily detain that
- 353 person to demand and inspect:
- 354 (a) the required license, permit, or tag;
- 355 (b) a device or apparatus in that person's possession used for an activity regulated under
- 356 this title; or
- 357 (c) wildlife in that person's possession.
- 358 (3) A person is subject to the penalties of Section 23A-5-301 if the person fails to produce
- 359 for examination to a [~~correction~~] natural resources officer or other peace officer any of
- 360 the required licenses, permits, tags, devices or apparatuses used for an activity regulated
- 361 under this title or wildlife in that person's possession.

362 Section 5. Section **23A-5-317** is amended to read:

363 **23A-5-317 . Posted property -- Hunting by permission -- Entry on private land**
 364 **while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable to**
 365 **officers.**

- 366 (1) As used in this section:

- 367 (a) "Cultivated land" means land that is readily identifiable as:
368 (i) land whose soil is loosened or broken up for the raising of crops;
369 (ii) land used for the raising of crops; or
370 (iii) pasturage which is artificially irrigated.
- 371 (b) "Permission" means written authorization from the owner or person in charge to
372 enter upon private land that is either cultivated or properly posted, and shall include:
373 (i) the signature of the owner or person in charge;
374 (ii) the name of the person being given permission;
375 (iii) the appropriate dates; and
376 (iv) a general description of the property.
- 377 (c) "Properly posted" means that signs prohibiting trespass or bright yellow, bright
378 orange, or fluorescent paint are clearly displayed:
379 (i) at the corners, fishing streams crossing property lines, roads, gates, and
380 rights-of-way entering the land; or
381 (ii) in a manner that would reasonably be expected to be seen by a person in the area.
- 382 (2) (a) While taking wildlife or engaging in wildlife related activities, a person may not:
383 (i) without permission, enter upon privately owned land that is cultivated or properly
384 posted;
385 (ii) enter or remain on privately owned land if the person has notice to not enter or
386 remain on the privately owned land; or
387 (iii) obstruct an entrance or exit to private property.
- 388 (b) A person has notice to not enter or remain on privately owned land if:
389 (i) the person is directed to not enter or remain on the land by:
390 (A) the owner of the land;
391 (B) the owner's employee; or
392 (C) a person with apparent authority to act for the owner; or
393 (ii) the land is fenced or otherwise enclosed in a manner that a reasonable person
394 would recognize as intended to exclude intruders.
- 395 (c) The division shall provide "hunting by permission cards" to a landowner upon the
396 landowner's request.
- 397 (d) A person may not post:
398 (i) private property the person does not own or legally control; or
399 (ii) land that is open to the public as provided by Section 23A-6-402.
- 400 (3) A person who violates Subsection (2)(a) or (d) is subject to the penalty provided in

- 401 Section 23A-5-301 and liable for the civil damages described in Subsection (7).
- 402 (4) (a) A person convicted of violating Subsection (2)(a) may have the person's license,
403 tag, certificate of registration, or permit, relating to the activity engaged in at the time
404 of the violation, revoked by a hearing officer.
- 405 (b) A hearing officer may construe a subsequent conviction that occurs within a
406 five-year period as a flagrant violation and may prohibit the person from obtaining a
407 new license, tag, certificate of registration, or permit for a period of up to five years.
- 408 (5) Subsection (2)(a) does not apply to peace or [~~e~~onservation] natural resources officers in
409 the performance of their duties.
- 410 (6) (a) The division shall provide information regarding owners' rights and duties:
411 (i) to anyone holding a license, certificate of registration, tag, or permit to take
412 wildlife; and
413 (ii) by using the public media and other sources.
- 414 (b) The Wildlife Board shall state restrictions in this section relating to trespassing in the
415 hunting and fishing proclamations issued by the Wildlife Board.
- 416 (7) In addition to an order for restitution under Section 77-38b-205, a person who commits
417 a violation of Subsection (2)(a) or (d) may also be liable for:
418 (a) the greater of:
419 (i) statutory damages in the amount of three times the value of damages resulting
420 from the violation of Subsection (2)(a) or (d); or
421 (ii) \$500; and
422 (b) reasonable attorney fees not to exceed \$250, and court costs.
- 423 (8) Civil damages under Subsection (7) may be collected in a separate action by the
424 property owner or the property owner's assignee.
- 425 Section 6. Section **23A-10-302** is amended to read:
426 **23A-10-302 . Conveyance or equipment detainment or quarantine.**
- 427 (1) The division, a port-of-entry agent, a natural resources officer, or a peace officer may
428 detain or quarantine a conveyance or equipment if:
429 (a) the division, agent, natural resources officer, or peace officer:
430 (i) finds the conveyance or equipment contains a Dreissena mussel; or
431 (ii) reasonably believes that the person transporting the conveyance or equipment is
432 in violation of Section 23A-10-201; or
433 (b) the person transporting the conveyance or equipment refuses to submit to an
434 inspection authorized by Section 23A-10-301.

