

Representative Ryan D. Wilcox proposes the following substitute bill:

DEPARTMENT OF NATURAL RESOURCES LAW
ENFORCEMENT AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Derrin R. Owens

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 This bill provides coordination clauses.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **23A-1-101**, as renumbered and amended by Laws of Utah 2023, Chapter 103

32 **23A-5-201**, as last amended by Laws of Utah 2023, Chapter 448 and renumbered and
33 amended by Laws of Utah 2023, Chapter 103

34 **23A-5-206**, as renumbered and amended by Laws of Utah 2023, Chapter 103

35 **23A-5-207**, as renumbered and amended by Laws of Utah 2023, Chapter 103

36 **23A-5-317**, as renumbered and amended by Laws of Utah 2023, Chapter 103

37 **23A-10-302**, as renumbered and amended by Laws of Utah 2023, Chapter 103

38 **53-13-103**, as last amended by Laws of Utah 2023, Chapter 34

39 **63A-17-512**, as last amended by Laws of Utah 2023, Chapter 34

40 **63L-8-304**, as last amended by Laws of Utah 2023, Chapter 34

41 **65A-1-1**, as last amended by Laws of Utah 2016, Chapter 174

42 **65A-3-3**, as last amended by Laws of Utah 2016, Chapter 174

43 **65A-8-308**, as renumbered and amended by Laws of Utah 2007, Chapter 136

44 **77-11a-101**, as last amended by Laws of Utah 2023, Chapters 111, 231 and renumbered
45 and amended by Laws of Utah 2023, Chapter 448

46 **77-11a-301**, as renumbered and amended by Laws of Utah 2023, Chapter 448

47 **79-2-102**, as last amended by Laws of Utah 2023, Chapter 34

48 **79-2-204**, as renumbered and amended by Laws of Utah 2009, Chapter 344

49 ENACTS:

50 **79-2-701**, Utah Code Annotated 1953

51 **79-2-702**, Utah Code Annotated 1953

52 **79-2-703**, Utah Code Annotated 1953

53 **79-2-704**, Utah Code Annotated 1953

54 **79-2-705**, Utah Code Annotated 1953

55 RENUMBERS AND AMENDS:

56 **79-2-706**, (Renumbered from 23A-3-211, as last amended by Laws of Utah 2023,

57 Chapter 244 and renumbered and amended by Laws of Utah 2023, Chapter 103)

58 REPEALS:

59 **23A-5-202**, as renumbered and amended by Laws of Utah 2023, Chapter 103

60 **23A-5-203**, as renumbered and amended by Laws of Utah 2023, Chapter 103

61 **23A-5-319**, as renumbered and amended by Laws of Utah 2023, Chapter 103

62 **79-4-501**, as renumbered and amended by Laws of Utah 2009, Chapter 344

63 **79-7-401**, as enacted by Laws of Utah 2021, Chapter 280

64 **Utah Code Sections Affected By Coordination Clause:**

65 **23A-5-201**, as last amended by Laws of Utah 2023, Chapter 448 and renumbered and
66 amended by Laws of Utah 2023, Chapter 103



67
68 *Be it enacted by the Legislature of the state of Utah:*

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

70 **23A-1-101. Definitions.**

71 As used in this title:

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

75 (a) fishing;

76 (b) hunting;

77 (c) trapping;

78 (d) taking;

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

80 (f) transporting;

81 (g) possessing;

82 (h) selling;

83 (i) wasting;

84 (j) importing;

85 (k) exporting;

86 (l) rearing;

87 (m) keeping;

