

1                   **DEPARTMENT OF NATURAL RESOURCES LAW**  
2                                   **ENFORCEMENT AMENDMENTS**

3                                           2024 GENERAL SESSION

4                                           STATE OF UTAH

5                                   **Chief Sponsor: Ryan D. Wilcox**

6                                   Senate Sponsor: \_\_\_\_\_

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8   **LONG TITLE**

9   **General Description:**

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

12   **Highlighted Provisions:**

13           This bill:

- 14           ▶ defines terms;
- 15           ▶ creates the Division of Law Enforcement (the division) within the Department of  
16 Natural Resources (the department);
- 17           ▶ establishes the role and qualifications of the division director;
- 18           ▶ creates the Natural Resources Law Enforcement Coordinating Council (the council)  
19 and outlines the composition and duties of the council;
- 20           ▶ exempts the council from requirements under the Open Meetings Act in certain  
21 circumstances;
- 22           ▶ outlines the division's enforcement authority, including the division's ability to  
23 initiate civil proceedings;
- 24           ▶ provides for department employees in the public safety retirement system to remain  
25 in the public safety retirement system;
- 26           ▶ authorizes the division to enter into contracts and agreements;
- 27           ▶ moves management of the Aquatic Invasive Species Interdiction Account from the



28 Division of Wildlife to the division; and  
29       ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31       None

32 **Other Special Clauses:**

33       This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36       **23A-1-101**, as renumbered and amended by Laws of Utah 2023, Chapter 103
  - 37       **23A-5-201**, as last amended by Laws of Utah 2023, Chapter 448 and renumbered and
  - 38 amended by Laws of Utah 2023, Chapter 103
  - 39       **23A-5-206**, as renumbered and amended by Laws of Utah 2023, Chapter 103
  - 40       **23A-5-207**, as renumbered and amended by Laws of Utah 2023, Chapter 103
  - 41       **23A-5-317**, as renumbered and amended by Laws of Utah 2023, Chapter 103
  - 42       **23A-10-302**, as renumbered and amended by Laws of Utah 2023, Chapter 103
  - 43       **49-14-201**, as last amended by Laws of Utah 2023, Chapters 37, 139 and 290
  - 44       **49-15-201**, as last amended by Laws of Utah 2023, Chapter 290
  - 45       **49-23-201**, as last amended by Laws of Utah 2023, Chapters 59, 290
  - 46       **52-4-204**, as last amended by Laws of Utah 2022, Chapters 169, 422
  - 47       **53-13-103**, as last amended by Laws of Utah 2023, Chapter 34
  - 48       **63L-8-304**, as last amended by Laws of Utah 2023, Chapter 34
  - 49       **65A-1-1**, as last amended by Laws of Utah 2016, Chapter 174
  - 50       **65A-3-3**, as last amended by Laws of Utah 2016, Chapter 174
  - 51       **65A-8-308**, as renumbered and amended by Laws of Utah 2007, Chapter 136
  - 52       **77-11a-101**, as last amended by Laws of Utah 2023, Chapters 111, 231 and renumbered
  - 53 and amended by Laws of Utah 2023, Chapter 448
  - 54       **77-11a-301**, as renumbered and amended by Laws of Utah 2023, Chapter 448
  - 55       **79-2-102**, as last amended by Laws of Utah 2023, Chapter 34
  - 56       **79-2-204**, as renumbered and amended by Laws of Utah 2009, Chapter 344
- 57 ENACTS:
- 58       **79-2-701**, Utah Code Annotated 1953

- 59 [79-2-702](#), Utah Code Annotated 1953
- 60 [79-2-703](#), Utah Code Annotated 1953
- 61 [79-2-704](#), Utah Code Annotated 1953
- 62 [79-2-705](#), Utah Code Annotated 1953
- 63 [79-2-706](#), Utah Code Annotated 1953

64 RENUMBERS AND AMENDS:

65 [79-2-707](#), (Renumbered from 23A-3-211, as last amended by Laws of Utah 2023,  
66 Chapter 244 and renumbered and amended by Laws of Utah 2023, Chapter 103)

67 REPEALS:

- 68 [23A-5-202](#), as renumbered and amended by Laws of Utah 2023, Chapter 103
- 69 [23A-5-203](#), as renumbered and amended by Laws of Utah 2023, Chapter 103
- 70 [23A-5-319](#), as renumbered and amended by Laws of Utah 2023, Chapter 103
- 71 [79-4-501](#), as renumbered and amended by Laws of Utah 2009, Chapter 344
- 72 [79-7-401](#), as enacted by Laws of Utah 2021, Chapter 280



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

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

76 **23A-1-101. Definitions.**

77 As used in this title:

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

- 81 (a) fishing;
- 82 (b) hunting;
- 83 (c) trapping;
- 84 (d) taking;
- 85 (e) permitting a dog, falcon, or other domesticated animal to take;
- 86 (f) transporting;
- 87 (g) possessing;
- 88 (h) selling;
- 89 (i) wasting;

90 (j) importing;

91 (k) exporting;

92 (l) rearing;

93 (m) keeping;

94 (n) using as a commercial venture; and

95 (o) releasing to the wild.

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

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

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

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

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

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

104 (8) "Certificate of registration" means a paper-based or electronic document issued  
105 under this title, or a rule or proclamation of the Wildlife Board granting authority to engage in  
106 activities not covered by a license, permit, or tag.

107 (9) "Closed season" means the period of time during which the taking of protected  
108 wildlife is prohibited.

109 [~~(10) "Conservation officer" means a full-time, permanent employee of the division  
110 who is POST certified as a peace or a special function officer.~~]

111 [(H)] (10) "Dedicated hunter program" means a program that provides:

112 (a) expanded hunting opportunities;

113 (b) opportunities to participate in projects that are beneficial to wildlife; and

114 (c) education in hunter ethics and wildlife management principles.

115 [(I)] (11) "Department" means the Department of Natural Resources.

116 [(J)] (12) "Director" means the director of the division appointed under Section  
117 23A-2-202.

118 [(K)] (13) "Division" means the Division of Wildlife Resources.

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

- 121 (15) Subject to Section 23A-1-103, "domicile" means the place:
- 122 (a) where an individual has a fixed permanent home and principal establishment;
- 123 (b) to which the individual if absent, intends to return; and
- 124 (c) in which the individual, and the individual's family voluntarily reside, not for a
- 125 special or temporary purpose, but with the intention of making a permanent home.
- 126 (16) "Endangered" means wildlife designated as endangered according to Section 3 of
- 127 the federal Endangered Species Act of 1973.
- 128 (17) "Executive director" means the executive director of the Department of Natural
- 129 Resources.
- 130 (18) "Fee fishing facility" means the same as that term is defined in Section 4-37-103.
- 131 (19) "Feral" means an animal that is normally domesticated but has reverted to the
- 132 wild.
- 133 (20) "Fishing" means to take fish or crayfish by any means.
- 134 (21) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and
- 135 Castoridae families, except coyote and cougar.
- 136 (22) "Game" means wildlife normally pursued, caught, or taken by sporting means for
- 137 human use.
- 138 (23) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any
- 139 means.
- 140 (24) "Hunting guide" means the same as that term is defined in Section 58-79-102.
- 141 (25) "Intimidate or harass" means to physically interfere with or impede, hinder, or
- 142 diminish the efforts of an officer in the performance of the officer's duty.
- 143 (26) (a) "Natural flowing stream" means a topographic low where water collects and
- 144 perennially or intermittently flows with a perceptible current in a channel formed exclusively
- 145 by forces of nature.
- 146 (b) "Natural flowing stream" includes perennial or intermittent water flows in a:
- 147 (i) realigned or modified channel that replaces the historic, natural flowing stream
- 148 channel; and
- 149 (ii) dredged natural flowing stream channel.
- 150 (c) "Natural flowing stream" does not include a human-made ditch, canal, pipeline, or
- 151 other water delivery system that diverts and conveys water to an approved place of use

152 pursuant to a certificated water right.

153 (27) (a) "Natural lake" means a perennial or intermittent body of water that collects on  
154 the surface of the earth exclusively through the forces of nature and without human assistance.

155 (b) "Natural lake" does not mean a lake where the surface water sources supplying the  
156 body of water originate from groundwater springs no more than 100 yards upstream.

157 (28) "Natural resources officer" means the same as that term is defined in Section  
158 [79-2-701](#).

159 ~~[(28)]~~ (29) "Nominating committee" means the Wildlife Board Nominating Committee  
160 created in Section [23A-2-302](#).

161 ~~[(29)]~~ (30) "Nonresident" means a person who does not qualify as a resident.

162 ~~[(30)]~~ (31) "Open season" means the period of time during which protected wildlife  
163 may be legally taken.

164 ~~[(31)]~~ (32) "Outfitter" means the same as that term is defined in Section [58-79-102](#).

165 ~~[(32)]~~ (33) "Pecuniary gain" means the acquisition of money or something of monetary  
166 value.

167 ~~[(33)]~~ (34) "Permit" means a paper-based or electronic document that grants authority  
168 to engage in specified activities under this title or a rule or proclamation of the Wildlife Board.

169 ~~[(34)]~~ (35) "Person" means an individual, association, partnership, government agency,  
170 corporation, or an agent of the individual, association, partnership, government agency, or  
171 corporation.

172 ~~[(35)]~~ (36) "Pollute water" means to introduce into waters within the state matter or  
173 thermal energy that:

174 (a) exceeds state water quality standards; or

175 (b) could harm protected wildlife.

176 ~~[(36)]~~ (37) "Possession" means actual or constructive possession.

177 ~~[(37)]~~ (38) "Possession limit" means the number of bag limits one individual may  
178 legally possess.

179 ~~[(38)]~~ (39) (a) "Private fish pond" means a pond, reservoir, or other body of water,  
180 including a fish culture system, located on privately owned land where privately owned fish:

181 (i) are propagated or kept for a private noncommercial purpose; and

182 (ii) may be taken without a fishing license.

183 (b) "Private fish pond" does not include:

184 (i) an aquaculture facility;

185 (ii) a fee fishing facility;

186 (iii) a short-term fishing event; or

187 (iv) private stocking.

188 [~~39~~] (40) "Private stocking" means an authorized release of privately owned, live fish  
189 in the waters of the state not eligible as:

190 (a) a private fish pond under Section 23A-9-203; or

191 (b) an aquaculture facility or fee fishing facility under Title 4, Chapter 37, Aquaculture  
192 Act.

193 [~~40~~] (41) "Private wildlife farm" means an enclosed place where privately owned  
194 birds or furbearers are propagated or kept and that restricts the birds or furbearers from:

195 (a) commingling with wild birds or furbearers; and

196 (b) escaping into the wild.

197 [~~41~~] (42) "Proclamation" means the publication that is:

198 (a) used to convey a statute, rule, policy, or pertinent information related to wildlife;

199 and

200 (b) issued in accordance with a rule made by the Wildlife Board under this title.

201 [~~42~~] (43) (a) "Protected aquatic wildlife" means aquatic wildlife except as provided in  
202 Subsection [~~42~~](b) (43)(b).

203 (b) "Protected aquatic wildlife" does not include aquatic insects.

204 [~~43~~] (44) (a) "Protected wildlife" means wildlife, except as provided in Subsection  
205 [~~43~~](b) (44)(b).

206 (b) "Protected wildlife" does not include:

207 (i) coyote;

208 (ii) field mouse;

209 (iii) gopher;

210 (iv) ground squirrel;

211 (v) jack rabbit;

212 (vi) muskrat; or

213 (vii) raccoon.

214            [~~(44)~~] (45) "Regional advisory council" means a council created under Section  
215 23A-2-303.

216            [~~(45)~~] (46) "Released to the wild" means to be turned loose from confinement.

217            [~~(46)~~] (47) (a) "Reservoir constructed on a natural stream channel" means a body of  
218 water collected and stored on the course of a natural flowing stream by impounding the stream  
219 through excavation or diking.

220            (b) "Reservoir constructed on a natural stream channel" does not mean an  
221 impoundment on a natural flowing stream where all surface water sources supplying the  
222 impoundment originate from groundwater springs no more than 100 yards upstream.

223            [~~(47)~~] (48) Subject to Section 23A-1-103, "resident" means a person who:  
224            (a) has been domiciled in the state for six consecutive months immediately preceding  
225 the purchase of a license; and

226            (b) does not claim residency for hunting, fishing, or trapping in another state or  
227 country.

228            [~~(48)~~] (49) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the  
229 act of selling, bartering, exchanging, or trading.

230            [~~(49)~~] (50) "Short-term fishing event" means an event when:  
231            (a) privately acquired fish are held or confined for a period not to exceed 10 days for  
232 the purpose of providing fishing or recreational opportunity; and

233            (b) no fee is charged as a requirement to fish.

234            [~~(50)~~] (51) "Small game" means species of protected wildlife:  
235            (a) commonly pursued for sporting purposes;  
236            (b) not classified as big game, aquatic wildlife, or furbearers; and  
237            (c) excluding turkey, cougar, and bear.

238            [~~(51)~~] (52) "Spoiled" means impairment of the flesh of wildlife that renders the flesh  
239 unfit for human consumption.

240            [~~(52)~~] (53) "Spotlighting" means throwing or casting the rays of a spotlight, headlight,  
241 or other artificial light on a highway or in a field, woodland, or forest while having in  
242 possession a weapon by which protected wildlife may be killed.

243            [~~(53)~~] (54) "Tag" means a card, label, or other paper-based or electronic means of  
244 identification used to document harvest of protected wildlife.



245 [~~(54)~~] (55) "Take" means to:

246 (a) hunt, pursue, harass, catch, capture, possess, angle, seine, trap, or kill protected  
247 wildlife; or

248 (b) attempt an action referred to in Subsection [~~(54)~~](a) (55)(a).

249 [~~(55)~~] (56) "Threatened" means wildlife designated as threatened pursuant to Section 3  
250 of the federal Endangered Species Act of 1973.

251 [~~(56)~~] (57) "Trapping" means taking protected wildlife with a trapping device.

252 [~~(57)~~] (58) "Trophy animal" means an animal described as follows:

253 (a) deer - a buck with an outside antler measurement of 24 inches or greater;

254 (b) elk - a bull with six points on at least one side;

255 (c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;

256 (d) moose - a bull with at least one antler exceeding five inches in length;

257 (e) mountain goat - a male or female;

258 (f) pronghorn antelope - a buck with horns exceeding 14 inches; or

259 (g) bison - a bull.

260 [~~(58)~~] (59) "Upland game" means pheasant, quail, partridge, grouse, ptarmigan,  
261 mourning dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.

262 [~~(59)~~] (60) "Waste" means to:

263 (a) abandon protected wildlife; or

264 (b) allow protected wildlife to spoil or to be used in a manner not normally associated  
265 with the protected wildlife's beneficial use.

266 [~~(60)~~] (61) "Wildlife" means:

267 (a) crustaceans, including brine shrimp and crayfish;

268 (b) mollusks; and

269 (c) vertebrate animals living in nature, except feral animals.

270 [~~(61)~~] (62) "Wildlife Board" means the board created in Section [23A-2-301](#).

271 Section 2. Section **23A-5-201** is amended to read:

272 **23A-5-201. Enforcement authority of natural resources officers -- Seizure and**  
273 **disposition of property.**

274 (1) A [~~conservation~~] natural resources officer shall enforce the provisions of this title in  
275 accordance with the same procedures and requirements for a law enforcement officer of this

276 state.

277 (2) (a) Except as provided in Subsection (2)(b), a [~~conservation~~] natural resources  
278 officer may seize property or contraband in accordance with Title 77, Chapter 11a, Seizure of  
279 Property and Contraband, and Title 77, Chapter 11b, Forfeiture of Seized Property.

280 (b) A [~~conservation~~] natural resources officer shall seize protected wildlife illegally  
281 taken or held.

282 (3) (a) If a [~~conservation~~] natural resources officer seizes wildlife as part of an  
283 investigation or prosecution of an offense and the wildlife may reasonably be used to  
284 incriminate or exculpate a person for the offense, the [~~division~~] Division of Law Enforcement  
285 is not required to retain the wildlife under Title 77, Chapter 11c, Retention of Evidence.

286 (b) If the [~~division~~] Division of Law Enforcement does not retain wildlife under  
287 Subsection (3)(a), the [~~division~~] Division of Law Enforcement is required to preserve sufficient  
288 evidence from the wildlife for use as evidence in the prosecution of a person for the offense.

289 (4) (a) If a [~~conservation~~] natural resources officer seizes wildlife and the wildlife or  
290 parts of the wildlife are perishable, the [~~division~~] Division of Law Enforcement may donate the  
291 wildlife or parts of the wildlife to be used for charitable purposes.

292 (b) If wildlife or parts of the wildlife are perishable and are not fit to be donated for  
293 charitable purposes under Subsection (4)(a), the [~~division~~] Division of Law Enforcement may  
294 dispose of the wildlife or parts of the wildlife in a reasonable manner.

295 (5) (a) The court may order the [~~division~~] Division of Law Enforcement to sell or  
296 dispose of protected wildlife that is seized by a [~~conservation~~] natural resources officer if the  
297 [~~division~~] Division of Law Enforcement is permitted by law to sell or dispose of the wildlife.

298 (b) The [~~division~~] Division of Law Enforcement may not sell migratory wildfowl but  
299 the [~~division~~] Division of Law Enforcement shall donate the migratory wildfowl to be used for  
300 charitable purposes.

301 (c) The [~~division~~] Division of Law Enforcement shall deposit the proceeds from the  
302 sale of protected wildlife into the Wildlife Resources Account.

303 (6) If the [~~division~~] Division of Law Enforcement disposes of wildlife, the court may  
304 order the [~~division~~] Division of Law Enforcement to:

305 (a) provide the owner of the disposed wildlife with wildlife that is reasonably  
306 equivalent in value to the disposed wildlife within 180 days after the day on which the court

307 enters the order; or

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

312 (7) (a) If a [~~conservation~~] natural resources officer seizes a vehicle under Section  
313 77-11a-201, the [~~division~~] Division of Law Enforcement shall store the seized vehicle in a  
314 public or private garage, state impound lot, or any other secured storage facility.

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

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

320 (i) the owner used the vehicle for the unlawful taking or possessing of wildlife; and

321 (ii) the owner is convicted of an offense under this title.

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

324 (i) no charges are filed or all charges are dropped that involve the use of the vehicle for  
325 the unlawful taking or possessing of wildlife;

326 (ii) the person charged with using the vehicle for the unlawful taking or possessing of  
327 wildlife is found by a court to be not guilty; or

328 (iii) the owner did not consent to a use of the vehicle that violates this chapter.

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

330 **23A-5-206. Search warrants.**

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

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

337 (3) A search warrant may not be issued except upon probable cause supported by oath

338 or affirmation, particularly describing the place, person, or thing to be searched for and the  
339 person or thing to be seized.

340 (4) The warrant shall be served in the daytime, unless there is reason to believe that the  
341 service of the search warrant is required immediately because a person may:

- 342 (a) flee the jurisdiction to avoid prosecution or discovery of a violation noted above;
- 343 (b) destroy or conceal evidence of the commission of a violation; or
- 344 (c) injure another person or damage property.

345 (5) Notwithstanding Subsection (4), a search warrant may be served at night if:

- 346 (a) there is reason to believe that a violation may occur at night; or
- 347 (b) the evidence of the violation may not be available to the officers serving the  
348 warrant during the day.

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

350 **23A-5-207. Exhibition of license, permit, tag, or device required -- Criminal**  
351 **penalty.**

352 (1) A person while engaged in an activity regulated under this title, shall exhibit the  
353 following at the request of [~~conservation~~] a natural resources officer or other peace officer:

- 354 (a) the required license, permit, or tag;
- 355 (b) a device or apparatus in that person's possession used for an activity regulated  
356 under this title; or
- 357 (c) wildlife in that person's possession.

358 (2) A [~~conservation~~] natural resources officer who has a reasonable belief that a person  
359 is engaged in an activity regulated under this title may stop and temporarily detain that person  
360 to demand and inspect:

- 361 (a) the required license, permit, or tag;
- 362 (b) a device or apparatus in that person's possession used for an activity regulated  
363 under this title; or
- 364 (c) wildlife in that person's possession.

365 (3) A person is subject to the penalties of Section **23A-5-301** if the person fails to  
366 produce for examination to a [~~correction~~] natural resources officer or other peace officer any of  
367 the required licenses, permits, tags, devices or apparatuses used for an activity regulated under  
368 this title or wildlife in that person's possession.