- 435 (2) The detainment or quarantine authorized by Subsection (1) may continue for:
436 (a) up to five days; or
437 (b) the period of time necessary to:
438 (i) decontaminate the conveyance or equipment; and
439 (ii) ensure that a Dreissena mussel is not living on or in the conveyance or equipment.

440 Section 7. Section **53-13-103** is amended to read:

441 **53-13-103 . Law enforcement officer.**

- 442 (1) (a) "Law enforcement officer" means a sworn and certified peace officer:
443 (i) who is an employee of a law enforcement agency; and
444 (ii) whose primary and principal duties consist of the prevention and detection of
445 crime and the enforcement of criminal statutes or ordinances of this state or any of
446 its political subdivisions.
- 447 (b) "Law enforcement officer" includes the following:
448 (i) a sheriff or deputy sheriff, chief of police, police officer, or marshal of any county,
449 city, or town;
450 (ii) the commissioner of public safety and any member of the Department of Public
451 Safety certified as a peace officer;
452 (iii) all [~~persons~~] individuals specified in [~~Sections 23A-5-202 and 79-4-501~~] Section
453 79-2-704;
454 (iv) a police officer employed by a state institution of higher education;
455 (v) investigators for the Motor Vehicle Enforcement Division;
456 (vi) investigators for the Department of Insurance, Fraud Division;
457 (vii) special agents or investigators employed by the attorney general, district
458 attorneys, and county attorneys;
459 (viii) employees of the Department of Natural Resources designated as peace officers
460 by law;
461 (ix) school district police officers as designated by the board of education for the
462 school district;
463 (x) the executive director of the Department of Corrections and any correctional
464 enforcement or investigative officer designated by the executive director and
465 approved by the commissioner of public safety and certified by the division;
466 (xi) correctional enforcement, investigative, or adult probation and parole officers
467 employed by the Department of Corrections serving on or before July 1, 1993;
468 (xii) members of a law enforcement agency established by a private college or

- 469 university if the agency is certified by the commissioner under Title 53, Chapter
470 19, Certification of Private Law Enforcement Agency;
- 471 (xiii) airport police officers of any airport owned or operated by the state or any of its
472 political subdivisions; and
- 473 (xiv) transit police officers designated under Section 17B-2a-822.
- 474 (2) Law enforcement officers may serve criminal process and arrest violators of any law of
475 this state and have the right to require aid in executing their lawful duties.
- 476 (3) (a) A law enforcement officer has statewide full-spectrum peace officer authority,
477 but the authority extends to other counties, cities, or towns only when the officer is
478 acting under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law
479 enforcement officer is employed by the state.
- 480 (b) (i) A local law enforcement agency may limit the jurisdiction in which its law
481 enforcement officers may exercise their peace officer authority to a certain
482 geographic area.
- 483 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise
484 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9,
485 Uniform Act on Fresh Pursuit, if the officer is pursuing an offender for an offense
486 that occurred within the limited geographic area.
- 487 (c) The authority of law enforcement officers employed by the Department of
488 Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State
489 Prison.
- 490 (4) A law enforcement officer shall, prior to exercising peace officer authority:
- 491 (a) (i) have satisfactorily completed the requirements of Section 53-6-205; or
492 (ii) have met the waiver requirements in Section 53-6-206; and
- 493 (b) have satisfactorily completed annual certified training of at least 40 hours per year as
494 directed by the director of the division, with the advice and consent of the council.
- 495 Section 8. Section **63A-17-512** is amended to read:
- 496 **63A-17-512 . Leave of absence with pay for employees with a disability who are**
497 **covered under other civil service systems.**
- 498 (1) As used in this section:
- 499 (a) "Eligible officer" means a person who qualifies for a benefit under this section.
- 500 (b) (i) "Law enforcement officer" means a sworn and certified peace officer who is an
501 employee of a law enforcement agency that is part of or administered by the state,
502 and whose primary and principal duties consist of the prevention and detection of

- 503 crime and the enforcement of criminal statutes of this state.
- 504 (ii) "Law enforcement officer" specifically includes the following:
- 505 (A) the commissioner of public safety and any member of the Department of
- 506 Public Safety certified as a peace officer;
- 507 [~~(B)~~] all persons specified in Sections 23A-5-202 and 79-4-501;
- 508 [~~(C)~~] (B) investigators for the Motor Vehicle Enforcement Division;
- 509 [~~(D)~~] (C) special agents or investigators employed by the attorney general;
- 510 [~~(E)~~] (D) employees of the Department of Natural Resources designated as peace
- 511 officers by law;
- 512 [~~(F)~~] (E) the executive director of the Department of Corrections and any
- 513 correctional enforcement or investigative officer designated by the executive
- 514 director and approved by the commissioner of public safety and certified by the
- 515 division; and
- 516 [~~(G)~~] (F) correctional enforcement, investigative, or adult probation and parole
- 517 officers employed by the Department of Corrections serving on or before July
- 518 1, 1993.
- 519 (c) "State correctional officer" means a correctional officer as defined in Section
- 520 53-13-104 who is employed by the Department of Corrections.
- 521 (2) (a) A law enforcement officer or state correctional officer who is injured in the
- 522 course of employment shall be given a leave of absence with 100% of the officer's
- 523 regular monthly salary and benefits during the period the employee has a temporary
- 524 disability.
- 525 (b) The benefit provided under Subsection (2)(a):
- 526 (i) shall be offset as provided under Subsection (4); and
- 527 (ii) may not exceed 100% of the officer's regular monthly salary and benefits,
- 528 including all offsets required under Subsection (4).
- 529 (3) (a) A law enforcement officer or state correctional officer who has a total disability
- 530 as defined in Section 49-21-102, shall be given a leave of absence with 100% of the
- 531 officer's regular monthly salary and benefits until the officer is eligible for an
- 532 unreduced retirement under Title 49, Utah State Retirement and Insurance Benefit
- 533 Act, or reaches the retirement age of 62 years, whichever occurs first, if:
- 534 (i) the disability is a result of an injury sustained while in the lawful discharge of the
- 535 officer's duties; and
- 536 (ii) the injury is the result of:

- 537 (A) a criminal act upon the officer; or
538 (B) an aircraft, vehicle, or vessel accident and the officer was not negligent in
539 causing the accident.
- 540 (b) The benefit provided under Subsection (3)(a):
541 (i) shall be offset as provided under Subsection (4); and
542 (ii) may not exceed 100% of the officer's regular monthly salary and benefits,
543 including all offsets required under Subsection (4).
- 544 (4) (a) The agency shall reduce or require the reimbursement of the monthly benefit
545 provided under this section by any amount received by, or payable to, the eligible
546 officer for the same period of time during which the eligible officer is entitled to
547 receive a monthly disability benefit under this section.
- 548 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
549 division shall make rules establishing policies and procedures for the reductions
550 required under Subsection (4)(a).
- 551 Section 9. Section **63L-8-304** is amended to read:
552 **63L-8-304 . Enforcement authority.**
- 553 (1) The director shall issue rules as necessary to implement the provisions of this chapter
554 with respect to the management, use, and protection of the public land and property
555 located on the public land.
- 556 (2) At the request of the director, the attorney general may institute a civil action in a
557 district court for an injunction or other appropriate remedy to prevent any person from
558 utilizing public land in violation of this chapter or rules issued by the director under this
559 chapter.
- 560 (3) The use, occupancy, or development of any portion of the public land contrary to any
561 rule issued by the DLM in accordance with this chapter, and without proper
562 authorization, is unlawful and prohibited.
- 563 (4) (a) The locally elected county sheriff is the primary law enforcement authority with
564 jurisdiction on public land to enforce:
565 (i) all the laws of this state; and
566 (ii) this chapter and rules issued by the director pursuant to Subsection (1).
- 567 (b) The governor may utilize the Department of Public Safety for the purposes of
568 assisting the county sheriff in enforcing:
569 (i) all the laws of this state and this chapter; and
570 (ii) rules issued by the director pursuant to Subsection (1).

571 (c) [~~Conservation officers employed by the Division of Wildlife Resources have~~] A
 572 natural resources officer employed under Title 79, Chapter 2, Part 7, Division of Law
 573 Enforcement, has authority to enforce the laws and regulations under Title 23A,
 574 Wildlife Resources Act, for the sake of any protected wildlife.

