

## **Part 2**

### **Bureau of Criminal Identification**

#### **53-10-201 Bureau of Criminal Identification -- Creation -- Bureau Chief appointment, qualifications, and compensation.**

- (1) There is created within the division the Bureau of Criminal Identification.
- (2) The bureau shall be administered by a bureau chief appointed by the division director with the approval of the commissioner.
- (3) The bureau chief shall be experienced in administration and possess additional qualifications as determined by the commissioner or division director and as provided by law.
- (4) The bureau chief acts under the supervision and control of the division director and may be removed from his position at the will of the commissioner.
- (5) The bureau chief shall receive compensation as provided by Title 67, Chapter 19, Utah State Personnel Management Act.

Enacted by Chapter 263, 1998 General Session

#### **53-10-202 Criminal identification -- Duties of bureau.**

The bureau shall:

- (1) procure and file information relating to identification and activities of persons who:
  - (a) are fugitives from justice;
  - (b) are wanted or missing;
  - (c) have been arrested for or convicted of a crime under the laws of any state or nation; and
  - (d) are believed to be involved in racketeering, organized crime, or a dangerous offense;
- (2) establish a statewide uniform crime reporting system that shall include:
  - (a) statistics concerning general categories of criminal activities;
  - (b) statistics concerning crimes that exhibit evidence of prejudice based on race, religion, ancestry, national origin, ethnicity, or other categories that the division finds appropriate; and
  - (c) other statistics as required by the Federal Bureau of Investigation;
- (3) make a complete and systematic record and index of the information obtained under this part;
- (4) subject to the restrictions in this part, establish policy concerning the use and dissemination of data obtained under this part;
- (5) publish an annual report concerning the extent, fluctuation, distribution, and nature of crime in Utah;
- (6) establish a statewide central register for the identification and location of missing persons, which may include:
  - (a) identifying data including fingerprints of each missing person;
  - (b) identifying data of any missing person who is reported as missing to a law enforcement agency having jurisdiction;
  - (c) dates and circumstances of any persons requesting or receiving information from the register; and
  - (d) any other information, including blood types and photographs found necessary in furthering the purposes of this part;
- (7) publish a quarterly directory of missing persons for distribution to persons or entities likely to be instrumental in the identification and location of missing persons;
- (8) list the name of every missing person with the appropriate nationally maintained missing persons lists;

- (9) establish and operate a 24-hour communication network for reports of missing persons and reports of sightings of missing persons;
- (10) coordinate with the National Center for Missing and Exploited Children and other agencies to facilitate the identification and location of missing persons and the identification of unidentified persons and bodies;
- (11) receive information regarding missing persons, as provided in Sections 26-2-27 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section 41-1a-1401;
- (12) adopt systems of identification, including the fingerprint system, to be used by the division to facilitate law enforcement;
- (13) assign a distinguishing number or mark of identification to any pistol or revolver, as provided in Section 76-10-520;
- (14) check certain criminal records databases for information regarding motor vehicle salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons, and inform the Motor Vehicle Enforcement Division when new entries are made for certain criminal offenses for motor vehicle salespersons in accordance with the requirements of Section 41-3-205.5;
- (15) check certain criminal records databases for information regarding driving privilege card applicants or cardholders and maintain a separate file of fingerprints for driving privilege applicants and cardholders and inform the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security when new entries are made in accordance with the requirements of Section 53-3-205.5.
- (16) review and approve or disapprove applications for license renewal that meet the requirements for renewal;
- (17) forward to the board those applications for renewal under Subsection (16) that do not meet the requirements for renewal; and
- (18) within funds appropriated by the Legislature for the purpose, implement and manage the operation of a firearm safety program, in conjunction with the state suicide prevention coordinator, as described in this section and Section 62A-15-1101, including:
  - (a) coordinating with the Department of Health, local mental health and substance abuse authorities, the public education suicide prevention coordinator, and a representative from a Utah-based nonprofit organization with expertise in the field of firearm use and safety that represents firearm owners, to:
    - (i) produce a firearm safety brochure with information about the safe handling and use of firearms that includes:
      - (A) rules for safe handling, storage, and use of firearms in a home environment;
      - (B) information about at-risk individuals and individuals who are legally prohibited from possessing firearms;
      - (C) information about suicide prevention and awareness; and
      - (D) information about the availability of firearm safety packets;
    - (ii) procure cable-style gun locks for distribution pursuant to this section; and
    - (iii) produce a firearm safety packet that includes both the firearm safety brochure described in Subsection (18)(a)(i) and the cable-style gun lock described in Subsection (18)(a)(ii);
  - (b) distributing, free of charge, the firearm safety packet to the following persons, who shall make the firearm safety packet available free of charge:
    - (i) health care providers, including emergency rooms;
    - (ii) mental health practitioners;
    - (iii) other public health suicide prevention organizations;