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

370 **23A-5-317. Posted property -- Hunting by permission -- Entry on private land**  
371 **while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable to officers.**

372 (1) As used in this section:

373 (a) "Cultivated land" means land that is readily identifiable as:

374 (i) land whose soil is loosened or broken up for the raising of crops;

375 (ii) land used for the raising of crops; or

376 (iii) pasturage which is artificially irrigated.

377 (b) "Permission" means written authorization from the owner or person in charge to  
378 enter upon private land that is either cultivated or properly posted, and shall include:

379 (i) the signature of the owner or person in charge;

380 (ii) the name of the person being given permission;

381 (iii) the appropriate dates; and

382 (iv) a general description of the property.

383 (c) "Properly posted" means that signs prohibiting trespass or bright yellow, bright  
384 orange, or fluorescent paint are clearly displayed:

385 (i) at the corners, fishing streams crossing property lines, roads, gates, and  
386 rights-of-way entering the land; or

387 (ii) in a manner that would reasonably be expected to be seen by a person in the area.

388 (2) (a) While taking wildlife or engaging in wildlife related activities, a person may  
389 not:

390 (i) without permission, enter upon privately owned land that is cultivated or properly  
391 posted;

392 (ii) enter or remain on privately owned land if the person has notice to not enter or  
393 remain on the privately owned land; or

394 (iii) obstruct an entrance or exit to private property.

395 (b) A person has notice to not enter or remain on privately owned land if:

396 (i) the person is directed to not enter or remain on the land by:

397 (A) the owner of the land;

398 (B) the owner's employee; or

399 (C) a person with apparent authority to act for the owner; or

400 (ii) the land is fenced or otherwise enclosed in a manner that a reasonable person  
401 would recognize as intended to exclude intruders.

402 (c) The division shall provide "hunting by permission cards" to a landowner upon the  
403 landowner's request.

404 (d) A person may not post:

405 (i) private property the person does not own or legally control; or

406 (ii) land that is open to the public as provided by Section 23A-6-402.

407 (3) A person who violates Subsection (2)(a) or (d) is subject to the penalty provided in  
408 Section 23A-5-301 and liable for the civil damages described in Subsection (7).

409 (4) (a) A person convicted of violating Subsection (2)(a) may have the person's license,  
410 tag, certificate of registration, or permit, relating to the activity engaged in at the time of the  
411 violation, revoked by a hearing officer.

412 (b) A hearing officer may construe a subsequent conviction that occurs within a  
413 five-year period as a flagrant violation and may prohibit the person from obtaining a new  
414 license, tag, certificate of registration, or permit for a period of up to five years.

415 (5) Subsection (2)(a) does not apply to peace or [~~conservation~~] natural resources  
416 officers in the performance of their duties.

417 (6) (a) The division shall provide information regarding owners' rights and duties:

418 (i) to anyone holding a license, certificate of registration, tag, or permit to take wildlife;  
419 and

420 (ii) by using the public media and other sources.

421 (b) The Wildlife Board shall state restrictions in this section relating to trespassing in  
422 the hunting and fishing proclamations issued by the Wildlife Board.

423 (7) In addition to an order for restitution under Section 77-38b-205, a person who  
424 commits a violation of Subsection (2)(a) or (d) may also be liable for:

425 (a) the greater of:

426 (i) statutory damages in the amount of three times the value of damages resulting from  
427 the violation of Subsection (2)(a) or (d); or

428 (ii) \$500; and

429 (b) reasonable attorney fees not to exceed \$250, and court costs.

430 (8) Civil damages under Subsection (7) may be collected in a separate action by the

431 property owner or the property owner's assignee.

432 Section 6. Section **23A-10-302** is amended to read:

433 **23A-10-302. Conveyance or equipment detainment or quarantine.**

434 (1) The division, a port-of-entry agent, a natural resources officer, or a peace officer  
435 may detain or quarantine a conveyance or equipment if:

436 (a) the division, agent, natural resources officer, or peace officer:

437 (i) finds the conveyance or equipment contains a Dreissena mussel; or

438 (ii) reasonably believes that the person transporting the conveyance or equipment is in  
439 violation of Section **23A-10-201**; or

440 (b) the person transporting the conveyance or equipment refuses to submit to an  
441 inspection authorized by Section **23A-10-301**.

442 (2) The detainment or quarantine authorized by Subsection (1) may continue for:

443 (a) up to five days; or

444 (b) the period of time necessary to:

445 (i) decontaminate the conveyance or equipment; and

446 (ii) ensure that a Dreissena mussel is not living on or in the conveyance or equipment.

447 Section 7. Section **49-14-201** is amended to read:

448 **49-14-201. System membership -- Eligibility.**

449 (1) Except as provided in Section **49-15-201**, a public safety service employee of a  
450 participating employer participating in this system is eligible for service credit in this system at  
451 the earliest of:

452 (a) July 1, 1969, if the public safety service employee was employed by the  
453 participating employer on July 1, 1969, and the participating employer was participating in this  
454 system on that date;

455 (b) the date the participating employer begins participating in this system if the public  
456 safety service employee was employed by the participating employer on that date; or

457 (c) the date the public safety service employee is employed by the participating  
458 employer and is eligible to perform public safety service, except that a public safety service  
459 employee initially entering employment with a participating employer on or after July 1, 2011,  
460 who does not have service credit accrued before July 1, 2011, in a Tier I system or plan  
461 administered by the board, may not participate in this system.

462 (2) (a) (i) A participating employer that has public safety service and firefighter service  
463 employees that require cross-training and duty shall enroll those dual purpose employees in the  
464 system in which the greatest amount of time is actually worked.

465 (ii) The employees shall either be full-time public safety service or full-time firefighter  
466 service employees of the participating employer.

467 (b) (i) Before transferring a dual purpose employee from one system to another, the  
468 participating employer shall receive written permission from the office.

469 (ii) The office may request documentation to verify the appropriateness of the transfer.

470 (3) The board may combine or segregate the actuarial experience of participating  
471 employers in this system for the purpose of setting contribution rates.

472 (4) (a) (i) Each participating employer participating in this system shall annually  
473 submit to the office a schedule indicating the positions to be covered under this system in  
474 accordance with this chapter.

475 (ii) The office may require documentation to justify the inclusion of any position under  
476 this system.

477 (b) If there is a dispute between the office and a participating employer or employee  
478 over any position to be covered, the disputed position shall be submitted to the Peace Officer  
479 Standards and Training Council established under Section 53-6-106 for determination.

480 (c) (i) The Peace Officer Standards and Training Council's authority to decide  
481 eligibility for public safety service credit is limited to claims for coverage under this system for  
482 time periods after July 1, 1989.

483 (ii) A decision of the Peace Officer Standards and Training Council may not be applied  
484 to service credit earned in another system before July 1, 1989.

485 (iii) Except as provided under Subsection (4)(c)(iv), a decision of the Peace Officer  
486 Standards and Training Council granting a position coverage under this system may only be  
487 applied prospectively from the date of that decision.

488 (iv) A decision of the Peace Officer Standards and Training Council granting a position  
489 coverage under this system may be applied retroactively only if:

490 (A) the participating employer covered other similarly situated positions under this  
491 system during the time period in question; and

492 (B) the position otherwise meets all eligibility requirements for receiving service credit



493 in this system during the period for which service credit is to be granted.

494 (5) The Peace Officer Standards and Training Council may use a subcommittee to  
495 provide a recommendation to the council in determining disputes between the office and a  
496 participating employer or employee over a position to be covered under this system.

497 (6) The Peace Officer Standards and Training Council shall comply with Title 63G,  
498 Chapter 4, Administrative Procedures Act, in resolving coverage disputes in this system.

499 (7) A public safety service employee who is transferred or promoted to an  
500 administration position requiring the performance of duties that consist primarily of  
501 management or supervision of public safety service employees shall continue to earn public  
502 safety service credit in this system during the period in which the employee remains employed  
503 in the same department.

504 (8) An employee of the Department of Corrections shall continue to earn public safety  
505 service credit in this system if:

506 (a) the employee's position is no longer covered under this system for new employees  
507 hired on or after July 1, 2015; and

508 (b) the employee:

509 (i) remains employed by the Department of Corrections;

510 (ii) meets the eligibility requirements of this system;

511 (iii) was hired into a position covered by this system before July 1, 2015; and

512 (iv) has not had a break in service on or after July 1, 2015.

513 (9) An employee of the Department of Health and Human Services who is transferred  
514 from the Department of Corrections' clinical services bureau to provide a clinical or health care  
515 service to an inmate as defined in Section 64-13-1 shall continue to earn public safety service  
516 credit in this system if:

517 (a) the employee's position is no longer covered under this system for new employees  
518 hired on or after July 1, 2015; and

519 (b) the employee:

520 (i) remains employed by the Department of Corrections or the Department of Health  
521 and Human Services;

522 (ii) meets the eligibility requirements of this system;

523 (iii) was hired into a position covered by this system before July 1, 2015; and

524 (iv) has not had a break in service on or after July 1, 2015.

525 (10) An employee who is reassigned to the Division of Technology Services or to the  
526 Division of Human Resource Management, and who was a member of this system, is entitled  
527 to remain a member of this system.

528 (11) (a) To determine that a position is covered under this system, the office and, if a  
529 coverage dispute arises, the Peace Officer Standards and Training Council shall find that the  
530 position requires the employee to:

531 (i) except for a dispatcher, place the employee's life or personal safety at risk; and

532 (ii) complete training as provided in Section 53-6-303, 53-13-103, 53-13-104, or  
533 53-13-105.

534 (b) If a position satisfies the requirements of Subsection (11)(a), the office and the  
535 Peace Officer Standards and Training Council shall consider whether or not the position  
536 requires the employee to:

537 (i) perform duties that consist primarily of actively preventing or detecting crime and  
538 enforcing criminal statutes or ordinances of this state or any of its political subdivisions;

539 (ii) perform duties that consist primarily of providing community protection; and

540 (iii) respond to situations involving threats to public safety and make emergency  
541 decisions affecting the lives and health of others.

542 (12) If a subcommittee is used to recommend the determination of disputes to the  
543 Peace Officer Standards and Training Council, the subcommittee shall comply with the  
544 requirements of Subsection (11) in making the subcommittee's recommendation.

545 (13) A final order of the Peace Officer Standards and Training Council regarding a  
546 dispute is a final agency action for purposes of Title 63G, Chapter 4, Administrative  
547 Procedures Act.

