

**AMENDMENTS TO RACIAL PROFILING
PROVISIONS**

2003 GENERAL SESSION
STATE OF UTAH

Sponsor: Duane E. Bourdeaux

This act modifies the Public Safety Code by removing the requirement for the Department of Public safety to maintain in its database the race and gender of each law enforcement officer who makes a driver license or state identification card status check.

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

AMENDS:

53-1-106, as last amended by Chapter 219, Laws of Utah 2002

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

Section 1. Section **53-1-106** is amended to read:

53-1-106. Department duties -- Powers.

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

(a) make rules and perform the functions specified in Title 41, Chapter 6, Traffic Rules and Regulations, including:

(i) setting performance standards for towing companies to be used by the department, as required by Section 41-6-102.5; and

(ii) advising the Department of Transportation regarding the safe design and operation of school buses, as required by Section 41-6-115;

(b) make rules to establish and clarify standards pertaining to the curriculum and teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;

(c) aid in enforcement efforts to combat drug trafficking using funds appropriated under Section 58-37-20;

(d) as part of the annual budget hearings, provide the Executive Offices, Criminal Justice, and Legislature Appropriations Subcommittee with a complete accounting of



28 expenditures and revenues from the funds under Section 58-37-20;

29 (e) meet with the Department of Administrative Services to formulate contracts,
30 establish priorities, and develop funding mechanisms for dispatch and telecommunications
31 operations, as required by Section 63A-6-107;

32 (f) provide assistance to the Crime Victims' Reparations Board and Reparations Office
33 in conducting research or monitoring victims' programs, as required by Section 63-25a-405;

34 (g) develop sexual assault exam protocol standards in conjunction with the Utah
35 Hospital Association;

36 (h) engage in emergency planning activities, including preparation of policy and
37 procedure and rulemaking necessary for implementation of the federal Emergency Planning
38 and Community Right to Know Act of 1986, as required by Section 63-5-5;

39 (i) implement the provisions of Section 53-2-202, the Emergency Management
40 Assistance Compact; and

41 (j) (i) maintain a database of the information listed below regarding each driver license
42 or state identification card status check made by a law enforcement officer:

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

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

46 [~~(C)~~ the race and gender of the law enforcement officer;]

47 [~~(D)~~ (C) the purpose of the law enforcement officer's status check, including but not
48 limited to a traffic stop or a pedestrian stop; and

49 [~~(E)~~ (D) the race of the individual regarding whom the status check is made, based on
50 the information provided through the application process under Section 53-3-205 or 53-3-804;

51 (ii) provide access to the database created in Subsection (1)(j)(i) to the Commission on
52 Criminal and Juvenile Justice for the purpose of:

53 (A) evaluating the data;

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

55 (C) reporting and making recommendations to the Legislature; and

56 (iii) classify any personal identifying information of any individual, including law
57 enforcement officers, in the database as protected records under Subsection 63-2-304(9).

58 (2) (a) The department may establish a schedule of fees as required or allowed in this

59 title for services provided by the department.

60 (b) The fees shall be established in accordance with Section 63-38-3.2.

Legislative Review Note
as of 12-31-02 7:17 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0191

Amendments to Racial Profiling Provisions

23-Jan-03

7:50 AM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst