

**BACKGROUND CHECKS FOR QUALIFYING
ENTITIES**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen E. Sandstrom

Senate Sponsor: Luz Robles

LONG TITLE

General Description:

This bill amends the Criminal Investigations and Technical Services Act to provide for background checks of certain volunteers and of persons who provide services to vulnerable adults.

Highlighted Provisions:

This bill:

- ▶ permits a background check of a volunteer utilized by a "qualifying entity";
- ▶ expands the definition of "qualifying entity" in order to permit a background check of a person who provides services to a vulnerable adult; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-10-102, as last amended by Laws of Utah 2008, Chapter 391

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

Section 1. Section **53-10-102** is amended to read:

53-10-102. Definitions.

30 As used in this chapter:

31 (1) "Administration of criminal justice" means performance of any of the following:
32 detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication,
33 correctional supervision, or rehabilitation of accused persons or criminal offenders.

34 (2) "Alcoholic beverage" [~~has the same meaning as provided~~] is as defined in Section
35 32A-1-105.

36 (3) "Alcoholic product" [~~has the same meaning as provided~~] is as defined in Section
37 32A-1-105.

38 (4) "Commission" means the Alcoholic Beverage Control Commission.

39 (5) "Communications services" means the technology of reception, relay, and
40 transmission of information required by public safety agencies in the performance of their
41 duty.

42 (6) "Conviction record" means criminal history information indicating a record of a
43 criminal charge which has led to a declaration of guilt of an offense.

44 (7) "Criminal history record information" means information on individuals consisting
45 of identifiable descriptions and notations of:

46 (a) arrests, detentions, indictments, informations, or other formal criminal charges,
47 and any disposition arising from any of them; and

48 (b) sentencing, correctional supervision, and release.

49 (8) "Criminalist" means the scientific discipline directed to the recognition,
50 identification, individualization, and evaluation of physical evidence by application of the
51 natural sciences in law-science matters.

52 (9) "Criminal justice agency" means courts or a government agency or subdivision of
53 a government agency that administers criminal justice under a statute, executive order, or local
54 ordinance and that allocates greater than 50% of its annual budget to the administration of
55 criminal justice.

56 (10) "Department" means the Department of Public Safety.

57 (11) "Director" means the division director appointed under Section 53-10-103.

58 (12) "Division" means the Criminal Investigations and Technical Services Division
59 created in Section 53-10-103.

60 (13) "Executive order" means an order of the president of the United States or the
61 chief executive of a state that has the force of law and that is published in a manner permitting
62 regular public access to it.

63 (14) "Forensic" means dealing with the application of scientific knowledge relating to
64 criminal evidence.

65 (15) "Missing child" means any person under the age of 18 years who is missing from
66 his or her home environment or a temporary placement facility for any reason and whose
67 location cannot be determined by the person responsible for the child's care.

68 (16) "Missing person" [~~has the same meaning as provided~~] is as defined in Section
69 26-2-27.

70 (17) "Pathogens" means disease-causing agents.

71 (18) "Physical evidence" means something submitted to the bureau to determine the
72 truth of a matter using scientific methods of analysis.

73 (19) "Qualifying entity" means a business, organization, or a governmental entity
74 [~~which~~] that employs persons or utilizes volunteers who deal with:

75 (a) national security interests;

76 (b) care, custody, or control of children;

77 (c) fiduciary trust over money; [~~or~~]

78 (d) health care to children or vulnerable adults[~~;~~]; or

79 (e) the provision of any of the following to a vulnerable adult:

80 (i) care;

81 (ii) protection;

82 (iii) food, shelter, or clothing;

83 (iv) assistance with the activities of daily living; or

84 (v) assistance with financial resource management.