

**Representative Blake D. Chard** proposes to substitute the following bill:

**TRAFFIC STOPS STATISTICS**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Duane E. Bourdeaux**

AN ACT RELATING TO PUBLIC SAFETY; REQUIRING RACE INFORMATION TO BE ADDED TO THE DRIVER LICENSE AND STATE IDENTIFICATION CARD; ESTABLISHING A DATABASE WITHIN THE DRIVER LICENSE DIVISION TO MONITOR TRAFFIC STOPS BY LAW ENFORCEMENT OFFICERS; REQUIRING LAW ENFORCEMENT AGENCIES TO HAVE A WRITTEN POLICY PROHIBITING UNCONSTITUTIONAL TRAFFIC ENFORCEMENT; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**10-3-913**, as last amended by Chapter 44, Laws of Utah 1990

**10-3-918**, as last amended by Chapter 33, Laws of Utah 1983

**17-22-2**, as last amended by Chapter 281, Laws of Utah 1997

**53-1-108**, as enacted by Chapter 234, Laws of Utah 1993

**53-3-104**, as last amended by Chapters 28 and 314, Laws of Utah 1995

**53-3-205**, as last amended by Chapters 36 and 216, Laws of Utah 1999

**53-3-207**, as last amended by Chapter 216, Laws of Utah 1999

**53-3-804**, as last amended by Chapter 36, Laws of Utah 1999

**53-3-805**, as renumbered and amended by Chapters 24 and 234, Laws of Utah 1993

**53-8-104**, as last amended by Chapters 236 and 396, Laws of Utah 1998

**77-7-20**, as enacted by Chapter 15, Laws of Utah 1980

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

26 Section 1. Section **10-3-913** is amended to read:

27 **10-3-913. Authority of chief of police.**

28 (1) The chief of police has the same authority as the sheriff within the boundaries of the  
29 municipality of appointment. The chief has authority to:

30 (a) suppress riots, disturbances, and breaches of the peace;

31 (b) apprehend all persons violating state laws or city ordinances;

32 (c) diligently discharge his duties and enforce all ordinances of the city to preserve the  
33 peace, good order, and protection of the rights and property of all persons; and

34 (d) attend the municipal justice court located within the city when required, provide  
35 security for the court, and obey its orders and directions.

36 (2) This section is not a limitation of a police chief's statewide authority as otherwise  
37 provided by law.

38 (3) The chief of police shall, on or before January 1, 2001, adopt a written policy that  
39 prohibits the stopping, detention, or search of any person when the action:

40 (a) is solely motivated by considerations of race, color, ethnicity, age, or gender; and

41 (b) would constitute a violation of the civil rights of the person.

42 Section 2. Section **10-3-918** is amended to read:

43 **10-3-918. Chief of police or marshal in third class cities and towns.**

44 (1) In cities of the third class and towns, the chief of police or marshal shall exercise and  
45 perform such duties as may be prescribed by the governing body. The chief of police or marshal  
46 shall be under the direction, control and supervision of the mayor. The chief of police or marshal  
47 may with the consent of the mayor, appoint assistants to the chief of police or marshal.

48 (2) The chief of police shall, on or before January 1, 2001, adopt a written policy that  
49 prohibits the stopping, detention, or search of any person when the action:

50 (a) is solely motivated by considerations of race, color, ethnicity, age, or gender; and

51 (b) would constitute a violation of the civil rights of the person.

52 Section 3. Section **17-22-2** is amended to read:

53 **17-22-2. Sheriff -- General duties.**

54 (1) The sheriff shall:

55 (a) preserve the peace;

56 (b) make all lawful arrests;

57 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when  
58 required or when the court is held within his county, all courts of record, and court commissioner  
59 and referee sessions held within his county, obey their lawful orders and directions, and comply  
60 with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration;

61 (d) upon request of the juvenile court, aid the court in maintaining order during hearings  
62 and transport a minor to and from youth corrections facilities, other institutions, or other  
63 designated places;

64 (e) attend county justice courts if the judge finds that the matter before the court requires  
65 the sheriff's attendance for security, transportation, and escort of jail prisoners in his custody, or  
66 for the custody of jurors;

67 (f) command the aid of as many inhabitants of his county as he considers necessary in the  
68 execution of these duties;

69 (g) take charge of and keep the county jail and the jail prisoners;

70 (h) receive and safely keep all persons committed to his custody, file and preserve the  
71 commitments of those persons, and record the name, age, place of birth, and description of each  
72 person committed;

73 (i) release on the record all attachments of real property when the attachment he receives  
74 has been released or discharged;

75 (j) endorse on all process and notices the year, month, day, hour, and minute of reception,  
76 and, upon payment of fees, issue a certificate to the person delivering process or notice showing  
77 the names of the parties, title of paper, and the time of receipt;

78 (k) serve all process and notices as prescribed by law;

79 (l) if he makes service of process or notice, certify on the process or notices the manner,  
80 time, and place of service, or, if he fails to make service, certify the reason upon the process or  
81 notice, and return them without delay;

82 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public  
83 land within his county;

84 (n) perform as required by any contracts between the county and private contractors for  
85 management, maintenance, operation, and construction of county jails entered into under the  
86 authority of Section 17-5-274;

87 (o) manage search and rescue services in his county; [and]

88 (p) perform any other duties that are required by law[-]; and

89 (q) on or before January 1, 2001, adopt a written policy that prohibits the stopping,  
90 detention, or search of any person when the action:

91 (i) is solely motivated by considerations of race, color, ethnicity, age, or gender; and

92 (ii) would constitute a violation of the civil rights of the person.

93 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other  
94 subsection under Subsection (1) is a class A misdemeanor.

95 Section 4. Section **53-1-108** is amended to read:

96 **53-1-108. Commissioner's powers and duties.**

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

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

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

102 (c) make rules:

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

104 (ii) allowing privately owned vehicles to be designated for part-time emergency use, as  
105 provided in Section 41-6-1.5; and

106 (iii) specifying approved maximum altered heights for vehicles, as required by Section  
107 41-6-148.31;

108 (d) set standards for safety belt systems, as required by Section 41-6-182;

109 (e) serve as the chairman of the Disaster Emergency Advisory Council, as required by  
110 Section 63-5-4; [and]

111 (f) designate vehicles as "authorized emergency vehicles," as required by Section 41-6-1[-];

112 and

113 (g) on or before January 1, 2001, adopt a written policy that prohibits the stopping,  
114 detention, or search of any person when the action:

115 (i) is solely motivated by considerations of race, color, ethnicity, age, or gender; and

116 (ii) would constitute a violation of the civil rights of the person.

117 (2) The commissioner may:

118 (a) subject to the approval of the governor, establish division headquarters at various

119 places in the state;

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

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

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

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

127 (f) receive and distribute federal funding to further the objectives of highway safety in  
128 compliance with the Federal Assistance Management Program Act.

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

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

133 Section 5. Section **53-3-104** is amended to read:

134 **53-3-104. Division duties.**

135 (1) The division shall:

136 (a) make rules:

137 (i) for examining applicants for a license, as necessary for the safety and welfare of the  
138 traveling public;

139 (ii) regarding the restrictions to be imposed on a person driving a motor vehicle with a  
140 temporary learner permit; and

141 (iii) for exemptions from licensing requirements as authorized in this chapter;

142 (b) examine each applicant according to the class of license applied for;

143 (c) license motor vehicle drivers;

144 (d) file every application for a license received by it and shall maintain indices containing:

145 (i) all applications denied and the reason each was denied;

146 (ii) all applications granted; and

147 (iii) the name of every licensee whose license has been suspended, disqualified, or revoked  
148 by the division and the reasons for the action;

149 (e) suspend, revoke, disqualify, cancel, or deny any license issued in accordance with this

150 chapter;

151 (f) file all accident reports and abstracts of court records of convictions received by it  
152 under state law;

153 (g) maintain a record of each licensee showing his convictions and the traffic accidents in  
154 which he has been involved where a conviction has resulted;

155 (h) consider the record of a licensee upon an application for renewal of a license and at  
156 other appropriate times;

157 (i) search the license files, compile, and furnish a report on the driving record of any  
158 person licensed in the state when requested by any person;

159 (j) develop and implement a record system as required by Section 41-6-48.5;

160 (k) in accordance with Section 53A-13-208, establish:

161 (i) procedures and standards to certify teachers of driver education classes to administer  
162 written and driving tests;

163 (ii) minimal standards for the driver education class tests; and

164 (iii) procedures to enable school districts to administer or process any tests for students  
165 to receive a class D operator's license;

166 (l) provide administrative support to the Driver License Medical Advisory Board created  
167 in Section 53-3-303; [and]

168 (m) provide drivers license information, including photograph, and drivers history to  
169 licensed private investigators upon written request[-]; and

170 (n) (i) maintain a database that keeps a record of the following information regarding each  
171 inquiry made by a law enforcement officer regarding any individual based on that individual's  
172 driver license or state identification card:

173 (A) the agency employing the law enforcement officer;

174 (B) the name of the law enforcement officer or the identifying number the agency has  
175 assigned to the law enforcement officer;

176 (C) the purpose of the law enforcement officer's inquiry; and

177 (D) the race of the individual whom the inquiry is regarding based on the information  
178 provided through the application process under Section 53-3-205 or Section 53-3-804; and

179 (ii) provide access to the database created in this Subsection (1)(n) to the Commission on  
180 Criminal and Juvenile Justice for the purpose of:

181 (A) evaluating the data;

182 (B) evaluating the effectiveness of the data collection process; and

183 (C) reporting and making recommendations to the Legislature.

184 (2) The division may:

185 (a) collect fees under Section 53-3-105 for searching and compiling its files or furnishing  
186 a report on the driving record of a person; and

187 (b) prepare under the seal of the division and deliver upon request, a certified copy of any  
188 record of the division, and charge a fee under Section 63-38-3.2 for each document authenticated.

189 (3) Each certified copy of a driving record furnished under Subsection (1)(i) is admissible  
190 in any court proceeding in the same manner as the original.

191 Section 6. Section **53-3-205** is amended to read:

192 **53-3-205. Application for license or endorsement -- Fee required -- Tests --**

193 **Expiration dates of licenses and endorsements -- Information required -- Previous licenses**

194 **surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required**

195 **-- License agreement.**

196 (1) An application for any original license, provisional license, or endorsement shall be:

197 (a) made upon a form furnished by the division; and

198 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

199 (2) An application and fee for an original class D license entitle the applicant to:

200 (a) not more than three attempts to pass both the written and skills tests for a class D  
201 license within six months of the date of the application;

202 (b) a learner permit if needed after the written test is passed; and

203 (c) an original class D license and license certificate after all tests are passed.

204 (3) An application and fee for an original class M license entitle the applicant to:

205 (a) not more than three attempts to pass both the written and skills tests for a class M  
206 license within six months of the date of the application;

207 (b) a learner permit if needed after the written test is passed; and

208 (c) an original class M license and license certificate after all tests are passed.

209 (4) An application and fee for a motorcycle or taxicab endorsement entitle the applicant

210 to:

211 (a) not more than three attempts to pass both the written and skills tests within six months

212 of the date of the application;

213 (b) a motorcycle learner permit if needed after the motorcycle written test is passed; and

214 (c) a motorcycle or taxicab endorsement when all tests are passed.

215 (5) An application and fees for a commercial class A, B, or C license entitle the applicant

216 to:

217 (a) not more than two attempts to pass a written test and not more than two attempts to

218 pass a skills test within six months of the date of the application;

219 (b) a commercial driver instruction permit if needed after the written test is passed; and

220 (c) an original commercial class A, B, or C license and license certificate when all

221 applicable tests are passed.

222 (6) An application and fee for a CDL endorsement entitle the applicant to:

223 (a) not more than two attempts to pass a written test and not more than two attempts to

224 pass a skills test within six months of the date of the application; and

225 (b) a CDL endorsement when all tests are passed.

226 (7) If a CDL applicant does not pass a written test, skills test, or an endorsement test within

227 the number of attempts provided in Subsection (5) or (6), each test may be taken two additional

228 times within the six months for the fee provided in Section 53-3-105.

229 (8) (a) An original license expires on the birth date of the applicant in the fifth year

230 following the year the license certificate was issued.

231 (b) A renewal or an extension to a license expires on the birth date of the licensee in the

232 fifth year following the expiration date of the license certificate renewed or extended.

233 (c) A duplicate license expires on the same date as the last license certificate issued.

234 (d) An endorsement to a license expires on the same date as the license certificate

235 regardless of the date the endorsement was granted.

236 (e) A license and any endorsement to the license held by a person ordered to active duty

237 and stationed outside Utah in any of the armed forces of the United States, which expires during

238 the time period the person is stationed outside of the state, is valid until 90 days after the person

239 has been discharged or has left the service, unless the license is suspended, disqualified, denied,

240 or has been cancelled or revoked by the division, or the licensee updates the information or

241 photograph on the license certificate.

242 (9) (a) In addition to the information required by Title 63, Chapter 46b, Administrative



243 Procedures Act, for requests for agency action, each application shall:

244 (i) state the full legal name, birth date, sex, race in accordance with the categories  
245 established by the U.S. Census Bureau, Social Security number or temporary identification number  
246 (ITIN) issued by the Internal Revenue Service for a person who does not qualify for a Social  
247 Security number, and residence address of the applicant;

248 (ii) briefly describe the applicant;

249 (iii) state whether the applicant has previously been licensed to drive a motor vehicle and,  
250 if so, when and by what state or country;

251 (iv) state whether the applicant has ever had any license suspended, cancelled, revoked,  
252 disqualified, or denied in the last six years, or whether the applicant has ever had any license  
253 application refused, and if so, the date of and reason for the suspension, cancellation, revocation,  
254 disqualification, denial, or refusal;

255 (v) provide all other information the division requires; and

256 (vi) be signed.

257 (b) An applicant's Social Security number or temporary identification number (ITIN) shall  
258 be maintained on the computerized records of the division.

259 (10) The division shall require proof of every applicant's name, birthdate, and birthplace  
260 by at least one of the following means:

261 (a) current license certificate;

262 (b) birth certificate;

263 (c) Selective Service registration; or

264 (d) other proof, including church records, family Bible notations, school records, or other  
265 evidence considered acceptable by the division.

266 (11) When an applicant receives a license in another class, all previous license certificates  
267 shall be surrendered and canceled. However, a disqualified commercial license may not be  
268 canceled unless it expires before the new license certificate is issued.

269 (12) (a) When an application is received from a person previously licensed in another state  
270 to drive a motor vehicle, the division shall request a copy of the driver's record from the other state.

271 (b) When received, the driver's record becomes part of the driver's record in this state with  
272 the same effect as though entered originally on the driver's record in this state.

273 (13) An application for reinstatement of a license after the suspension, cancellation,

274 disqualification, denial, or revocation of a previous license shall be accompanied by the additional  
275 fee or fees specified in Section 53-3-105.

276 (14) A person who has an appointment with the division for testing and fails to keep the  
277 appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under  
278 Section 53-3-105.

279 (15) A person who applies for an original license or renewal of a license agrees that the  
280 person's license is subject to any suspension or revocation authorized under this title or Title 41,  
281 Motor Vehicles.

282 Section 7. Section **53-3-207** is amended to read:

283 **53-3-207. License certificates issued to drivers by class of motor vehicle -- Contents**  
284 **-- Anatomical gifts indication -- Temporary licenses -- Minors' licenses and permits --**  
285 **Violation.**

286 (1) (a) The division shall issue to every person privileged to drive a motor vehicle, a  
287 license certificate indicating the type or class of motor vehicle the licensee may drive.

288 (b) A person may not drive a class of motor vehicle unless licensed in that class.

289 (2) (a) Every license certificate shall bear:

290 (i) the distinguishing number assigned to the licensee by the division;

291 (ii) the name, birth date, race in accordance with the categories established by the U.S.

292 Census Bureau, and residence address of the licensee;

293 (iii) a brief description of the licensee for the purpose of identification;

294 (iv) any restrictions imposed on the license under Section 53-3-208;

295 (v) a photograph of the licensee; and

296 (vi) a photograph or other facsimile of the licensee's signature.

297 (b) A new license certificate issued by the division may bear the social security number of  
298 the licensee only at the request of the licensee.

299 (c) (i) The license certificate shall be of an impervious material, resistant to wear, damage,  
300 and alteration.

301 (ii) The size, form, and color of the license certificate shall be as prescribed by the  
302 commissioner.

303 (iii) The commissioner may also prescribe the issuance of a special type of limited license  
304 certificate under Subsection 53-3-220(4) and may authorize the issuance of a renewed or duplicate

305 license certificate without a picture if the applicant is not then living in the state.

306 (3) (a) (i) When a license is granted or renewed, the division shall, upon request of the  
307 licensee, provide a method of identification on the license certificate, which indicates the licensee's  
308 intent to make an anatomical gift under Title 26, Chapter 28, Uniform Anatomical Gift Act.

309 (ii) The statement shall be signed in the presence of at least one witness, who shall sign  
310 the statement in the presence of the licensee.

311 (b) The division or any of its employees are not liable for any loss, detriment, or injury,  
312 directly or indirectly, which results from false or inaccurate information regarding the anatomical  
313 gift notification.

314 (4) (a) (i) The division upon determining after an examination that an applicant is mentally  
315 and physically qualified to be granted a license may issue to an applicant a receipt for the fee.

316 (ii) The receipt serves as a temporary license certificate allowing him to drive a motor  
317 vehicle while the division is completing its investigation to determine whether he is entitled to be  
318 licensed.