- (iv) entities that teach firearm safety courses; and
- (v) school districts for use in the seminar, described in Section 53A-15-1302, for parents of students in the school district;
- (c) creating and administering a redeemable coupon program described in this section and Section 76-10-526, that may include:
  - (i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase of a gun safe from a participating federally licensed firearms dealer, as defined in Section 76-10-501, by a Utah resident who has filed an application for a concealed firearm permit;
  - (ii) advertising the redeemable coupon program to all federally licensed firearms dealers and maintaining a list of dealers who wish to participate in the program;
  - (iii) printing or writing the name of a Utah resident who has filed an application for a concealed firearm permit on the redeemable coupon;
  - (iv) mailing the redeemable coupon and the firearm safety brochure to Utah residents who have filed an application for a concealed firearm permit; and
  - (v) collecting from the participating dealers receipts described in Section 76-10-526 and reimbursing the dealers;
- (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, making rules that establish procedures for:
  - (i) producing and distributing the firearm safety brochures and packets;
  - (ii) procuring the cable-style gun locks for distribution; and
  - (iii) administering the redeemable coupon program; and
- (e) reporting to the Law Enforcement and Criminal Justice Interim Committee regarding implementation and success of the firearm safety program:
  - (i) during the 2016 interim, before November 1; and
  - (ii) during the 2018 interim, before June 1.

Amended by Chapter 144, 2016 General Session

**53-10-202.1 Firearm Safety Account.**

- (1) There is created a restricted account within the General Fund known as the "Firearm Safety Account."
- (2) The account shall be funded by appropriations from the Legislature.
- (3) Funds in the account may only be used for the Firearm Safety Program established in Subsection 53-10-202(18).

Enacted by Chapter 226, 2014 General Session

**53-10-202.5 Bureau services -- Fees.**

The bureau shall collect fees for the following services:

- (1) applicant fingerprint card as determined by Section 53-10-108;
- (2) bail enforcement licensing as determined by Section 53-11-115;
- (3) concealed firearm permit as determined by Section 53-5-707;
- (4) application for and issuance of a certificate of eligibility for expungement as determined by Section 77-40-106;
- (5) firearm purchase background check as determined by Section 76-10-526;
- (6) name check as determined by Section 53-10-108;
- (7) private investigator licensing as determined by Section 53-9-111; and
- (8) right of access as determined by Section 53-10-108.

Amended by Chapter 58, 2010 General Session, (Coordination Clause)  
Amended by Chapter 58, 2010 General Session  
Amended by Chapter 283, 2010 General Session

**53-10-203 Missing persons -- Reports -- Notification.**

- (1) Each law enforcement agency that is investigating the report of a missing person shall provide information regarding that report to the division. The report shall include descriptive information and the date and location of the last-known contact with the missing person.
- (2) The division shall notify the state registrar of Vital Statistics and the FBI National Crime Information Center of all missing persons reported in accordance with Subsection (1) and shall provide the state registrar with information concerning the identity of those missing persons.
- (3) If the division has reason to believe that a missing person reported in accordance with Subsection (1) has been enrolled in a specific school in this state, the division shall also notify the last-known school of that report.
- (4) Upon learning of the recovery of a missing person, the division shall notify the state registrar and any school that it has previously informed of the person's disappearance.
- (5) The division shall, by rule, determine the manner and form of reports, notices, and information required by this section.
- (6) Upon notification by the state registrar or school personnel that a request for a birth certificate, school record, or other information concerning a missing person has been made, or that an investigation is needed in accordance with Section 53A-11-503, the division shall immediately notify the local law enforcement authority.