548 (14) Except as provided under Subsection (15), if a participating employer's public  
549 safety service employees are not covered by this system or under Chapter 15, Public Safety  
550 Noncontributory Retirement Act, as of January 1, 1998, those public safety service employees  
551 who may otherwise qualify for membership in this system shall, at the discretion of the  
552 participating employer, remain in their current retirement system.

553 (15) (a) A public safety service employee employed by an airport police department,  
554 which elects to cover the airport police department's public safety service employees under the

555 Public Safety Noncontributory Retirement System under Subsection (14), may elect to remain  
556 in the public safety service employee's current retirement system.

557 (b) The public safety service employee's election to remain in the current retirement  
558 system under Subsection (15)(a):

559 (i) shall be made at the time the employer elects to move the employer's public safety  
560 service employees to a public safety retirement system;

561 (ii) documented by written notice to the participating employer; and

562 (iii) is irrevocable.

563 (16) (a) Subject to Subsection [~~(17)~~] (18), beginning July 1, 2015, a public safety  
564 service employee who is a dispatcher employed by:

565 (i) the state shall be eligible for service credit in this system; and

566 (ii) a participating employer other than the state shall be eligible for service credit in  
567 this system if the dispatcher's participating employer elects to cover the participating  
568 employer's dispatchers under this system.

569 (b) A participating employer's election to cover the participating employer's dispatchers  
570 under this system under Subsection (16)(a)(ii) is irrevocable and shall be documented by a  
571 resolution adopted by the governing body of the participating employer in accordance with  
572 rules made by the office.

573 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution  
574 of a participating employer under Subsection (16)(b), is not eligible for service credit in this  
575 system.

576 (17) A public safety employee employed with the Department of Natural Resources on  
577 or before July 1, 2024, shall continue to earn public safety credit in this system, if the public  
578 safety employee:

579 (a) qualifies to earn a public safety credit under the provisions of this section; or

580 (b) (i) reaches ten years of service with the Department of Natural Resources on or  
581 before July 1, 2026;

582 (ii) serves the Department of Natural Resources in a position that was eligible to  
583 receive a service credit in this system before July 1, 2024, but is no longer eligible for a service  
584 credit in this system on or after July 1, 2024;

585 (iii) remains employed with the Department of Natural Resources; and

586 (iv) serves within the Department of Natural Resources as:

587 (A) a division director;

588 (B) a deputy division director;

589 (C) a region manager or supervisor;

590 (D) a program manager;

591 (E) a park manager; or

592 (F) an assistant park manager.

593 ~~[(17)]~~ (18) Notwithstanding any other provision of this section, a person initially  
594 entering employment with a participating employer on or after July 1, 2011, who does not have  
595 service credit accrued before July 1, 2011, in a Tier I system or plan administered by the board,  
596 may not participate in this system.

597 Section 8. Section **49-15-201** is amended to read:

598 **49-15-201. System membership -- Eligibility.**

599 (1) (a) A public safety service employee employed by the state after July 1, 1989, but  
600 before July 1, 2011, is eligible for service credit in this system.

601 (b) A public safety service employee employed by the state before July 1, 1989, may  
602 either elect to receive service credit in this system or continue to receive service credit under  
603 the system established under Chapter 14, Public Safety Contributory Retirement Act, by  
604 following the procedures established by the board under this chapter.

605 (2) (a) Public safety service employees of a participating employer other than the state  
606 that elected on or before July 1, 1989, to remain in the Public Safety Contributory Retirement  
607 System shall be eligible only for service credit in that system.

608 (b) (i) A participating employer other than the state that elected on or before July 1,  
609 1989, to participate in this system shall, have allowed, before July 1, 1989, a public safety  
610 service employee to elect to participate in either this system or the Public Safety Contributory  
611 Retirement System.

612 (ii) Except as expressly allowed by this title, the election of the public safety service  
613 employee is final and may not be changed.

614 (c) A public safety service employee hired by a participating employer other than the  
615 state after July 1, 1989, but before July 1, 2011, shall become a member in this system.

616 (d) A public safety service employee of a participating employer other than the state

617 who began participation in this system after July 1, 1989, but before July 1, 2011, is only  
618 eligible for service credit in this system.

619 (e) A person initially entering employment with a participating employer on or after  
620 July 1, 2011, who does not have service credit accrued before July 1, 2011, in a Tier I system  
621 or plan administered by the board, may not participate in this system.

622 (3) (a) (i) A participating employer that has public safety service and firefighter service  
623 employees that require cross-training and duty shall enroll those dual purpose employees in the  
624 system in which the greatest amount of time is actually worked.

625 (ii) The employees shall either be full-time public safety service or full-time firefighter  
626 service employees of the participating employer.

627 (b) (i) Before transferring a dual purpose employee from one system to another, the  
628 participating employer shall receive written permission from the office.

629 (ii) The office may request documentation to verify the appropriateness of the transfer.

630 (4) The board may combine or segregate the actuarial experience of participating  
631 employers in this system for the purpose of setting contribution rates.

632 (5) (a) (i) Each participating employer participating in this system shall annually  
633 submit to the office a schedule indicating the positions to be covered under this system in  
634 accordance with this chapter.

635 (ii) The office may require documentation to justify the inclusion of any position under  
636 this system.

637 (b) If there is a dispute between the office and a participating employer or employee  
638 over any position to be covered, the disputed position shall be submitted to the Peace Officer  
639 Standards and Training Council established under Section [53-6-106](#) for determination.

640 (c) (i) The Peace Officer Standards and Training Council's authority to decide  
641 eligibility for public safety service credit is limited to claims for coverage under this system for  
642 time periods after July 1, 1989.

643 (ii) A decision of the Peace Officer Standards and Training Council may not be applied  
644 to service credit earned in another system before July 1, 1989.

645 (iii) Except as provided under Subsection (5)(c)(iv), a decision of the Peace Officer  
646 Standards and Training Council granting a position coverage under this system may only be  
647 applied prospectively from the date of that decision.

648 (iv) A decision of the Peace Officer Standards and Training Council granting a position  
649 coverage under this system may be applied retroactively only if:

650 (A) the participating employer covered other similarly situated positions under this  
651 system during the time period in question; and

652 (B) the position otherwise meets all eligibility requirements for receiving service credit  
653 in this system during the period for which service credit is to be granted.

654 (6) The Peace Officer Standards and Training Council may use a subcommittee to  
655 provide a recommendation to the council in determining disputes between the office and a  
656 participating employer or employee over a position to be covered under this system.

657 (7) The Peace Officer Standards and Training Council shall comply with Title 63G,  
658 Chapter 4, Administrative Procedures Act, in resolving coverage disputes in this system.

659 (8) A public safety service employee who is transferred or promoted to an  
660 administration position requiring the performance of duties that consist primarily of  
661 management or supervision of public safety service employees shall continue to earn public  
662 safety service credit in this system during the period in which the employee remains employed  
663 in the same department.

664 (9) An employee of the Department of Corrections shall continue to earn public safety  
665 service credit in this system if:

666 (a) the employee's position is no longer covered under this system for new employees  
667 hired on or after July 1, 2015; and

668 (b) the employee:

669 (i) remains employed by the Department of Corrections;

670 (ii) meets the eligibility requirements of this system;

671 (iii) was hired into a position covered by this system before July 1, 2015; and

672 (iv) has not had a break in service on or after July 1, 2015.

673 (10) An employee of the Department of Health and Human Services who is transferred  
674 from the Department of Corrections' clinical services bureau to provide a clinical or health care  
675 service to an inmate as defined in Section 64-13-1 shall continue to earn public safety service  
676 credit in this system if:

677 (a) the employee's position is no longer covered under this system for new employees  
678 hired on or after July 1, 2015; and

679 (b) the employee:

680 (i) remains employed by the Department of Corrections or the Department of Health  
681 and Human Services;

682 (ii) meets the eligibility requirements of this system;

683 (iii) was hired into a position covered by this system before July 1, 2015; and

684 (iv) has not had a break in service on or after July 1, 2015.

685 (11) Any employee who is reassigned to the Division of Technology Services or to the  
686 Division of Human Resource Management, and who was a member in this system, shall be  
687 entitled to remain a member in this system.

688 (12) (a) To determine that a position is covered under this system, the office and, if a  
689 coverage dispute arises, the Peace Officer Standards and Training Council shall find that the  
690 position requires the employee to:

691 (i) except for a dispatcher, place the employee's life or personal safety at risk; and

692 (ii) complete training as provided in Section 53-6-303, 53-13-103, 53-13-104, or  
693 53-13-105.

694 (b) If a position satisfies the requirements of Subsection (12)(a), the office and Peace  
695 Officer Standards and Training Council shall consider whether the position requires the  
696 employee to:

697 (i) perform duties that consist primarily of actively preventing or detecting crime and  
698 enforcing criminal statutes or ordinances of this state or any of its political subdivisions;

699 (ii) perform duties that consist primarily of providing community protection; and

700 (iii) respond to situations involving threats to public safety and make emergency  
701 decisions affecting the lives and health of others.

702 (13) If a subcommittee is used to recommend the determination of disputes to the  
703 Peace Officer Standards and Training Council, the subcommittee shall comply with the  
704 requirements of Subsection (12) in making the subcommittee's recommendation.

705 (14) A final order of the Peace Officer Standards and Training Council regarding a  
706 dispute is a final agency action for purposes of Title 63G, Chapter 4, Administrative  
707 Procedures Act.

708 (15) Except as provided under Subsection (16), if a participating employer's public  
709 safety service employees are not covered by this system or under Chapter 14, Public Safety

710 Contributory Retirement Act, as of January 1, 1998, those public safety service employees who  
711 may otherwise qualify for membership in this system shall, at the discretion of the participating  
712 employer, remain in their current retirement system.

713 (16) (a) A public safety service employee employed by an airport police department,  
714 which elects to cover the airport police department's public safety service employees under the  
715 Public Safety Noncontributory Retirement System under Subsection [~~(14)~~] (15), may elect to  
716 remain in the public safety service employee's current retirement system.

717 (b) The public safety service employee's election to remain in the current retirement  
718 system under Subsection (16)(a):

719 (i) shall be made at the time the employer elects to move the employer's public safety  
720 service employees to a public safety retirement system;

721 (ii) shall be documented by written notice to the participating employer; and

722 (iii) is irrevocable.