319 (b) The receipt shall be in his immediate possession while driving a motor vehicle, and it  
320 is invalid when the applicant's license certificate has been issued or when, for good cause, the  
321 privilege has been refused.

322 (c) The division shall indicate on the receipt a date after which it is not valid as a license  
323 certificate.

324 (5) The division shall distinguish learner permits, temporary permits, and license  
325 certificates issued to any person younger than 21 years of age by use of the plainly printed word  
326 "minor" or "under 21" or the use of a special color not used for other license certificates.

327 (6) The division shall issue temporary license certificates of the same nature, except as to  
328 duration, as the license certificates that they temporarily replace, as are necessary to implement  
329 applicable provisions of Section 53-3-223.

330 (7) A person who violates Subsection (1)(b) is guilty of a class C misdemeanor.

331 Section 8. Section **53-3-804** is amended to read:

332 **53-3-804. Application for identification card -- Required information.**

333 (1) To apply for an identification card, the applicant shall appear in person at any license  
334 examining station.

335 (2) The applicant shall provide the following information to the division:

- 336 (a) true and full legal name and address;
- 337 (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or other
- 338 satisfactory evidence of birth, which shall be attached to the application;
- 339 (c) Social Security number or temporary identification number (ITIN) issued by the
- 340 Internal Revenue Service for a person who does not qualify for a Social Security number;
- 341 (d) place of birth;
- 342 (e) height and weight;
- 343 (f) color of eyes and hair;
- 344 (g) race, in accordance with the categories established by the U.S. Census Bureau;
- 345 ~~(g)~~ (h) signature;
- 346 ~~(h)~~ (i) photograph; and
- 347 ~~(i)~~ (j) organ donor indication, if desired.

348 Section 9. Section **53-3-805** is amended to read:

349 **53-3-805. Identification card -- Contents -- Specifications.**

- 350 (1) The division shall issue an identification card that:
- 351 (a) provides all the information contained in the application, other than the applicant's:
- 352 (i) Social Security number, except as provided in Subsection (3); and
- 353 (ii) place of birth;
- 354 (b) contains a photograph of the applicant; ~~and~~
- 355 (c) contains the applicant's race, in accordance with the categories established by the U.S.
- 356 Census Bureau; and
- 357 ~~(c)~~ (d) contains a facsimile of the applicant's signature.
- 358 (2) (a) The card shall be of an impervious material, resistant to wear, damage, and
- 359 alteration.
- 360 (b) The size, form, and color of the card is prescribed by the commissioner.
- 361 (3) At the applicant's request, the card may include any of the following:
- 362 (a) a statement that the applicant has a special medical problem or allergies to certain
- 363 drugs, for the purpose of medical treatment;
- 364 (b) the applicant's Social Security number.
- 365 (4) The card may also indicate the applicant's intent to make an anatomical gift, under the
- 366 same procedure as provided for an operator license under Section 53-3-207.

367 Section 10. Section **53-8-104** is amended to read:

368 **53-8-104. Superintendent's duties.**

369 The superintendent shall:

370 (1) divide the state highways into sections for the purpose of patrolling and policing;

371 (2) employ peace officers known as highway patrol troopers to patrol or police the  
372 highways within this state and to enforce the state statutes as required;

373 (3) establish ranks, grades, and positions in the Highway Patrol and designate the authority  
374 and responsibility in each rank, grade, and position;

375 (4) establish for the Highway Patrol standards and qualifications and fix prerequisites of  
376 training, education, and experience for each rank, grade, and position;

377 (5) appoint personnel to each rank, grade, and position necessary for the efficient operation  
378 and administration of the Highway Patrol;

379 (6) devise and administer examinations designed to test applicants for positions with the  
380 Highway Patrol;

381 (7) make rules governing the Highway Patrol as appear to the superintendent advisable;

382 (8) discharge, demote, or temporarily suspend any employee in the Highway Patrol for  
383 cause;

384 (9) prescribe the uniforms to be worn and the equipment to be used by employees of the  
385 Highway Patrol;

386 (10) charge against each employee of the Highway Patrol the value of any property of the  
387 state lost or destroyed through the carelessness of the employee;

388 (11) establish, with the approval of the Division of Finance, the terms and conditions under  
389 which expense allowance should be paid to any employee of the Highway Patrol while away from  
390 his station;

391 (12) station the Highway Patrol in localities as he finds advisable for the enforcement of  
392 the laws of this state;