575 (d) [~~A conservation officer~~] A natural resources officer employed under Title 79, Chapter
 576 2, Part 7, Division of Law Enforcement, shall work cooperatively with the locally
 577 elected county sheriff to enforce the laws and regulations under Title 23A, Wildlife
 578 Resources Act, for the sake of protected wildlife.

579 (e) Nothing herein shall be construed as enlarging or diminishing the responsibility or
 580 authority of a state certified peace officer in performing the officer's duties on public
 581 land.

582 Section 10. Section **65A-1-1** is amended to read:

583 **65A-1-1 . Definitions.**

584 As used in this title:

585 (1) "Division" means the Division of Forestry, Fire, and State Lands.

586 (2) "Division of Law Enforcement" means the division within the Department of Natural
 587 Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.

588 [(2)] (3) "Initial attack" means action taken by the first resource to arrive at a wildland fire
 589 incident, including evaluating the wildland fire, patrolling, monitoring, holding action,
 590 or aggressive suppression action.

591 [(3)] (4) "Multiple use" means the management of various surface and subsurface resources
 592 in a manner that will best meet the present and future needs of the people of this state.

593 [(4)] (5) "Municipality" means a city, town, or metro township.

594 [(5)] (6) "Public trust assets" means those lands and resources, including sovereign lands,
 595 administered by the division.

596 [(6)] (7) "Sovereign lands" means those lands lying below the ordinary high water mark of
 597 navigable bodies of water at the date of statehood and owned by the state by virtue of its
 598 sovereignty.

599 [(7)] (8) "State lands" means all lands administered by the division.

600 [(8)] (9) "Sustained yield" means the achievement and maintenance of high level annual or
 601 periodic output of the various renewable resources of land without impairment of the
 602 productivity of the land.

603 [(9)] (10) "Wildland" means an area where:

604 (a) development is essentially non-existent, except for roads, railroads, powerlines, or

605 similar transportation facilities; and

606 (b) structures, if any, are widely scattered.

607 [(40)] (11) "Wildland fire" means a fire that consumes:

608 (a) wildland; or

609 (b) wildland-urban interface, as defined in Section 65A-8a-102.

610 Section 11. Section **65A-3-3** is amended to read:

611 **65A-3-3 . Enforcement of laws -- City, county, or district attorney to prosecute.**

612 (1) It is the duty of the [~~division~~] Division of Law Enforcement, county sheriffs, [~~their~~]
613 county sheriff deputies, peace officers, and other law enforcement officers within the
614 law enforcement jurisdiction to enforce the provisions of this chapter and to investigate
615 and gather evidence that may indicate a violation under this chapter.

616 (2) (a) The city attorney, county attorney, or district attorney, as appropriate under
617 Sections 10-3-928, 17-18a-202, and 17-18a-203, shall prosecute any criminal
618 violations of this chapter.

619 (b) The counsel for an eligible entity, as defined in Section 65A-8-203, shall initiate a
620 civil action to recover suppression costs incurred by the eligible entity for
621 suppression of fire on private land.

622 Section 12. Section **65A-8-308** is amended to read:

623 **65A-8-308 . Enforcement -- Prosecution of violations.**

624 (1) [~~County~~] The Division of Law Enforcement, county sheriffs, police, and other law
625 enforcement officers within their respective jurisdictions are responsible for the
626 enforcement of this part.

627 (2) The county attorney or district attorney shall prosecute any violation of this part.

628 Section 13. Section **77-11a-101** is amended to read:

629 **77-11a-101 . Definitions.**

630 As used in this chapter:

631 (1) (a) "Agency" means an agency of this state or a political subdivision of this state.

632 (b) "Agency" includes a law enforcement agency or a multijurisdictional task force.

633 (2) "Claimant" means:

634 (a) an owner of property;

635 (b) an interest holder; or

636 (c) an individual or entity who asserts a claim to any property for which an agency seeks
637 to forfeit.