723 (17) (a) Subject to Subsection [~~(18)~~] (19), beginning July 1, 2015, a public safety  
724 service employee who is a dispatcher employed by:

725 (i) the state shall be eligible for service credit in this system; and

726 (ii) a participating employer other than the state shall be eligible for service credit in  
727 this system if the dispatcher's participating employer elects to cover the participating  
728 employer's dispatchers under this system.

729 (b) A participating employer's election to cover the participating employer's dispatchers  
730 under this system under Subsection (17)(a)(ii) is irrevocable and shall be documented by a  
731 resolution adopted by the governing body of the participating employer in accordance with  
732 rules made by the office.

733 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution  
734 of a participating employer under Subsection (17)(b), is not eligible for service credit in this  
735 system.

736 (18) A public safety employee employed with the Department of Natural Resources on  
737 or before July 1, 2024, shall continue to earn public safety credit in this system, if the public  
738 safety employee:

739 (a) qualifies to earn a public safety credit under the provisions of this section; or

740 (b) (i) reaches ten years of service with the Department of Natural Resources on or



741 before July 1, 2026;

742 (ii) serves the Department of Natural Resources in a position that was eligible to  
 743 receive a service credit in this system before July 1, 2024, but is no longer eligible for a service  
 744 credit in this system on or after July 1, 2024;

745 (iii) remains employed with the Department of Natural Resources; and

746 (iv) serves within the Department of Natural Resources as:

747 (A) a division director;

748 (B) a deputy division director;

749 (C) a region manager or supervisor;

750 (D) a program manager;

751 (E) a park manager; or

752 (F) an assistant park manager.

753 ~~[(+8)]~~ (19) Notwithstanding any other provision of this section, a person initially  
 754 entering employment with a participating employer on or after July 1, 2011, who does not have  
 755 service credit accrued before July 1, 2011, in a Tier I system or plan administered by the board,  
 756 may not participate in this system.

757 Section 9. Section **49-23-201** is amended to read:

758 **49-23-201. System membership -- Eligibility.**

759 (1) Except as provided in Subsections (3) and (4), beginning July 1, 2011, a  
 760 participating employer that employs public safety service employees or firefighter service  
 761 employees shall participate in this system.

762 (2) (a) A public safety service employee or a firefighter service employee initially  
 763 entering employment with a participating employer on or after July 1, 2011, who does not have  
 764 service credit accrued before July 1, 2011, in a Tier I system or plan administered by the board,  
 765 is eligible:

766 (i) as a member for service credit and defined contributions under the Tier II hybrid  
 767 retirement system established by Part 3, Tier II Hybrid Retirement System; or

768 (ii) as a participant for defined contributions under the Tier II defined contributions  
 769 plan established by Part 4, Tier II Defined Contribution Plan.

770 (b) A public safety service employee or a firefighter service employee initially entering  
 771 employment with a participating employer on or after July 1, 2011, shall:

772 (i) make an election to participate in the system created under this chapter:  
773 (A) as a member for service credit and defined contributions under the Tier II hybrid  
774 retirement system established by Part 3, Tier II Hybrid Retirement System; or  
775 (B) as a participant for defined contributions under the Tier II defined contribution plan  
776 established by Part 4, Tier II Defined Contribution Plan; and  
777 (ii) electronically submit to the office notification of the member's election under  
778 Subsection (2)(b)(i) in a manner approved by the office.  
779 (c) An election made by a public safety service employee or firefighter service  
780 employee initially entering employment with a participating employer under this Subsection (2)  
781 is irrevocable beginning one year from the date of eligibility for accrual of benefits.  
782 (d) If no election is made under Subsection (2)(b)(i), the public safety service employee  
783 or firefighter service employee shall become a member eligible for service credit and defined  
784 contributions under the Tier II hybrid retirement system established by Part 3, Tier II Hybrid  
785 Retirement System.  
786 (3) (a) Beginning July 1, 2015, a public safety service employee who is a dispatcher  
787 employed by:  
788 (i) the state shall be eligible for service credit in this system; and  
789 (ii) a participating employer other than the state shall be eligible for service credit in  
790 this system if the dispatcher's participating employer elects to cover the participating  
791 employer's dispatchers under this system.  
792 (b) A participating employer's election to cover the participating employer's dispatchers  
793 under this system under Subsection (3)(a)(ii) is irrevocable and shall be documented by a  
794 resolution adopted by the governing body of the participating employer in accordance with  
795 rules made by the office.  
796 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution  
797 of a participating employer under Subsection (3)(b), is not eligible for service credit in this  
798 system.  
799 (4) An employer is eligible to participate in this system if the employer employs  
800 emergency medical service personnel and meets the requirements of Subsections (5) and (6).  
801 (5) (a) Beginning July 1, 2023, a firefighter service employee who is an emergency  
802 medical service personnel employed by a participating employer shall be eligible for service

803 credit in this system if the emergency medical service personnel's participating employer elects  
804 to cover the participating employer's emergency service personnel under this system.

805 (b) (i) A participating employer's election under Subsection (5)(a) to cover the  
806 participating employer's emergency medical service personnel under this system is irrevocable.

807 (ii) A participating employer shall document an election under Subsection (5)(a) by a  
808 resolution adopted by the governing body of the participating employer in accordance with  
809 rules made by the office.

810 (c) (i) An emergency medical service personnel's service before July 1, 2023, is not  
811 eligible for service credit in this system.

812 (ii) For an emergency medical service personnel employed by a participating employer,  
813 the emergency medical service personnel's service before the date the participating employer  
814 adopts a resolution described in Subsection (5)(b)(ii) is not eligible for service credit in this  
815 system.

816 (6) (a) The fire chief, or if there is not a fire chief for the participating employer, the  
817 emergency services director, shall verify that an individual meets the definition of emergency  
818 medical service personnel.

819 (b) (i) Each participating employer participating in this system that employs emergency  
820 medical service personnel shall submit annually to the office a schedule indicating which  
821 emergency medical service personnel positions are covered under this system under this  
822 chapter.

823 (ii) The office may require documentation to justify the inclusion of any position under  
824 this section.

825 (7) A public safety service employee who is transferred or promoted to an  
826 administration position requiring the performance of duties that consist primarily of  
827 management or supervision of public safety service employees shall continue to earn public  
828 safety service credit in this system during the period in which the employee remains employed  
829 in the same department.

830 (8) An employee of the Department of Corrections shall continue to earn public safety  
831 service credit in this system if:

832 (a) the employee's position is no longer covered under this system for new employees  
833 hired on or after July 1, 2015; and

- 834 (b) the employee:
- 835 (i) remains employed by the Department of Corrections;
- 836 (ii) meets the eligibility requirements of this system;
- 837 (iii) was hired into a position covered by this system before July 1, 2015; and
- 838 (iv) has not had a break in service on or after July 1, 2015.
- 839 (9) An employee of the Department of Health and Human Services who is transferred
- 840 from the Department of Corrections' clinical services bureau to provide a clinical or health care
- 841 service to an inmate as defined in Section 64-13-1 shall continue to earn public safety service
- 842 credit in this system if:
- 843 (a) the employee's position is no longer covered under this system for new employees
- 844 hired on or after July 1, 2015; and
- 845 (b) the employee:
- 846 (i) remains employed by the Department of Corrections or the Department of Health
- 847 and Human Services;
- 848 (ii) meets the eligibility requirements of this system;
- 849 (iii) was hired into a position covered by this system before July 1, 2015; and
- 850 (iv) has not had a break in service on or after July 1, 2015.
- 851 (10) A public safety employee employed with the Department of Natural Resources on
- 852 or before July 1, 2024, shall continue to earn public safety credit in this system, if the public
- 853 safety employee:
- 854 (a) qualifies to earn a public safety credit under the provisions of this section; or
- 855 (b) (i) reaches ten years of service with the Department of Natural Resources on or
- 856 before July 1, 2026;
- 857 (ii) serves the Department of Natural Resources in a position that was eligible to
- 858 receive a service credit in this system before July 1, 2024, but is no longer eligible for a service
- 859 credit in this system on or after July 1, 2024;
- 860 (iii) remains employed with the Department of Natural Resources; and
- 861 (iv) serves within the Department of Natural Resources as:
- 862 (A) a division director;
- 863 (B) a deputy division director;
- 864 (C) a region manager or supervisor;

- 865 (D) a program manager;
- 866 (E) a park manager; or
- 867 (F) an assistant park manger.

868 Section 10. Section **52-4-204** is amended to read:

869 **52-4-204. Closed meeting held upon vote of members -- Business -- Reasons for**  
870 **meeting recorded.**

871 (1) A closed meeting may be held if:

- 872 (a) (i) a quorum is present;
- 873 (ii) the meeting is an open meeting for which notice has been given under Section
- 874 [52-4-202](#); and

875 (iii) (A) two-thirds of the members of the public body present at the open meeting vote  
876 to approve closing the meeting;

877 (B) for a meeting that is required to be closed under Section [52-4-205](#), if a majority of  
878 the members of the public body present at an open meeting vote to approve closing the  
879 meeting;

880 (C) for an ethics committee of the Legislature that is conducting an open meeting for  
881 the purpose of reviewing an ethics complaint, a majority of the members present vote to  
882 approve closing the meeting for the purpose of seeking or obtaining legal advice on legal,  
883 evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the  
884 complaint;

885 (D) for the Political Subdivisions Ethics Review Commission established in Section  
886 [63A-15-201](#) that is conducting an open meeting for the purpose of reviewing an ethics  
887 complaint in accordance with Section [63A-15-701](#), a majority of the members present vote to  
888 approve closing the meeting for the purpose of seeking or obtaining legal advice on legal,  
889 evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the  
890 complaint;

891 (E) for a project entity that is conducting an open meeting for the purposes of  
892 determining the value of an asset, developing a strategy related to the sale or use of that asset;

893 (F) for a project entity that is conducting an open meeting for purposes of discussing a  
894 business decision, the disclosure of which could cause commercial injury to, or confer a  
895 competitive advantage upon a potential or actual competitor of, the project entity; or

896 (G) for a project entity that is conducting an open meeting for purposes of discussing a  
897 record, the disclosure of which could cause commercial injury to, or confer a competitive  
898 advantage upon a potential competitor of, the project entity; or

