

**EVIDENCE AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Joseph G. Murray**

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions regarding the use of photographs of evidence in theft cases.

**Highlighted Provisions:**

This bill:

► expands the provision for using photographs in library theft and shoplifting cases to all thefts.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-6-605**, as last amended by Chapter 22, Laws of Utah 1989

---

---

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

Section 1. Section **76-6-605** is amended to read:

**76-6-605. Photographs of items allegedly taken or converted -- Admissibility --**

**Procedure.**

~~[(1) As used in this section "items" means:]~~

~~[(a) goods or merchandise as defined in Section 76-6-601; and]~~

~~[(b) library materials, as defined in Title 76, Chapter 6, Part 8.]~~



28           ~~[(2)]~~ (1) In any prosecution for a violation of ~~[Section 76-6-602 or]~~ Title 76, Chapter 6,  
29 ~~[Part 8, Library Theft,]~~ Offenses Against Property, photographs of the ~~[items]~~ property alleged  
30 to have been taken or converted are competent evidence of the ~~[items]~~ property and are  
31 admissible in any proceeding, hearing, or trial as if the items themselves were introduced as  
32 evidence.

33           ~~[(3)]~~ (2) The photographs shall bear a written description of the ~~[items]~~ property  
34 alleged to have been taken or converted, the name of the owner, ~~[or] the [store, establishment,~~  
35 ~~or library, as appropriate,]~~ place where the alleged offense occurred, the name of the accused,  
36 the name of the arresting or investigating peace officer, the date of the photograph, and the  
37 name and address of the photographer.

38           ~~[(4)]~~ (3) The writing shall be made under oath by the arresting or investigating peace  
39 officer, and the photographs identified by the ~~[signature]~~ name of the photographer. Upon the  
40 filing of the photograph and writing with the authority or court holding the ~~[items]~~ property as  
41 evidence, ~~[they shall]~~ the property may be returned to ~~[their owner, or returned to the proprietor~~  
42 ~~or manager of the store or establishment, or to an employee of the library, as is appropriate]~~ its  
43 owner.

---

---

**Legislative Review Note**  
**as of 2-9-04 1:17 PM**

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

**Office of Legislative Research and General Counsel**

**State Impact**

It is estimated that provisions of this bill can be implemented with existing resources.

---

**Individual and Business Impact**

Provisions of this bill may aid victims of property theft in the recovery of their property.

---

**Office of the Legislative Fiscal Analyst**