

PEACE OFFICER AMENDMENTS

2020 FIFTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Sandra Hollins

Senate Sponsors: Evan J. Vickers and Luz Escamilla

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14	Stephen G. Handy	Marie H. Poulson	Mike Winder
15	Suzanne Harrison	Angela Romero	
	Timothy D. Hawkes		

LONG TITLE

General Description:

This bill prohibits training peace officers in the use of chokeholds or restraints that may cause unconsciousness and prohibits a peace officer's use of such a restraint.

Highlighted Provisions:

This bill:

- ▶ prohibits the approval of peace officer training curriculum which contains the use of chokeholds or other restraints that may cause unconsciousness;
- ▶ prohibits the inclusion of training of peace officers in the use of chokeholds, carotid



26 restraints, or other methods of restraint that may impede breathing or blood circulation and
27 cause unconsciousness; and

28 ▶ prohibits a peace officer from employing a "knee on the neck" method of restraint
29 that may impede breathing or blood circulation and cause unconsciousness.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides a special effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **53-6-105**, as last amended by Laws of Utah 2010, Chapter 313

37 **53-6-202**, as last amended by Laws of Utah 2010, Chapter 313

38 ENACTS:

39 **53-13-115**, Utah Code Annotated 1953



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

42 Section 1. Section **53-6-105** is amended to read:

43 **53-6-105. Duties of director -- Powers -- Rulemaking.**

44 (1) The director, with the advice of the council, shall:

45 (a) prescribe standards for the certification of a peace officer training academy, certify
46 an academy that meets the prescribed standards, and prescribe standards for revocation of
47 certification for cause;

48 (b) prescribe minimum qualifications for certification of peace officers appointed or
49 elected to enforce the laws of this state and its subdivisions and prescribe standards for
50 revocation of certification for cause;

51 (c) establish minimum requirements for the certification of training instructors and
52 establish standards for revocation of certification;

53 (d) provide for the issuance of appropriate certificates to those peace officers
54 completing the basic training programs offered by a certified academy or those persons who
55 pass a certification examination as provided for in this chapter;

56 (e) consult and cooperate with certified academy administrators and instructors for the

57 continued development and improvement of the basic training programs provided by the
58 certified academy and for the further development and implementation of advanced in-service
59 training programs;

60 (f) consult and cooperate with state institutions of higher education to develop
61 specialized courses of study for peace officers in the areas of criminal justice, police
62 administration, criminology, social sciences, and other related disciplines;

63 (g) consult and cooperate with other departments, agencies, and local governments
64 concerned with peace officer training;

65 (h) perform any other acts necessary to develop peace officer training programs within
66 the state;

67 (i) report to the council at regular meetings of the council and when the council
68 requires;

69 (j) recommend peace officer standards and training requirements to the commissioner,
70 governor, and the Legislature; and

71 (k) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
72 director shall, with the advice of the council, make rules necessary to administer this chapter.

73 (2) With the permission of the commissioner, the director may execute contracts on
74 behalf of the division with criminal justice agencies to provide training for employees of those
75 agencies if:

76 (a) the employees or the employing agency pay a registration fee equivalent to the cost
77 of the training; and

78 (b) the contract does not reduce the effectiveness of the division in its primary
79 responsibility of providing training for peace officers of the state.

80 (3) The director may:

81 (a) revoke certification of a certified academy for cause; and

82 (b) make training aids and materials available to local law enforcement agencies.

83 (4) The director shall, with the advice of the council, make rules:

84 (a) establishing minimum requirements for the certification of dispatcher training
85 instructors in a certified academy or interagency program and standards for revocation of this
86 certification;

87 (b) establishing approved curriculum and a basic schedule for the basic dispatcher

88 training course and the content of the dispatcher certification examination;

89 (c) providing for the issuance of appropriate certificates to a person who completes the
90 basic dispatcher course or who passes a dispatcher certification examination as provided for in
91 this chapter;

92 (d) establishing approved courses for certified dispatchers' annual training; and

93 (e) establishing a reinstatement procedure for a certified dispatcher who has not
94 obtained the required annual training hours.

95 (5) The director may not, in approving and reviewing curriculum and training aids for
96 academies, approve or recommend any curriculum which includes the use of chokeholds,
97 carotid restraints, or any act that impedes the breathing or circulation of blood likely to produce
98 a loss of consciousness, as a valid method of restraint.

99 Section 2. Section 53-6-202 is amended to read:

100 **53-6-202. Basic training course -- Completion required -- Annual training --**
101 **Prohibition from exercising powers -- Reinstatement.**

102 (1) (a) The director shall:

103 (i) (A) suggest and prepare subject material; and

104 (B) schedule instructors for basic training courses; or

105 (ii) review the material and instructor choices submitted by a certified academy.

106 (b) The subject material, instructors, and schedules shall be approved or disapproved
107 by a majority vote of the council.

108 (2) The materials shall be reviewed and approved by the council on or before July 1st
109 of each year and may from time to time be changed or amended by majority vote of the council.

110 (3) The basic training in a certified academy:

111 (a) shall be appropriate for the basic training of peace officers in the techniques of law
112 enforcement in the discretion of the director[-]; and

113 (b) may not include the use of chokeholds, carotid restraints, or any act that impedes
114 the breathing or circulation of blood likely to produce a loss of consciousness, as a valid
115 method of restraint.

116 (4) (a) All peace officers must satisfactorily complete the basic training course or the
117 waiver process provided for in this chapter as well as annual certified training of not less than
118 40 hours as the director, with the advice and consent of the council, directs.

119 (b) A peace officer who fails to satisfactorily complete the annual training shall
120 automatically be prohibited from exercising peace officer powers until any deficiency is made
121 up.

122 Section 3. Section **53-13-115** is enacted to read:

123 **53-13-115. Peace officer restraint prohibition.**

124 (1) A peace officer may not restrain a person by the application of a knee applying
125 pressure to the neck or throat of a person.

126 (2) Any violation of this section shall be referred to the county or district attorney for
127 review, and to the Peace Officer Standards and Training Council for investigation.

128 (3) Violation of this section is an aggravated assault in violation of Section [76-5-103](#).

129 Section 4. **Effective date.**

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