

HB0102S01 compared with HB0102

~~{deleted text}~~ shows text that was in HB0102 but was deleted in HB0102S01.

inserted text shows text that was not in HB0102 but was inserted into HB0102S01.

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Representative Anthony E. Loubet proposes the following substitute bill:

PEACE OFFICER STANDARDS AND TRAINING ~~{COUNCIL}~~

~~}~~AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Anthony E. Loubet

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the ~~{representatives on the Peace Officer Standards and Training (POST) Council}~~training requirements of peace officers.

Highlighted Provisions:

This bill:

- ▶ ~~{adds a member of the Fraternal Order of Police to the POST Council}~~modifies the annual training requirements for peace officers;
- ▶ requires certain peace officer trainings currently required to be completed annually to be completed in a three year cycle; and
- ▶ makes technical and conforming changes.

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Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{53-6-106}~~53-6-202, as last amended by Laws of Utah ~~{2022}~~2023, ~~{Chapter 127}~~Chapters 158, 445

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

Section 1. Section ~~{53-6-106}~~53-6-202 is amended to read:

~~{53-6-106. — Creation of Peace Officer Standards and Training Council -- Purpose -- Membership -- Quorum -- Meetings -- Compensation. —~~

~~(1) There is created the Peace Officer Standards and Training Council}~~53-6-202.
Basic training course -- Completion required -- Annual training -- Prohibition from exercising powers -- Reinstatement.

(1) (a) The director shall:

(i) (A) suggest and prepare subject material; and

(B) schedule instructors for basic training courses; or

(ii) review the material and instructor choices submitted by a certified academy.

(b) The subject material, instructors, and schedules shall be approved or disapproved by a majority vote of the council.

~~(2) The {council shall serve as an advisory board to the director of the division on matters relating to peace officer and dispatcher standards and training.~~

~~(3) The council includes:~~

~~(a) the attorney general or a designated representative;~~

~~(b) the superintendent of the highway patrol or a designated representative;~~

~~(c) the executive director of the Department of Corrections or a designated representative; and~~

~~(d) 14 additional members appointed by the governor having qualifications, experience, or education in the field;~~materials shall be reviewed and approved by the council

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on or before July 1st of each year and may from time to time be changed or amended by majority vote of the council.

(3) The basic training in a certified academy:

(a) shall be appropriate for the basic training of peace officers in the techniques of law enforcement ~~{as follows:~~

~~—— (i) one incumbent mayor;~~

~~—— (ii) one incumbent county commissioner;~~

~~—— (iii) three incumbent sheriffs, one of whom is a representative of the Utah Sheriffs Association, one of whom is from a county having a population of 100,000 or more, and one of whom is from a county having a population of less than 100,000;~~

~~—— (iv) three incumbent police chiefs, one of whom is a representative of the Utah Chiefs of Police Association, one of whom is from a city of the first or second class, and one of whom is from a city of the third, fourth, or fifth class or town;~~

~~—— (v) one representative of the Fraternal Order of Police;~~

~~—— [(v)] (vi) one representative of the Utah Peace Officers Association;~~

~~—— [(vi)] (vii) one educator in the field of public administration, criminal justice, or a related area;~~

~~—— [(vii)] (viii) one current Utah certified;~~ in the discretion of the director; [and]

(b) may not include the use of chokeholds, carotid restraints, or any act that impedes the breathing or circulation of blood likely to produce a loss of consciousness, as a valid method of restraint[-]; and

(c) shall include instruction on identifying, responding to, and reporting a criminal offense that is motivated by a personal attribute as that term is defined in Section 76-3-203.14.

(4) (a) All peace officers shall satisfactorily complete the basic training course or the waiver process provided for in this chapter as well as annual certified training of not less than 40 hours as the director, with the advice and consent of the council, directs.

(b) A peace officer who fails to satisfactorily complete the annual training described in Subsection (4)(a) shall automatically be prohibited from exercising peace officer powers until any deficiency is made up.

(c) The annual training described in Subsection (4)(a) shall include training focused on arrest control and de-escalation training.

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~~[(c) (i) Beginning July 1, 2021, the annual training shall include no less than 16 hours of training focused on mental health and other crisis intervention responses, arrest control, and de-escalation training.]~~

~~[(ii) Standards for the training shall be determined by each law enforcement agency or department and approved by the director or designee.]~~

~~[(iii) Each law enforcement agency or department shall include a breakdown of the 16 hours within the annual audit submitted to the division.]~~

~~(5) (a) Beginning July 1, 2024, all peace officers who are currently employed shall participate in a training at least every three years focused on the following:~~

~~(i) mental health and other crisis intervention responses;~~

~~(ii) intervention responses for mental illnesses, autism spectrum disorder, and other neurological and developmental disorders; and~~

~~(iii) responses to sexual traumas and investigations of sexual assault and sexual abuse in accordance with Section 53-10-908.~~

~~(b) Any training in which a peace officer participates as described in Subsection (5)(a) shall count toward the peace officer's 40-hour required annual training described in Subsection (4)(a) for the year in which the peace officer participated in the training.~~

~~(6) (a) The director or the director's designee, in coordination with the council, shall promulgate the standards for the trainings described in Subsection (4).~~

~~(b) The chief law enforcement officer, employed in a non-supervisory role, rotated every term; and~~

~~— [(viii)] (ix) three [persons] individuals selected at large by the governor.~~

~~— (4) (a) Except as required by Subsection (4)(b), the 14 members of the council shall be appointed by the governor for four-year terms.~~

~~— (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.~~

~~— (c) A member may be reappointed for additional terms.~~

~~— (d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the governor from the same category in which the vacancy~~

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occurs:

~~— (5) A member of the council ceases to be a member:~~

~~— (a) immediately upon the termination of the member's holding the office or employment that was the basis for eligibility to membership on the council; or~~

~~— (b) upon two unexcused absences in one year from regularly scheduled council meetings:~~

~~— (6) The council shall select a chair and vice chair from among its members.~~

~~— (7) Ten members of the advisory council constitute a quorum.~~

~~— (8) (a) Meetings may be called by the chair, the commissioner, or the director and shall be called by the chair upon the written request of nine members:~~

~~— (b) Meetings shall be held at the times and places determined by the director.~~

~~— (9) The council shall meet at least two times per year.~~

~~— (10) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses; or executive officer of the peace officer's employing agency shall determine if a peace officer has complied with the standards established under Subsection (6)(a).~~

[(5) Beginning July 1, 2021, the director shall ensure that annual training covers intervention responses for mental illnesses, autism spectrum disorder, and other neurological and developmental disorders.]

[(6) Beginning July 1, 2023, the director shall ensure that annual training covers at least one hour of training on responses to sexual traumas and investigations of sexual assault and sexual abuse in accordance with:

~~— (a) } Section {63A-3-106;~~

~~— (b) Section 63A-3-107; and~~

~~— (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.~~

~~— (11) Membership on the council does not disqualify any member from holding any other public office or employment.; 53-10-908.~~

[(7) Beginning July 1, 2023, the director shall, subject to approval by a majority vote of the council, ensure that the basic training curriculum covers instruction on identifying, responding to, and reporting a criminal offense that is motivated by a personal attribute, as that

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~~term is defined in Section 76-3-203.14, victim targeting penalty enhancement.~~

Section 2. **Effective date.**

This bill takes effect on May 1, 2024.