899 (b) (i) for the Independent Legislative Ethics Commission, the closed meeting is  
900 convened for the purpose of conducting business relating to the receipt or review of an ethics  
901 complaint, if public notice of the closed meeting is given under Section 52-4-202, with the  
902 agenda for the meeting stating that the meeting will be closed for the purpose of "conducting  
903 business relating to the receipt or review of ethics complaints";

904 (ii) for the Political Subdivisions Ethics Review Commission established in Section  
905 63A-15-201, the closed meeting is convened for the purpose of conducting business relating to  
906 the preliminary review of an ethics complaint in accordance with Section 63A-15-602, if public  
907 notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting  
908 stating that the meeting will be closed for the purpose of "conducting business relating to the  
909 review of ethics complaints";

910 (iii) for the Independent Executive Branch Ethics Commission created in Section  
911 63A-14-202, the closed meeting is convened for the purpose of conducting business relating to  
912 an ethics complaint, if public notice of the closed meeting is given under Section 52-4-202,  
913 with the agenda for the meeting stating that the meeting will be closed for the purpose of  
914 "conducting business relating to an ethics complaint"; [or]

915 (iv) for the Data Security Management Council created in Section 63A-16-701, the  
916 closed meeting is convened in accordance with Subsection 63A-16-701(7), if public notice of  
917 the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating  
918 that the meeting will be closed for the purpose of "conducting business relating to information  
919 technology security[-]"; or

920 (v) for the Natural Resources Law Enforcement Coordinating Council created in  
921 Section 79-2-703, the closed meeting is convened for the purpose of conducting business  
922 related to the deployment of law enforcement or security personnel, if public notice of the  
923 closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that  
924 the meeting will be closed for the purpose of "conducting business relating to the deployment  
925 of law enforcement or security personnel."

926 (2) A closed meeting is not allowed unless each matter discussed in the closed meeting

927 is permitted under Section [52-4-205](#).

928 (3) (a) An ordinance, resolution, rule, regulation, contract, or appointment may not be  
929 approved at a closed meeting.

930 (b) (i) A public body may not take a vote in a closed meeting, except for a vote on a  
931 motion to end the closed portion of the meeting and return to an open meeting.

932 (ii) A motion to end the closed portion of a meeting may be approved by a majority of  
933 the public body members present at the meeting.

934 (4) The following information shall be publicly announced and entered on the minutes  
935 of the open meeting at which the closed meeting was approved:

936 (a) the reason or reasons for holding the closed meeting;

937 (b) the location where the closed meeting will be held; and

938 (c) the vote by name, of each member of the public body, either for or against the  
939 motion to hold the closed meeting.

940 (5) Except as provided in Subsection [52-4-205](#)(2), nothing in this chapter shall be  
941 construed to require any meeting to be closed to the public.

942 Section 11. Section **53-13-103** is amended to read:

943 **53-13-103. Law enforcement officer.**

944 (1) (a) "Law enforcement officer" means a sworn and certified peace officer:

945 (i) who is an employee of a law enforcement agency; and

946 (ii) whose primary and principal duties consist of the prevention and detection of crime  
947 and the enforcement of criminal statutes or ordinances of this state or any of its political  
948 subdivisions.

949 (b) "Law enforcement officer" includes the following:

950 (i) a sheriff or deputy sheriff, chief of police, police officer, or marshal of any county,  
951 city, or town;

952 (ii) the commissioner of public safety and any member of the Department of Public  
953 Safety certified as a peace officer;

954 (iii) all [~~persons~~] individuals specified in [~~Sections [23A-5-202](#) and [79-4-501](#)~~] Section  
955 [79-2-705](#);

956 (iv) a police officer employed by a state institution of higher education;

957 (v) investigators for the Motor Vehicle Enforcement Division;

- 958 (vi) investigators for the Department of Insurance, Fraud Division;
- 959 (vii) special agents or investigators employed by the attorney general, district attorneys,  
960 and county attorneys;
- 961 (viii) employees of the Department of Natural Resources designated as peace officers  
962 by law;
- 963 (ix) school district police officers as designated by the board of education for the  
964 school district;
- 965 (x) the executive director of the Department of Corrections and any correctional  
966 enforcement or investigative officer designated by the executive director and approved by the  
967 commissioner of public safety and certified by the division;
- 968 (xi) correctional enforcement, investigative, or adult probation and parole officers  
969 employed by the Department of Corrections serving on or before July 1, 1993;
- 970 (xii) members of a law enforcement agency established by a private college or  
971 university if the agency is certified by the commissioner under Title 53, Chapter 19,  
972 Certification of Private Law Enforcement Agency;
- 973 (xiii) airport police officers of any airport owned or operated by the state or any of its  
974 political subdivisions; and
- 975 (xiv) transit police officers designated under Section [17B-2a-822](#).
- 976 (2) Law enforcement officers may serve criminal process and arrest violators of any  
977 law of this state and have the right to require aid in executing their lawful duties.
- 978 (3) (a) A law enforcement officer has statewide full-spectrum peace officer authority,  
979 but the authority extends to other counties, cities, or towns only when the officer is acting  
980 under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is  
981 employed by the state.
- 982 (b) (i) A local law enforcement agency may limit the jurisdiction in which its law  
983 enforcement officers may exercise their peace officer authority to a certain geographic area.
- 984 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise  
985 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act  
986 on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the  
987 limited geographic area.
- 988 (c) The authority of law enforcement officers employed by the Department of



989 Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.

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

991 (a) (i) have satisfactorily completed the requirements of Section [53-6-205](#); or

992 (ii) have met the waiver requirements in Section [53-6-206](#); and

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

995 Section 12. Section **63L-8-304** is amended to read:

996 **63L-8-304. Enforcement authority.**

997 (1) The director shall issue rules as necessary to implement the provisions of this  
998 chapter with respect to the management, use, and protection of the public land and property  
999 located on the public land.

1000 (2) At the request of the director, the attorney general may institute a civil action in a  
1001 district court for an injunction or other appropriate remedy to prevent any person from utilizing  
1002 public land in violation of this chapter or rules issued by the director under this chapter.

1003 (3) The use, occupancy, or development of any portion of the public land contrary to  
1004 any rule issued by the DLM in accordance with this chapter, and without proper authorization,  
1005 is unlawful and prohibited.

1006 (4) (a) The locally elected county sheriff is the primary law enforcement authority with  
1007 jurisdiction on public land to enforce:

1008 (i) all the laws of this state; and

1009 (ii) this chapter and rules issued by the director pursuant to Subsection (1).

1010 (b) The governor may utilize the Department of Public Safety for the purposes of  
1011 assisting the county sheriff in enforcing:

1012 (i) all the laws of this state and this chapter; and

1013 (ii) rules issued by the director pursuant to Subsection (1).

1014 (c) [~~Conservation officers employed by the Division of Wildlife Resources have~~] A  
1015 natural resources officer employed under Title 79, Chapter 2, Part 7, Division of Law  
1016 Enforcement has authority to enforce the laws and regulations under Title 23A, Wildlife  
1017 Resources Act, for the sake of any protected wildlife.

1018 (d) [~~A conservation officer~~] A natural resources officer employed under Title 79,  
1019 Chapter 2, Part 7, Division of Law Enforcement, shall work cooperatively with the locally

1020 elected county sheriff to enforce the laws and regulations under Title 23A, Wildlife Resources  
1021 Act, for the sake of protected wildlife.

1022 (e) Nothing herein shall be construed as enlarging or diminishing the responsibility or  
1023 authority of a state certified peace officer in performing the officer's duties on public land.

1024 Section 13. Section **65A-1-1** is amended to read:

1025 **65A-1-1. Definitions.**

1026 As used in this title:

1027 (1) "Division" means the Division of Forestry, Fire, and State Lands.

1028 (2) "Division of Law Enforcement" means the division within the Department of  
1029 Natural Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.

1030 [~~(2)~~] (3) "Initial attack" means action taken by the first resource to arrive at a wildland  
1031 fire incident, including evaluating the wildland fire, patrolling, monitoring, holding action, or  
1032 aggressive suppression action.

1033 [~~(3)~~] (4) "Multiple use" means the management of various surface and subsurface  
1034 resources in a manner that will best meet the present and future needs of the people of this  
1035 state.

1036 [~~(4)~~] (5) "Municipality" means a city, town, or metro township.

1037 [~~(5)~~] (6) "Public trust assets" means those lands and resources, including sovereign  
1038 lands, administered by the division.

1039 [~~(6)~~] (7) "Sovereign lands" means those lands lying below the ordinary high water  
1040 mark of navigable bodies of water at the date of statehood and owned by the state by virtue of  
1041 its sovereignty.

1042 [~~(7)~~] (8) "State lands" means all lands administered by the division.

1043 [~~(8)~~] (9) "Sustained yield" means the achievement and maintenance of high level  
1044 annual or periodic output of the various renewable resources of land without impairment of the  
1045 productivity of the land.

1046 [~~(9)~~] (10) "Wildland" means an area where:

1047 (a) development is essentially non-existent, except for roads, railroads, powerlines, or  
1048 similar transportation facilities; and

1049 (b) structures, if any, are widely scattered.

1050 [~~(10)~~] (11) "Wildland fire" means a fire that consumes:

1051 (a) wildland; or

1052 (b) wildland-urban interface, as defined in Section 65A-8a-102.

1053 Section 14. Section 65A-3-3 is amended to read:

1054 **65A-3-3. Enforcement of laws -- City, county, or district attorney to prosecute.**

1055 (1) It is the duty of the [~~division~~] Division of Law Enforcement, county sheriffs, [~~their~~]  
1056 county sheriff deputies, peace officers, and other law enforcement officers within the law  
1057 enforcement jurisdiction to enforce the provisions of this chapter and to investigate and gather  
1058 evidence that may indicate a violation under this chapter.

1059 (2) (a) The city attorney, county attorney, or district attorney, as appropriate under  
1060 Sections 10-3-928, 17-18a-202, and 17-18a-203, shall prosecute any criminal violations of this  
1061 chapter.

1062 (b) The counsel for an eligible entity, as defined in Section 65A-8-203, shall initiate a  
1063 civil action to recover suppression costs incurred by the eligible entity for suppression of fire  
1064 on private land.

1065 Section 15. Section 65A-8-308 is amended to read:

1066 **65A-8-308. Enforcement -- Prosecution of violations.**

1067 (1) [~~County~~] The Division of Law Enforcement, county sheriffs, police, and other law  
1068 enforcement officers within their respective jurisdictions are responsible for the enforcement of  
1069 this part.

