

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

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

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) (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.

Legislative Review Note
as of 1-25-11 12:31 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 135

SHORT TITLE: Department of Public Safety Duties Amendments

SPONSOR: Thatcher, D.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

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

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.