

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2236: Law enforcement officers; allow off-duty use of equipment and uniform under certain circumstances.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

5 **SECTION 1.** (1) Certified law enforcement officers or
6 certified part-time law enforcement officers, as defined in
7 Section 45-6-3, who are employed by a county or municipality may
8 wear the official uniform and may utilize the official firearm
9 issued by the employing jurisdiction while in the performance of
10 private security services in off-duty hours. The governing
11 authority of a municipality must approve of such use of the
12 uniform and official weapon by municipal law enforcement officers
13 by act spread upon the minutes of such board and approved by the
14 chief executive. The sheriff of a county must approve such use of
15 the uniform and official weapon by deputy sheriffs. Approval
16 shall be on an employee-by-employee basis and not by general
17 order. Any proceedings regarding application or approval and the
18 minutes regarding same shall be a public record.

19 (2) Each governing board and chief executive or sheriff
20 shall determine before the use of the official uniform and weapon
21 is approved that the proposed employment is not likely to bring
22 disrepute to the employing jurisdiction or its law enforcement
23 agency, the officer at issue, or law enforcement generally, and
24 that the use of the official uniform and weapon in the discharge

25 of the officer's private security endeavor promotes the public
26 interest.

27 (3) Acts and omissions of an officer in discharge of private
28 security employment shall be deemed to be the acts and omissions
29 of the person or entity employing the officer for such private
30 security services, and not the acts and omissions of the
31 jurisdiction whose uniform and weapon are approved for such
32 private security use. An employer employing the officer for
33 private security services shall hold harmless the jurisdiction by
34 which the officer is employed and fully indemnify the jurisdiction
35 for any expense or loss, including attorney's fees, which results
36 from any action taken against the jurisdiction arising out of the
37 acts or omissions of the officer in discharge of private security
38 services while wearing the official uniform or using the official
39 weapon. Neither the state nor any subdivision thereof shall be
40 liable for acts or omissions of an officer in the discharge of the
41 private security employment duties.

42 (4) Certified police officers performing private jobs during
43 their off-duty hours are required to notify the appropriate law
44 enforcement agency of the place of employment, the hours to be
45 worked, and the type of employment.

46 (5) The official uniform and weapon may be worn and utilized
47 only at locations which are within the jurisdiction of the
48 governmental entity whose uniform and weapon are involved.

49 **SECTION 2.** This act shall take effect and be in force from
50 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AUTHORIZE OFF-DUTY USE OF UNIFORMS AND WEAPONS BY
2 CERTAIN LAW ENFORCEMENT OFFICERS ENGAGING IN PRIVATE EMPLOYMENT
3 UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)
Tollison

(NOT SIGNED)
Brown

X (SIGNED)
Pickering

CONFEREES FOR THE HOUSE

X (SIGNED)
Smith (39th)

X (SIGNED)
Reeves

X (SIGNED)
Dedeaux