- 88 (n) using as a commercial venture; and
- 89 (o) releasing to the wild.
- 90 (2) "Aquaculture facility" means the same as that term is defined in Section 4-37-103.
- 91 (3) "Aquatic animal" means the same as that term is defined in Section 4-37-103.
- 92 (4) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or
- 93 amphibians.
- 94 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife
- 95 that one person may legally take during one day.
- 96 (6) "Big game" means species of hoofed protected wildlife.
- 97 (7) "Carcass" means the dead body of an animal or the animal's parts.
- 98 (8) "Certificate of registration" means a paper-based or electronic document issued
- 99 under this title, or a rule or proclamation of the Wildlife Board granting authority to engage in
- 100 activities not covered by a license, permit, or tag.
- 101 (9) "Closed season" means the period of time during which the taking of protected
- 102 wildlife is prohibited.
- 103 [~~(10) "Conservation officer" means a full-time, permanent employee of the division~~
- 104 ~~who is POST-certified as a peace or a special function officer.~~]
- 105 [(H)] (10) "Dedicated hunter program" means a program that provides:
- 106 (a) expanded hunting opportunities;
- 107 (b) opportunities to participate in projects that are beneficial to wildlife; and
- 108 (c) education in hunter ethics and wildlife management principles.
- 109 [(H2)] (11) "Department" means the Department of Natural Resources.
- 110 [(H3)] (12) "Director" means the director of the division appointed under Section
- 111 23A-2-202.
- 112 [(H4)] (13) "Division" means the Division of Wildlife Resources.
- 113 (14) "Division of Law Enforcement" means the division within the Department of
- 114 Natural Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.
- 115 (15) Subject to Section 23A-1-103, "domicile" means the place:
- 116 (a) where an individual has a fixed permanent home and principal establishment;
- 117 (b) to which the individual if absent, intends to return; and
- 118 (c) in which the individual, and the individual's family voluntarily reside, not for a

119 special or temporary purpose, but with the intention of making a permanent home.

120 (16) "Endangered" means wildlife designated as endangered according to Section 3 of
121 the federal Endangered Species Act of 1973.

122 (17) "Executive director" means the executive director of the Department of Natural
123 Resources.

124 (18) "Fee fishing facility" means the same as that term is defined in Section [4-37-103](#).

125 (19) "Feral" means an animal that is normally domesticated but has reverted to the
126 wild.

127 (20) "Fishing" means to take fish or crayfish by any means.

128 (21) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and
129 Castoridae families, except coyote and cougar.

130 (22) "Game" means wildlife normally pursued, caught, or taken by sporting means for
131 human use.

132 (23) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any
133 means.

134 (24) "Hunting guide" means the same as that term is defined in Section [58-79-102](#).

135 (25) "Intimidate or harass" means to physically interfere with or impede, hinder, or
136 diminish the efforts of an officer in the performance of the officer's duty.

137 (26) (a) "Natural flowing stream" means a topographic low where water collects and
138 perennially or intermittently flows with a perceptible current in a channel formed exclusively
139 by forces of nature.

140 (b) "Natural flowing stream" includes perennial or intermittent water flows in a:

141 (i) realigned or modified channel that replaces the historic, natural flowing stream
142 channel; and

143 (ii) dredged natural flowing stream channel.

144 (c) "Natural flowing stream" does not include a human-made ditch, canal, pipeline, or
145 other water delivery system that diverts and conveys water to an approved place of use
146 pursuant to a certificated water right.

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

149 (b) "Natural lake" does not mean a lake where the surface water sources supplying the

150 body of water originate from groundwater springs no more than 100 yards upstream.

151 (28) "Natural resources officer" means the same as that term is defined in Section
152 79-2-701.

153 [~~28~~] (29) "Nominating committee" means the Wildlife Board Nominating Committee
154 created in Section 23A-2-302.

155 [~~29~~] (30) "Nonresident" means a person who does not qualify as a resident.

156 [~~30~~] (31) "Open season" means the period of time during which protected wildlife
157 may be legally taken.

158 [~~31~~] (32) "Outfitter" means the same as that term is defined in Section 58-79-102.

159 [~~32~~] (33) "Pecuniary gain" means the acquisition of money or something of monetary
160 value.

161 [~~33~~] (34) "Permit" means a paper-based or electronic document that grants authority
162 to engage in specified activities under this title or a rule or proclamation of the Wildlife Board.

163 [~~34~~] (35) "Person" means an individual, association, partnership, government agency,
164 corporation, or an agent of the individual, association, partnership, government agency, or
165 corporation.

166 [~~35~~] (36) "Pollute water" means to introduce into waters within the state matter or
167 thermal energy that:

168 (a) exceeds state water quality standards; or

169 (b) could harm protected wildlife.

170 [~~36~~] (37) "Possession" means actual or constructive possession.

171 [~~37~~] (38) "Possession limit" means the number of bag limits one individual may
172 legally possess.

173 [~~38~~] (39) (a) "Private fish pond" means a pond, reservoir, or other body of water,
174 including a fish culture system, located on privately owned land where privately owned fish:

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

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

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

178 (i) an aquaculture facility;

179 (ii) a fee fishing facility;

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

181 (iv) private stocking.

182 [~~(39)~~] (40) "Private stocking" means an authorized release of privately owned, live fish
183 in the waters of the state not eligible as:

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

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

187 [~~(40)~~] (41) "Private wildlife farm" means an enclosed place where privately owned
188 birds or furbearers are propagated or kept and that restricts the birds or furbearers from:

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

190 (b) escaping into the wild.

191 [~~(41)~~] (42) "Proclamation" means the publication that is:

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

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

195 [~~(42)~~] (43) (a) "Protected aquatic wildlife" means aquatic wildlife except as provided in
196 Subsection [~~(42)(b)~~] (43)(b).

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

198 [~~(43)~~] (44) (a) "Protected wildlife" means wildlife, except as provided in Subsection
199 [~~(43)(b)~~] (44)(b).

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

201 (i) coyote;

202 (ii) field mouse;

203 (iii) gopher;

204 (iv) ground squirrel;

205 (v) jack rabbit;

206 (vi) muskrat; or

207 (vii) raccoon.

208 [~~(44)~~] (45) "Regional advisory council" means a council created under Section
209 23A-2-303.

210 [~~(45)~~] (46) "Released to the wild" means to be turned loose from confinement.

211 [~~(46)~~] (47) (a) "Reservoir constructed on a natural stream channel" means a body of

212 water collected and stored on the course of a natural flowing stream by impounding the stream
213 through excavation or diking.

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

217 [(47)] (48) Subject to Section 23A-1-103, "resident" means a person who:

218 (a) has been domiciled in the state for six consecutive months immediately preceding
219 the purchase of a license; and

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

222 [(48)] (49) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the
223 act of selling, bartering, exchanging, or trading.

224 [(49)] (50) "Short-term fishing event" means an event when:

225 (a) privately acquired fish are held or confined for a period not to exceed 10 days for
226 the purpose of providing fishing or recreational opportunity; and

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

228 [(50)] (51) "Small game" means species of protected wildlife:

229 (a) commonly pursued for sporting purposes;

230 (b) not classified as big game, aquatic wildlife, or furbearers; and

231 (c) excluding turkey, cougar, and bear.

232 [(51)] (52) "Spoiled" means impairment of the flesh of wildlife that renders the flesh
233 unfit for human consumption.

234 [(52)] (53) "Spotlighting" means throwing or casting the rays of a spotlight, headlight,
235 or other artificial light on a highway or in a field, woodland, or forest while having in
236 possession a weapon by which protected wildlife may be killed.

237 [(53)] (54) "Tag" means a card, label, or other paper-based or electronic means of
238 identification used to document harvest of protected wildlife.

239 [(54)] (55) "Take" means to:

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

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

243 [~~(55)~~] (56) "Threatened" means wildlife designated as threatened pursuant to Section 3
244 of the federal Endangered Species Act of 1973.

245 [~~(56)~~] (57) "Trapping" means taking protected wildlife with a trapping device.

246 [~~(57)~~] (58) "Trophy animal" means an animal described as follows:

- 247 (a) deer - a buck with an outside antler measurement of 24 inches or greater;
- 248 (b) elk - a bull with six points on at least one side;
- 249 (c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;
- 250 (d) moose - a bull with at least one antler exceeding five inches in length;
- 251 (e) mountain goat - a male or female;
- 252 (f) pronghorn antelope - a buck with horns exceeding 14 inches; or
- 253 (g) bison - a bull.

254 [~~(58)~~] (59) "Upland game" means pheasant, quail, partridge, grouse, ptarmigan,
255 mourning dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.

256 [~~(59)~~] (60) "Waste" means to:

- 257 (a) abandon protected wildlife; or
- 258 (b) allow protected wildlife to spoil or to be used in a manner not normally associated
259 with the protected wildlife's beneficial use.

260 [~~(60)~~] (61) "Wildlife" means:

- 261 (a) crustaceans, including brine shrimp and crayfish;
- 262 (b) mollusks; and
- 263 (c) vertebrate animals living in nature, except feral animals.

264 [~~(61)~~] (62) "Wildlife Board" means the board created in Section [23A-2-301](#).

265 *The following section is affected by a coordination clause at the end of this bill.*

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

267 **23A-5-201. Enforcement authority of natural resources officers -- Seizure and**
268 **disposition of property.**

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

272 (2) (a) Except as provided in Subsection (2)(b), a [~~conservation~~] natural resources
273 officer may seize property or contraband in accordance with Title 77, Chapter 11a, Seizure of

274 Property and Contraband, and Title 77, Chapter 11b, Forfeiture of Seized Property.

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

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

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

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

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

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

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

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

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

300 (a) provide the owner of the disposed wildlife with wildlife that is reasonably
301 equivalent in value to the disposed wildlife within 180 days after the day on which the court
302 enters the order; or

303 (b) if the [~~division~~] Division of Law Enforcement is unable to obtain wildlife that is
304 reasonably equivalent in value to the disposed wildlife, pay the owner of the disposed wildlife

305 for the non-trophy value of the disposed wildlife in accordance with Subsection 23A-5-312(2)
306 within 180 days after the day on which the court enters the order.

307 (7) (a) If a [~~conservation~~] natural resources officer seizes a vehicle under Section
308 77-11a-201, the [~~division~~] Division of Law Enforcement shall store the seized vehicle in a
309 public or private garage, state impound lot, or any other secured storage facility.

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

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

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

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

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

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

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

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

325 **23A-5-206. Search warrants.**

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

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

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

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

336 service of the search warrant is required immediately because a person may:

337 (a) flee the jurisdiction to avoid prosecution or discovery of a violation noted above;

338 (b) destroy or conceal evidence of the commission of a violation; or

339 (c) injure another person or damage property.

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

341 (a) there is reason to believe that a violation may occur at night; or

342 (b) the evidence of the violation may not be available to the officers serving the

343 warrant during the day.

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

345 **23A-5-207. Exhibition of license, permit, tag, or device required -- Criminal**
346 **penalty.**

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

349 (a) the required license, permit, or tag;

350 (b) a device or apparatus in that person's possession used for an activity regulated
351 under this title; or

352 (c) wildlife in that person's possession.

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

356 (a) the required license, permit, or tag;

357 (b) a device or apparatus in that person's possession used for an activity regulated
358 under this title; or

359 (c) wildlife in that person's possession.

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

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

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

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

398 landowner's request.

399 (d) A person may not post:

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

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

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

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

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

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

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

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

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

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

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

420 (a) the greater of:

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

423 (ii) \$500; and

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

425 (8) Civil damages under Subsection (7) may be collected in a separate action by the
426 property owner or the property owner's assignee.

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

428 **23A-10-302. Conveyance or equipment detainment or quarantine.**

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

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

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

433 (ii) reasonably believes that the person transporting the conveyance or equipment is in
434 violation of Section [23A-10-201](#); or

435 (b) the person transporting the conveyance or equipment refuses to submit to an
436 inspection authorized by Section [23A-10-301](#).

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

438 (a) up to five days; or

439 (b) the period of time necessary to:

440 (i) decontaminate the conveyance or equipment; and

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

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

443 **53-13-103. Law enforcement officer.**

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

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

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

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

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

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

454 (iii) all [~~persons~~] individuals specified in [~~Sections [23A-5-202](#) and [79-4-501](#)~~] Section
455 [79-2-705](#);

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

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

458 (vi) investigators for the Department of Insurance, Fraud Division;

459 (vii) special agents or investigators employed by the attorney general, district attorneys,

460 and county attorneys;

461 (viii) employees of the Department of Natural Resources designated as peace officers
462 by law;

463 (ix) school district police officers as designated by the board of education for the
464 school district;

465 (x) the executive director of the Department of Corrections and any correctional
466 enforcement or investigative officer designated by the executive director and approved by the
467 commissioner of public safety and certified by the division;

468 (xi) correctional enforcement, investigative, or adult probation and parole officers
469 employed by the Department of Corrections serving on or before July 1, 1993;

470 (xii) members of a law enforcement agency established by a private college or
471 university if the agency is certified by the commissioner under Title 53, Chapter 19,
472 Certification of Private Law Enforcement Agency;

473 (xiii) airport police officers of any airport owned or operated by the state or any of its
474 political subdivisions; and

475 (xiv) transit police officers designated under Section [17B-2a-822](#).

476 (2) Law enforcement officers may serve criminal process and arrest violators of any
477 law of this state and have the right to require aid in executing their lawful duties.

478 (3) (a) A law enforcement officer has statewide full-spectrum peace officer authority,
479 but the authority extends to other counties, cities, or towns only when the officer is acting
480 under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is
481 employed by the state.

482 (b) (i) A local law enforcement agency may limit the jurisdiction in which its law
483 enforcement officers may exercise their peace officer authority to a certain geographic area.

484 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise
485 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act
486 on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the
487 limited geographic area.

488 (c) The authority of law enforcement officers employed by the Department of
489 Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.

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

- 491 (a) (i) have satisfactorily completed the requirements of Section 53-6-205; or
 492 (ii) have met the waiver requirements in Section 53-6-206; and
 493 (b) have satisfactorily completed annual certified training of at least 40 hours per year
 494 as directed by the director of the division, with the advice and consent of the council.

495 Section 8. Section 63A-17-512 is amended to read:

496 **63A-17-512. Leave of absence with pay for employees with a disability who are**
 497 **covered under other civil service systems.**

498 (1) As used in this section:

499 (a) "Eligible officer" means a person who qualifies for a benefit under this section.

500 (b) (i) "Law enforcement officer" means a sworn and certified peace officer who is an
 501 employee of a law enforcement agency that is part of or administered by the state, and whose
 502 primary and principal duties consist of the prevention and detection of crime and the
 503 enforcement of criminal statutes of this state.

504 (ii) "Law enforcement officer" specifically includes the following:

505 (A) the commissioner of public safety and any member of the Department of Public
 506 Safety certified as a peace officer;

507 [~~(B)~~] all persons specified in Sections 23A-5-202 and 79-4-501;

508 [~~(C)~~] (B) investigators for the Motor Vehicle Enforcement Division;

509 [~~(D)~~] (C) special agents or investigators employed by the attorney general;

510 [~~(E)~~] (D) employees of the Department of Natural Resources designated as peace
 511 officers by law;

512 [~~(F)~~] (E) the executive director of the Department of Corrections and any correctional
 513 enforcement or investigative officer designated by the executive director and approved by the
 514 commissioner of public safety and certified by the division; and

515 [~~(G)~~] (F) correctional enforcement, investigative, or adult probation and parole officers
 516 employed by the Department of Corrections serving on or before July 1, 1993.

517 (c) "State correctional officer" means a correctional officer as defined in Section
 518 53-13-104 who is employed by the Department of Corrections.

519 (2) (a) A law enforcement officer or state correctional officer who is injured in the
 520 course of employment shall be given a leave of absence with 100% of the officer's regular
 521 monthly salary and benefits during the period the employee has a temporary disability.

522 (b) The benefit provided under Subsection (2)(a):
523 (i) shall be offset as provided under Subsection (4); and
524 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including
525 all offsets required under Subsection (4).

526 (3) (a) A law enforcement officer or state correctional officer who has a total disability
527 as defined in Section 49-21-102, shall be given a leave of absence with 100% of the officer's
528 regular monthly salary and benefits until the officer is eligible for an unreduced retirement
529 under Title 49, Utah State Retirement and Insurance Benefit Act, or reaches the retirement age
530 of 62 years, whichever occurs first, if:

531 (i) the disability is a result of an injury sustained while in the lawful discharge of the
532 officer's duties; and

533 (ii) the injury is the result of:

534 (A) a criminal act upon the officer; or

535 (B) an aircraft, vehicle, or vessel accident and the officer was not negligent in causing
536 the accident.

537 (b) The benefit provided under Subsection (3)(a):

538 (i) shall be offset as provided under Subsection (4); and

539 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including
540 all offsets required under Subsection (4).

541 (4) (a) The agency shall reduce or require the reimbursement of the monthly benefit
542 provided under this section by any amount received by, or payable to, the eligible officer for
543 the same period of time during which the eligible officer is entitled to receive a monthly
544 disability benefit under this section.

545 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
546 division shall make rules establishing policies and procedures for the reductions required under
547 Subsection (4)(a).

548 Section 9. Section **63L-8-304** is amended to read:

549 **63L-8-304. Enforcement authority.**

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

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

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

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

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

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

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

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

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

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

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

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

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

578 **65A-1-1. Definitions.**

579 As used in this title:

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

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

583 [~~(2)~~] (3) "Initial attack" means action taken by the first resource to arrive at a wildland

584 fire incident, including evaluating the wildland fire, patrolling, monitoring, holding action, or
585 aggressive suppression action.

586 ~~[(3)]~~ (4) "Multiple use" means the management of various surface and subsurface
587 resources in a manner that will best meet the present and future needs of the people of this
588 state.

589 ~~[(4)]~~ (5) "Municipality" means a city, town, or metro township.

590 ~~[(5)]~~ (6) "Public trust assets" means those lands and resources, including sovereign
591 lands, administered by the division.

592 ~~[(6)]~~ (7) "Sovereign lands" means those lands lying below the ordinary high water
593 mark of navigable bodies of water at the date of statehood and owned by the state by virtue of
594 its sovereignty.

595 ~~[(7)]~~ (8) "State lands" means all lands administered by the division.

596 ~~[(8)]~~ (9) "Sustained yield" means the achievement and maintenance of high level
597 annual or periodic output of the various renewable resources of land without impairment of the
598 productivity of the land.

599 ~~[(9)]~~ (10) "Wildland" means an area where:

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

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

603 ~~[(10)]~~ (11) "Wildland fire" means a fire that consumes:

604 (a) wildland; or

605 (b) wildland-urban interface, as defined in Section [65A-8a-102](#).

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

607 **65A-3-3. Enforcement of laws -- City, county, or district attorney to prosecute.**

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

612 (2) (a) The city attorney, county attorney, or district attorney, as appropriate under
613 Sections [10-3-928](#), [17-18a-202](#), and [17-18a-203](#), shall prosecute any criminal violations of this
614 chapter.

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

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

619 **65A-8-308. Enforcement -- Prosecution of violations.**

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

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

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

625 **77-11a-101. Definitions.**

626 As used in this chapter:

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

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

629 (2) "Claimant" means:

630 (a) an owner of property;

631 (b) an interest holder; or

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

634 (3) (a) "Computer" means, except as provided in Subsection (3)(c), an electronic,
635 magnetic, optical, electrochemical, or other high-speed data processing device that performs
636 logical, arithmetic, and storage functions.

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

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

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

644 (b) "Contraband" includes:

645 (i) a controlled substance that is possessed, transferred, distributed, or offered for

646 distribution in violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

647 (ii) a computer that:

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

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

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

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

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

659 [~~7~~] (8) "Evidence" means the same as that term is defined in Section [77-11c-101](#).

660 [~~8~~] (9) "Forfeit" means to divest a claimant of an ownership interest in property
661 seized by a peace officer or agency.

662 [~~9~~] (10) "Innocent owner" means a claimant who:

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

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

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

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

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

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

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

676 [~~10~~] (11) (a) "Interest holder" means a secured party as defined in Section

677 70A-9a-102, a party with a right-of-offset, a mortgagee, lien creditor, or the beneficiary of a
678 security interest or encumbrance pertaining to an interest in property, whose interest would be
679 perfected against a good faith purchaser for value.

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

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

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

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

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

690 ~~[(11)]~~ (12) "Law enforcement agency" means:

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

693 (b) a sheriff's office; or

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

695 ~~[(12)]~~ (13) "Legislative body" means:

696 (a) (i) the Legislature, county commission, county council, city commission, city
697 council, or town council that has fiscal oversight and budgetary approval authority over an
698 agency; or

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

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

702 ~~[(13)]~~ (14) "Multijurisdictional task force" means a law enforcement task force or other
703 agency comprised of individuals who are employed by or acting under the authority of different
704 governmental entities, including federal, state, county, or municipal governments, or any
705 combination of federal, state, county, or municipal agencies.

706 ~~[(14)]~~ (15) "Owner" means an individual or entity, other than an interest holder, that
707 possesses a bona fide legal or equitable interest in property.

708 ~~[(15)]~~ (16) "Pawn or secondhand business" means the same as that term is defined in
709 Section 13-32a-102.

710 ~~[(16)]~~ (17) "Peace officer" means an employee:

711 (a) of an agency;

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

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

715 ~~[(17)]~~ (18) (a) "Proceeds" means:

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

718 (ii) any property acquired directly or indirectly from, produced through, realized
719 through, or caused by an act or omission regarding property under Subsection ~~[(17)(a)(i)]~~
720 (18)(a)(i).

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

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

726 ~~[(18)]~~ (19) (a) "Property" means all property, whether real or personal, tangible or
727 intangible.

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

729 ~~[(19)]~~ (20) "Prosecuting attorney" means:

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

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

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

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

734 ~~[(20)]~~ (21) "Public interest use" means a:

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

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

738 ~~[(21)]~~ (22) "Real property" means land, including any building, fixture, improvement,

739 appurtenance, structure, or other development that is affixed permanently to land.

740 ~~[(22)]~~ (23) (a) "Seized property" means property seized by a peace officer or agency in
741 accordance with Section 77-11a-201.

742 (b) "Seized property" includes property that the agency seeks to forfeit under Chapter
743 11b, Forfeiture of Seized Property.

744 Section 14. Section 77-11a-301 is amended to read:

745 **77-11a-301. Release of seized property to claimant -- Generally.**

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

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

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

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

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

757 (a) the claimant posts a surety bond or cash with the court in accordance with Section
758 77-11a-302;

759 (b) the court orders the release of property to the claimant for hardship purposes under
760 Section 77-11a-303;

761 (c) a claimant establishes that the claimant is an innocent owner or an interest holder
762 under Section 77-11a-304; or

763 (d) the court orders property retained as evidence to be released to the claimant under
764 Section 77-11a-305.

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

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

769 (c) At the time of the request to extract the data, the owner of the computer shall pay

770 the agency the cost to extract the data.

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

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

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

- 780 (i) is the owner of the property; and
- 781 (ii) may lawfully possess the property.

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

- 784 (i) identifying proof or documentation of ownership of the property; or
- 785 (ii) a notarized statement if proof or documentation is not available.

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

788 (d) The agency shall:

- 789 (i) retain a copy of the receipt; and
- 790 (ii) provide a copy of the receipt to the owner.

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

792 **79-2-102. Definitions.**

793 As used in this chapter:

794 [~~(1) "Conservation officer" is as defined in Section [23A-1-101](#);~~]

795 (1) "Natural resources officer" means the same as that term is defined in Section
796 [79-2-701](#).

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

- 799 (a) sensitive by the state; or
- 800 (b) threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C.

801 Sec. 1531 et seq.

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

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

805 **79-2-204. Division directors -- Appointment -- Removal -- Jurisdiction of**
806 **executive director.**

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

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

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

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

815 (b) The executive director may:

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

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

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

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

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

824 **79-2-701. Definitions.**

825 As used in this part:

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

827 (2) "Law enforcement officer" means the same as that term is defined in Section
828 [53-13-103](#).

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

831 (b) "Natural resources officer" includes a wildlife officer, as that term is defined in

832 Section 23A-2-502.

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

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

836 **79-2-702. Division creation -- Purpose.**

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

838 (2) Subject to the priorities defined by the director, the primary function of the division
839 is to enforce:

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

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

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

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

844 (e) this title; and

845 (f) an administrative rule enacted by an advisory board within any of the department's
846 divisions.

