

1 **DEPARTMENT OF PUBLIC SAFETY AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Don L. Ipson

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Public Safety Code regarding the Department of
10 Public Safety.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ authorizes the State Bureau of Investigation to provide a state cybercrime unit to
14 investigate various computer and network intrusion matters;
- 15 ▶ requires that the State Bureau of Investigation provide assistance to the divisions of
16 the Department of Public Safety;
- 17 ▶ provides that the State Bureau of Investigation investigate alleged crimes or public
18 corruption, at the request of a governmental entity or when the offense is reported to
19 the Peace Officers Standards and Training Division, when the allegations concern
20 criminal violations or public corruption regarding an individual who is or has been
21 elected, appointed, or employed by a governmental entity;
- 22 ▶ provides that the members of the Motor Vehicle Safety Inspection Advisory Council
23 shall be appointed by the commissioner of public safety;
- 24 ▶ provides that the commissioner of public safety may authorize the off-duty use of
25 emergency vehicles;
- 26 ▶ repeals an obsolete section regarding the admissibility of Utah State Crime
27 Laboratory documents of drug analysis; and



28 ▶ makes technical corrections.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **53-1-108**, as last amended by Laws of Utah 2013, Chapter 295

36 **53-1-204**, as enacted by Laws of Utah 1993, Chapter 234

37 **53-8-203**, as last amended by Laws of Utah 2010, Chapter 286

38 **53-10-302**, as last amended by Laws of Utah 2000, Chapter 316

39 REPEALS:

40 **58-37-21**, as last amended by Laws of Utah 2008, Chapter 382



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

43 Section 1. Section **53-1-108** is amended to read:

44 **53-1-108. Commissioner's powers and duties.**

45 (1) In addition to the responsibilities contained in this title, the commissioner shall:

46 (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility
47 of Motor Vehicle Owners and Operators Act;

48 (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as
49 required to properly discharge the duties of the department;

50 (c) make rules:

51 (i) governing emergency use of signal lights on private vehicles; and

52 (ii) allowing privately owned vehicles to be designated for part-time emergency use, as
53 provided in Section **41-6a-310**;

54 (d) set standards for safety belt systems, as required by Section **41-6a-1803**;

55 (e) serve as the cochair of the Emergency Management Administration Council, as
56 required by Section **53-2a-105**;

57 (f) designate vehicles as "authorized emergency vehicles," as required by Section
58 **41-6a-102**; and

59 (g) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
60 detention, or search of any person when the action is solely motivated by considerations of
61 race, color, ethnicity, age, or gender.

62 (2) The commissioner may:

63 (a) subject to the approval of the governor, establish division headquarters at various
64 places in the state;

65 (b) issue to a special agent a certificate of authority to act as a peace officer and revoke
66 that authority for cause, as authorized in Section 56-1-21.5;

67 (c) create specialized units within the commissioner's office for conducting internal
68 affairs and aircraft operations as necessary to protect the public safety;

69 (d) cooperate with any recognized agency in the education of the public in safety and
70 crime prevention and participate in public or private partnerships, subject to Subsection (3);

71 (e) cooperate in applying for and distributing highway safety program funds; ~~and~~

72 (f) receive and distribute federal funding to further the objectives of highway safety in
73 compliance with Title 63J, Chapter 5, Federal Funds Procedures Act[-]; and

74 (g) authorize off-duty ~~use of~~ **personal** ~~use of~~ **Department of Public Safety** ~~use of~~
74a emergency vehicles.

75 (3) (a) Money may not be expended under Subsection (2)(d) for public safety education
76 unless it is specifically appropriated by the Legislature for that purpose.

77 (b) Any recognized agency receiving state money for public safety shall file with the
78 auditor of the state an itemized statement of all its receipts and expenditures.

79 Section 2. Section 53-1-204 is amended to read:

80 **53-1-204. Division duties.**

81 The division shall:

82 (1) provide administrative and staff support to the commissioner;

83 (2) ensure that all departmental administrative processes are in compliance with state
84 law, rules, and procedures;

85 ~~[(3) administer all human resource related matters throughout the department;]~~

86 ~~[(4)]~~ (3) make deposits, pay all claims and obligations of the department, and conduct
87 all treasury transactions;

88 ~~[(5)]~~ (4) prepare the department budget, review department expenditures, prepare
89 financial reports, and offer general assistance with financial matters to the department;

90 ~~[(6)]~~ (5) coordinate and review department purchases and monitor department
91 purchasing practices to ensure compliance with state procurement rules;
92 ~~[(7)]~~ (6) coordinate the purchase, operation, maintenance, records, and final disposal of
93 the department's vehicle fleet;
94 ~~[(8)]~~ (7) make capital facility plans for the department, maintain a capital equipment
95 inventory system, coordinate risk management records, and organize waste paper recycling;
96 and
97 ~~[(9)]~~ (8) make rules for the department authorized by this title.

98 Section 3. Section **53-8-203** is amended to read:

99 **53-8-203. Council created -- Members -- Term -- Meetings -- Duties.**

100 (1) There is created within the division the Motor Vehicle Safety Inspection Advisory
101 Council.

102 (2) (a) The council shall be composed of seven members.

103 (b) The ~~[governor]~~ commissioner shall appoint:

104 (i) one member from the general public with experience or interest in product safety or
105 consumer advocacy;

106 (ii) two representatives from motor vehicle mechanics and motor vehicle repair
107 business owners;

108 (iii) one member of the motoring public with no former or current affiliation with the
109 motor vehicle sales, repair, or fuel industry or its regulation;

110 (iv) one peace officer with experience in motor vehicle law enforcement;

111 (v) one representative of the commercial trucking industry; and

112 (vi) one representative of the staff of the attorney general who shall serve without
113 voting privileges.

114 (3) Each member of the council shall:

115 (a) be selected on a nonpartisan basis;

116 (b) be appointed by the ~~[governor]~~ commissioner; and

117 (c) have been a legal resident of the state for at least one year immediately preceding
118 the date of appointment.

119 (4) (a) Except as required by Subsection (4)(b), as terms of current council members
120 expire, the ~~[governor]~~ commissioner shall appoint each new member or reappointed member to

121 a four-year term.

122 (b) Notwithstanding the requirements of Subsection (4)(a), the [governor]
123 commissioner shall, at the time of appointment or reappointment, adjust the length of terms to
124 ensure that the terms of council members are staggered so that approximately half of the
125 council is appointed every two years.

126 (c) Members serve from the date of appointment until a replacement is appointed.

127 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
128 appointed for the unexpired term.

129 (6) The council shall elect its own chair and vice-chair at its first regular meeting each
130 calendar year.

131 (7) All meetings of the council shall be called by the superintendent of the highway
132 patrol as needed.

133 (8) Any three voting members constitute a quorum for the transaction of business that
134 comes before the council.

135 (9) A member may not receive compensation or benefits for the member's service, but
136 may receive per diem and travel expenses in accordance with:

137 (a) Section 63A-3-106;

138 (b) Section 63A-3-107; and

139 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
140 63A-3-107.

141 (10) The council shall:

142 (a) hear appeals of administrative actions regarding the suspension or revocation of
143 safety inspection station permits and safety inspector certificates;

144 (b) advise the division on interpretation, adoption, and implementation of motor
145 vehicle safety inspection standards; and

146 (c) advise the division on other motor vehicle safety inspection issues as requested by
147 the superintendent.

148 (11) In conducting appeal hearings on the suspension or revocation of any safety
149 inspection station permit or safety inspector certificate the council may:

150 (a) compel the attendance of witnesses by subpoena;

151 (b) require the production of any records or documents determined by it to be pertinent

152 to the subject matter of the hearing; and

153 (c) apply to the district court of the county where the hearing is held for an order citing
154 any applicant or witness for contempt and for failure to attend, testify, or produce required
155 documents.

156 Section 4. Section **53-10-302** is amended to read:

157 **53-10-302. Bureau duties.**

158 The bureau shall:

159 (1) provide assistance and investigative resources to divisions within the Department of
160 Public Safety;

161 [~~1~~] (2) upon request, provide assistance and specialized law enforcement services to
162 local law enforcement agencies;

163 [~~2~~] (3) conduct financial investigations regarding suspicious cash transactions, fraud,
164 and money laundering;

165 [~~3~~] (4) investigate criminal activity of organized crime networks, gangs, extremist
166 groups, and others promoting violence;

167 [~~4~~] (5) investigate criminal activity of terrorist groups;

168 [~~5~~] (6) enforce the Utah Criminal Code;

169 [~~6~~] (7) cooperate and exchange information with other state agencies and with other
170 law enforcement agencies of government, both within and outside of this state, through a
171 statewide information and intelligence center to obtain information that may achieve more
172 effective results in the prevention, detection, and control of crime and apprehension of
173 criminals;

174 [~~7~~] (8) create and maintain a statewide criminal intelligence system;

175 [~~8~~] (9) provide specialized case support and investigate illegal drug production,
176 cultivation, and sales;

177 [~~9~~] (10) investigate, follow-up, and assist in highway drug interdiction cases;

178 [~~10~~] (11) make rules to implement this chapter; [~~and~~]

179 [~~11~~] (12) perform the functions specified in Part 2, Bureau of Criminal
180 Identification[-];

181 (13) provide a state cybercrime unit to investigate computer and network intrusion
182 matters involving state-owned computer equipment and computer networks as reported under

183 Section 76-6-705;

184 (14) investigate violations of Section 76-6-703 and other computer related crimes

185 including:

186 (a) computer network intrusions;

187 (b) denial of services attacks;

188 (c) computer related theft or fraud;

189 (d) intellectual property violations; and

190 (e) electronic threats; and

191 (15) upon request ~~Ŝ~~ **[by a governmental entity or when referred directly to the Peace**

192 **Officer Standards and Training Division]** ~~←Ŝ~~ **, investigate the following ~~Ŝ~~ offenses ~~←Ŝ~~ when**
192a **alleged to have been**

193 **committed by an individual who is currently or has been previously elected, appointed, or**

194 **employed by a governmental entity:**

195 **(a) criminal offenses; and**

196 **(b) matters of public corruption.**

196a **~~Ŝ~~ (16)(a) The bureau is not prohibited from investigating crimes not specifically referred to**
196b **in this section; and**

196c **(b) other agencies are not prohibited from investigating crimes referred to in this**

196d **section.** ~~←Ŝ~~

197 Section 5. **Repealer.**

198 This bill repeals:

199 Section **58-37-21, Admissibility of Utah State Crime Laboratory documents --**

200 **Drug analysis in criminal pretrial proceedings.**

Legislative Review Note
Office of Legislative Research and General Counsel