

LAW ENFORCEMENT QUOTA AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill concerns law enforcement quotas.

Highlighted Provisions:

This bill:

- ▶ requires the Peace Officer Standards and Training Council to develop model standards unrelated to law enforcement quotas to evaluate peace officer performance;
- ▶ restricts the State Commission on Criminal and Juvenile Justice from awarding a grant of state funds to an entity that violates the law enforcement quota prohibition;
- ▶ requires the attorney general to investigate potential law enforcement quota violations;
- ▶ prohibits a political subdivision or law enforcement agency from:
 - requiring or directing a peace officer to meet an arrest, citation, stop, or other quota; or
 - transferring, promoting, disciplining, or taking any other action against a peace officer for reasons relating to an arrest, citation, stop, or other quota; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53-6-107**, as last amended by Laws of Utah 2022, Chapter 182

32 **63M-7-218**, as last amended by Laws of Utah 2023, Chapters 158, 161 and 382

33 **67-5-1**, as last amended by Laws of Utah 2023, Chapter 330

34 **77-7-27**, as enacted by Laws of Utah 2018, Chapter 289



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

37 Section 1. Section **53-6-107** is amended to read:

38 **53-6-107. General duties of council.**

39 (1) The council shall:

40 (a) advise the director regarding:

41 (i) the approval, certification, or revocation of certification of any certified academy
42 established in the state;

43 (ii) minimum courses of study, attendance requirements, and the equipment and
44 facilities to be required at a certified academy;

45 (iii) minimum qualifications for instructors at a certified academy;

46 (iv) the minimum basic training requirements that peace officers shall complete before
47 receiving certification;

48 (v) the minimum basic training requirements that dispatchers shall complete before
49 receiving certification; and

50 (vi) categories or classifications of advanced in-service training programs and
51 minimum courses of study and attendance requirements for the categories or classifications;

52 (b) recommend that studies, surveys, or reports, or all of them be made by the director
53 concerning the implementation of the objectives and purposes of this chapter;

54 (c) make recommendations and reports to the commissioner and governor from time to
55 time;

56 (d) choose from the sanctions to be imposed against certified peace officers as
57 provided in Section **53-6-211**, and dispatchers as provided in Section **53-6-309**;

58 (e) establish and annually review minimum use of force standards for all peace officers

59 in the state;

60 (f) establish and annually review minimum standards for officer intervention and the
61 reporting of police misconduct based on Section [53-6-210.5](#);

62 (g) develop model standards regarding the evaluation of peace officer performance
63 based on objective criteria that do not rely on a law enforcement quota, as defined in Section
64 [77-7-27](#); and

65 [~~g~~] (h) perform other acts as necessary to carry out the duties of the council in this
66 chapter.

67 (2) The council may approve special function officers for membership in the Public
68 Safety Retirement System in accordance with Sections [49-14-201](#) and [49-15-201](#).

69 Section 2. Section **63M-7-218** is amended to read:

70 **63M-7-218. State grant requirements.**

71 Beginning July 1, 2023, the commission may not award any grant of state funds to any
72 entity:

73 (1) subject to, and not in compliance with, the reporting requirements in Subsections
74 [63A-16-1002\(5\)\(a\)](#) through (r)[:]; or

75 (2) subject to, and in violation of, Section [77-7-27](#), law enforcement quota prohibition,
76 as reported to the commission by the attorney general under Section [77-7-27](#).

77 Section 3. Section **67-5-1** is amended to read:

78 **67-5-1. General duties.**

79 (1) The attorney general shall:

80 (a) perform all duties in a manner consistent with the attorney-client relationship under
81 Section [67-5-17](#);

82 (b) except as provided in Sections [10-3-928](#) and [17-18a-403](#), attend the Supreme Court
83 and the Court of Appeals of this state, and all courts of the United States, and prosecute or
84 defend all causes to which the state or any officer, board, or commission of the state in an
85 official capacity is a party, and take charge, as attorney, of all civil legal matters in which the
86 state is interested;

87 (c) after judgment on any cause referred to in Subsection (1)(b), direct the issuance of
88 process as necessary to execute the judgment;

89 (d) account for, and pay over to the proper officer, all money that comes into the

90 attorney general's possession that belongs to the state;

91 (e) keep a file of all cases in which the attorney general is required to appear, including
92 any documents and papers showing the court in which the cases have been instituted and tried,
93 and whether they are civil or criminal, and:

94 (i) if civil, the nature of the demand, the stage of proceedings, and, when prosecuted to
95 judgment, a memorandum of the judgment and of any process issued if satisfied, and if not
96 satisfied, documentation of the return of the sheriff;

97 (ii) if criminal, the nature of the crime, the mode of prosecution, the stage of
98 proceedings, and, when prosecuted to sentence, a memorandum of the sentence and of the
99 execution, if the sentence has been executed, and, if not executed, the reason for the delay or
100 prevention; and

101 (iii) deliver this information to the attorney general's successor in office;

102 (f) exercise supervisory powers over the district and county attorneys of the state in all
103 matters pertaining to the duties of the district and county attorneys' offices, including the
104 authority described in Subsection (2);

