

**DUTIES OF CITY POLICE DEPARTMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christopher N. Herrod**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Public Safety Code regarding criminal investigations.

**Highlighted Provisions:**

This bill:

► requires that when a peace officer arrests or takes into custody a person with an outstanding felony warrant, the officer shall check with the federal Law Enforcement Support Center for information on the person; and

► requires that the officer make a record of any information provided by the center.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**53-10-207**, as renumbered and amended by Laws of Utah 1998, Chapter 263

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

Section 1. Section **53-10-207** is amended to read:

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



28 (1) Every peace officer shall:

29 (a) cause fingerprints of persons [~~he~~] the officer has arrested to be taken on forms  
30 provided by the division and the Federal Bureau of Investigation;

31 (b) supply the information requested on the forms; and

32 (c) forward without delay both copies to the division, which shall forward the F.B.I.  
33 copy to the Identification Division of the Federal Bureau of Investigation.

34 (2) If, after fingerprints have been taken in accordance with Subsection (1), the  
35 prosecutor declines to prosecute, or investigative action as described in Section 77-2-3 is  
36 terminated, the prosecutor or law enforcement agency shall notify the division of this action  
37 within 14 working days.

38 (3) At the preliminary hearing or arraignment of a felony case, the prosecutor shall  
39 ensure that each felony defendant has been fingerprinted and an arrest and fingerprint form is  
40 transmitted to the division. In felony cases where fingerprints have not been taken, the judge  
41 shall order the chief law enforcement officer of the jurisdiction or the sheriff of the county to:

42 (a) cause fingerprints of each felony defendant to be taken on forms provided by the  
43 division;

44 (b) supply information requested on the forms; and

45 (c) forward without delay both copies to the division.

46 (4) If an arrest is based upon information about the existence of a criminal warrant of  
47 arrest or commitment under Rule 6, Utah Rules of Criminal Procedure, every peace officer  
48 shall without delay notify the division of the service of each warrant of arrest or commitment,  
49 in a manner specified by the division.

50 (5) (a) When a peace officer arrests or takes into custody any person against whom  
51 there is an outstanding warrant for a felony offense, the peace officer shall contact the federal  
52 Law Enforcement Support Center operated by United States Immigrations and Customs  
53 Enforcement and determine if the center has any information regarding the person.

54 (b) The officer shall enter any information the officer obtains from the center in the  
55 investigation report and the arrest or custody record of the person, including aliases, criminal  
56 history, and if the person has been previously deported as an illegal alien.

**Legislative Review Note**  
as of 2-15-10 6:24 AM

**Office of Legislative Research and General Counsel**

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**H.B. 362 - Duties of City Police Departments**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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