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-204 Missing person records -- Confidentiality -- Availability.**

Inquiries made regarding missing persons are confidential and are available only to:

- (1) a law enforcement agency investigating a report of a missing person;
- (2) an agency having the responsibility or authority to care for, treat, or supervise a person who is the subject of a placement in temporary or substitute care or an adoption proceeding;
- (3) a court, upon a finding that access to the records may be necessary for the determination of an issue before it;
- (4) the office of the public prosecutor or its deputies;
- (5) any person engaged in bona fide research when approved by the director of the division, excluding names and addresses; and
- (6) entities or persons authorized to receive the information in accordance with Section 53-10-203.

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-205 Uniform crime reporting system -- Use of data.**

The data acquired under the statewide uniform crime reporting system shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-206 Collection of information.**

The commissioner and persons designated by him may require all peace officers, the warden of the state prison, the keeper of any jail or correctional institution, or superintendent of the state hospital to obtain information that will aid in establishing the records required to be kept.

Renumbered and Amended by Chapter 263, 1998 General Session  
Amended by Chapter 282, 1998 General Session

**53-10-207 Peace officers, prosecutors, and magistrates to supply information to state and F.B.I. -- Notification of arrest based on warrant.**

- (1) Every peace officer shall:
  - (a) cause fingerprints of persons he has arrested to be taken on forms provided by the division and the Federal Bureau of Investigation;
  - (b) supply information requested on the forms; and
  - (c) forward without delay both copies to the division, which shall forward the F.B.I. copy to the Identification Division of the Federal Bureau of Investigation.
- (2) If, after fingerprints have been taken in accordance with Subsection (1), the prosecutor declines to prosecute, or investigative action as described in Section 77-2-3 is terminated, the prosecutor or law enforcement agency shall notify the division of this action within 14 working days.
- (3) At the preliminary hearing or arraignment of a felony case, the prosecutor shall ensure that each felony defendant has been fingerprinted and an arrest and fingerprint form is transmitted to the division. In felony cases where fingerprints have not been taken, the judge shall order the chief law enforcement officer of the jurisdiction or the sheriff of the county to:
  - (a) cause fingerprints of each felony defendant to be taken on forms provided by the division;
  - (b) supply information requested on the forms; and
  - (c) forward without delay both copies to the division.
- (4) If an arrest is based upon information about the existence of a criminal warrant of arrest or commitment under Rule 6, Utah Rules of Criminal Procedure, every peace officer shall without delay notify the division of the service of each warrant of arrest or commitment, in a manner specified by the division.

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-208 Definition -- Offenses included on statewide warrant system -- Transportation fee to be included -- Statewide warrant system responsibility -- Quality control -- Training -- Technical support -- Transaction costs.**

- (1) "Statewide warrant system" means the portion of the state court computer system that is accessible by modem from the state mainframe computer and contains:
  - (a) records of criminal warrant information; and
  - (b) after notice and hearing, records of protective orders issued pursuant to:
    - (i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act; or
    - (ii) Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act.
- (2)
  - (a) The division shall include on the statewide warrant system all warrants issued for felony offenses and class A, B, and C misdemeanor offenses in the state.
  - (b) The division shall include on the statewide warrant system all warrants issued for failure to appear on a traffic citation as ordered by a magistrate under Subsection 77-7-19(3).

- (c) For each warrant, the division shall indicate whether the magistrate ordered under Section 77-7-5 and Rule 6, Utah Rules of Criminal Procedure, that the accused appear in court.
- (3) The division is the agency responsible for the statewide warrant system and shall:
  - (a) ensure quality control of all warrants of arrest or commitment and protective orders contained in the statewide warrant system by conducting regular validation checks with every clerk of a court responsible for entering the information on the system;
  - (b) upon the expiration of the protective orders and in the manner prescribed by the division, purge information regarding protective orders described in Subsection 53-10-208.1(4) within 30 days of the time after expiration;
  - (c) establish system procedures and provide training to all criminal justice agencies having access to information contained on the state warrant system;
  - (d) provide technical support, program development, and systems maintenance for the operation of the system; and
  - (e) pay data processing and transaction costs for state, county, and city law enforcement agencies and criminal justice agencies having access to information contained on the state warrant system.
- (4)
  - (a) Any data processing or transaction costs not funded by legislative appropriation shall be paid on a pro rata basis by all agencies using the system during the fiscal year.
  - (b) This Subsection (4) supersedes any conflicting provision in Subsection (3)(e).

Amended by Chapter 292, 2009 General Session

Amended by Chapter 356, 2009 General Session

**53-10-208.1 Magistrates and court clerks to supply information.**

Every magistrate or clerk of a court responsible for court records in this state shall, within 30 days of the disposition and on forms and in the manner provided by the division, furnish the division with information pertaining to:

- (1) all dispositions of criminal matters, including:
  - (a) guilty pleas;
  - (b) convictions;
  - (c) dismissals;
  - (d) acquittals;
  - (e) pleas held in abeyance;
  - (f) judgments of not guilty by reason of insanity for a violation of:
    - (i) a felony offense;
    - (ii) Title 76, Chapter 5, Offenses Against the Person; or
    - (iii) Title 76, Chapter 10, Part 5, Weapons;
  - (g) judgments of guilty with a mental illness;
  - (h) finding of mental incompetence to stand trial for a violation of:
    - (i) a felony offense;
    - (ii) Title 76, Chapter 5, Offenses Against the Person; or
    - (iii) Title 76, Chapter 10, Part 5, Weapons; or
  - (i) probations granted; and
- (2) orders of civil commitment under the terms of Section 62A-15-631;
- (3) the issuance, recall, cancellation, or modification of all warrants of arrest or commitment as described in Rule 6, Utah Rules of Criminal Procedure and Section 78B-6-303, within one day of the action and in a manner provided by the division; and

- (4) protective orders issued after notice and hearing, pursuant to:
  - (a) Title 77, Chapter 36, Cohabitant Abuse Procedures Act; or
  - (b) Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act.

Amended by Chapter 366, 2011 General Session

**53-10-209 Penal institutions and state hospital to supply information.**

- (1) The warden of the state prison, keeper of any jail or correctional institution, and superintendent of the state hospital shall forward to the division:
  - (a) the fingerprints and recent photographs of all persons confined in each institution under criminal commitment;
  - (b) information relating to the parole, termination or expiration of sentence, or any other release of each person from confinement during the preceding month; and
  - (c) a photograph taken near the time of release.
- (2) The adult probation and parole section of the Department of Corrections shall furnish to the division:
  - (a) information relating to the revocation or termination of probation or parole; and
  - (b) upon request, the names, fingerprints, photographs, and other data.
- (3) The chair of the Board of Pardons and Parole shall provide to the division information regarding the issuance, recall, cancellation, or modification of any warrant issued by members of the Board of Pardons and Parole, under Section 77-27-11, within one day of issuance.
- (4) Information provided to the division under this section shall be on forms designated by the division.

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-210 Response for requests -- Fees.**

- (1) In responding to requests for criminal background checks, the division shall make an earnest effort to provide the requested information within three weeks of receipt of a request.
- (2) Fees and other payments received by the division in payment for criminal background check services shall be deposited in the General Fund and the Legislature shall make an annual appropriation for payment of personnel and other costs incurred in providing those services.

Renumbered and Amended by Chapter 263, 1998 General Session

**53-10-211 Notice required of arrest of school employee for controlled substance or sex offense.**

- (1) The chief administrative officer of the law enforcement agency making the arrest or receiving notice under Subsection (2) shall immediately notify:
  - (a) the State Board of Education; and
  - (b) the superintendent of schools of the employing public school district or, if the offender is an employee of a private school, the administrator of that school.
- (2) Subsection (1) applies upon:
  - (a) the arrest of any school employee for any offense:
    - (i) in Section 58-37-8;
    - (ii) in Title 76, Chapter 5, Part 4, Sexual Offenses; or
    - (iii) involving sexual conduct; or

(b) upon receiving notice from any other jurisdiction that a school employee has committed an act which would, if committed in Utah, be an offense under Subsection (2)(a).

Amended by Chapter 144, 2016 General Session

**53-10-212 Supplies and equipment for compliance by reporting agencies.**

All governing boards or commissions of each city, town, county, or correctional institution of the state shall furnish the appropriate officials with supplies and equipment necessary to perform the duties prescribed in this part.

Renumbered and Amended by Chapter 263, 1998 General Session