105 (g) give the attorney general's opinion in writing and without fee, when required, upon
106 any question of law relating to the office of the requester:

107 (i) in accordance with Section 67-5-1.1, to the Legislature or either house;

108 (ii) to any state officer, board, or commission; and

109 (iii) to any county attorney or district attorney;

110 (h) when required by the public service or directed by the governor, assist any county,
111 district, or city attorney in the discharge of county, district, or city attorney's duties;

112 (i) purchase in the name of the state, under the direction of the state Board of
113 Examiners, any property offered for sale under execution issued upon judgments in favor of or
114 for the use of the state, and enter satisfaction in whole or in part of the judgments as the
115 consideration of the purchases;

116 (j) when the property of a judgment debtor in any judgment mentioned in Subsection
117 (1)(i) has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance
118 taking precedence of the judgment in favor of the state, redeem the property, under the
119 direction of the state Board of Examiners, from the prior judgment, lien, or encumbrance, and
120 pay all money necessary for the redemption, upon the order of the state Board of Examiners,

121 out of any money appropriated for these purposes;

122 (k) when in the attorney general's opinion it is necessary for the collection or
123 enforcement of any judgment, institute and prosecute on behalf of the state any action or
124 proceeding necessary to set aside and annul all conveyances fraudulently made by the judgment
125 debtors, and pay the cost necessary to the prosecution, when allowed by the state Board of
126 Examiners, out of any money not otherwise appropriated;

127 (l) discharge the duties of a member of all official boards of which the attorney general
128 is or may be made a member by the Utah Constitution or by the laws of the state, and other
129 duties prescribed by law;

130 (m) institute and prosecute proper proceedings in any court of the state or of the United
131 States to restrain and enjoin corporations organized under the laws of this or any other state or
132 territory from acting illegally or in excess of their corporate powers or contrary to public
133 policy, and in proper cases forfeit their corporate franchises, dissolve the corporations, and
134 wind up their affairs;

135 (n) institute investigations for the recovery of all real or personal property that may
136 have escheated or should escheat to the state, and for that purpose, subpoena any persons
137 before any of the district courts to answer inquiries and render accounts concerning any
138 property, examine all books and papers of any corporations, and when any real or personal
139 property is discovered that should escheat to the state, institute suit in the district court of the
140 county where the property is situated for its recovery, and escheat that property to the state;

141 (o) administer the Children's Justice Center as a program to be implemented in various
142 counties pursuant to Sections [67-5b-101](#) through [67-5b-107](#);

143 (p) assist the Constitutional Defense Council as provided in Title 63C, Chapter 4a,
144 Constitutional and Federalism Defense Act;

145 (q) pursue any appropriate legal action to implement the state's public lands policy
146 established in Section [63C-4a-103](#);

147 (r) investigate and prosecute violations of all applicable state laws relating to fraud in
148 connection with the state Medicaid program and any other medical assistance program
149 administered by the state, including violations of Title 26B, Chapter 3, Part 11, Utah False
150 Claims Act;

151 (s) investigate and prosecute complaints of abuse, neglect, or exploitation of patients:

- 152 (i) in health care facilities that receive payments under the state Medicaid program;
- 153 (ii) in board and care facilities, as defined in the federal Social Security Act, 42 U.S.C.
- 154 Sec. 1396b(q)(4)(B), regardless of the source of payment to the board and care facility; and
- 155 (iii) who are receiving medical assistance under the Medicaid program as defined in
- 156 Section [26B-3-101](#) in a noninstitutional or other setting;
- 157 (t) (i) report at least twice per year to the Legislative Management Committee on any
- 158 pending or anticipated lawsuits, other than eminent domain lawsuits, that might:
- 159 (A) cost the state more than \$500,000; or
- 160 (B) require the state to take legally binding action that would cost more than \$500,000
- 161 to implement; and
- 162 (ii) if the meeting is closed, include an estimate of the state's potential financial or
- 163 other legal exposure in that report;
- 164 (u) (i) submit a written report to the committees described in Subsection (1)(u)(ii) that
- 165 summarizes any lawsuit or decision in which a court or the Office of the Attorney General has
- 166 determined that a state statute is unconstitutional or unenforceable since the attorney general's
- 167 last report under this Subsection (1)(u), including any:
- 168 (A) settlements reached;
- 169 (B) consent decrees entered;
- 170 (C) judgments issued;
- 171 (D) preliminary injunctions issued;
- 172 (E) temporary restraining orders issued; or
- 173 (F) formal or informal policies of the Office of the Attorney General to not enforce a
- 174 law; and
- 175 (ii) at least 30 days before the Legislature's May and November interim meetings,
- 176 submit the report described in Subsection (1)(u)(i) to:
- 177 (A) the Legislative Management Committee;
- 178 (B) the Judiciary Interim Committee; and
- 179 (C) the Law Enforcement and Criminal Justice Interim Committee;
- 180 (v) if the attorney general operates the Office of the Attorney General or any portion of
- 181 the Office of the Attorney General as an internal service fund agency in accordance with
- 182 Section [67-5-4](#), submit to the rate committee established in Section [67-5-34](#):

