

Part 1 General Provisions

53-10-101 Short title.

This chapter is known as the "Criminal Investigations and Technical Services Act."

Renumbered and Amended by Chapter 263, 1998 General Session

53-10-102 Definitions.

As used in this chapter:

- (1) "Administration of criminal justice" means performance of any of the following: detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.
- (2) "Alcoholic beverage" means the same as that term is defined in Section 32B-1-102.
- (3) "Alcoholic product" means the same as that term is defined in Section 32B-1-102.
- (4) "Bureau" means the Bureau of Criminal Identification within the department, created in Section 53-10-201.
- (5) "Commission" means the Alcoholic Beverage Services Commission.
- (6) "Communications services" means the technology of reception, relay, and transmission of information required by a public safety agency in the performance of the public safety agency's duty.
- (7) "Conviction record" means criminal history information indicating a record of a criminal charge that has led to a declaration of guilt of an offense.
- (8) "Criminal history record information" means information on an individual consisting of identifiable descriptions and notations of:
 - (a) arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising from any of them; and
 - (b) sentencing, correctional supervision, and release.
- (9) "Criminal justice agency" means a court or a government agency or subdivision of a government agency that administers criminal justice under a statute, executive order, or local ordinance and that allocates greater than 50% of its annual budget to the administration of criminal justice.
- (10) "Criminalist" means the scientific discipline directed to the recognition, identification, individualization, and evaluation of physical evidence by application of the natural sciences in law-science matters.
- (11) "Department" means the Department of Public Safety.
- (12) "Director" means the division director appointed under Section 53-10-103.
- (13) "Division" means the Criminal Investigations and Technical Services Division created in Section 53-10-103.
- (14) "Executive order" means an order of the president of the United States or the chief executive of a state that has the force of law and that is published in a manner permitting regular public access to the order.
- (15) "Forensic" means dealing with the application of scientific knowledge relating to criminal evidence.
- (16) "Mental defective" means an individual who, by a district court, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease, is found:
 - (a) to be a danger to himself or herself or others;

- (b) to lack the mental capacity to contract or manage the individual's own affairs;
 - (c) to be incompetent by a court in a criminal case; or
 - (d) to be incompetent to stand trial or found not guilty by reason or lack of mental responsibility.
- (17) "Missing child" means an individual under 18 years old who is missing from the individual's home environment or a temporary placement facility for any reason and whose location cannot be determined by the person responsible for the individual's care.
- (18) "Missing person" means the same as that term is defined in Section 26B-8-130.
- (19) "Pathogens" means disease-causing agents.
- (20) "Physical evidence" means something submitted to the bureau to determine the truth of a matter using scientific methods of analysis.
- (21) "Qualifying entity" means a business, organization, or a governmental entity that employs persons or utilizes volunteers who deal with:
- (a) national security interests;
 - (b) fiduciary trust over money; or
 - (c) the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

Amended by Chapter 328, 2023 General Session

53-10-103 Division -- Creation -- Director appointment and qualifications.

- (1) There is created within the department the Criminal Investigations and Technical Services Division.
- (2) The division shall be administered by a director appointed by the commissioner with the approval of the governor.
- (3) The director is the executive and administrative head of the division and shall be experienced in administration and possess additional qualifications as determined by the commissioner and as provided by law.
- (4) The director acts under the supervision and control of the commissioner and may be removed from his position at the will of the commissioner.
- (5) The director shall receive compensation as provided by Title 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

53-10-104 Division duties.

The division shall:

- (1) provide and coordinate the delivery of support services to law enforcement agencies;
- (2) maintain and provide access to criminal records for use by law enforcement agencies;
- (3) publish law enforcement and statistical data;
- (4) maintain dispatch and communications services for public safety communications centers and provide emergency medical, fire suppression, highway maintenance, public works, and law enforcement communications for municipal, county, state, and federal agencies;
- (5) analyze evidence from crime scenes and crime-related incidents for criminal prosecution;
- (6) provide criminalistic laboratory services to federal, state, and local law enforcement agencies, prosecuting attorneys and agencies, and public defenders, with the exception of those services provided by the state medical examiner in accordance with Title 26B, Chapter 8, Part 2, Utah Medical Examiner;
- (7) establish satellite laboratories as necessary to provide criminalistic services;

- (8) safeguard the public through licensing and regulation of activities that impact public safety, including concealed weapons, emergency vehicles, and private investigators;
- (9) provide investigative assistance to law enforcement and other government agencies;
- (10) collect and provide intelligence information to criminal justice agencies;
- (11) investigate crimes that jeopardize the safety of the citizens, as well as the interests, of the state;
- (12) regulate and investigate laws pertaining to the sale and distribution of liquor;
- (13) make rules to implement this chapter;
- (14) perform the functions specified in this chapter;
- (15) comply with the requirements of Section 11-40-103;
- (16) comply with the requirements of Sections 72-10-602 and 72-10-603; and
- (17) develop and maintain a secure database of cold cases within the Utah Criminal Justice Information System pursuant to Section 53-10-115.

Amended by Chapter 328, 2023 General Session

53-10-104.5 Wireless service -- Call location in emergencies.

- (1) As used in this section:
 - (a) "Call location information" means the best available location information, including information obtained by use of historical cellular site information or a mobile locator tool.
 - (b) "Law enforcement agency" or "agency" has the same definition as in Section 53-1-102.
 - (c) "Mobile telecommunications service" has the same definition as in Section 54-8b-2.
 - (d) "Telecommunication device" has the same definition as in Section 76-6-409.5.
- (2) A mobile telecommunications service shall provide call location information regarding a telecommunication device user whom a law enforcement agency has reason to believe is in need of services under Subsection (2)(a) or (b), upon the request of a law enforcement agency or a public safety communications center if the agency or center determines the location information is necessary in order to respond to:
 - (a) a call for emergency response services; or
 - (b) an emergency situation that involves the imminent risk of death or serious bodily injury as defined in Section 76-1-101.5.
- (3) The mobile telecommunications service may establish procedures for its voluntary response to a request for location under Subsection (2).
- (4) A mobile telecommunications service that, acting in good faith, provides information as requested under Subsection (2) may not be held civilly liable for providing the information.
- (5)
 - (a) The division shall obtain contact information from all mobile telecommunication service providers that provide services in this state to facilitate communicating location requests under Subsection (2).
 - (b) The division shall provide the contact information to all public safety communications centers in the state and shall provide updates to the contact information.

Amended by Chapter 430, 2022 General Session

53-10-105 Assistance to law enforcement agencies -- Investigation of crimes -- Laboratory facilities.

- (1) The commissioner may assist any law enforcement agency in:
 - (a) establishing identification and investigation records systems;

- (b) establishing uniform crime reporting systems;
 - (c) investigating any crime;
 - (d) coordinating the exchange of criminal identification, intelligence, and investigation information among law enforcement agencies; and
 - (e) providing the agencies with equipment, technical assistance, and instruction.
- (2)
- (a) At the governor's direction, the commissioner shall assign division employees to investigate any crime within this state for the purpose of identifying, apprehending, and convicting the perpetrator or perpetrators of that crime even if the commissioner has not received a request from a law enforcement agency.
 - (b) The governor may establish a time period for the commissioner to pursue the investigation.
 - (c) To accomplish the purposes of this section, the commissioner may provide, through the division, crime detection laboratory facilities.

Renumbered and Amended by Chapter 263, 1998 General Session

53-10-106 Cooperation with agencies of any state or nation.

The division shall cooperate with appropriate agencies of any state or nation in developing uniform systems of criminal identification, crime reporting, and information exchange.

Renumbered and Amended by Chapter 263, 1998 General Session

53-10-107 Admissibility in evidence of certified copies of division files.

A copy of any fingerprint, record, document, or other evidence in the files of the division, certified by the commissioner to be a true copy of the original, is admissible in evidence in the same manner as the original.

Renumbered and Amended by Chapter 263, 1998 General Session

53-10-108 Restrictions on access, use, and contents of division records -- Limited use of records for employment purposes -- Challenging accuracy of records -- Usage fees -- Missing children records -- Penalty for misuse of records.

(1) As used in this section:

- (a) "Clone" means to copy a subscription or subscription data from a rap back system, including associated criminal history record information, from a qualified entity to another qualified entity.
- (b) "FBI Rap Back System" means the rap back system maintained by the Federal Bureau of Investigation.
- (c) "Rap back system" means a system that enables authorized entities to receive ongoing status notifications of any criminal history reported on individuals whose fingerprints are registered in the system.
- (d) "Volunteer Employee Criminal History System" or "VECHS" means a system that allows the bureau and the Federal Bureau of Investigation to provide criminal history record information to a qualifying entity, including a non-governmental qualifying entity.
- (e) "WIN Database" means the Western Identification Network Database that consists of eight western states sharing one electronic fingerprint database.

- (2) Except as provided in Subsection (17), dissemination of information from a criminal history record, including information obtained from a fingerprint background check, name check, warrant of arrest information, or information from division files, is limited to:
 - (a) criminal justice agencies for purposes of administration of criminal justice and for employment screening by criminal justice agencies;
 - (b)
 - (i) agencies or individuals pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice; and
 - (ii) the agreement shall specifically authorize access to data, limit the use of the data to purposes for which given, and ensure the security and confidentiality of the data;
 - (c) a qualifying entity for employment background checks for the qualifying entity's own employees or volunteers and individuals who have applied for employment with or to serve as a volunteer for the qualifying entity;
 - (d) noncriminal justice agencies or individuals for any purpose authorized by statute, executive order, court rule, court order, or local ordinance;
 - (e) agencies or individuals for the purpose of obtaining required clearances connected with foreign travel or obtaining citizenship;
 - (f) agencies or individuals for the purpose of a preplacement adoptive study, in accordance with the requirements of Sections 78B-6-128 and 78B-6-130;
 - (g) private security agencies through guidelines established by the commissioner for employment background checks for their own employees and prospective employees;
 - (h) state agencies for the purpose of conducting a background check for the following individuals:
 - (i) employees;
 - (ii) applicants for employment;
 - (iii) volunteers; and
 - (iv) contract employees;
 - (i) governor's office for the purpose of conducting a background check on the following individuals:
 - (i) cabinet members;
 - (ii) judicial applicants; and
 - (iii) members of boards, committees, and commissions appointed by the governor;
 - (j) the office of the lieutenant governor for the purpose of conducting a background check on an individual applying to be a notary public under Section 46-1-3;
 - (k) agencies and individuals as the commissioner authorizes for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency; and
 - (l) other agencies and individuals as the commissioner authorizes and finds necessary for protection of life and property and for offender identification, apprehension, and prosecution pursuant to an agreement.
- (3) An agreement under Subsection (2)(k) shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, preserve the anonymity of individuals to whom the information relates, and ensure the confidentiality and security of the data.
- (4)
 - (a) Before requesting information, a qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (j) shall obtain a signed waiver from the person whose information is requested.
 - (b) The waiver shall notify the signee:
 - (i) that a criminal history background check will be conducted;

- (ii) who will see the information; and
 - (iii) how the information will be used.
 - (c) A qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (g) that submits a request for a noncriminal justice name based background check of local databases to the bureau shall provide to the bureau:
 - (i) personal identifying information for the subject of the background check; and
 - (ii) the fee required by Subsection (15).
 - (d) A qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (g) that submits a request for a WIN database check and a nationwide background check shall provide to the bureau:
 - (i) personal identifying information for the subject of the background check;
 - (ii) a fingerprint card for the subject of the background check; and
 - (iii) the fee required by Subsection (15).
 - (e) Information received by a qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (j) may only be:
 - (i) available to individuals involved in the hiring or background investigation of the job applicant, employee, notary applicant, or as authorized under federal or state law;
 - (ii) used for the purpose of assisting in making an employment appointment, selection, or promotion decision or for considering a notary applicant under Section 46-1-3; and
 - (iii) used for the purposes disclosed in the waiver signed in accordance with Subsection (4)(b).
 - (f) An individual who disseminates or uses information obtained from the division under Subsections (2)(c) through (j) for purposes other than those specified under Subsection (4)(e), in addition to any penalties provided under this section, is subject to civil liability.
 - (g)
 - (i) A qualifying entity under Subsection (2)(c), state agency, or other agency or individual described in Subsections (2)(d) through (j) that obtains background check information shall provide the subject of the background check an opportunity to:
 - (A) request a copy of the information received; and
 - (B) respond to and challenge the accuracy of any information received.
 - (ii) An individual who is the subject of a background check and who receives a copy of the information described in Subsection (4)(g)(i) may use the information only for the purpose of reviewing, responding to, or challenging the accuracy of the information.
 - (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules to implement this Subsection (4).
 - (i) The division or the division's employees are not liable for defamation, invasion of privacy, negligence, or any other claim in connection with the contents of information disseminated under Subsections (2)(c) through (j).
- (5)
- (a) Except as provided in Subsection (5)(b), (c), (d), or (e), or as otherwise authorized under state law, criminal history record information obtained from division files may be used only for the purposes for which the information was provided.
 - (b) A criminal history provided to an agency under Subsection (2)(f) may be provided by the agency to the individual who is the subject of the history, another licensed child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an adoption.
 - (c) A criminal history of a defendant provided to a criminal justice agency under Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel, upon request during the discovery process, for the purpose of establishing a defense in a criminal case.

- (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that is under contract with a state agency to provide services may, for the purposes of complying with Subsection 26B-6-410(5), provide a criminal history record to the state agency or the agency's designee.
- (e) Criminal history record information obtained from a national source may be disseminated if the dissemination is authorized by a policy issued by the Criminal Justice Information Services Division or other federal law.
- (6)
 - (a) A qualifying entity under Subsection (2)(c) may submit fingerprints to the bureau and the Federal Bureau of Investigation for a local and national background check under the provisions of the National Child Protection Act of 1993, 42 U.S.C. Sec. 5119 et seq.
 - (b) A qualifying entity under Subsection (2)(c) that submits fingerprints under Subsection (6)(a):
 - (i) shall meet all VECHS requirements for using VECHS; and
 - (ii) may only submit fingerprints for an employee, volunteer, or applicant who has resided in Utah for the seven years before the day on which the qualifying entity submits the employee's, volunteer's, or applicant's fingerprints.
- (7)
 - (a) This section does not preclude the use of the division's central computing facilities for the storage and retrieval of criminal history record information.
 - (b) This information shall be stored so the information cannot be modified, destroyed, or accessed by unauthorized agencies or individuals.
- (8) Direct access through remote computer terminals to criminal history record information in the division's files is limited to those agencies authorized by the commissioner under procedures designed to prevent unauthorized access to this information.
- (9)
 - (a) The commissioner shall establish procedures to allow an individual right of access to review and receive a copy of the individual's criminal history report.
 - (b) A processing fee for the right of access service, including obtaining a copy of the individual's criminal history report under Subsection (9)(a) shall be set in accordance with Section 63J-1-504.
 - (c)
 - (i) The commissioner shall establish procedures for an individual to challenge the completeness and accuracy of criminal history record information contained in the division's computerized criminal history files regarding that individual.
 - (ii) These procedures shall include provisions for amending any information found to be inaccurate or incomplete.
- (10) The private security agencies as provided in Subsection (2)(g):
 - (a) shall be charged for access; and
 - (b) shall be registered with the division according to rules made by the division under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (11) Before providing information requested under this section, the division shall give priority to a criminal justice agency's needs.
- (12)
 - (a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by the division or any information contained in a record created, maintained, or to which access is granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.

- (b) A person who discovers or becomes aware of any unauthorized use of records created or maintained, or to which access is granted by the division shall inform the commissioner and the director of the bureau of the unauthorized use.

(13)

- (a) Subject to Subsection (13)(b), a qualifying entity or an entity described in Subsection (2) may request that the division register fingerprints taken for the purpose of conducting current and future criminal background checks under this section with:

- (i) the WIN Database rap back system, or any successor system;
- (ii) the FBI Rap Back System; or
- (iii) a system maintained by the division.

- (b) A qualifying entity or an entity described in Subsection (2) may only make a request under Subsection (13)(a) if the entity:

- (i) has the authority through state or federal statute or federal executive order;
- (ii) obtains a signed waiver from the individual whose fingerprints are being registered; and
- (iii) establishes a privacy risk mitigation strategy to ensure that the entity only receives notifications for individuals with whom the entity maintains an authorizing relationship.

- (14) The division is authorized to submit fingerprints to the FBI Rap Back System to be retained in the FBI Rap Back System for the purpose of being searched by future submissions to the FBI Rap Back System, including latent fingerprint searches.

(15)

- (a) The division shall impose fees set in accordance with Section 63J-1-504 for the applicant fingerprint card, name check, and to register fingerprints under Subsection (13)(a).

- (b) Funds generated under this Subsection (15) shall be deposited into the General Fund as a dedicated credit by the department to cover the costs incurred in providing the information.

- (c) The division may collect fees charged by an outside agency for services required under this section.

- (16) For the purposes of conducting a criminal background check authorized under Subsection (2)(h), (i), or (j), the Division of Human Resource Management, in accordance with Title 63A, Chapter 17, Utah State Personnel Management Act, and the governor's office shall have direct access to criminal background information maintained under Chapter 10, Part 2, Bureau of Criminal Identification.

(17)

- (a) Except as provided in Subsection (18), if an individual has an active FBI Rap Back System subscription with a qualifying entity, the division may, upon request from another qualifying entity, clone the subscription to the requesting qualifying entity if:

- (i) the requesting qualifying entity requests the clone:

- (A) for the purpose of evaluating whether the individual should be permitted to obtain or retain a license for, or serve as an employee or volunteer in a position in which the individual is responsible for, the care, treatment, training, instruction, supervision, or recreation of children, the elderly, or individuals with disabilities; or

- (B) for the same purpose as the purpose for which the original qualifying entity requested the criminal history record information;

- (ii) the requesting qualifying entity is expressly authorized by statute to obtain criminal history record information for the individual who is the subject of the request;

- (iii) before requesting the clone, the requesting qualifying entity obtains a signed waiver, containing the information described in Subsection (4)(b), from the individual who is the subject of the request;

- (iv) the requesting qualifying entity or the individual pays any applicable fees set by the division in accordance with Section 63J-1-504; and
 - (v) the requesting qualifying entity complies with the requirements described in Subsection (4)(g).
- (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules regulating the process described in this Subsection (17).
- (18)
- (a) Subsection (17) does not apply unless the Federal Bureau of Investigation approves the use of the FBI Rap Back System for the purpose described in Subsection (17)(a)(i) under the conditions described in Subsection (17).
 - (b) Subsection (17) does not apply to the extent that implementation of the provisions of Subsection (17) are contrary to the requirements of the Child Care and Development Block Grant, 42 U.S.C. Secs. 9857-9858r or any other federal grant.
- (19)
- (a) Information received by a qualifying entity under Subsection (17) may only be disclosed and used as described in Subsection (4)(e).
 - (b) A person who disseminates or uses information received under Subsection (17) for a purpose other than those described in Subsection (4)(e) is subject to the penalties described in this section and is also subject to civil liability.
 - (c) A qualifying entity is not liable for defamation, invasion of privacy, negligence, or any other claim in connection with the contents of information disseminated under Subsection (17).

Amended by Chapter 328, 2023 General Session

53-10-109 Telecommunications systems.

For the purpose of expediting local, state, national, and international efforts in the detection and apprehension of criminals, the division may operate and coordinate telecommunications systems as may be required in the conduct of its duties under this part.

Renumbered and Amended by Chapter 263, 1998 General Session

53-10-110 Authority of officers and officials to take fingerprints, photographs, and other data.

The officers and officials described in Sections 53-10-207 through 53-10-209 shall take, or cause to be taken, fingerprints, photographs, and other related data of persons under this part.

Renumbered and Amended by Chapter 263, 1998 General Session

53-10-111 Refusal to provide information -- False information -- Misdemeanor.

It is a class B misdemeanor for a person to:

- (1) neglect or refuse to provide, or willfully withhold any information under this part;
- (2) willfully provide false information;
- (3) willfully fail to do or perform any act required under this part;
- (4) hinder or prevent another from doing an act required under this part; or
- (5) willfully remove, destroy, alter, mutilate, or disclose the contents of any file or record created or maintained, or to which access is granted by the division unless authorized by and in compliance with procedures established by the division.

Amended by Chapter 243, 2011 General Session

53-10-112 Director and officers to have peace officer powers.

The director and enforcement officers:

- (1) are vested with the powers of peace officers throughout the several counties of the state, with the exception of the power to serve civil process;
- (2) have the powers and duties of inspectors under Title 32B, Alcoholic Beverage Control Act;
- (3) may serve criminal process and arrest and prosecute violators of any law of this state; and
- (4) have the same rights as other peace officers to require aid in executing their duties.

Amended by Chapter 276, 2010 General Session

53-10-113 Other agencies to cooperate with division.

- (1) All agencies of the state and local governments shall cooperate with the division in discharging its responsibilities under:
 - (a) this chapter;
 - (b) Title 32B, Alcoholic Beverage Control Act;
 - (c) Title 58, Chapter 37, Utah Controlled Substances Act;
 - (d) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
 - (e) Title 58, Chapter 37b, Imitation Controlled Substances Act; and
 - (f) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act.
- (2) This part does not relieve local law enforcement agencies or officers of the responsibility of enforcing laws relating to alcoholic beverages and alcoholic products or any other laws.
- (3) The powers and duties conferred upon the director and the officers of the division are not a limitation upon the powers and duties of other peace officers in the state.

Amended by Chapter 276, 2010 General Session

53-10-114 Authority regarding drug precursors.

- (1) As used in this section, "acts" means:
 - (a) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; and
 - (b) Title 58, Chapter 37d, Clandestine Drug Lab Act.
- (2) The division has authority to enforce the drug lab and precursor acts. To carry out this purpose, the division may:
 - (a) inspect, copy, and audit any records, inventories of controlled substance precursors, and reports required under the acts and rules adopted under the acts;
 - (b) enter the premises of regulated distributors and regulated purchasers during normal business hours to conduct administrative inspections;
 - (c) assist the law enforcement agencies of the state in enforcing the acts;
 - (d) conduct investigations to enforce the acts;
 - (e) present evidence obtained from investigations conducted in conjunction with appropriate county and district attorneys and the Office of the Attorney General for civil or criminal prosecution or for administrative action against a licensee; and
 - (f) work in cooperation with the Division of Professional Licensing, created under Section 58-1-103, to accomplish the purposes of this section.

Amended by Chapter 415, 2022 General Session

53-10-115 Cold case database.

- (1) As used in this section, "cold case" means an investigation into any crime listed in Subsections 76-1-301(2)(a) through (g), or regarding a missing person, that remains unsolved at least three years after the crime occurred or the individual went missing.
- (2) The division shall develop a secure database within the Utah Criminal Justice Information System that contains information related to each cold case that is open in any jurisdiction in the state.
- (3) The division shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to specify:
 - (a) the information to be collected and maintained in the database; and
 - (b) what information may be accessed by the public.
- (4) Each law enforcement agency in the state shall provide the information required by the division for inclusion in the database for each open investigation. The law enforcement agency shall maintain the physical evidence and investigation file for each case unless otherwise agreed to by the law enforcement agency and the division.
- (5) The division shall maintain the information on a cold case indefinitely.

Enacted by Chapter 169, 2018 General Session

53-10-116 National Crime Prevention and Privacy Compact ratification and implementation.

- (1) To facilitate the interstate exchange of criminal history information for noncriminal justice purposes, including background checks for licensing and screening of employees and volunteers, the National Crime Prevention and Privacy Compact, 42 U.S.C. 14616, is ratified and incorporated by reference as law in this state.
- (2) The division is the central repository of criminal history records for purposes of the compact and shall do all things necessary or incidental to carrying out the compact.
- (3) The director, or director's designee, is the state's compact officer and shall administer the compact within the state.
- (4) The division may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and establish procedures for the cooperative exchange of criminal history records between the state, other state governments, and with the federal government for use in noncriminal justice background checks.
- (5) The compact and this section do not affect the duties and responsibilities of the division under other provisions of this chapter regarding the dissemination of criminal history records within the state.

Enacted by Chapter 42, 2018 General Session

53-10-117 Law enforcement agency with school resource officer unit -- Policy.

- (1) A law enforcement agency with a school resource officer unit shall develop a school resource officer policy.
- (2) The law enforcement agency shall ensure the policy described in Subsection (1) includes:
 - (a) the process for assignment and selection of a school resource officer;
 - (b) required training of a school resource officer;
 - (c) internal reporting requirements;
 - (d) arrest and use of force protocols;
 - (e) general oversight and accountability; and
 - (f) other duties required of a school resource officer.

- (3) The state security chief described in Section 53-22-102 shall create a model policy consistent with this section.
- (4) A law enforcement agency may adopt the model policy described in Subsection (3).

Enacted by Chapter 21, 2024 General Session