

CORRECTIONS OFFICER CERTIFICATION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill changes the age requirements to be a correctional officer in a jail facility.

Highlighted Provisions:

This bill:

- ▶ allows 19 year olds to be certified as correctional officers and work in a jail facility.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53-6-203, as last amended by Laws of Utah 2013, Chapters 115 and 451

53-13-104, as last amended by Laws of Utah 1999, Chapter 92

63I-1-253, as last amended by Laws of Utah 2018, Chapters 107, 117, 385, 415, and

453

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

Section 1. Section **53-6-203** is amended to read:

53-6-203. Applicants for admission to training programs or for certification examination -- Requirements.

(1) Before being accepted for admission to the training programs conducted by a certified academy, and before being allowed to take a certification examination, each applicant

30 for admission or certification examination shall meet the following requirements:

31 (a) be a United States citizen;

32 (b) be at least;

33 (i) 21 years [~~old~~] of age at the time of certification as a special function officer; or

34 (ii) as of July 1, 2019, 19 years of age at the time of certification as a correctional
35 officer;

36 (c) be a high school graduate or furnish evidence of successful completion of an
37 examination indicating an equivalent achievement;

38 (d) have not been convicted of a crime for which the applicant could have been
39 punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of
40 this or another state;

41 (e) have demonstrated good moral character, as determined by a background
42 investigation; and

43 (f) be free of any physical, emotional, or mental condition that might adversely affect
44 the performance of the applicant's duties as a peace officer.

45 (2) (a) An application for admission to a training program shall be accompanied by a
46 criminal history background check of local, state, and national criminal history files and a
47 background investigation.

48 (b) The costs of the background check and investigation shall be borne by the applicant
49 or the applicant's employing agency.

50 (3) (a) Notwithstanding any expungement statute or rule of any other jurisdiction, any
51 conviction obtained in this state or other jurisdiction, including a conviction that has been
52 expunged, dismissed, or treated in a similar manner to either of these procedures, may be
53 considered for purposes of this section.

54 (b) This provision applies to convictions entered both before and after the effective
55 date of this section.

56 (4) Any background check or background investigation performed pursuant to the
57 requirements of this section shall be to determine eligibility for admission to training programs

58 or qualification for certification examinations and may not be used as a replacement for any
59 background investigations that may be required of an employing agency.

60 (5) An applicant shall be considered to be of good moral character under Subsection
61 (1)(e) if the applicant has not engaged in conduct that would be a violation of Subsection
62 [53-6-211\(1\)](#).

63 (6) An applicant seeking certification as a law enforcement officer, as defined in
64 Section [53-13-103](#), shall be qualified to possess a firearm under state and federal law.

65 Section 2. Section **53-13-104** is amended to read:

66 **53-13-104. Correctional officer.**

67 (1) (a) "Correctional officer" means a sworn and certified officer employed by the
68 Department of Corrections, any political subdivision of the state, or any private entity which
69 contracts with the state or its political subdivisions to incarcerate inmates who is charged with
70 the primary duty of providing community protection.

71 (b) "Correctional officer" includes an individual assigned to carry out any of the
72 following types of functions:

73 (i) controlling, transporting, supervising, and taking into custody of persons arrested or
74 convicted of crimes;

75 (ii) supervising and preventing the escape of persons in state and local incarceration
76 facilities;

77 (iii) guarding and managing inmates and providing security and enforcement services
78 at a correctional facility; and

79 (iv) employees of the Board of Pardons and Parole serving on or before September 1,
80 1993, whose primary responsibility is to prevent and detect crime, enforce criminal statutes,
81 and provide security to the Board of Pardons and Parole, and who are designated by the Board
82 of Pardons and Parole, approved by the commissioner of public safety, and certified by the
83 Peace Officer Standards and Training Division.

84 (2) (a) Correctional officers have peace officer authority only while on duty. The
85 authority of correctional officers employed by the Department of Corrections is regulated by

86 Title 64, Chapter 13, Department of Corrections - State Prison.

87 (b) Correctional officers may carry firearms only if authorized by and under conditions
88 specified by the director of the Department of Corrections or the chief law enforcement officer
89 of the employing agency.

90 (3) (a) An individual may not exercise the authority of an adult correctional officer
91 until the individual has satisfactorily completed a basic training program for correctional
92 officers and the director of the Department of Corrections has certified the completion of
93 training to the director of the division.

94 (b) An individual may not exercise the authority of a county correctional officer until:

95 (i) the individual has satisfactorily completed a basic training program for correctional
96 officers and any other specialized training required by the local law enforcement agency; and

97 (ii) the chief administrator of the local law enforcement agency has certified the
98 completion of training to the director of the division.

99 (4) (a) The Department of Corrections of the state shall establish and maintain a
100 correctional officer basic course and in-service training programs as approved by the director of
101 the division with the advice and consent of the council.

102 (b) The in-service training shall:

103 (i) consist of no fewer than 40 hours per year; and

104 (ii) be conducted by the agency's own staff or other agencies.

105 (5) The local law enforcement agencies may establish correctional officer basic,
106 advanced, or in-service training programs as approved by the director of the division with the
107 advice and consent of the council.

108 (6) (a) Beginning July 1, 2019, an individual shall be 19 years of age or older before
109 being certified or employed as a correctional officer under this section.

110 (b) A person under the age of 21 years who is certified as a correctional officer may
111 only be employed in a jail facility.

112 Section 3. Section **63I-1-253** is amended to read:

113 **63I-1-253. Repeal dates, Titles 53 through 53G.**

- 114 The following provisions are repealed on the following dates:
- 115 [~~(1) Subsection 53-10-202(18) is repealed July 1, 2018.~~]
- 116 [~~(2) Section 53-10-202.1 is repealed July 1, 2018.~~]
- 117 (1) Subsection 53-6-203(1)(b)(ii), regarding being 19 years old at certification, is
118 repealed July 1, 2022.
- 119 (2) Subsection 53-13-104(6), regarding being 19 years old at certification, is repealed
120 July 1, 2022.
- 121 (3) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 122 (4) Section 53B-18-1501 is repealed July 1, 2021.
- 123 (5) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 124 (6) Section 53B-24-402, Rural residency training program, is repealed July 1, 2020.
- 125 (7) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
126 from the Land Exchange Distribution Account to the Geological Survey for test wells, other
127 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.
- 128 (8) Section 53E-3-515 is repealed January 1, 2023.
- 129 (9) Section 53F-2-514 is repealed July 1, 2020.
- 130 (10) Section 53F-5-203 is repealed July 1, 2019.
- 131 (11) Title 53F, Chapter 5, Part 6, American Indian and Alaskan Native Education State
132 Plan Pilot Program, is repealed July 1, 2022.
- 133 (12) Section 53F-6-201 is repealed July 1, 2019.
- 134 (13) Section 53F-9-501 is repealed January 1, 2023.
- 135 (14) Subsection 53G-8-211(4) is repealed July 1, 2020.
- 136 **Section 4. Effective date.**
- 137 This bill takes effect on July 1, 2019.