- 183 (i) a proposed rate and fee schedule in accordance with Subsection [67-5-34\(4\)](#); and
- 184 (ii) any other information or analysis requested by the rate committee;
- 185 (w) before the end of each calendar year, create an annual performance report for the
- 186 Office of the Attorney General and post the report on the attorney general's website;
- 187 (x) ensure that any training required under this chapter complies with Title 63G,
- 188 Chapter 22, State Training and Certification Requirements;
- 189 (y) notify the legislative general counsel in writing within three business days after the
- 190 day on which the attorney general is officially notified of a claim, regardless of whether the
- 191 claim is filed in state or federal court, that challenges:
 - 192 (i) the constitutionality of a state statute;
 - 193 (ii) the validity of legislation; or
 - 194 (iii) any action of the Legislature; ~~and~~
- 195 (z) (i) notwithstanding Title 63G, Chapter 6a, Utah Procurement Code, provide a
- 196 special advisor to the Office of the Governor and the Office of the Attorney General in matters
- 197 relating to Native American and tribal issues to:
 - 198 (A) establish outreach to the tribes and affected counties and communities; and
 - 199 (B) foster better relations and a cooperative framework; and
- 200 (ii) annually report to the Executive Offices and Criminal Justice Appropriations
- 201 Subcommittee regarding:
 - 202 (A) the status of the work of the special advisor described in Subsection (1)(z)(i); and
 - 203 (B) whether the need remains for the ongoing appropriation to fund the special advisor
 - 204 described in Subsection (1)(z)(i)~~[-]~~; and
 - 205 (aa) investigate complaints of a violation of Section [77-7-27](#), law enforcement quota
 - 206 prohibition, and report a substantiated violation to the State Commission on Criminal and
 - 207 Juvenile Justice under Section [63M-7-218](#).
- 208 (2) (a) The attorney general may require a district attorney or county attorney of the
- 209 state to, upon request, report on the status of public business entrusted to the district or county
- 210 attorney's charge.
 - 211 (b) The attorney general may review investigation results de novo and file criminal
 - 212 charges, if warranted, in any case involving a first degree felony, if:
 - 213 (i) a law enforcement agency submits investigation results to the county attorney or

214 district attorney of the jurisdiction where the incident occurred and the county attorney or
215 district attorney:

216 (A) declines to file criminal charges; or

217 (B) fails to screen the case for criminal charges within six months after the law

218 enforcement agency's submission of the investigation results; and

219 (ii) after consultation with the county attorney or district attorney of the jurisdiction

220 where the incident occurred, the attorney general reasonably believes action by the attorney

221 general would not interfere with an ongoing investigation or prosecution by the county attorney

222 or district attorney of the jurisdiction where the incident occurred.

223 (c) If the attorney general decides to conduct a review under Subsection (2)(b), the

224 district attorney, county attorney, and law enforcement agency shall, within 14 days after the

225 day on which the attorney general makes a request, provide the attorney general with:

226 (i) all information relating to the investigation, including all reports, witness lists,
227 witness statements, and other documents created or collected in relation to the investigation;

228 (ii) all recordings, photographs, and other physical or digital media created or collected
229 in relation to the investigation;

230 (iii) access to all evidence gathered or collected in relation to the investigation; and

231 (iv) the identification of, and access to, all officers or other persons who have

232 information relating to the investigation.

233 (d) If a district attorney, county attorney, or law enforcement agency fails to timely

234 comply with Subsection (2)(c), the attorney general may seek a court order compelling

235 compliance.

236 (e) If the attorney general seeks a court order under Subsection (2)(d), the court shall

237 grant the order unless the district attorney, county attorney, or law enforcement agency shows

238 good cause and a compelling interest for not complying with Subsection (2)(c).

239 Section 4. Section ~~77-7-27~~ is amended to read:

240 **77-7-27. Law enforcement quota prohibition.**

241 (1) As used in this section:

242 (a) "Law enforcement agency" means an entity of the state, or a political subdivision of
243 the state, that exists primarily to prevent and detect crime and enforce criminal laws, statutes,
244 or ordinances.

245 (b) "Law enforcement quota" means any requirement or ~~[minimum standard]~~ measure
246 regarding the number or percentage of warnings, citations, stops, or arrests made by a law
247 enforcement officer.

248 (2) A political subdivision or law enforcement agency employing a peace officer may
249 not:

250 (a) require or direct that a peace officer meet a law enforcement quota;

251 (b) evaluate, promote, compensate, reward, or discipline a peace officer on the basis of
252 a law enforcement quota; or

253 (c) transfer a peace officer from an employment assignment on the basis of a law
254 enforcement quota.

255 (3) The attorney general shall investigate an alleged violation of this section in
256 accordance with Section [67-5-1](#).

257 ~~[(3) Subsection (2) does not prohibit a political subdivision or law enforcement agency~~
258 ~~from including a peace officer's engagement with the community or enforcement activity as~~
259 ~~part of an overall determination of the peace officer's performance.]~~

260 Section 5. **Effective date.**

261 This bill takes effect on May 1, 2024.