

1 **DRIVER LICENSE OR IDENTIFICATION**
2 **CARD REQUIREMENT FOR SEX OFFENDERS**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Paul Ray**

6 Senate Sponsor: Jon J. Greiner

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Uniform Driver License Act regarding identification cards to
11 provide that a person required to register as a sex offender must maintain a current
12 identification card if the person does not have a driver license.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ requires that sex offenders subject to registration must keep a current state
16 identification card if the offenders to not have a driver license;
- 17 ▶ provides that no extension of an identification card beyond the statutory expiration
18 date may be granted for sex offenders subject to registration; and
- 19 ▶ establishes a class A misdemeanor penalty for sex offenders subject to registration
20 who fail to maintain an identification card if they do not have a driver license.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **53-3-807**, as last amended by Chapters 131 and 189, Laws of Utah 2006



28 ENACTS:

29 **53-3-806.5**, Utah Code Annotated 1953



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

32 Section 1. Section **53-3-806.5** is enacted to read:

33 **53-3-806.5. Identification card required if sex offender does not have driver**
34 **license.**

35 (1) (a) If a person is required to register as a sex offender under Section 77-27-21.5 and
36 the person does not hold a current driver license in compliance with Section 53-3-205, the
37 person shall obtain an identification card.

38 (b) The person shall maintain a current identification card during any time the person is
39 required to register as a sex offender and the person does not hold a valid driver license.

40 (2) Failure to maintain a current identification card as required under Subsection (1) on
41 and after April 30, 2007 is a class A misdemeanor for each month of violation of Subsection
42 (1).

43 Section 2. Section **53-3-807** is amended to read:

44 **53-3-807. Expiration -- Address and name change -- Extension for disabled.**

45 (1) An identification card issued on or after July 1, 2006 expires on the birth date of the
46 applicant in the fifth year following the issuance of the identification card.

47 (2) If a person has applied for and received an identification card and subsequently
48 moves from the address shown on the application or on the card, the person shall within ten
49 days notify the division in a manner specified by the division of the person's new address.

50 (3) If a person has applied for and received an identification card and subsequently
51 changes the person's name under Title 42, Chapter 1, Change of Name, the person:

52 (a) shall surrender the card to the division; and

53 (b) may apply for a new card in the person's new name by:

54 (i) furnishing proper documentation to the division as provided in Section 53-3-804;

55 and

56 (ii) paying the fee required under Section 53-3-105.

57 (4) (a) Except as provided in Subsection (4)(c), if a person has applied for and received
58 an identification card and is currently required to register as a sex offender under Section

59 77-27-21.5:

60 (i) the person's identification card expires annually on the next birth date of the
61 cardholder [~~beginning on~~], on and after July 1, 2006;

62 (ii) the person shall surrender the person's identification card to the division on or
63 before the cardholder's next birth date beginning on July 1, 2006; and

64 (iii) the person may apply for an identification card with an expiration date identified in
65 Subsection (8)(b) by:

66 (A) furnishing proper documentation to the division as provided in Section 53-3-804;

67 and

68 (B) paying the fee for an identification card required under Section 53-3-105.

69 (b) Except as provided in Subsection (4)(c), if a person has applied for and received an
70 identification card and is subsequently convicted of any offense listed in Subsection
71 77-27-21.5(1)(f), the person shall surrender the card to the division on the person's next birth
72 date following the conviction and may apply for a new card with an expiration date identified
73 in Subsection (8)(b) by:

74 (i) furnishing proper documentation to the division as provided in Section 53-3-804;

75 and

76 (ii) paying the fee required under Section 53-3-105.

77 (c) A person who is unable to comply with the provisions of Subsection (4)(a) or (4)(b)
78 because the person is in the custody of the Department of Corrections or Division of Juvenile
79 Justice Services, confined in a correctional facility not operated by or under contract with the
80 Department of Corrections, or committed to a state mental facility, shall comply with the
81 provisions of Subsection (4)(a) or (b) within ten days of being released from confinement.

82 (5) A person older than 21 years of age with a disability, as defined under the
83 Americans with Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on
84 an identification card for five years if the person with a disability or an agent of the person with
85 a disability:

86 (a) requests that the division send the application form to obtain the extension or
87 requests an application form in person at the division's offices;

88 (b) completes the application;

89 (c) certifies that the extension is for a person 21 years of age or older with a disability;

90 and

91 (d) returns the application to the division together with the identification card fee
92 required under Section 53-3-105.

93 (6) (a) (i) An identification card may only be extended once, except as prohibited under
94 Subsection (6)(b).

95 ~~(b)~~ (ii) After an extension an application for an identification card must be applied for
96 in person at the division's offices.

97 (b) An identification card issued to a person required to register as a sex offender under
98 Section 77-27-21.5 may not be extended.

99 (7) An identification card issued prior to July 1, 2006 to a person 65 years of age or
100 older does not expire, but continues in effect until the death of that person.

101 (8) Notwithstanding the provisions of this section:

102 (a) an identification card that was obtained without using a Social Security number as
103 required under Subsection 53-3-804(2) expires on July 1, 2005; and

104 (b) an identification card expires on the birth date of the applicant in the first year
105 following the year that the identification card was issued if the applicant is required to register
106 as a sex offender under Section 77-27-21.5.

107 (9) A person who knowingly fails to surrender an identification card under Subsection
108 (4) is guilty of a class A misdemeanor.

Legislative Review Note
as of 11-15-06 2:48 PM

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-18-06 10:25 AM

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.