638 (3) (a) "Computer" means, except as provided in Subsection (3)(c), an electronic,

- 639 magnetic, optical, electrochemical, or other high-speed data processing device that
640 performs logical, arithmetic, and storage functions.
- 641 (b) "Computer" includes any device that is used for the storage of digital or electronic
642 files, flash memory, software, or other electronic information.
- 643 (c) "Computer" does not mean a computer server of an Internet or electronic service
644 provider, or the service provider's employee, if used to comply with the requirements
645 under 18 U.S.C. Sec. 2258A.
- 646 (4) (a) "Contraband" means any property, item, or substance that is unlawful to produce
647 or to possess under state or federal law.
- 648 (b) "Contraband" includes:
- 649 (i) a controlled substance that is possessed, transferred, distributed, or offered for
650 distribution in violation of Title 58, Chapter 37, Utah Controlled Substances Act;
651 or
- 652 (ii) a computer that:
- 653 (A) contains or houses child sexual abuse material, or is used to create, download,
654 transfer, upload to a storage account, or store any electronic or digital files
655 containing child sexual abuse material; or
- 656 (B) contains the personal identifying information of another individual, as defined
657 in Section 76-6-1101, whether that individual is alive or deceased, and the
658 personal identifying information has been used to create false or fraudulent
659 identification documents or financial transaction cards in violation of Title 76,
660 Chapter 6, Part 5, Fraud.
- 661 (5) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 662 (6) "Court" means a municipal, county, or state court.
- 663 (7) "Division of Law Enforcement" means the division within the Department of Natural
664 Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.
- 665 [(7)] (8) "Evidence" means the same as that term is defined in Section 77-11c-101.
- 666 [(8)] (9) "Forfeit" means to divest a claimant of an ownership interest in property seized by
667 a peace officer or agency.
- 668 [(9)] (10) "Innocent owner" means a claimant who:
- 669 (a) held an ownership interest in property at the time of the commission of an offense
670 subjecting the property to seizure, and:
- 671 (i) did not have actual knowledge of the offense subjecting the property to seizure; or
672 (ii) upon learning of the commission of the offense, took reasonable steps to prohibit

- 673 the use of the property in the commission of the offense; or
- 674 (b) acquired an ownership interest in the property and had no knowledge that the
- 675 commission of the offense subjecting the property to seizure had occurred or that the
- 676 property had been seized, and:
- 677 (i) acquired the property in a bona fide transaction for value;
- 678 (ii) was an individual, including a minor child, who acquired an interest in the
- 679 property through probate or inheritance; or
- 680 (iii) was a spouse who acquired an interest in property through dissolution of
- 681 marriage or by operation of law.
- 682 ~~[(10)]~~ (11) (a) "Interest holder" means a secured party as defined in Section 70A-9a-102,
- 683 a party with a right-of-offset, a mortgagee, lien creditor, or the beneficiary of a
- 684 security interest or encumbrance pertaining to an interest in property, whose interest
- 685 would be perfected against a good faith purchaser for value.
- 686 (b) "Interest holder" does not mean a person:
- 687 (i) who holds property for the benefit of or as an agent or nominee for another
- 688 person; or
- 689 (ii) who is not in substantial compliance with any statute requiring an interest in
- 690 property to be:
- 691 (A) recorded or reflected in public records in order to perfect the interest against a
- 692 good faith purchaser for value; or
- 693 (B) held in control by a secured party, as defined in Section 70A-9a-102, in
- 694 accordance with Section 70A-9a-314 in order to perfect the interest against a
- 695 good faith purchaser for value.
- 696 ~~[(11)]~~ (12) "Law enforcement agency" means:
- 697 (a) a municipal, county, state institution of higher education, or state police force or
- 698 department;
- 699 (b) a sheriff's office; or
- 700 (c) a municipal, county, or state prosecuting authority.
- 701 ~~[(12)]~~ (13) "Legislative body" means:
- 702 (a) (i) the Legislature, county commission, county council, city commission, city
- 703 council, or town council that has fiscal oversight and budgetary approval authority
- 704 over an agency; or
- 705 (ii) the agency's governing political subdivision; or
- 706 (b) the lead governmental entity of a multijurisdictional task force, as designated in a

707 memorandum of understanding executed by the agencies participating in the task
708 force.

709 ~~[(13)]~~ (14) "Multijurisdictional task force" means a law enforcement task force or other
710 agency comprised of individuals who are employed by or acting under the authority of
711 different governmental entities, including federal, state, county, or municipal
712 governments, or any combination of federal, state, county, or municipal agencies.

713 ~~[(14)]~~ (15) "Owner" means an individual or entity, other than an interest holder, that
714 possesses a bona fide legal or equitable interest in property.

715 ~~[(15)]~~ (16) "Pawn or secondhand business" means the same as that term is defined in
716 Section 13-32a-102.

717 ~~[(16)]~~ (17) "Peace officer" means an employee:

- 718 (a) of an agency;
- 719 (b) whose duties consist primarily of the prevention and detection of violations of laws
720 of this state or a political subdivision of this state; and
- 721 (c) who is authorized by the agency to seize property.

