

DRIVING PRIVILEGE CARD APPLICATION AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Lee B. Perry

LONG TITLE

General Description:

This bill modifies the Uniform Driver License Act by amending provisions relating to driving privilege card applicant fingerprint and photograph submissions.

Highlighted Provisions:

This bill:

► provides that every applicant for an original driving privilege card shall submit with the application:

- fingerprints and a photograph; and
- a signed waiver from the person for participation in certain criminal records databases;

► provides that if the person has not submitted fingerprints and a photograph to the Driver License Division before a certain date, the person renewing a driving privilege card shall submit:

- fingerprints and a photograph; and
- a signed waiver from the person for participation in certain criminal records databases;

► amends the Bureau of Criminal Identification's maintenance, notification, and submission requirements for the fingerprints and photographs submitted with a driving privilege card application or renewal; and

► makes technical and conforming changes.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill provides a special effective date.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53-3-205.5**, as enacted by Laws of Utah 2011, Chapter 428

35 **53-10-202**, as last amended by Laws of Utah 2014, Chapter 226



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

38 Section 1. Section **53-3-205.5** is amended to read:

39 **53-3-205.5. Fingerprint and photograph submission required for driving**
40 **privilege card applicants and cardholders.**

41 (1) (a) Every applicant for [a] an original driving privilege card shall submit the
42 following with the application to the division:

43 (i) fingerprints and a photograph in a sealed envelope provided by the Bureau of
44 Criminal Identification or a law enforcement agency [~~with the application to the division.~~]; and

45 (ii) a signed waiver from the person whose fingerprints are being registered in the
46 Federal Bureau of Investigation's Next Generation Identification system's Rap Back Service.

47 (b) [~~A~~] If a person has not submitted fingerprints and a photograph to the division on
48 or after July 1, 2015, the person that renews a driving privilege card shall submit:

49 (i) fingerprints and a photograph in a sealed envelope provided by the Bureau of
50 Criminal Identification or a law enforcement agency [~~to the division if the person has not~~
51 ~~previously submitted fingerprints and a photograph to the division.~~]; and

52 (ii) a signed waiver from the person whose fingerprints are being registered in the
53 Federal Bureau of Investigation's Next Generation Identification system's Rap Back Service.

54 (c) The fingerprinting and photograph submission required under this Subsection (1)
55 shall be conducted by:

56 (i) the Bureau of Criminal Identification; or

57 (ii) a law enforcement agency that has the capability of handling fingerprint and
58 photograph submissions.

59 (2) The division shall submit fingerprints for each person described in Subsection (1)
60 to the Bureau of Criminal Identification established in Section [53-10-201](#).

61 (3) (a) The Bureau of Criminal Identification shall~~[(a)]~~ check the fingerprints
62 submitted under Subsection (1) against the applicable state and regional criminal records
63 databases~~;~~ and submit the fingerprints to national criminal records databases, including the
64 Federal Bureau of Investigation's Next Generation Identification system.

65 ~~[(b) notify:]~~

66 ~~[(i) the federal Immigration and Customs Enforcement Agency of the United States~~
67 ~~Department of Homeland Security if the person has a felony in the person's criminal history~~
68 ~~record; or]~~

69 ~~[(ii) the law enforcement agency that is directed to execute a warrant of arrest if an~~
70 ~~outstanding warrant of arrest has been issued against the person.]~~

71 ~~[(4) (a) The Bureau of Criminal Identification shall maintain a separate file of~~
72 ~~fingerprints submitted under Subsection (1) and notify the following persons when a new entry~~
73 ~~is made in the applicable state and regional database against a person whose fingerprints are~~
74 ~~held in the file:]~~

75 ~~[(i) the federal Immigration and Customs Enforcement Agency of the United States~~
76 ~~Department of Homeland Security if the person is involved in an arrest under state law~~
77 ~~involving a felony; or]~~

78 ~~[(ii) the law enforcement agency that is directed to execute a warrant of arrest if an~~
79 ~~outstanding warrant of arrest is issued against the person.]~~

80 (b) The Bureau of Criminal Identification shall:

81 (i) maintain a separate file of fingerprints submitted under Subsection (1) for search by
82 future submissions to the local and regional criminal records databases, including latent prints;

83 (ii) request that the fingerprints be retained in the Federal Bureau of Investigation's
84 Next Generation Identification system's Rap Back Service for search by future submissions to
85 national criminal records databases, including the Federal Bureau of Investigation's Next
86 Generation Identification system and latent prints; and

87 (iii) establish a privacy risk mitigation strategy to ensure that the entity only receives
88 notifications for individuals with whom the entity maintains an authorizing relationship.

89 (c) Notification of any existing criminal history record or existing or new warrant

90 information and any new criminal history record information entered in local, state, or federal
91 databases shall be made to the federal Immigration and Customs Enforcement Agency of the
92 United States Department of Homeland Security if the person has a criminal history or warrant
93 record or a new criminal history or warrant record is entered in local, state, or federal
94 databases.

95 [~~(b)~~] (d) Upon request of the agency described in Subsection [~~(4)(a)(i)~~] (3)(c), the
96 Bureau of Criminal Identification shall inform the agency whether a person whose arrest was
97 reported under Subsection [~~(4)(a)(i)~~] (3)(c) was subsequently convicted of the charge for which
98 the person was arrested.

99 [~~(5)~~] (4) In addition to any fees imposed under this chapter, the division shall:

100 (a) impose on individuals submitting fingerprints in accordance with this section the
101 fees that the Bureau of Criminal Identification is authorized to collect for the services the
102 Bureau of Criminal Identification or other authorized agency provides under this section; and

103 (b) remit the fees collected under Subsection [~~(5)~~] (4)(a) to the Bureau of Criminal
104 Identification.

105 Section 2. Section **53-10-202** is amended to read:

106 **53-10-202. Criminal identification -- Duties of bureau.**

107 The bureau shall:

108 (1) procure and file information relating to identification and activities of persons who:

109 (a) are fugitives from justice;

110 (b) are wanted or missing;

111 (c) have been arrested for or convicted of a crime under the laws of any state or nation;

112 and

113 (d) are believed to be involved in racketeering, organized crime, or a dangerous
114 offense;

115 (2) establish a statewide uniform crime reporting system that shall include:

116 (a) statistics concerning general categories of criminal activities;

117 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,
118 religion, ancestry, national origin, ethnicity, or other categories that the division finds
119 appropriate; and

120 (c) other statistics as required by the Federal Bureau of Investigation;

121 (3) make a complete and systematic record and index of the information obtained
122 under this part;

123 (4) subject to the restrictions in this part, establish policy concerning the use and
124 dissemination of data obtained under this part;

125 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature
126 of crime in Utah;

127 (6) establish a statewide central register for the identification and location of missing
128 persons, which may include:

129 (a) identifying data including fingerprints of each missing person;

130 (b) identifying data of any missing person who is reported as missing to a law
131 enforcement agency having jurisdiction;

132 (c) dates and circumstances of any persons requesting or receiving information from
133 the register; and

134 (d) any other information, including blood types and photographs found necessary in
135 furthering the purposes of this part;

136 (7) publish a quarterly directory of missing persons for distribution to persons or
137 entities likely to be instrumental in the identification and location of missing persons;

138 (8) list the name of every missing person with the appropriate nationally maintained
139 missing persons lists;

140 (9) establish and operate a 24-hour communication network for reports of missing
141 persons and reports of sightings of missing persons;

142 (10) coordinate with the National Center for Missing and Exploited Children and other
143 agencies to facilitate the identification and location of missing persons and the identification of
144 unidentified persons and bodies;

145 (11) receive information regarding missing persons, as provided in Sections [26-2-27](#)
146 and [53A-11-502](#), and stolen vehicles, vessels, and outboard motors, as provided in Section
147 [41-1a-1401](#);

148 (12) adopt systems of identification, including the fingerprint system, to be used by the
149 division to facilitate law enforcement;