847 (3) The division shall coordinate with county sheriffs, police, and other law
848 enforcement officers within a law enforcement jurisdiction the division operates to enforce this
849 part.

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

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

853 **79-2-703. Division director -- Qualifications -- Duties -- Special deputies.**

854 (1) (a) The director is the executive and administrative head of the division, appointed
855 in accordance with Section 79-2-204.

856 (2) The director shall demonstrate:

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

858 (b) law enforcement leadership ability.

859 (3) The director shall:

860 (a) enforce the policies and rules of the department's divisions; and

861 (b) perform the duties necessary to:

862 (i) coordinate, prioritize, and direct the law enforcement needs of the divisions within

863 the department;

864 (ii) properly care for and maintain any property under the jurisdiction of the division;

865 and

866 (iii) carry out the purposes of this part.

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

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

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

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

873 **79-2-704. Powers and duties of division -- Enforcement authority -- Ability to**
874 **initiate civil proceedings.**

875 (1) An employee of the division who is a POST certified law enforcement officer:

876 (a) has all the powers of a law enforcement officer and natural resources officer in the
877 state;

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

879 (c) has the same right as other peace officers to require aid in executing the peace
880 officer's duties;

881 (d) may take wildlife in performance of official duties, in accordance with Section
882 [23A-2-207](#);

883 (e) may protect property under the jurisdiction of the department or the department's
884 divisions from misuse or damage;

885 (f) may preserve the peace on property under the jurisdiction of the department or the
886 department's divisions;

887 (g) may serve criminal process; and

888 (h) may not serve civil process.

889 (2) The powers and duties conferred upon the director and members of the division are
890 supplementary to and not a limitation on the powers and duties of other peace officers in the
891 state.

892 (3) The division shall have the authority to initiate civil proceedings, in addition to
893 criminal proceedings provided for in this part, to:

- 894 (a) recover damages;
- 895 (b) compel performance;
- 896 (c) compel substitution;
- 897 (d) restrain or enjoin;
- 898 (e) initiate any other appropriate action; and
- 899 (f) seek appropriate remedies in the division's capacity as the primary law enforcement
- 900 authority for the department.

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

902 **79-2-705. Division authorized to enter into contracts and agreements.**

903 (1) The division, with the approval of the executive director, may enter into contracts
904 and agreements as needed to:

- 905 (a) support law enforcement operations for the department;
- 906 (b) improve and maintain the property under the jurisdiction of the division; and
- 907 (c) secure labor, quarters, materials, services, or facilities for the division according to
- 908 procedures established by the Division of Finance.

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

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

913 ~~[23A-3-211].~~ **79-2-706. Aquatic Invasive Species Interdiction Account.**

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

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

- 917 (a) nonresident aquatic invasive species fees collected under Subsection
- 918 [23A-10-304\(2\)](#);
- 919 (b) resident aquatic invasive species fees collected under Subsection [23A-10-304\(1\)](#);
- 920 and
- 921 (c) other amounts deposited in the Aquatic Invasive Species Interdiction Account from
- 922 donations, appropriations, contractual agreements, and accrued interest.

923 (3) Upon appropriation, the division shall use the aquatic invasive species fees
924 collected under Subsections [23A-10-304\(1\)](#) and (2) and deposited in the Aquatic Invasive

925 Species Account to fund aquatic invasive species prevention and containment efforts.

926 Section 23. **Repealer.**

927 This bill repeals:

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

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

930 Section **23A-5-319**, Interference with, intimidation, or harassment of officer

931 **unlawful.**

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

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

934 Section 24. **Effective date.**

935 This bill takes effect on January 1, 2025.

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

937 If H.B. 469, Department of Natural Resources Law Enforcement Amendments, and
938 S.B. 76, Evidence Retention Amendments, both pass and become law, the Legislature intends
939 that on January 1, 2025, Subsection 23A-5-201(5)(a) enacted in S.B. 76 be amended to read:

940 "(5)(a) If a defendant is convicted of the offense for which protected wildlife is seized
941 and the Division of Law Enforcement is permitted by law to sell or dispose of the protected
942 wildlife, the Division of Law Enforcement may sell or dispose of the protected wildlife or part
943 of the wildlife."