

SEARCH AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

General Description:

This bill requires correctional facilities to implement certain search policies.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires county jails to adopt and adhere to a model policy regarding body cavity searches; and
- ▶ dictates certain requirements to be included in the model policy.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

77-7-17.5, Utah Code Annotated 1953

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

Section 1. Section **77-7-17.5** is enacted to read:

77-7-17.5. Physical body cavity search policy -- Requirements.

(1) As used in this section:

(a) "Arrestee" means an individual who is in the custody of law enforcement for an offense for which the individual has not been convicted.

30 (b) (i) "Body cavity" includes the anus, rectum, vagina, esophagus, or stomach.

31 (ii) "Body cavity" does not include the mouth, ear canal, or nasal passages.

32 (c) (i) "Physical body cavity search" means a search of a body cavity of an individual

33 that involves touching the individual with:

34 (A) any part of another individual's body; or

35 (B) an instrument or other item.

36 (ii) "Physical body cavity search" does not include a clothed, pat down search.

37 (2) Each county jail shall adopt and implement a policy that meets the minimum

38 standards contained in a model policy established by the Commission on Criminal and Juvenile

39 Justice.

40 (3) The model policy shall specify the minimum standards and procedures to be

41 followed by the county jail when a body cavity search is performed on an arrestee within the

42 county jail's jurisdiction, including:

43 (a) stating with specificity the circumstances under which a body cavity search may be

44 performed on an arrestee;

45 (b) designating who may authorize the performance of a body cavity search;

46 (c) designating specific jail staff or medical personnel who may perform a body cavity

47 search;

48 (d) requiring any nonmedically trained jail staff who may perform a body cavity search

49 to be trained on safe practices for conducting a body cavity search;

50 (e) requiring documentation of each body cavity search performed at the correctional

51 facility, including:

52 (i) the identity of the arrestee searched;

53 (ii) the date, time, and location of the search;

54 (iii) the identity of the individual performing the search;

55 (iv) the identity of the individual authorizing the search;

56 (v) a description of the body areas searched and the procedures followed in performing

57 the search; and

- 58 (vi) the circumstances necessitating the body cavity search; and
59 (f) designating rules and procedures to be followed, by authorized staff, when
60 performing a body cavity search that account for the health and privacy interests of the arrestee,
61 including:
62 (i) the location where a body cavity search must be performed;
63 (ii) the gender requirements of the individuals who perform or observe the search in
64 relation to the gender of the arrestee being searched; and
65 (iii) methods to ensure the body cavity search is conducted with the minimal amount of
66 touching necessary to effectuate the purposes of the search.
67 (4) A county jail's body cavity search policy is a public record.