1070 (2) The county attorney or district attorney shall prosecute any violation of this part.

1071 Section 16. Section 77-11a-101 is amended to read:

1072 **77-11a-101. Definitions.**

1073 As used in this chapter:

1074 (1) (a) "Agency" means an agency of this state or a political subdivision of this state.

1075 (b) "Agency" includes a law enforcement agency or a multijurisdictional task force.

1076 (2) "Claimant" means:

1077 (a) an owner of property;

1078 (b) an interest holder; or

1079 (c) an individual or entity who asserts a claim to any property for which an agency  
1080 seeks to forfeit.

1081 (3) (a) "Computer" means, except as provided in Subsection (3)(c), an electronic,

1082 magnetic, optical, electrochemical, or other high-speed data processing device that performs  
1083 logical, arithmetic, and storage functions.

1084 (b) "Computer" includes any device that is used for the storage of digital or electronic  
1085 files, flash memory, software, or other electronic information.

1086 (c) "Computer" does not mean a computer server of an Internet or electronic service  
1087 provider, or the service provider's employee, if used to comply with the requirements under 18  
1088 U.S.C. Sec. 2258A.

1089 (4) (a) "Contraband" means any property, item, or substance that is unlawful to  
1090 produce or to possess under state or federal law.

1091 (b) "Contraband" includes:

1092 (i) a controlled substance that is possessed, transferred, distributed, or offered for  
1093 distribution in violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

1094 (ii) a computer that:

1095 (A) contains or houses child sexual abuse material, or is used to create, download,  
1096 transfer, upload to a storage account, or store any electronic or digital files containing child  
1097 sexual abuse material; or

1098 (B) contains the personal identifying information of another individual, as defined in  
1099 Section [76-6-1101](#), whether that individual is alive or deceased, and the personal identifying  
1100 information has been used to create false or fraudulent identification documents or financial  
1101 transaction cards in violation of Title 76, Chapter 6, Part 5, Fraud.

1102 (5) "Controlled substance" means the same as that term is defined in Section [58-37-2](#).

1103 (6) "Court" means a municipal, county, or state court.

1104 (7) "Division of Law Enforcement" means the division within the Department of  
1105 Natural Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.

1106 [~~7~~] (8) "Evidence" means the same as that term is defined in Section [77-11c-101](#).

1107 [~~8~~] (9) "Forfeit" means to divest a claimant of an ownership interest in property  
1108 seized by a peace officer or agency.

1109 [~~9~~] (10) "Innocent owner" means a claimant who:

1110 (a) held an ownership interest in property at the time of the commission of an offense  
1111 subjecting the property to seizure, and:

1112 (i) did not have actual knowledge of the offense subjecting the property to seizure; or

1113 (ii) upon learning of the commission of the offense, took reasonable steps to prohibit  
1114 the use of the property in the commission of the offense; or

1115 (b) acquired an ownership interest in the property and had no knowledge that the  
1116 commission of the offense subjecting the property to seizure had occurred or that the property  
1117 had been seized, and:

1118 (i) acquired the property in a bona fide transaction for value;

1119 (ii) was an individual, including a minor child, who acquired an interest in the property  
1120 through probate or inheritance; or

1121 (iii) was a spouse who acquired an interest in property through dissolution of marriage  
1122 or by operation of law.

1123 ~~[(10)]~~ (11) (a) "Interest holder" means a secured party as defined in Section  
1124 70A-9a-102, a party with a right-of-offset, a mortgagee, lien creditor, or the beneficiary of a  
1125 security interest or encumbrance pertaining to an interest in property, whose interest would be  
1126 perfected against a good faith purchaser for value.

1127 (b) "Interest holder" does not mean a person:

1128 (i) who holds property for the benefit of or as an agent or nominee for another person;

1129 or

1130 (ii) who is not in substantial compliance with any statute requiring an interest in  
1131 property to be:

1132 (A) recorded or reflected in public records in order to perfect the interest against a good  
1133 faith purchaser for value; or

1134 (B) held in control by a secured party, as defined in Section 70A-9a-102, in accordance  
1135 with Section 70A-9a-314 in order to perfect the interest against a good faith purchaser for  
1136 value.

1137 ~~[(11)]~~ (12) "Law enforcement agency" means:

1138 (a) a municipal, county, state institution of higher education, or state police force or  
1139 department;

1140 (b) a sheriff's office; or

1141 (c) a municipal, county, or state prosecuting authority.

1142 ~~[(12)]~~ (13) "Legislative body" means:

1143 (a) (i) the Legislature, county commission, county council, city commission, city

1144 council, or town council that has fiscal oversight and budgetary approval authority over an  
1145 agency; or

1146 (ii) the agency's governing political subdivision; or

1147 (b) the lead governmental entity of a multijurisdictional task force, as designated in a  
1148 memorandum of understanding executed by the agencies participating in the task force.

1149 ~~[(13)]~~ (14) "Multijurisdictional task force" means a law enforcement task force or other  
1150 agency comprised of individuals who are employed by or acting under the authority of different  
1151 governmental entities, including federal, state, county, or municipal governments, or any  
1152 combination of federal, state, county, or municipal agencies.

1153 ~~[(14)]~~ (15) "Owner" means an individual or entity, other than an interest holder, that  
1154 possesses a bona fide legal or equitable interest in property.

1155 ~~[(15)]~~ (16) "Pawn or secondhand business" means the same as that term is defined in  
1156 Section [13-32a-102](#).

1157 ~~[(16)]~~ (17) "Peace officer" means an employee:

1158 (a) of an agency;

1159 (b) whose duties consist primarily of the prevention and detection of violations of laws  
1160 of this state or a political subdivision of this state; and

1161 (c) who is authorized by the agency to seize property.

1162 ~~[(17)]~~ (18) (a) "Proceeds" means:

1163 (i) property of any kind that is obtained directly or indirectly as a result of the  
1164 commission of an offense; or

1165 (ii) any property acquired directly or indirectly from, produced through, realized  
1166 through, or caused by an act or omission regarding property under Subsection ~~[(17)(a)(i)]~~  
1167 [\(18\)\(a\)\(i\)](#).

1168 (b) "Proceeds" includes any property of any kind without reduction for expenses  
1169 incurred in the acquisition, maintenance, or production of that property, or any other purpose  
1170 regarding property under Subsection ~~[(17)(a)(i)]~~ [\(18\)\(a\)\(i\)](#).

1171 (c) "Proceeds" is not limited to the net gain or profit realized from the offense that  
1172 subjects the property to seizure.

1173 ~~[(18)]~~ (19) (a) "Property" means all property, whether real or personal, tangible or  
1174 intangible.

1175 (b) "Property" does not include contraband.

1176 [~~19~~] (20) "Prosecuting attorney" means:

1177 (a) the attorney general and an assistant attorney general;

1178 (b) a district attorney or deputy district attorney;

1179 (c) a county attorney or assistant county attorney; and

1180 (d) an attorney authorized to commence an action on behalf of the state.

1181 [~~20~~] (21) "Public interest use" means a:

1182 (a) use by a government agency as determined by the legislative body of the agency's  
1183 jurisdiction; or

1184 (b) donation of the property to a nonprofit charity registered with the state.

1185 [~~21~~] (22) "Real property" means land, including any building, fixture, improvement,  
1186 appurtenance, structure, or other development that is affixed permanently to land.

1187 [~~22~~] (23) (a) "Seized property" means property seized by a peace officer or agency in  
1188 accordance with Section 77-11a-201.

1189 (b) "Seized property" includes property that the agency seeks to forfeit under Chapter  
1190 11b, Forfeiture of Seized Property.

1191 Section 17. Section 77-11a-301 is amended to read:

1192 **77-11a-301. Release of seized property to claimant -- Generally.**

1193 (1) (a) An agency with custody of seized property, or the prosecuting attorney, may  
1194 release the property to a claimant if the agency or the prosecuting attorney:

1195 (i) determines that the agency does not need to retain or preserve the property as  
1196 evidence under Chapter 11c, Retention of Evidence; or

1197 (ii) seeks to return the property to the claimant because the agency or prosecuting  
1198 attorney determines that the claimant is an innocent owner or an interest holder.

1199 (b) An agency with custody of seized property, or the prosecuting attorney, may not  
1200 release property under this Subsection (1) if the property is subject to retention or preservation  
1201 under Chapter 11c, Retention of Evidence.

1202 (2) An agency with custody of the seized property, or the prosecuting attorney, shall  
1203 release the property to a claimant if:

1204 (a) the claimant posts a surety bond or cash with the court in accordance with Section  
1205 77-11a-302;

1206 (b) the court orders the release of property to the claimant for hardship purposes under  
1207 Section [77-11a-303](#);

1208 (c) a claimant establishes that the claimant is an innocent owner or an interest holder  
1209 under Section [77-11a-304](#); or

1210 (d) the court orders property retained as evidence to be released to the claimant under  
1211 Section [77-11a-305](#).

1212 (3) (a) For a computer determined to be contraband, a court may order the reasonable  
1213 extraction and return of specifically described personal digital data to the owner of the  
1214 computer.

1215 (b) The agency shall determine a reasonable cost to extract the data.

1216 (c) At the time of the request to extract the data, the owner of the computer shall pay  
1217 the agency the cost to extract the data.

1218 (4) If a [~~peace~~] natural resources officer for the Division [~~of Wildlife Resources~~] of  
1219 Law Enforcement seizes a vehicle, the Division of [~~Wildlife Resources~~] Law Enforcement  
1220 shall release the vehicle to a claimant in accordance with Section [23A-5-201](#).

1221 (5) If an agency is not required, or is no longer required, to retain or preserve property  
1222 as evidence under Chapter 11c, Retention of Evidence, and the agency seeks to release or  
1223 dispose of the property, the agency shall exercise due diligence in attempting to notify the  
1224 claimant of the property to advise the claimant that the property is to be returned.

1225 (6) (a) Before an agency may release seized property to a person claiming ownership of  
1226 the property, the person shall establish that the person:

1227 (i) is the owner of the property; and

1228 (ii) may lawfully possess the property.

1229 (b) The person shall establish ownership under Subsection (6)(a) by providing to the  
1230 agency:

1231 (i) identifying proof or documentation of ownership of the property; or

1232 (ii) a notarized statement if proof or documentation is not available.