722 ~~[(17)]~~ (18) (a) "Proceeds" means:

- 723 (i) property of any kind that is obtained directly or indirectly as a result of the
724 commission of an offense; or
- 725 (ii) any property acquired directly or indirectly from, produced through, realized
726 through, or caused by an act or omission regarding property under Subsection [
727 ~~(17)(a)(i)]~~ (18)(a)(i).

728 (b) "Proceeds" includes any property of any kind without reduction for expenses
729 incurred in the acquisition, maintenance, or production of that property, or any other
730 purpose regarding property under Subsection [~~(17)(a)(i)]~~ (18)(a)(i).

731 (c) "Proceeds" is not limited to the net gain or profit realized from the offense that
732 subjects the property to seizure.

733 ~~[(18)]~~ (19) (a) "Property" means all property, whether real or personal, tangible or
734 intangible.

735 (b) "Property" does not include contraband.

736 ~~[(19)]~~ (20) "Prosecuting attorney" means:

- 737 (a) the attorney general and an assistant attorney general;
- 738 (b) a district attorney or deputy district attorney;
- 739 (c) a county attorney or assistant county attorney; and
- 740 (d) an attorney authorized to commence an action on behalf of the state.

- 741 [~~(20)~~] (21) "Public interest use" means a:
- 742 (a) use by a government agency as determined by the legislative body of the agency's
- 743 jurisdiction; or
- 744 (b) donation of the property to a nonprofit charity registered with the state.
- 745 [~~(21)~~] (22) "Real property" means land, including any building, fixture, improvement,
- 746 appurtenance, structure, or other development that is affixed permanently to land.
- 747 [~~(22)~~] (23) (a) "Seized property" means property seized by a peace officer or agency in
- 748 accordance with Section 77-11a-201.
- 749 (b) "Seized property" includes property that the agency seeks to forfeit under Chapter
- 750 11b, Forfeiture of Seized Property.
- 751 Section 14. Section **77-11a-301** is amended to read:
- 752 **77-11a-301 . Release of seized property to claimant -- Generally.**
- 753 (1) (a) An agency with custody of seized property, or the prosecuting attorney, may
- 754 release the property to a claimant if the agency or the prosecuting attorney:
- 755 (i) determines that the agency does not need to retain or preserve the property as
- 756 evidence under Chapter 11c, Retention of Evidence; or
- 757 (ii) seeks to return the property to the claimant because the agency or prosecuting
- 758 attorney determines that the claimant is an innocent owner or an interest holder.
- 759 (b) An agency with custody of seized property, or the prosecuting attorney, may not
- 760 release property under this Subsection (1) if the property is subject to retention or
- 761 preservation under Chapter 11c, Retention of Evidence.
- 762 (2) An agency with custody of the seized property, or the prosecuting attorney, shall release
- 763 the property to a claimant if:
- 764 (a) the claimant posts a surety bond or cash with the court in accordance with Section
- 765 77-11a-302;
- 766 (b) the court orders the release of property to the claimant for hardship purposes under
- 767 Section 77-11a-303;
- 768 (c) a claimant establishes that the claimant is an innocent owner or an interest holder
- 769 under Section 77-11a-304; or
- 770 (d) the court orders property retained as evidence to be released to the claimant under
- 771 Section 77-11a-305.
- 772 (3) (a) For a computer determined to be contraband, a court may order the reasonable
- 773 extraction and return of specifically described personal digital data to the owner of
- 774 the computer.

- 775 (b) The agency shall determine a reasonable cost to extract the data.
- 776 (c) At the time of the request to extract the data, the owner of the computer shall pay the
777 agency the cost to extract the data.
- 778 (4) If a ~~[peace]~~ natural resources officer for the Division ~~[of Wildlife Resources]~~ of Law
779 Enforcement seizes a vehicle, the Division of ~~[Wildlife Resources]~~ Law Enforcement
780 shall release the vehicle to a claimant in accordance with Section 23A-5-201.
- 781 (5) If an agency is not required, or is no longer required, to retain or preserve property as
782 evidence under Chapter 11c, Retention of Evidence, and the agency seeks to release or
783 dispose of the property, the agency shall exercise due diligence in attempting to notify
784 the claimant of the property to advise the claimant that the property is to be returned.
- 785 (6) (a) Before an agency may release seized property to a person claiming ownership of
786 the property, the person shall establish that the person:
- 787 (i) is the owner of the property; and
788 (ii) may lawfully possess the property.
- 789 (b) The person shall establish ownership under Subsection (6)(a) by providing to the
790 agency:
- 791 (i) identifying proof or documentation of ownership of the property; or
792 (ii) a notarized statement if proof or documentation is not available.
- 793 (c) When seized property is returned to the owner, the owner shall sign a receipt listing
794 in detail the property that is returned.
- 795 (d) The agency shall:
- 796 (i) retain a copy of the receipt; and
797 (ii) provide a copy of the receipt to the owner.

