

**Representative Christopher N. Herrod** proposes the following substitute bill:

**ILLEGAL DRUG ACTIVITY REPORTING SYSTEM**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christopher N. Herrod**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill modifies the Public Safety Code by amending the duties of the Department of Public Safety to include establishing an Online Illegal Drug Activity Reporting System.

**Highlighted Provisions:**

This bill:

- ▶ requires the Department of Public Safety to establish and maintain the Online Illegal Drug Activity Reporting System to facilitate direct online communication from the public to a local law enforcement jurisdiction or a multi-jurisdictional drug task force for reporting illegal drug activity;
- ▶ provides for a database to identify, by municipal and county jurisdiction, each local law enforcement jurisdiction and each multi-jurisdictional drug task force where an online report of illegal drug activity may be reported;
- ▶ allows a local law enforcement jurisdiction or each multi-jurisdictional drug task force to be excluded from the system;
- ▶ allows the department or the attorney general to provide a reward for reporting illegal drug activities;
- ▶ requires the department to prepare an annual report for the Legislature with the cooperation of other governmental offices; and



26           ▶ provides certain funding provisions.

27 **Monies Appropriated in this Bill:**

28           None

29 **Other Special Clauses:**

30           This bill takes effect on July 1, 2008.

31           This bill coordinates with S.B. 239, Office of the Attorney General - Safety Net  
32 Initiative, by providing superceding amendments.

33 **Utah Code Sections Affected:**

34 AMENDS:

35           **53-1-106**, as last amended by Laws of Utah 2007, Chapter 60

36 ENACTS:

37           **53-1-118**, Utah Code Annotated 1953



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

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

41           **53-1-106. Department duties -- Powers.**

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

43           (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic  
44 Code, including:

45           (i) setting performance standards for towing companies to be used by the department,  
46 as required by Section 41-6a-1406; and

47           (ii) advising the Department of Transportation regarding the safe design and operation  
48 of school buses, as required by Section 41-6a-1304;

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

51           (c) aid in enforcement efforts to combat drug trafficking;

52           (d) meet with the Department of Technology Services to formulate contracts, establish  
53 priorities, and develop funding mechanisms for dispatch and telecommunications operations;

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

56           (f) develop sexual assault exam protocol standards in conjunction with the Utah

57 Hospital Association;

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

61 (h) implement the provisions of Section 53-2-202, the Emergency Management  
62 Assistance Compact; [~~and~~]

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

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

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

68 (C) the race and gender of the law enforcement officer;

69 (D) the purpose of the law enforcement officer's status check, including but not limited  
70 to a traffic stop or a pedestrian stop; and

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

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

75 (A) evaluating the data;

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

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

78 (iii) classify any personal identifying information of any individual, including law  
79 enforcement officers, in the database as protected records under Subsection 63-2-304(9)[~~;~~]; and

80 (j) maintain and administer the Online Illegal Drug Activity Reporting System  
81 established under Section 53-1-118.

82 (2) (a) The department may establish a schedule of fees as required or allowed in this  
83 title for services provided by the department.

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

85 (3) The department may establish or contract for the establishment of an Organ  
86 Procurement Donor Registry in accordance with Section 26-28-120.

87 Section 2. Section **53-1-118** is enacted to read:

88           **53-1-118. Online Illegal Drug Activity Reporting System -- Established --**  
89 **Procedures -- Funding.**

90           (1) There is established the "Online Illegal Drug Activity Reporting System" in the  
91 Department of Public Safety. The department shall establish, maintain, and administer the  
92 Online Illegal Drug Activity Reporting System to facilitate direct online communication from  
93 the public to the local law enforcement jurisdiction or any multi-jurisdictional drug task force  
94 for reporting illegal drug activity. The Online Illegal Drug Activity Reporting System shall  
95 include a database which identifies, by municipal and county jurisdiction, each local law  
96 enforcement jurisdiction where an online report of illegal drug activity may be reported.

97           (2) A local law enforcement jurisdiction or multi-jurisdictional drug task force is not  
98 required to be included in the Online Illegal Drug Activity Reporting System.

99           (3) The Online Illegal Drug Activity Reporting System shall permit a person who  
100 wishes to report online illegal drug activity anonymously to do so.

101           (4) Subject to funding limitations, the department or attorney general may provide cash  
102 awards to individuals whose report leads to an arrest or conviction.

103           (5) The Online Illegal Drug Activity Reporting System shall be funded using monies  
104 appropriated by the Legislature.

105           (6) The department shall provide education to the public informing them on the Online  
106 Illegal Drug Activity Reporting System.

107           (7) The department, in collaboration with the attorney general, the Utah Sheriff's  
108 Association, and the Utah Chiefs of Police Association, shall provide an annual statistical  
109 report on the use, funding, and activities of the Online Illegal Drug Activity Reporting System  
110 to an appropriate legislative committee, as designated by the Legislative Management  
111 Committee.

112           Section 3. **Effective date.**

113           This bill takes effect on July 1, 2008.

114           Section 4. **Coordinating H.B. 136 with S.B. 239 -- Superceding substantive**  
115 **amendments.**

116           If this H.B. 136 and S.B. 239, Office of the Attorney General - Safety Net Initiative,  
117 both pass, it is the intent of the Legislature that the coordination clause in this bill supersede the  
118 coordination clause in S.B. 239 and that the coordination clause in S.B. 239 not take effect.

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**H.B. 136 2nd Sub. (Gray) - Illegal Drug Activity Reporting System**

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

Enactment of this bill will require \$8,900 ongoing General Funds appropriated to the Department of Public Safety beginning FY 2009.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund	\$0	\$8,900	\$8,900	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$8,900</b>	<b>\$8,900</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.