

1                    **DEPARTMENT OF PUBLIC SAFETY DUTIES AMENDMENTS**

2    2011 GENERAL SESSION

3    STATE OF UTAH

4    **Chief Sponsor: Daniel W. Thatcher**

5    House Sponsor: Eric K. Hutchings

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7                    **LONG TITLE**

8                    **General Description:**

9                    This bill modifies the Public Safety Code regarding language affected by the previous  
10                    repeal of another provision.

11                   **Highlighted Provisions:**

12                   This bill:

13                   ▶ removes from the duties of the Department of Public Safety the requirement that it  
14                   maintain a database of officers' checks of driver licenses and state identification  
15                   cards that includes the name, race, and gender of the officer and the race of the  
16                   person whose license or card is checked, because language in Section 53-3-205 that  
17                   required an applicant to provide information regarding race expired July 1, 2007.

18                   **Money Appropriated in this Bill:**

19                   None

20                   **Other Special Clauses:**

21                   None

22                   **Utah Code Sections Affected:**

23                   AMENDS:

24                   **53-1-106**, as last amended by Laws of Utah 2009, Chapter 183

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

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

28                   **53-1-106. Department duties -- Powers.**

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

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

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

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

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

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

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

41 (e) provide assistance to the Crime Victim Reparations Board and Office of Crime  
42 Victim Reparations in conducting research or monitoring victims' programs, as required by  
43 Section 63M-7-505;

44 (f) develop sexual assault exam protocol standards in conjunction with the Utah  
45 Hospital Association;

46 (g) engage in emergency planning activities, including preparation of policy and  
47 procedure and rulemaking necessary for implementation of the federal Emergency Planning  
48 and Community Right to Know Act of 1986, as required by Section 63K-3-301; and

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

51 [~~(i) maintain a database of the information listed below regarding each driver~~  
52 ~~license or state identification card status check made by a law enforcement officer:]~~

53 [~~(A) the agency employing the law enforcement officer;]~~

54 [~~(B) the name of the law enforcement officer or the identifying number the agency has~~  
55 ~~assigned to the law enforcement officer;]~~

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

57 [~~(D) the purpose of the law enforcement officer's status check, including but not~~

58 limited to a traffic stop or a pedestrian stop; and]

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

61 [~~(ii) provide access to the database created in Subsection (1)(i)(i) to the Commission~~  
62 ~~on Criminal and Juvenile Justice for the purpose of:~~]

63 [~~(A) evaluating the data;~~]

64 [~~(B) evaluating the effectiveness of the data collection process; and]~~

65 [~~(C) reporting and making recommendations to the Legislature; and]~~

66 [~~(iii) classify any personal identifying information of any individual, including law~~  
67 ~~enforcement officers, in the database as protected records under Subsection 63G-2-305(9).]~~

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

70 (b) The fees shall be established in accordance with Section 63J-1-504.

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