798 Section 15. Section **79-2-102** is amended to read:

799 **79-2-102 . Definitions.**

800 As used in this chapter:

- 801 [~~(1) "Conservation officer" is as defined in Section 23A-1-101.]~~
- 802 (1) "Natural resources officer" means the same as that term is defined in Section 79-2-701.
- 803 (2) "Species protection" means an action to protect a plant or animal species identified as:
- 804 (a) sensitive by the state; or
805 (b) threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec.
806 1531 et seq.
- 807 (3) "Volunteer" means a person who donates a service to the department or a division of the
808 department without pay or other compensation.

809 Section 16. Section **79-2-204** is amended to read:

810 **79-2-204 . Division directors -- Appointment -- Removal -- Jurisdiction of**
811 **executive director.**

812 (1) (a) The chief administrative officer of a division within the department is a director
813 appointed by the executive director with the concurrence of the board having policy
814 authority for the division.

815 (b) The director of a division may be removed from office by the executive director.

816 (c) The appointment and term of office of the state engineer, notwithstanding anything
817 to the contrary contained in this section, shall be in accordance with Section 73-2-1.

818 (2) (a) The executive director has administrative jurisdiction over a division director for
819 the purpose of implementing department policy as established by the division's board.

820 (b) The executive director may:

821 (i) consolidate personnel and service functions in the divisions to effectuate
822 efficiency and economy in the operations of the department;

823 (ii) establish a departmental services division to perform service functions; and

824 (iii) employ law enforcement officers [~~and special function officers~~] within the
825 department that have all of the powers of a [~~conservation~~] natural resources officer
826 and law enforcement officer, with the exception of the power to serve civil
827 process.

828 Section 17. Section **79-2-701** is enacted to read:

829 **Part 7. Division of Law Enforcement**

830 **79-2-701 . Definitions.**

831 As used in this part:

832 (1) "Division" means the Division of Law Enforcement.

833 (2) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

834 (3) (a) "Natural resources officer" means a full-time, permanent employee of the
835 division who is POST certified as a peace officer.

836 (b) "Natural resources officer" includes a wildlife officer, as that term is defined in
837 Section 23A-2-502.

838 (4) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13,
839 Peace Officer Classifications.

840 Section 18. Section **79-2-702** is enacted to read:

841 **79-2-702 . Division creation -- Purpose.**

- 842 (1) There is created within the department a Division of Law Enforcement.
 843 (2) Subject to the priorities defined by the director, the primary function of the division is to
 844 enforce:
 845 (a) Title 23A, Wildlife Resources Act;
 846 (b) Title 41, Chapter 22, Off-highway Vehicles;
 847 (c) Title 65A, Forestry, Fire, and State Lands;
 848 (d) Title 73, Chapter 18, State Boating Act;
 849 (e) this title; and
 850 (f) an administrative rule enacted by an advisory board within any of the department's
 851 divisions.
 852 (3) The division shall coordinate with county sheriffs, police, and other law enforcement
 853 officers within a law enforcement jurisdiction the division operates to enforce this part.
 854 (4) This part does not limit or modify the powers and duties of other law enforcement
 855 officers in the state.

856 Section 19. Section **79-2-703** is enacted to read:

857 **79-2-703 . Division director -- Qualifications -- Duties -- Special deputies.**

- 858 (1) The director is the executive and administrative head of the division, appointed in
 859 accordance with Section 79-2-204.
 860 (2) The director shall demonstrate:
 861 (a) experience as a sworn law enforcement officer; and
 862 (b) law enforcement leadership ability.
 863 (3) The director shall:
 864 (a) enforce the policies and rules of the department's divisions; and
 865 (b) perform the duties necessary to:
 866 (i) coordinate, prioritize, and direct the law enforcement needs of the divisions within
 867 the department;
 868 (ii) properly care for and maintain any property under the jurisdiction of the division;
 869 and
 870 (iii) carry out the purposes of this part.
 871 (4) (a) The director may appoint an individual, on a temporary basis, as a special deputy.
 872 (b) A special deputy may enforce this part and rules made under this part.
 873 (5) The director may deputize an individual who is a peace officer to assist the division on a
 874 seasonal or temporary basis.

