

1 **TRAFFIC STOPS STATISTICS**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Duane E. Bourdeaux**

5 AN ACT RELATING TO PUBLIC SAFETY; ESTABLISHING FORMS, PROCEDURES, AND
6 REPORTING REQUIREMENTS TO MONITOR TRAFFIC STOPS AMONG LAW
7 ENFORCEMENT OFFICERS FOR A SPECIFIED NUMBER OF YEARS.

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

9 AMENDS:

10 **77-7-20**, as enacted by Chapter 15, Laws of Utah 1980

11 ENACTS:

12 **53-14-101**, Utah Code Annotated 1953

13 **53-14-102**, Utah Code Annotated 1953

14 **53-14-103**, Utah Code Annotated 1953

15 **53-14-104**, Utah Code Annotated 1953

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

17 Section 1. Section **53-14-101** is enacted to read:

18 **CHAPTER 14. TRAFFIC STOPS STATISTICS**

19 **53-14-101. Title.**

20 This chapter is known as the "Traffic Stops Statistics Act."

21 Section 2. Section **53-14-102** is enacted to read:

22 **53-14-102. Definitions.**

23 As used in this chapter:

24 (1) "Commissioner" means the commissioner of the Department of Public Safety.

25 (2) "Law enforcement agency" means the Department of Public Safety and each municipal
26 and county law enforcement agency.

27 (3) "Law enforcement officer" means the state and local officers defined under Section

28 53-13-103.

29 (4) "Traffic stop" means a law enforcement officer stopped a vehicle, but did not make an
30 arrest, or issue a warning or citation.

31 Section 3. Section **53-14-103** is enacted to read:

32 **53-14-103. Requirements to monitor traffic stops.**

33 (1) Each law enforcement agency shall adopt a written policy that prohibits the stopping,
34 detention, or search of any person when the action:

35 (a) is solely motivated by considerations of race, color, ethnicity, age, or gender; and

36 (b) would constitute a violation of the civil rights of the person.

37 (2) Each law enforcement agency shall record and retain the following information, using
38 the form created under Subsection 53-14-104(1):

39 (a) the number of traffic stops made monthly by the agency;

40 (b) characteristics of race, in accordance with the categories established by rule of the
41 Department of Public Safety, gender, and age of the driver of the vehicle, and the race
42 characteristic:

43 (i) shall be based on the law enforcement officer's own perceptions; and

44 (ii) may not be required to be provided by the driver of the vehicle;

45 (c) the reason for stopping the vehicle;

46 (d) whether a search was conducted as a result of the stop;

47 (e) the time and location of the stop; and

48 (f) any additional information that a law enforcement agency finds appropriate to require.

49 (3) Each law enforcement officer, after recording a traffic stop, shall issue a form letter to
50 the driver of the vehicle that indicates:

51 (a) proactive traffic enforcement is a productive strategy to protect the public from the
52 devastation caused by traffic-related death and injury, illegal trafficking in and possession of
53 weapons and drugs, and fugitives at large, and to otherwise promote and maintain an orderly and
54 law-abiding society;

55 (b) proactive traffic enforcement must be conducted in full compliance with constitutional
56 and statutory safeguards established to preserve the rights of citizens, prescriptions of case law,
57 and sanctioned policies and practices of law enforcement agencies, and the spirit of American
58 democratic principles;

59 (c) the procedure to file a complaint if the driver of the vehicle feels he or she has been
60 mistreated or has been treated in a biased or prejudiced manner; and

61 (d) the law enforcement officer's name, badge number, and employer.

62 (4) Each law enforcement agency shall provide to the commissioner on a quarterly basis:

63 (a) a copy of each complaint received pursuant to this chapter; and

64 (b) written notification of the review and disposition of the complaint.

65 (5) Any law enforcement officer who in good faith records traffic stop information
66 pursuant to the requirements of this section may not be held civilly liable for the act of recording
67 the information unless the officer's conduct is found to be unreasonable or reckless.

68 (6) If a law enforcement agency fails to comply with the provisions of this chapter the
69 commissioner shall report the noncompliance to the Legislature. The Legislature may impose an
70 appropriate penalty in the form of withholding state funds from these agencies.

71 (7) Each law enforcement agency shall quarterly report to the commissioner the
72 information regarding each warning, citation, and traffic stop by the agency. The report shall be
73 in a form the commissioner prescribes.

74 (8) The commissioner shall:

75 (a) provide for a review and evaluation of the prevalence and disposition of traffic stops
76 and complaints reported under this section; and

77 (b) report to the attorney general, governor, and Legislature the results of the review,
78 including any recommendations, on or before January 1, 2004.

