

**WEAPONS RESTRICTIONS FOR MENTALLY ILL PERSONS**

2000 GENERAL SESSION

STATE OF UTAH

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AN ACT RELATING TO PUBLIC SAFETY AND HUMAN SERVICES; REQUIRING THE MAGISTRATES AND COURT CLERKS TO FURNISH CERTAIN INFORMATION TO THE CRIMINAL INVESTIGATIONS AND TECHNICAL SERVICES DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**53-10-208**, as last amended by Chapter 187 and renumbered and amended by Chapter 263, Laws of Utah 1998

**62A-12-247**, as last amended by Chapter 161, Laws of Utah 1989

ENACTS:

**53-10-208.1**, Utah Code Annotated 1953

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

Section 1. Section **53-10-208** is amended to read:

**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 30, Chapter 6, Cohabitant Abuse Act; or
- (ii) Title 77, Chapter 36, Cohabitant Abuse Procedures Act.

~~[(2) Every magistrate or clerk of a court responsible for court records in this state shall furnish the division with information pertaining to:]~~

~~[(a) all dispositions of criminal matters, including guilty pleas, convictions, dismissals, acquittals, pleas held in abeyance, or probations granted, within 30 days of the disposition and on forms and in the manner provided by the division;]~~

~~[(b) 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 78-32-4, within one day of the action and in a manner provided by the division; and]~~

~~[(c) protective orders issued after notice and hearing, pursuant to:]~~

~~[(i) Title 30, Chapter 6, Cohabitant Abuse Act; or]~~

~~[(ii) Title 77, Chapter 36, Cohabitant Abuse Procedures Act.]~~

~~[(3)]~~ (2) (a) (i) 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.

(ii) For each offense 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.

(b) Infractions shall not be included on the statewide warrant system, including any subsequent failure to appear warrants issued on an infraction.

~~[(4)]~~ (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 ~~[(2)(c)]~~ 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.

~~[(5)]~~ (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 supersedes any conflicting provision in Subsection ~~[(4)]~~ (3)(e).

Section 2. Section **53-10-208.1** is enacted to read:

**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) findings 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

(h) probations granted; and

(2) orders of civil commitment under the terms of Section 62A-12-234;

(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 78-32-4, 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 30, Chapter 6, Cohabitant Abuse Act; or

(b) Title 77, Chapter 36, Cohabitant Abuse Procedures Act.

Section 3. Section **62A-12-247** is amended to read:

**62A-12-247. Confidentiality of information and records -- Exceptions -- Penalty.**

(1) All certificates, applications, records, and reports made for the purpose of this part, including those made on judicial proceedings for involuntary commitment, that directly or indirectly identify a patient or former patient or an individual whose commitment has been sought under this part, shall be kept confidential and may not be disclosed by any person except insofar as:

(a) the individual identified or his legal guardian, if any, or, if a minor, his parent or legal guardian shall consent;

(b) disclosure may be necessary to carry out ~~[any of]~~ the provisions of:

(i) this part; or

(ii) Section 53-10-208.1; or

(c) a court may direct, upon its determination that disclosure is necessary for the conduct of proceedings before it, and that failure to make the disclosure would be contrary to the public interest.

(2) A person who ~~[violates any provision of]~~ knowingly or intentionally discloses any information not authorized by this section is guilty of a class B misdemeanor.