

1 **UTAH UNIFORM SECURITIES ACT**

2 **AMENDMENTS**

3 2001 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Patrice M. Arent**

6 **This act modifies provisions related to the Division of Securities. This act grants authority**  
7 **to the division director to designate investigators as peace officers. The act clarifies that the**  
8 **division is a criminal justice agency for the purpose of accessing criminal history record or**  
9 **warrant of arrest information.**

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

11 AMENDS:

12 **61-1-18**, as last amended by Chapter 161, Laws of Utah 1991

13 **61-1-19**, as last amended by Chapter 133, Laws of Utah 1990

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

15 Section 1. Section **61-1-18** is amended to read:

16 **61-1-18. Division of Securities established -- Director -- Appointment -- Functions.**

17 (1) (a) There is established within the Department of Commerce a Division of Securities.

18 (b) The division shall be under the direction and control of a director, appointed by the  
19 executive director with the governor's approval.

20 (c) The director shall be responsible for the administration and enforcement of this chapter.

21 (d) The director shall hold office at the pleasure of the governor.

22 (2) The director, with the approval of the executive director, may employ such staff as  
23 necessary to discharge the duties of the division at salaries to be fixed by the director according  
24 to standards established by the Department of Human Resource Management.

25 (3) An investigator employed pursuant to Subsection (2) may be designated a law  
26 enforcement officer, as defined in Section 53-13-103, by the director, but is not eligible for  
27 retirement benefits under the Public Safety Employee's Retirement System.

28 Section 2. Section **61-1-19** is amended to read:

29 **61-1-19. Investigations authorized.**

30 (1) (a) The division in its discretion may make any public or private investigations within  
31 or without this state as it considers necessary to determine whether any person has violated, is  
32 violating, or is about to violate any provision of this chapter or any rule or order hereunder.

33 (b) To aid in the enforcement of this chapter or in the prescribing of rules and forms  
34 hereunder, the division may require or permit any person to file a statement in writing, under oath  
35 or otherwise as to all the facts and circumstances concerning the matter to be investigated.

36 (c) The division may publish information concerning any violation of this chapter or the  
37 violation of any rule or order hereunder.

38 (2) For the purpose of any investigation or proceeding under this chapter, the division or  
39 any employee designated by it may:

40 (a) administer oaths and affirmations;

41 (b) subpoena witnesses and compel their attendance;

42 (c) take evidence; and

43 (d) require the production of any books, papers, correspondence, memoranda, agreements,  
44 or other documents or records relevant or material to the investigation.

45 (3) For the purpose of accessing criminal history record or warrant of arrest information  
46 under Section 53-10-108, the division shall be considered a criminal justice agency.

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**Legislative Review Note**  
**as of 12-18-00 8:20 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**