150 (13) assign a distinguishing number or mark of identification to any pistol or revolver,
151 as provided in Section [76-10-520](#);

152 (14) check certain criminal records databases for information regarding motor vehicle
153 salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons,
154 and inform the Motor Vehicle Enforcement Division when new entries are made for certain
155 criminal offenses for motor vehicle salespersons in accordance with the requirements of
156 Section 41-3-205.5;

157 (15) check certain criminal records databases for information regarding driving
158 privilege card applicants or cardholders and maintain a separate file of fingerprints for driving
159 privilege applicants and cardholders and inform the federal Immigration and Customs
160 Enforcement Agency of the United States Department of Homeland Security [~~or law~~
161 ~~enforcement agencies~~] when new entries are made in accordance with the requirements of
162 Section 53-3-205.5.

163 (16) review and approve or disapprove applications for license renewal that meet the
164 requirements for renewal;

165 (17) forward to the board those applications for renewal under Subsection (16) that do
166 not meet the requirements for renewal; and

167 (18) within funds appropriated by the Legislature for the purpose, implement and
168 manage the operation of a firearm safety program, in conjunction with the state suicide
169 prevention coordinator, as described in this section and Section 62A-15-1101, including:

170 (a) coordinating with the Department of Health, local mental health and substance
171 abuse authorities, the State Office of Education suicide prevention coordinator, and a
172 representative from a Utah-based nonprofit organization with expertise in the field of firearm
173 use and safety that represents firearm owners, to:

174 (i) produce a firearm safety brochure with information about the safe handling and use
175 of firearms that includes:

176 (A) rules for safe handling, storage, and use of firearms in a home environment;

177 (B) information about at-risk individuals and individuals who are legally prohibited
178 from possessing firearms;

179 (C) information about suicide prevention and awareness; and

180 (D) information about the availability of firearm safety packets;

181 (ii) procure cable-style gun locks for distribution pursuant to this section; and

182 (iii) produce a firearm safety packet that includes both the firearm safety brochure

- 183 described in Subsection (18)(a)(i) and the cable-style gun lock described in Subsection
184 (18)(a)(ii);
- 185 (b) distributing, free of charge, the firearm safety packet to the following persons, who
186 shall make the firearm safety packet available free of charge:
- 187 (i) health care providers, including emergency rooms;
- 188 (ii) mental health practitioners;
- 189 (iii) other public health suicide prevention organizations;
- 190 (iv) entities that teach firearm safety courses; and
- 191 (v) school districts for use in the seminar, described in Section 53A-15-1302, for
192 parents of students in the school district;
- 193 (c) creating and administering a redeemable coupon program described in this section
194 and Section 76-10-526, that may include:
- 195 (i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase
196 of a gun safe from a participating federally licensed firearms dealer, as defined in Section
197 76-10-501, by a Utah resident who has filed an application for a concealed firearm permit;
- 198 (ii) advertising the redeemable coupon program to all federally licensed firearms
199 dealers and maintaining a list of dealers who wish to participate in the program;
- 200 (iii) printing or writing the name of a Utah resident who has filed an application for a
201 concealed firearm permit on the redeemable coupon;
- 202 (iv) mailing the redeemable coupon and the firearm safety brochure to Utah residents
203 who have filed an application for a concealed firearm permit; and
- 204 (v) collecting from the participating dealers receipts described in Section 76-10-526
205 and reimbursing the dealers;
- 206 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
207 making rules that establish procedures for:
- 208 (i) producing and distributing the firearm safety brochures and packets;
- 209 (ii) procuring the cable-style gun locks for distribution; and
- 210 (iii) administering the redeemable coupon program; and
- 211 (e) reporting to the Law Enforcement and Criminal Justice Interim Committee
212 regarding implementation and success of the firearm safety program:
- 213 (i) during the 2016 interim, before November 1; and

214 (ii) during the 2018 interim, before June 1.
215 Section 3. **Effective date.**
216 This bill takes effect on July 1, 2015.

Legislative Review Note
as of 2-10-15 4:27 PM

Office of Legislative Research and General Counsel