393 (13) conduct in conjunction with the State Board of Education in and through all state  
394 schools an educational campaign in highway safety and work in conjunction with civic  
395 organizations, churches, local units of government, and other organizations that may function in  
396 accomplishing the purposes of reducing highway accidents;

397 (14) provide the initial mandatory uniform items for each new trooper hired after July 1,

398 1998; [and]

399 (15) determine by rule a basic uniform allowance system which includes the manner in  
400 which troopers may receive maintenance services and vouchers for basic uniforms and administer  
401 any funds appropriated by the Legislature to the division for that purpose[-]; and

402 (16) on or before January 1, 2001, adopt a written policy that prohibits the stopping,  
403 detention, or search of any person when the action:

404 (a) is solely motivated by considerations of race, color, ethnicity, age, or gender; and

405 (b) would constitute a violation of the civil rights of the person.

406 Section 11. Section **77-7-20** is amended to read:

407 **77-7-20. Service of citation on defendant -- Filing in court -- Contents of citations --**

408 **Contents of warnings.**

409 (1) If a citation is issued pursuant to Section 77-7-18, the peace officer or public official  
410 shall issue one copy to the person cited and shall within five days file a duplicate copy with the  
411 court specified in the citation.

412 (2) Each copy of the citation issued under authority of this chapter shall contain:

413 (a) the name of the court before which the person is to appear;

414 (b) the name of the person cited;

415 (c) the race of the person cited, if the race information is on the driver license or the Driver

416 License Division's database;

417 [(c)] (d) a brief description of the offense charged;

418 [(d)] (e) the date, time, and place at which the offense is alleged to have occurred;

419 [(e)] (f) the date on which the citation was issued;

420 [(f)] (g) the name of the peace officer or public official who issued the citation, and the  
421 name of the arresting person if an arrest was made by a private party and the citation was issued  
422 in lieu of taking the arrested person before a magistrate;

423 [(g)] (h) the time and date on or before and after which the person is to appear;

424 [(h)] (i) the address of the court in which the person is to appear;

425 [(i)] (j) a certification above the signature of the officer issuing the citation in substantially  
426 the following language: "I certify that a copy of this citation or information (Summons and  
427 Complaint) was duly served upon the defendant according to law on the above date and I know  
428 or believe and so allege that the above-named defendant did commit the offense herein set forth

429 contrary to law. I further certify that the court to which the defendant has been directed to appear  
430 is the proper court pursuant to Section 77-7-21."; [and]

431 [(j)] (k) a notice containing substantially the following language:

432 READ CAREFULLY

433 "This citation is not an information and will not be used as an information without your  
434 consent. If an information is filed you will be provided a copy by the court. You MUST appear in  
435 court on or before the time set in this citation. IF YOU FAIL TO APPEAR AN INFORMATION  
436 WILL BE FILED AND THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST[-]";

437 and

438 (l) a notice containing the following information:

439 (i) proactive traffic enforcement is a productive strategy to protect the public from the  
440 devastation caused by traffic-related death and injury, illegal trafficking in and possession of  
441 weapons and drugs, and fugitives at large, and to otherwise promote and maintain an orderly and  
442 law-abiding society;

443 (ii) proactive traffic enforcement must be conducted in full compliance with constitutional  
444 and statutory safeguards established to preserve the rights of citizens, prescriptions of case law,  
445 and sanctioned policies and practices of law enforcement agencies, and the spirit of American  
446 democratic principles; and

447 (iii) the procedure to file a complaint if the person feels he or she has been mistreated or  
448 has been treated in a biased or prejudiced manner.

449 (3) If a law enforcement agency issues a warning, the warning shall contain:

450 (a) the race of the person warned, if the race information is on the driver license or the  
451 Driver License Division's database; and

452 (b) a notice containing the following information:

453 (i) proactive traffic enforcement is a productive strategy to protect the public from the  
454 devastation caused by traffic-related death and injury, illegal trafficking in and possession of  
455 weapons and drugs, and fugitives at large, and to otherwise promote and maintain an orderly and  
456 law-abiding society;

457 (ii) proactive traffic enforcement must be conducted in full compliance with constitutional  
458 and statutory safeguards established to preserve the rights of citizens, prescriptions of case law,  
459 and sanctioned policies and practices of law enforcement agencies, and the spirit of American

460 democratic principles; and

461 (iii) the procedure to file a complaint if the person feels he or she has been mistreated or

462 has been treated in a biased or prejudiced manner.

463 **Section 12. Effective date.**

464 This act takes effect on October 1, 2000.