

1 PEACE OFFICER TRAINING QUALIFICATIONS

2 AMENDMENTS

3 2021 FIRST SPECIAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Karen Mayne

6 House Sponsor: Paul Ray

8 LONG TITLE

9 General Description:

10 This bill amends requirements for certain peace officer and dispatcher applicants.

11 Highlighted Provisions:

12 This bill:

- 13 ▶ amends requirements a non-citizen applicant is required to meet to become a peace
- 14 officer or dispatcher; and
- 15 ▶ makes technical changes.

16 Money Appropriated in this Bill:

17 None

18 Other Special Clauses:

19 This bill provides a special effective date.

20 Utah Code Sections Affected:

21 AMENDS:

22 **17-30-7**, as enacted by Statewide Initiative A, Nov. 8, 1960

23 **17-30a-303**, as enacted by Laws of Utah 2014, Chapter 366

24 **53-6-203**, as last amended by Laws of Utah 2021, Chapter 233

25 **53-6-302**, as last amended by Laws of Utah 2021, Chapter 233

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

28 Section 1. Section **17-30-7** is amended to read:

29 **17-30-7. Disqualification of applicant for examination -- Appeal to commission.**

- 30 (1) The commission shall disqualify an applicant for examination who:
- 31 (a) ~~[Does]~~ does not meet advertised qualifications~~[-];~~;
- 32 (b) ~~[Has]~~ has been convicted of a criminal offense inimical to the public service, or
- 33 involving moral turpitude~~[-];~~;
- 34 (c) ~~[Has]~~ has practiced or attempted deception or fraud in ~~[his]~~ the applicant's
- 35 application or examination, or in securing eligibility for appointment~~[-];~~ or
- 36 (d) ~~[Is]~~ is not:
- 37 (i) a citizen of the United States~~[-];~~ or
- 38 (ii) a lawful permanent resident of the United States who:
- 39 (A) has been in the United States legally for the five years immediately before the day
- 40 on which the application is made; and
- 41 (B) has legal authorization to work in the United States.
- 42 (2) If an applicant is rejected, ~~[he]~~ the applicant shall be notified by mail at ~~[his]~~ the
- 43 applicant's last known address.
- 44 (3) At any time ~~[prior to the date of]~~ before the day on which the examination is held,
- 45 an applicant may correct a defect in ~~[his]~~ the applicant's application, or appeal in writing to the
- 46 commission.

47 Section 2. Section **17-30a-303** is amended to read:

48 **17-30a-303. Disqualification of applicant for examination -- Appeal to**

49 **commission.**

- 50 (1) In accordance with this section and rules adopted by the commission, an applicant
- 51 may be disqualified if the applicant:
- 52 (a) does not meet minimum qualifications;
- 53 (b) has been convicted of a criminal offense inimical to the public service or involving
- 54 moral turpitude;
- 55 (c) has practiced or attempted deception or fraud in the application or examination
- 56 process or in securing eligibility for appointment; or
- 57 (d) is not;

- 58 (i) a citizen of the United States[-]; or
- 59 (ii) a lawful permanent resident of the United States who:
- 60 (A) has been in the United States legally for the five years immediately before the day
- 61 on which the application is made; and
- 62 (B) has legal authorization to work in the United States.

63 (2) If an applicant is rejected, the applicant shall be promptly notified.

64 (3) At any time [~~prior to the date of~~] before the day on which the examination is held,

65 an applicant may correct a defect in the applicant's application.

66 (4) An applicant may file a written appeal regarding the application process with the

67 commission at any time before the [~~date of the exam~~] day on which the examination is held.

68 Section 3. Section **53-6-203** is amended to read:

69 **53-6-203. Applicants for admission to training programs or for certification**

70 **examination -- Requirements.**

71 (1) Before being accepted for admission to the training programs conducted by a

72 certified academy, and before being allowed to take a certification examination, each applicant

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

74 (a) be either:

75 (i) a United States citizen; or

76 (ii) a lawful permanent resident of the United States who:

77 (A) has been in the United States legally for [~~at least~~] the five years immediately before

78 the day on which the application is made; and

79 (B) has legal authorization to work in the United States;

80 (b) be at least:

81 (i) 21 years old at the time of certification as a special function officer; or

82 (ii) as of July 1, 2019, 19 years old at the time of certification as a correctional officer;

83 (c) be a high school graduate or furnish evidence of successful completion of an

84 examination indicating an equivalent achievement;

85 (d) have not been convicted of a crime for which the applicant could have been

86 punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of
87 this or another state;

88 (e) have demonstrated good moral character, as determined by a background
89 investigation;

90 (f) be free of any physical, emotional, or mental condition that might adversely affect
91 the performance of the applicant's duties as a peace officer; and

92 (g) meet all other standards required by POST.

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

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

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

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

104 (4) Any background check or background investigation performed [~~pursuant to~~] under
105 the requirements of this section shall be to determine eligibility for admission to training
106 programs or qualification for certification examinations and may not be used as a replacement
107 for any background investigations that may be required of an employing agency.

108 (5) An applicant shall be considered to be of good moral character under Subsection
109 (1)(e) if the applicant has not engaged in conduct that would be a violation of Subsection
110 [53-6-211\(1\)](#).

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

113 Section 4. Section **53-6-302** is amended to read:

114 **53-6-302. Applicants for certification examination -- Requirements.**

115 (1) Before being allowed to take a dispatcher certification examination, each applicant
116 shall meet the following requirements:

117 (a) be either:

118 (i) a United States citizen; or

119 (ii) a lawful permanent resident of the United States who:

120 (A) has been in the United States legally for [~~at least~~] the five years immediately before
121 the day on which the application is made; and

122 (B) has legal authorization to work in the United States;

123 (b) be 18 years old or older at the time of employment as a dispatcher;

124 (c) be a high school graduate or have a G.E.D. equivalent;

125 (d) have not been convicted of a crime for which the applicant could have been

126 punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of
127 this or another state;

128 (e) have demonstrated good moral character, as determined by a background
129 investigation;

130 (f) be free of any physical, emotional, or mental condition that might adversely affect
131 the performance of the applicant's duty as a dispatcher; and

132 (g) meet all other standards required by POST.

133 (2) (a) An application for certification shall be accompanied by a criminal history
134 background check of local, state, and national criminal history files and a background
135 investigation.

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

138 (3) (a) Notwithstanding Title 77, Chapter 40, Utah Expungement Act, regarding
139 expungements, or a similar statute or rule of any other jurisdiction, any conviction obtained in
140 this state or other jurisdiction, including a conviction that has been expunged, dismissed, or
141 treated in a similar manner to either of these procedures, may be considered for purposes of this

142 section.

143 (b) Subsection (3)(a) applies to convictions entered both before and after May 1, 1995.

144 (4) Any background check or background investigation performed [~~pursuant to~~] under
145 the requirements of this section shall be to determine eligibility for admission to training
146 programs or qualification for certification examinations and may not be used as a replacement
147 for any background investigations that may be required of an employing agency.

148 (5) An applicant is considered to be of good moral character under Subsection (1)(e) if
149 the applicant has not engaged in conduct that would be a violation of Subsection [53-6-309\(1\)](#).

150 **Section 5. Effective date.**

151 If approved by two-thirds of all the members elected to each house, this bill takes effect
152 upon approval by the governor, or the day following the constitutional time limit of Utah
153 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
154 the date of veto override.