

MUNICIPAL POLICE OVERSIGHT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Wheatley

Senate Sponsor: _____

LONG TITLE

General Description:

This bill allows municipalities to create police oversight boards under certain conditions.

Highlighted Provisions:

This bill:

▶ allows for the municipal creation of a board with independent authority and related powers over the chief of police.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-913, as last amended by Laws of Utah 2019, Chapter 472

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

Section 1. Section **10-3-913** is amended to read:

10-3-913. Authority of chief of police -- Oversight.

(1) The chief of police has the same authority as the sheriff within the boundaries of the municipality of appointment. The chief has authority to:



- 28 (a) suppress riots, disturbances, and breaches of the peace;
- 29 (b) apprehend all persons violating state laws or city ordinances;
- 30 (c) diligently discharge his duties and enforce all ordinances of the city to preserve the
- 31 peace, good order, and protection of the rights and property of all persons;
- 32 (d) attend the municipal justice court located within the city when required, provide
- 33 security for the court, and obey its orders and directions; and
- 34 (e) create a child protection unit, as defined in Section 62A-4a-101.

35 (2) This section is not a limitation of a police chief's statewide authority as otherwise
 36 provided by law.

37 (3) The chief of police shall adopt a written policy that prohibits the stopping,
 38 detention, or search of any person when the action is solely motivated by considerations of
 39 race, color, ethnicity, age, or gender.

40 (4) (a) [~~Notwithstanding Sections 10-3-918 and 10-3-919, a~~] A municipality may [~~not~~]
 41 establish a board[~~, committee, or other entity~~] that:

- 42 (i) has authority independent of the chief of police; [~~and~~]
- 43 (ii) [~~(A)~~] has authority to overrule a hiring or appointment proposal of the chief of
 44 police;
- 45 [~~(B)~~] (iii) is required to review or approve a police department's rules, regulations,
 46 policies, or procedures in order for the rules, regulations, policies, or procedures to take effect;
- 47 [~~(C)~~] (iv) has authority to veto a new policy, or strike down an existing policy,
 48 established under the authority of the chief of police;
- 49 [~~(D)~~] (v) is required to review or approve a police department's budget in order for the
 50 budget to take effect; [~~or~~]
- 51 [~~(E)~~] (vi) has authority to review or approve a contract the police department makes
 52 with a police union or other organization[-]; or
- 53 (vii) has any other authority or power designated by the municipality, subject to state
 54 law.

55 (b) A member of a board established under Subsection (4)(a):

- 56 (i) shall be elected in a nonpartisan, municipal election; and
- 57 (ii) may not be a current or former law enforcement officer or the immediate family
 58 member of a current or former law enforcement officer.

59 ~~[(b) Nothing in this Subsection (4):]~~
60 ~~[(i) limits the authority the Utah Code provides over the chief of police;]~~
61 ~~[(ii) prohibits the municipal council or chief executive officer from taking a lawful~~
62 ~~action described in Subsection (4)(a)(ii) that is allowed by law; or]~~
63 ~~[(iii) limits the authority of a civil service commission established in accordance with~~
64 ~~Title 10, Chapter 3, Part 10, Civil Service Commission:]~~
65 ~~[(5) Subject to Subsection (4), a municipality may establish a board, committee, or~~
66 ~~other entity that relates to the provision of law enforcement services and that has authority~~
67 ~~independent of the chief of police if the municipality:]~~
68 ~~[(a) directly appoints the board, committee, or other entity's members; and]~~
69 ~~[(b) provides direct oversight of the board, committee, or other entity:]~~