

Representative Gary F. Cox proposes to substitute the following bill:

WEAPONS RESTRICTIONS FOR MENTALLY

ILL PERSONS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Gary F. Cox

AN ACT RELATING TO PUBLIC SAFETY AND HUMAN SERVICES; REQUIRING THE BUREAU OF CRIMINAL IDENTIFICATION TO CHECK COURT RECORDS FOR CURRENT COMMITMENTS AS PART OF A BACKGROUND CHECK FOR THE PURCHASE OF A FIREARM.

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

AMENDS:

53-10-208, as last amended by Chapter 187 and renumbered and amended by Chapter 263, Laws of Utah 1998

62A-12-247, as last amended by Chapter 161, Laws of Utah 1989

ENACTS:

53-10-208.1, Utah Code Annotated 1953

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

Section 1. Section **53-10-208** is amended to read:

53-10-208. Definition -- Magistrates and court clerks to supply information -- Offenses included on statewide warrant system -- Transportation fee to be included -- Statewide warrant system responsibility -- Quality control -- Training -- Technical support -- Transaction costs.

(1) "Statewide warrant system" means the portion of the state court computer system that is accessible by modem from the state mainframe computer and contains:

(a) records of criminal warrant information; and

26 (b) after notice and hearing, records of protective orders issued pursuant to:

27 (i) Title 30, Chapter 6, Cohabitant Abuse Act; or

28 (ii) Title 77, Chapter 36, Cohabitant Abuse Procedures Act.

29 ~~[(2) Every magistrate or clerk of a court responsible for court records in this state shall~~
30 ~~furnish the division with information pertaining to:]~~

31 ~~[(a) all dispositions of criminal matters, including guilty pleas, convictions, dismissals,~~
32 ~~acquittals, pleas held in abeyance, or probations granted, within 30 days of the disposition and on~~
33 ~~forms and in the manner provided by the division;]~~

34 ~~[(b) the issuance, recall, cancellation, or modification of all warrants of arrest or~~
35 ~~commitment as described in Rule 6, Utah Rules of Criminal Procedure and Section 78-32-4, within~~
36 ~~one day of the action and in a manner provided by the division; and]~~

37 ~~[(c) protective orders issued after notice and hearing, pursuant to:]~~

38 ~~[(i) Title 30, Chapter 6, Cohabitant Abuse Act; or]~~

39 ~~[(ii) Title 77, Chapter 36, Cohabitant Abuse Procedures Act.]~~

40 ~~[(3)]~~ (2) (a) (i) The division shall include on the statewide warrant system all warrants
41 issued for felony offenses and class A, B, and C misdemeanor offenses in the state.

42 (ii) For each offense the division shall indicate whether the magistrate ordered under
43 Section 77-7-5 and Rule 6, Utah Rules of Criminal Procedure, that the accused appear in court.

44 (b) Infractions shall not be included on the statewide warrant system, including any
45 subsequent failure to appear warrants issued on an infraction.

46 ~~[(4)]~~ (3) The division is the agency responsible for the statewide warrant system and shall:

47 (a) ensure quality control of all warrants of arrest or commitment and protective orders
48 contained in the statewide warrant system by conducting regular validation checks with every clerk
49 of a court responsible for entering the information on the system;

50 (b) upon the expiration of the protective orders and in the manner prescribed by the
51 division, purge information regarding protective orders described in Subsection ~~[(2)(c)]~~

52 53-10-208.1(4) within 30 days of the time after expiration;

53 (c) establish system procedures and provide training to all criminal justice agencies having
54 access to information contained on the state warrant system;

55 (d) provide technical support, program development, and systems maintenance for the
56 operation of the system; and

57 (e) pay data processing and transaction costs for state, county, and city law enforcement
58 agencies and criminal justice agencies having access to information contained on the state warrant
59 system.

60 [~~5~~] (4) (a) Any data processing or transaction costs not funded by legislative
61 appropriation shall be paid on a pro rata basis by all agencies using the system during the fiscal
62 year.

63 (b) This subsection supersedes any conflicting provision in Subsection [~~4~~] (3)(e).
64 Section 2. Section 53-10-208.1 is enacted to read:

65 **53-10-208.1. Magistrates and court clerks to supply information.**

66 Every magistrate or clerk of a court responsible for court records in this state shall, within
67 30 days of the disposition and on forms and in the manner provided by the division, furnish the
68 division with information pertaining to:

69 (1) all dispositions of criminal matters, including:

70 (a) guilty pleas;

71 (b) convictions;

72 (c) dismissals;

73 (d) acquittals;

74 (e) pleas held in abeyance;

75 (f) judgments of not guilty by reason of insanity for a violation of:

76 (i) Title 76, Chapter 5, Offenses Against the Person; or

77 (ii) Title 76, Chapter 10, Weapons;

78 (g) judgments of guilty and mentally ill for a violation of:

79 (i) Title 76, Chapter 5, Offenses Against the Person; or

80 (ii) Title 76, Chapter 10, Weapons;

81 (h) findings of mental incompetence to stand trial; or

82 (i) probations granted; and

83 (2) current orders of civil commitment under the terms of Section 62A-12-234.

84 (3) the issuance, recall, cancellation, or modification of all warrants of arrest or
85 commitment as described in Rule 6, Utah Rules of Criminal Procedure and Section 78-32-4, within
86 one day of the action and in a manner provided by the division; and

87 (4) protective orders issued after notice and hearing, pursuant to:

88 (a) Title 30, Chapter 6, Cohabitant Abuse Act; or

89 (b) Title 77, Chapter 36, Cohabitant Abuse Procedures Act.

90 Section 3. Section **62A-12-247** is amended to read:

91 **62A-12-247. Confidentiality of information and records -- Exceptions -- Penalty.**

92 (1) All certificates, applications, records, and reports made for the purpose of this part,
93 including those made on judicial proceedings for involuntary commitment, that directly or
94 indirectly identify a patient or former patient or an individual whose commitment has been sought
95 under this part, shall be kept confidential and may not be disclosed by any person except insofar
96 as:

97 (a) the individual identified or his legal guardian, if any, or, if a minor, his parent or legal
98 guardian shall consent;

99 (b) disclosure may be necessary to carry out ~~[any of]~~ the provisions of:

100 (i) this part; or

101 (ii) Section 53-10-208.1; or

102 (c) a court may direct, upon its determination that disclosure is necessary for the conduct
103 of proceedings before it, and that failure to make the disclosure would be contrary to the public
104 interest.

105 (2) A person who ~~[violates any provision of]~~ knowingly or intentionally discloses any
106 information not authorized by this section is guilty of a class B misdemeanor.