

PRIVATE SECURITY AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Public Safety Code regarding peace officers.

Highlighted Provisions:

This bill:

► modifies requirements regarding the employment of an off-duty peace officer by a security company.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-13-114, as last amended by Laws of Utah 2012, Chapter 196

58-63-304, as last amended by Laws of Utah 2013, Chapter 436

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

Section 1. Section **53-13-114** is amended to read:

53-13-114. Off-duty peace officer working as a security officer.

A peace officer may engage in off-duty employment as a peace officer or a security officer under Section **58-63-304** only if:



- 28 (1) the law enforcement agency employing the peace officer:
29 (a) has a written policy regarding peace officer employees working while off-duty as
30 peace officers or security officers as required in Subsection 58-63-304(2); and
31 (b) the policy under Subsection (1)(a) is:
32 (i) posted and publicly available on the appropriate city, county, or state website; or
33 (ii) posted on the Utah Public Notice Website created in Section 63F-1-701 if the law
34 enforcement agency does not have access to a website under Subsection (1)(b)(i)[-];
35 (2) the agency's chief administrative officer, or that officer's designee, provides written
36 authorization for an off-duty peace officer to work as a peace officer or a security officer; and
37 (3) the business or entity employing the off-duty peace officer to work as a peace
38 officer or a security officer complies with state and federal income reporting and withholding
39 requirements regarding the off-duty officer's wages.

40 Section 2. Section 58-63-304 is amended to read:

41 **58-63-304. Exemptions from licensure -- Off-duty peace officers.**

- 42 (1) In addition to the exemptions from licensure in Section 58-1-307, an individual
43 may engage in acts regulated under this chapter without being licensed under this chapter if the
44 individual is:
45 (a) a peace officer employed by~~[, or licensed as,]~~ a contract security company, as
46 provided in Subsection (2); or
47 (b) employed by a contract security company for the sole purpose of operating or
48 staffing security apparatus, including a magnetometer, magnetometer wand, x-ray viewing
49 device, or other device approved by rule of the division.
50 (2) A peace officer may only engage in off-duty employment as a peace officer or as a
51 security officer if:
52 (a) the law enforcement agency employing the peace officer has a written policy
53 regarding peace officer employees working while off duty as a peace officer or as a security
54 officer, and the written policy [~~addresses the issue of financial responsibility~~]:
55 (i) requires that the employer demonstrate documentation of the employer's financial
56 responsibility, including the employer's tax identification, and workers' compensation
57 compliance;
58 (ii) requires that the off-duty peace officer and the employer establish, by contract, a

59 liability indemnity agreement as required by the law enforcement agency; and

60 (iii) is available to the public as required under Subsection 53-13-114(1)(b);

61 (b) the agency's chief administrative officer, or that officer's designee, provides written
62 authorization for an off-duty peace officer to work as a peace officer or as a security officer;
63 and

64 (c) the business or entity employing the off-duty peace officer to work as a peace
65 officer or a security officer complies with state and federal income reporting and withholding
66 requirements regarding the off-duty officer's wages.

67 (3) In addition to the exemptions from licensure in Section 58-1-307, an individual
68 holding a valid license as an armed private security officer under this chapter may also function
69 as an unarmed private security officer without the additional license.

70 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
71 division may make rules approving security apparatus under Subsection (1)(b).

Legislative Review Note
Office of Legislative Research and General Counsel