1233 (c) When seized property is returned to the owner, the owner shall sign a receipt listing  
1234 in detail the property that is returned.

1235 (d) The agency shall:

1236 (i) retain a copy of the receipt; and



1237 (ii) provide a copy of the receipt to the owner.

1238 Section 18. Section **79-2-102** is amended to read:

1239 **79-2-102. Definitions.**

1240 As used in this chapter:

1241 [~~(1) "Conservation officer" is as defined in Section 23A-1-101.~~]

1242 (1) "Natural resources officer" means the same as that term is defined in Section  
1243 79-2-701.

1244 (2) "Species protection" means an action to protect a plant or animal species identified  
1245 as:

1246 (a) sensitive by the state; or

1247 (b) threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C.

1248 Sec. 1531 et seq.

1249 (3) "Volunteer" means a person who donates a service to the department or a division  
1250 of the department without pay or other compensation.

1251 Section 19. Section **79-2-204** is amended to read:

1252 **79-2-204. Division directors -- Appointment -- Removal -- Jurisdiction of**  
1253 **executive director.**

1254 (1) (a) The chief administrative officer of a division within the department is a director  
1255 appointed by the executive director with the concurrence of the board having policy authority  
1256 for the division.

1257 (b) The director of a division may be removed from office by the executive director.

1258 (c) The appointment and term of office of the state engineer, notwithstanding anything  
1259 to the contrary contained in this section, shall be in accordance with Section 73-2-1.

1260 (2) (a) The executive director has administrative jurisdiction over a division director  
1261 for the purpose of implementing department policy as established by the division's board.

1262 (b) The executive director may:

1263 (i) consolidate personnel and service functions in the divisions to effectuate efficiency  
1264 and economy in the operations of the department;

1265 (ii) establish a departmental services division to perform service functions; and

1266 (iii) employ law enforcement officers [~~and special function officers~~] within the  
1267 department that have all of the powers of a [~~conservation~~] natural resources officer and law

1268 enforcement officer, with the exception of the power to serve civil process.

1269 Section 20. Section **79-2-701** is enacted to read:

1270 **Part 7. Division of Law Enforcement**

1271 **79-2-701. Definitions.**

1272 As used in this part:

1273 (1) "Council" means the Natural Resources Law Enforcement Coordinating Council  
1274 created in Section [79-2-704](#).

1275 (2) "Division" means the Division of Law Enforcement.

1276 (3) "Law enforcement officer" means the same as that term is defined in Section  
1277 [53-13-103](#).

1278 (4) (a) "Natural resources officer" means a full-time, permanent employee of the  
1279 division who is POST certified as a peace officer.

1280 (b) "Natural resources officer" includes a wildlife officer, as that term is defined in  
1281 Section [23A-2-502](#).

1282 (5) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13,  
1283 Peace Officer Classifications.

1284 Section 21. Section **79-2-702** is enacted to read:

1285 **79-2-702. Division creation -- Purpose.**

1286 (1) There is created within the department a Division of Law Enforcement.

1287 (2) Subject to the priorities defined by the director and the council, the primary  
1288 function of the division is to enforce:

1289 (a) Title 23A, Wildlife Resources Act;

1290 (b) Title 41, Chapter 22, Off-highway Vehicles;

1291 (c) Title 65A, Forestry, Fire, and State Lands;

1292 (d) Title 73, Chapter 18, State Boating Act;

1293 (e) this title; and

1294 (f) an administrative rule enacted by an advisory board or coordinating council within  
1295 any of the department's divisions.

1296 (3) The division may coordinate with county sheriffs, police, and other law  
1297 enforcement officers within a law enforcement jurisdiction the division operates to enforce this  
1298 part.

1299 (4) This part does not limit or modify the powers and duties of other law enforcement  
1300 officers in the state.

1301 Section 22. Section **79-2-703** is enacted to read:

1302 **79-2-703. Division director -- Qualifications -- Duties -- Special deputies.**

1303 (1) The director is the executive and administrative head of the division.

1304 (2) The director shall demonstrate:

1305 (a) experience as a sworn law enforcement officer; and

1306 (b) law enforcement leadership ability.

1307 (3) The director shall:

1308 (a) enforce the policies and rules of the council; and

1309 (b) perform the duties necessary to:

1310 (i) properly care for and maintain any property under the jurisdiction of the division;

1311 and

1312 (ii) carry out this part.

1313 (4) (a) The director may appoint an individual, on a temporary basis, as a special  
1314 deputy.

1315 (b) A special deputy may enforce this part and rules made under this part.

1316 (5) The director may deputize an individual who is a peace officer to assist the division  
1317 on a seasonal or temporary basis.

1318 Section 23. Section **79-2-704** is enacted to read:

1319 **79-2-704. Natural Resources Law Enforcement Coordinating Council created --**  
1320 **Members -- Purpose.**

1321 (1) (a) There is created within the department a Natural Resources Law Enforcement  
1322 Coordinating Council.

1323 (b) The council is the policymaking body for the division.

1324 (2) Notwithstanding the requirements of Section [79-2-203](#), the council's membership  
1325 consists of:

1326 (a) the director of the Division of Forestry, Fire and State Lands or the director's  
1327 designee;

1328 (b) the director of the Division of Outdoor Recreation or the director's designee;

1329 (c) the director of the Division of State Parks or the director's designee;

- 1330 (d) the director of the Division of Wildlife Resources or the director's designee; and  
1331 (e) the executive director of the department or the executive director's designee.  
1332 (3) (a) The executive director or the executive director's designee shall function as the  
1333 council's chair.  
1334 (b) The director of the division or the director's designee shall function as the council's  
1335 secretary.  
1336 (4) (a) The council shall hold meetings at least quarterly on the dates set by the  
1337 council's chair.  
1338 (b) The chair or a majority of the council's members may call a meeting.  
1339 (c) A majority of the members of the council present at a meeting constitutes a quorum  
1340 for the transaction of business.  
1341 (5) The department shall provide staff support for the council.  
1342 (6) A meeting held by the council is subject to Title 52, Chapter 4, Open and Public  
1343 Meetings Act, unless otherwise provided.  
1344 (7) A member may not receive compensation or benefits for the member's service, but  
1345 may receive per diem and travel expenses in accordance with:  
1346 (a) Section [63A-3-106](#);  
1347 (b) Section [63A-3-107](#); and  
1348 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1349 [63A-3-107](#).  
1350 (8) The purpose of the council is to:  
1351 (a) coordinate, prioritize, and direct the law enforcement needs of the divisions within  
1352 the department;  
1353 (b) provide for public safety and preserve the peace within the property under the  
1354 jurisdiction of the department and the department's divisions; and  
1355 (c) carry out the purposes of this part.  
1356 Section 24. Section **79-2-705** is enacted to read:  
1357 **79-2-705. Powers and duties of division -- Enforcement authority -- Ability to**  
1358 **initiate civil proceedings.**  
1359 (1) An employee of the division who is a POST certified peace officer:  
1360 (a) has all the powers of a law enforcement officer and natural resources officer in the

1361 state;

1362 (b) may arrest and prosecute violators of any law of this state;

1363 (c) has the same right as other peace officers to require aid in executing the peace

1364 officer's duties;

1365 (d) may take wildlife in performance of official duties, in accordance with Section

1366 23A-2-207;

1367 (e) may protect property under the jurisdiction of the department or the department's

1368 divisions from misuse or damage;

1369 (f) may preserve the peace on property under the jurisdiction of the department or the

1370 department's divisions;

1371 (g) may serve criminal process; and

1372 (h) may not serve civil process.

1373 (2) The powers and duties conferred upon the director and members of the division are

1374 supplementary to and not a limitation on the powers and duties of other peace officers in the

1375 state.

1376 (3) The division shall have the authority to initiate civil proceedings, in addition to

1377 criminal proceedings provided for in this part, to:

1378 (a) recover damages;

1379 (b) compel performance;

1380 (c) compel substitution;

1381 (d) restrain or enjoin;

1382 (e) initiate any other appropriate action; and

1383 (f) seek appropriate remedies in the division's capacity as the primary law enforcement

1384 authority for the department.

1385 Section 25. Section **79-2-706** is enacted to read:

1386 **79-2-706. Division authorized to enter into contracts and agreements.**

1387 (1) The division, with the approval of the executive director and the governor, may

1388 enter into contracts and agreements as needed to:

1389 (a) support law enforcement operations for the department;

1390 (b) improve and maintain the property under the jurisdiction of the division; and

1391 (c) secure labor, quarters, materials, services, or facilities for the division according to

1392 procedures established by the Division of Finance.

1393 (2) All departments, agencies, officers, and employees of the state shall give to the  
1394 division the consultation and assistance that the division may reasonably request.

1395 Section 26. Section **79-2-707**, which is renumbered from Section 23A-3-211 is  
1396 renumbered and amended to read:

1397 ~~[23A-3-211]~~. **79-2-707. Aquatic Invasive Species Interdiction Account.**

1398 (1) There is created within the General Fund a restricted account known as the  
1399 "Aquatic Invasive Species Interdiction Account."

1400 (2) The Aquatic Invasive Species Interdiction Account shall consist of:

1401 (a) nonresident aquatic invasive species fees collected under Subsection  
1402 [23A-10-304](#)(2);

1403 (b) resident aquatic invasive species fees collected under Subsection [23A-10-304](#)(1);  
1404 and

1405 (c) other amounts deposited in the Aquatic Invasive Species Interdiction Account from  
1406 donations, appropriations, contractual agreements, and accrued interest.

1407 (3) Upon appropriation, the division shall use the aquatic invasive species fees  
1408 collected under Subsections [23A-10-304](#)(1) and (2) and deposited in the Aquatic Invasive  
1409 Species Account to fund aquatic invasive species prevention and containment efforts.

1410 Section 27. **Repealer.**

1411 This bill repeals:

1412 Section [23A-5-202](#), **Powers of law enforcement section.**

1413 Section [23A-5-203](#), **Special deputies -- Appointment -- Duties.**

1414 Section [23A-5-319](#), **Interference with, intimidation, or harassment of officer**  
1415 **unlawful.**

1416 Section [79-4-501](#), **Peace officer authority of park rangers.**

1417 Section [79-7-401](#), **Enforcement in general.**

1418 Section 28. **Effective date.**

1419 This bill takes effect on July 1, 2024.