79 (9) The provisions of Subsections (2), (7), and (8) are no longer in effect on and after
80 January 2, 2004.

81 Section 4. Section **53-14-104** is enacted to read:

82 **53-14-104. Creation of forms to monitor racial profiling.**

83 The commissioner shall develop and implement:

84 (1) a form, in both printed and electronic format, to be used by law enforcement officers
85 when making a traffic stop, to record personal identifying information about the driver of the
86 vehicle as required under Subsection 53-14-103(2); and

87 (2) a form, in both printed and electronic format, to be made available to the public to
88 report complaints under Subsection 53-14-103(3) by persons who believe they have been subjected
89 to a traffic stop by a law enforcement officer solely on the basis of race, color, ethnicity, age, or

90 gender.

91 Section 5. Section **77-7-20** is amended to read:

92 **77-7-20. Service of citation on defendant -- Filing in court -- Contents of citations --**
93 **Contents of warnings.**

94 (1) If a citation is issued pursuant to Section 77-7-18, the peace officer or public official
95 shall issue one copy to the person cited and shall within five days file a duplicate copy with the
96 court specified in the citation.

97 (2) Each copy of the citation issued under authority of this chapter shall contain:

98 (a) the name of the court before which the person is to appear;

99 (b) the name of the person cited;

100 (c) the race of the person cited, in accordance with the categories established by rule of the
101 Department of Public Safety, and the identification:

102 (i) shall be based on the law enforcement officer's own perceptions; and

103 (ii) may not be required to be provided by the person cited;

104 [~~e~~] (d) a brief description of the offense charged;

105 [~~d~~] (e) the date, time, and place at which the offense is alleged to have occurred;

106 [~~e~~] (f) the date on which the citation was issued;

107 [~~f~~] (g) the name of the peace officer or public official who issued the citation, and the
108 name of the arresting person if an arrest was made by a private party and the citation was issued
109 in lieu of taking the arrested person before a magistrate;

110 [~~g~~] (h) the time and date on or before and after which the person is to appear;

111 [~~h~~] (i) the address of the court in which the person is to appear;

112 [~~i~~] (j) a certification above the signature of the officer issuing the citation in substantially
113 the following language: "I certify that a copy of this citation or information (Summons and
114 Complaint) was duly served upon the defendant according to law on the above date and I know
115 or believe and so allege that the above-named defendant did commit the offense herein set forth
116 contrary to law. I further certify that the court to which the defendant has been directed to appear
117 is the proper court pursuant to Section 77-7-21."; [~~and~~]

118 [~~j~~] (k) a notice containing substantially the following language:

119 READ CAREFULLY

120 "This citation is not an information and will not be used as an information without your

121 consent. If an information is filed you will be provided a copy by the court. You MUST appear in
122 court on or before the time set in this citation. IF YOU FAIL TO APPEAR AN INFORMATION
123 WILL BE FILED AND THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST[-]";
124 and

125 (1) a notice containing the following information:

126 (i) proactive traffic enforcement is a productive strategy to protect the public from the
127 devastation caused by traffic-related death and injury, illegal trafficking in and possession of
128 weapons and drugs, and fugitives at large, and to otherwise promote and maintain an orderly and
129 law-abiding society;

130 (ii) proactive traffic enforcement must be conducted in full compliance with constitutional
131 and statutory safeguards established to preserve the rights of citizens, prescriptions of case law,
132 and sanctioned policies and practices of law enforcement agencies, and the spirit of American
133 democratic principles; and

134 (iii) the procedure to file a complaint if the person feels he or she has been mistreated or
135 has been treated in a biased or prejudiced manner.

136 (3) If a law enforcement agency issues a warning, the warning shall contain:

137 (a) the race of the person warned, in accordance with the categories established by rule of
138 the Department of Public Safety, and the identification:

139 (i) shall be based on the law enforcement officer's own perceptions; and

140 (ii) may not be required to be provided by the person warned; and

141 (b) a notice containing the following information:

142 (i) proactive traffic enforcement is a productive strategy to protect the public from the
143 devastation caused by traffic-related death and injury, illegal trafficking in and possession of
144 weapons and drugs, and fugitives at large, and to otherwise promote and maintain an orderly and
145 law-abiding society;

146 (ii) proactive traffic enforcement must be conducted in full compliance with constitutional
147 and statutory safeguards established to preserve the rights of citizens, prescriptions of case law,
148 and sanctioned policies and practices of law enforcement agencies, and the spirit of American
149 democratic principles; and

150 (iii) the procedure to file a complaint if the person feels he or she has been mistreated or
151 has been treated in a biased or prejudiced manner.

Legislative Review Note
as of 1-27-00 5:08 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel