**R131. Capitol Preservation Board (State), Administration.**

**R131-3. Use of Magnetometers on Capitol Hill.**

**R131-3-1. Authority.**

Subsection 63O-2-301(2)(a) requires the Capitol Preservation Board to make rules to govern, administer, and regulate Capitol Hill Facilities and Capitol Hill grounds.

**R131-3-2. Definitions.**

(1) Terms used in this rule are defined in Section 63O-1-101.

(2) In addition:

(a) "Magnetometer" means a device that electronically detects the presence of ferrous metals from their effect on the magnetic field surrounding the earth.

(b) "Capitol Hill identification card" means a valid identification card issued or recognized by the Board with a picture, individual name, and department identifying the person as a state elected or appointed official or state employee. A Capitol Hill identification card for this purpose does not include a card issued to an individual who is not a state elected or appointed official or state employee.

(c) "Capitol Hill security personnel" means the Commissioner of the Utah Department of Public Safety, their designees, and Utah Highway Patrol, as provided in Sections 53-1-109 and 53-8-105.

**R131-3-3. Security Levels.**

(1) Notwithstanding any provision in this rule, under all security levels:

(a) Capitol Hill security personnel may increase, or lower security levels as provided in Section R131-3-4 and in all cases exercise the full authority and discretion granted to them by law to maintain public safety and peace and to enforce the law.

(b) The Executive Director may grant access to the Capitol Hill Complex to contractors and other third parties on a case-by- case basis as the Executive Director deems necessary or convenient for the operation, repair and maintenance of Capitol Hill Facilities and Capitol Hill Grounds.

(2) "Security level one"

(a) Any person entering Capitol Hill Facilities may be asked to register with Capitol Hill security personnel. No one is required to pass through a magnetometer.

(b) State elected and appointed officials and state employees holding valid Capitol Hill identification cards shall be allowed to enter at all entrances without registering or passing through a magnetometer.

(c) Building entry points and building access may be limited or restricted.

(d) Bag searches may not be conducted.

(3) "Security level two"

(a) Except as provided in Subsection (3)(b), all persons entering Capitol Hill Facilities may be required to register with Capitol Hill security personnel and pass through a magnetometer.

(b) The Board shall provide designated "employee entrances" where state elected and appointed officials and state employees holding valid Capitol Hill identification cards shall be allowed to enter without registering. Capitol Hill security personnel may require state elected and appointed officials and state employees to pass through the magnetometers.

(c) Capitol Hill security personnel may require bag searches for persons entering Capitol Hill Facilities including state elected and appointed officials and state employees holding a valid Capitol Hill identification card.

(d) Building entry points or building access may be limited or restricted.

(4) "Security level three"

(a) Except as provided in Subsection (4)(b), all persons entering Capitol Hill Facilities may be required to register with Capitol Hill security personnel and pass through a magnetometer.

(b) The Board shall provide designated "employee entrances" where state elected and appointed officials and state employees holding valid Capitol Hill identification cards shall be allowed to enter without registering. Capitol Hill security personnel may require state elected and appointed officials and state employees to pass through the magnetometers.

(c) Capitol Hill security personnel shall require bag searches for all persons entering Capitol Hill Facilities, including state elected and appointed officials and state employees.

(d) Building entry points and building access may be limited or restricted.

(5) "Security level four"

(a) Partial or full closure to the public of the Capitol Hill Complex, including Capitol Hill Facilities, Capitol Hill Grounds, and designated areas within the Capitol Hill Complex. Closures shall be based on an articulable significant threat to the safety of the public, Capitol Hill Complex employees, elected and appointed officials, the physical security of Capitol Hill Facilities, or Capitol Hill Grounds. Capitol Hill security shall provide written notification articulating the facts and circumstances of the threat and closure to the Board within 48 hours of closure.

(b) Capitol Hill security personnel shall designate employee entrances for State elected and appointed officials and employees holding valid Capitol Hill identification cards.

(c) Capitol Hill security personnel may require State elected and appointed officials and employees to pass through magnetometers and be subject to bag searches.

(d) Building entry points and building access may be limited or restricted at the discretion of Capitol Hill security personnel.

(e) Emergency closure of the Capitol Complex shall last as long as the threat exists, and closure is reasonably deemed necessary in response to the threat.

(f) In the event the Capitol Hill Complex remains closed after 30 days, Capitol Hill security shall provide to the Board in writing the justification for continued closure. The Board shall not be required to vote on the closure every 30 days, however, in the event written justification is not provided, the Capitol Hill Complex shall be reopened. Written justification for continued closure must be provided for every 30-day period of closure.

(g) The Board may, at any time, vote to end the closure as provided in Section R131-3-4, in which event the Capitol Hill Complex shall be reopened.

**R131-3-4. Magnetometers.**

(1) By this rule, the Board authorizes the use of magnetometers by Capitol Hill security personnel. Magnetometers may be used for security levels two, three, and four.

(2) Capitol Hill security personnel may use magnetometers in Capitol Hill Facilities and on Capitol Hill Grounds after Capitol Hill security personnel determine that there is a justification for increasing security precautions to level two, three, or four. Depending on where the threat is focused, different Capitol Hill Facilities may be designated to be at different security levels. When practicable, the decision to increase security precautions at any Capitol Hill Facility shall be made in consultation with the Executive Director. Otherwise, the person making the determination to change from one security level to another, shall notify the Executive Director as soon as practicable after the decision is made.

(3) The Executive Director shall notify the members of the Board when the security level is changed. Any member of the Board may request a meeting of the full Board to examine further the decision to move to higher security levels. The Board may lower or raise the security level by a majority vote of the members present at the meeting. Capitol Hill security personnel may also reduce the security level depending on the security information received.

(4) The Board and Capitol Hill security personnel, while using magnetometers in Capitol Hill Facilities shall not impact or infringe upon the rights of persons to keep and bear arms in accordance with Utah Constitution Article I, Section 6, Title 53, Chapter 5, Part 7, Concealed Firearms Act and Title 76, Chapter 10, Part 5, Weapons. A person carrying a concealed firearm may be reasonably questioned by Capitol Hill security personnel as to facts relevant to the lawfulness of the person's carrying of a concealed firearm before being allowed to enter Capitol Hill Facilities with a concealed firearm.

**KEY: public buildings, state buildings, facilities use**

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