875 Section 20. Section **79-2-704** is enacted to read:

876 **79-2-704 . Powers and duties of division -- Enforcement authority -- Ability to**
877 **initiate civil proceedings.**

- 878 (1) An employee of the division who is a POST certified law enforcement officer:
879 (a) has all the powers of a law enforcement officer and natural resources officer in the
880 state;
881 (b) may arrest and prosecute violators of any law of this state;
882 (c) has the same right as other peace officers to require aid in executing the peace
883 officer's duties;
884 (d) may take wildlife in performance of official duties, in accordance with Section
885 23A-2-207;
886 (e) may protect property under the jurisdiction of the department or the department's
887 divisions from misuse or damage;
888 (f) may preserve the peace on property under the jurisdiction of the department or the
889 department's divisions;
890 (g) may serve criminal process; and
891 (h) may not serve civil process.
892 (2) The powers and duties conferred upon the director and members of the division are
893 supplementary to and not a limitation on the powers and duties of other peace officers in
894 the state.
895 (3) The division shall have the authority to initiate civil proceedings, in addition to criminal
896 proceedings provided for in this part, to:
897 (a) recover damages;
898 (b) compel performance;
899 (c) compel substitution;
900 (d) restrain or enjoin;
901 (e) initiate any other appropriate action; and
902 (f) seek appropriate remedies in the division's capacity as the primary law enforcement
903 authority for the department.

904 Section 21. Section **79-2-705** is enacted to read:

905 **79-2-705 . Division authorized to enter into contracts and agreements.**

- 906 (1) The division, with the approval of the executive director, may enter into contracts and
907 agreements as needed to:
908 (a) support law enforcement operations for the department;
909 (b) improve and maintain the property under the jurisdiction of the division; and

910 (c) secure labor, quarters, materials, services, or facilities for the division according to
 911 procedures established by the Division of Finance.

912 (2) All departments, agencies, officers, and employees of the state shall give to the division
 913 the consultation and assistance that the division may reasonably request.

914 Section 22. Section **79-2-706**, which is renumbered from Section 23A-3-211 is renumbered
 915 and amended to read:

916 ~~[23A-3-211]~~ **79-2-706. . Aquatic Invasive Species Interdiction Account.**

917 (1) There is created within the General Fund a restricted account known as the "Aquatic
 918 Invasive Species Interdiction Account."

919 (2) The Aquatic Invasive Species Interdiction Account shall consist of:

920 (a) nonresident aquatic invasive species fees collected under Subsection 23A-10-304(2);

921 (b) resident aquatic invasive species fees collected under Subsection 23A-10-304(1); and

922 (c) other amounts deposited in the Aquatic Invasive Species Interdiction Account from
 923 donations, appropriations, contractual agreements, and accrued interest.

924 (3) Upon appropriation, the division shall use the aquatic invasive species fees collected
 925 under Subsections 23A-10-304(1) and (2) and deposited in the Aquatic Invasive Species
 926 Account to fund aquatic invasive species prevention and containment efforts.

927 Section 23. **Repealer.**

928 This bill repeals:

929 Section **23A-5-202, Powers of law enforcement section.**

930 Section **23A-5-203, Special deputies -- Appointment -- Duties.**

931 Section **23A-5-319, Interference with, intimidation, or harassment of officer unlawful.**

932 Section **79-4-501, Peace officer authority of park rangers.**

933 Section **79-7-401, Enforcement in general.**

934 Section 24. **Effective date.**

935 This bill takes effect on January 1, 2025.

936 Section 25. **Coordinating H.B. 469 with S.B. 76.**

937 If H.B. 469, Department of Natural Resources Law Enforcement Amendments,

938 and S.B. 76, Evidence Retention Amendments, both pass and become law, the

939 Legislature intends that on January 1, 2025, Subsection 23A-5-201(5)(a) enacted in S.B.

940 76 be amended to read:

941 "(5)(a) If a defendant is convicted of the offense for which protected wildlife is

942 seized and the Division of Law Enforcement is permitted by law to sell or dispose of the

943 protected wildlife, the Division of Law Enforcement may sell or dispose of the protected

944 wildlife or part of the wildlife.".