

House Amendments to Senate Bill No. 2236

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

5 **SECTION 1.** (1) **Use of official uniforms and weapons by**
6 **officers on private job.** Certified law enforcement officers or
7 certified part-time law enforcement officers, as defined in
8 Section 45-6-3, may wear the official uniform issued by the
9 jurisdiction by which they are employed, and may utilize the
10 official firearm issued by the jurisdiction by which they are
11 employed, while in the performance of private security services in
12 off-duty hours, provided that the governing board and chief
13 executive of the jurisdiction by which the officer is employed
14 first approves of such use of the uniform and official weapon by
15 act spread upon the minutes of such board and approved by the
16 chief executive. Any such approval shall be on an
17 employee-by-employee basis and not by general order. Any
18 proceedings regarding application or approval and the minutes
19 regarding same shall be a public record.

20 (2) **Powers of employing jurisdiction.** Each governing board
21 and chief executive shall determine before the use of the official
22 uniform and weapon is approved that the proposed employment is not
23 likely to bring disrepute to the employing jurisdiction or its law
24 enforcement agency, the officer at issue, or law enforcement
25 generally, and that the use of the official uniform and weapon in
26 the discharge of the officer's private security endeavor promotes
27 the public interest.

28 (3) **Liability of public employer for acts of officer while**
29 **in discharge of private security employment.** Acts and omissions
30 of an officer in discharge of private security employment shall be

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

45 (4) **Notice to agency concerning off-duty employment.**
46 Certified police officers performing private jobs during their
47 off-duty hours shall be required to notify the appropriate law
48 enforcement agency of the place of employment, the hours to be
49 worked, and the type of employment.

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

53 **SECTION 2.** This act shall take effect and be in force from
54 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 LAW ENFORCEMENT OFFICERS ENGAGING IN PRIVATE EMPLOYMENT UNDER
3 CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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Don Richardson
Clerk of the House of Representatives