

PRIVATE SECURITY SERVICES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Keith Grover

LONG TITLE

General Description:

This bill modifies the Security Personnel and Licensing Act and the Public Safety Code regarding peace officers.

Highlighted Provisions:

This bill:

- ▶ requires that law enforcement agencies establish a written policy regarding peace officers working as security officers while off-duty including the issue of financial responsibility;

- ▶ requires that law enforcement agencies provide written authorization for a peace officer to work while off-duty as a security officer; and

- ▶ requires that the employer of the off-duty officer comply with state and federal income reporting and withholding requirements.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-63-304, as last amended by Laws of Utah 2008, Chapter 382

ENACTS:

53-13-114, Utah Code Annotated 1953

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

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

32 **53-13-114. Off-duty peace officer working as a security officer.**

33 A peace officer may engage in off-duty employment as a security officer under Section
34 58-63-304 only if:

35 (1) the law enforcement agency employing the peace officer has a written policy
36 regarding peace officer employees working while off-duty as security officers;

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

39 (3) the business or entity employing the off-duty peace officer to work as a security
40 officer complies with state and federal income reporting and withholding requirements
41 regarding the off-duty officer's wages.

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

43 **58-63-304. Exemptions from licensure.**

44 (1) In addition to the exemptions from licensure in Section 58-1-307, the following
45 individuals may engage in acts regulated under this chapter without being licensed under this
46 chapter:

47 (a) a peace officer employed by or licensed as a contract security company, as provided
48 in Subsection (2); and

49 (b) a person employed by a contract security company for the sole purpose of operating
50 or staffing security apparatus, including a magnetometer, magnetometer wand, x-ray viewing
51 device, or other device approved by rule of the division.

52 (2) A peace officer may only engage in off-duty employment as a security officer if:

53 (a) the law enforcement agency employing the peace officer has a written policy
54 regarding peace officer employees working while off-duty as a security officer and the policy
55 shall address the issue of financial responsibility;

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

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

61 [~~2~~] (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
62 Act, the division may make rules approving security apparatus under Subsection (1)(b).

