



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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February 23, 2011

Mr. President:

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 60, PILOT ACCOUNTABILITY PERMIT PROGRAM AND IDENTITY RELATED AMENDMENTS**, by Senator L. Robles, be replaced and favorably recommends **1st Sub. S.B. 60, PILOT ACCOUNTABILITY PERMIT PROGRAM AND IDENTITY RELATED AMENDMENTS** with the following amendments:

1. *Page 2, Lines 51 through 54:*

- 51 • requiring the establishment of a database; and
52 • providing for the sharing of information with federal agencies under certain
53 circumstances; ~~{and}~~
 ▶ directs the Fraudulent Documents Identification Unit to administer a new
Identity Theft Victims Restricted Account; and
54 ▶ makes technical and conforming amendments.

2. *Page 3, Lines 69 through 70:*

- 69 63J-1-602.3, as enacted by Laws of Utah 2010, Chapter 265
 = 67-5-22.7, as enacted by Laws of Utah 2009, Chapter 30
70 76-10-526, as last amended by Laws of Utah 2010, Chapter 62

3. *Page 11, Lines 325 through 331:*

Bill Number



SB0060S01

Action Class



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Action Code



SCRSUBAMD

- 325 (c) the attorney general for costs associated with:
326 (i) a multi-agency strike force created under Section 67-5-22.7; ~~{or}~~
327 (ii) a memorandum of understanding executed under Section 67-5-28;
(iii) the Fraudulent Documents Identification Unit created in Section 67-5-22.7; or
(iv) the Identity Theft Victims Restricted Account created in Subsection
67-5-22.7(5);
328 (d) the State Office of Education for costs associated with implementing Section
329 53-16-308; or
330 (e) fund the costs associated with Title 76, Chapter 8, Part 15, Identity Enforcement
331 Act.

4. Page 11, Line 334 through Page 12, Line 353:

- 334 (1) (a) If a waiver, exemption, or authority described in Section 53-16-202 does not
335 provide for the issuance of a Social Security number to a permit holder, the State Tax
336 Commission shall by rule made in accordance with Title 63G, Chapter 3, Utah
Administrative
337 Rulemaking Act, provide a means for a person who receives services from a permit holder
to
338 withhold from compensation paid to the permit holder an amount to be determined by
State
339 Tax Commission rule that, as closely as possible, equals the income ~~{and~~
~~employment}~~ taxes that
340 would be imposed by state law if the permit holder were an employee with a Social
Security
341 number.
342 (b) If a waiver, exemption, or authority described in Section 53-16-202 provides for
the
343 issuance of a Social Security number to a permit holder, a person who receives services
from a
344 permit holder is required to withhold from compensation as provided in Title 59, Chapter
10,
345 Part 4, Withholding of Tax.
346 (2) The rules described in Subsection (1)(a) shall be substantially similar to Title 59,
347 Chapter 10, Part 4, Withholding of Tax.
348 (3) To the extent feasible and consistent with a waiver, exemption, or authority

entered
349 into under Section 53-16-202, the State Tax Commission shall work with the applicable
federal
350 government agencies to ensure that the withholding provided for under Subsection (2) is
351 compatible with a federal process by which the **federal government collects**
federal income and employment taxes ~~{-are collected-}~~
352 that would be imposed under federal law if a permit holder were an employee with a
Social
353 Security number.

5. *Page 45, Line 1360:*

1360 Section 35. Section **76-8-1501** is enacted to read:
INSERT SECTION HERE

6. *Page 45, Line 1389 through Page 46, Line 1390:*

1389 (C) a tribal treaty card.

= **Section 37. Section 67-5-22.7 is amended to read:**

67-5-22.7. Multi-agency strike force to combat violent and other major felony crimes associated with illegal immigration and human trafficking -- Fraudulent Documents Identification Unit.

(1) The Office of the Attorney General is authorized to administer and coordinate the operation of a multi-agency strike force to combat violent and other major felony crimes committed within the state that are associated with illegal immigration and human trafficking.

(2) The office shall invite officers of the U.S. Immigration and Customs Enforcement and state and local law enforcement personnel to participate in this mutually supportive, multi-agency strike force to more effectively utilize their combined skills, expertise, and resources.

(3) The strike force shall focus its efforts on detecting, investigating, deterring, and eradicating violent and other major felony criminal activity related to illegal immigration and human trafficking.

(4) In conjunction with the strike force and subject to available funding, the Office of the Attorney General shall establish a Fraudulent Documents Identification Unit:

(a) for the primary purpose of investigating, apprehending, and prosecuting

individuals or entities that participate in the sale or distribution of fraudulent documents used for identification purposes; ~~{and}~~

(b) to specialize in fraudulent identification documents created and prepared for individuals who are unlawfully residing within the state ~~{-}~~ ; and

(c) to administer the Identity Theft Victims Restricted Account created under Subsection (5).

(5) (a) There is created a restricted account in the General Fund known as the "Identity Theft Victims Restricted Account."

(b) The Identity Theft Victims Restricted Account shall consist of money appropriated to the Identity Theft Victims Restricted Account by the Legislature.

(c) Subject to appropriations from the Legislature, the Fraudulent Documents Identification Unit may expend the money in the Identity Theft Victims Restricted Account to pay a claim as provided in this Subsection (5) to a person who is a victim of identity theft prosecuted under Section 76-6-1102 or 76-10-1801.

(d) To obtain restitution from the Identity Theft Victims Restricted Account, a person shall file a claim with the Fraudulent Documents Identification Unit by no later than one year after the day on which an individual is convicted, pleads guilty, pleads no contest to, pleads guilty in a similar manner to, or resolved by diversion or its equivalent an offense under Section 76-6-1102 or 76-10-1801 for the theft of the identity of the person filing the claim.

(e) A claim filed under this Subsection (5) shall include evidence satisfactory to the Fraudulent Documents Identification Unit:

(i) that the person is the victim of identity theft described in Subsection (5)(d); and

(ii) of the actual damages experienced by the person as a result of the identity theft that are not recovered from a public or private source.

(f) The Fraudulent Documents Identification Unit shall pay a claim of restitution from the Identity Theft Victims Restricted Account:

(i) if the Fraudulent Documents Identification Unit determines that the person has provided sufficient evidence to meet the requirements of Subsection (5)(e);

(ii) in the order that claims are filed with the Fraudulent Documents Identification Unit; and

(iii) to the extent that there is money in the Identity Theft Victims Restricted Account.

(g) If there is insufficient money in the Identity Theft Victims Restricted Account when a claim is filed under this Subsection (5) to pay the claim in full, the Fraudulent

Documents Identification Unit may pay a claim when there is sufficient money in the account to pay the claim.

~~{(5)}~~ (6) The strike force shall make an annual report on its activities to the governor and the Legislature's Law Enforcement and Criminal Justice Interim Committee by December 1, together with any proposed recommendations for modifications to this section.

1390 Section 37. Section **76-8-1503** is enacted to read:

Renumber remaining sections accordingly.

Respectfully,

Mark B. Madsen
Committee Chair

Voting: 3-2-1

7 SB0060.SC1.WPD /JDH PO/BRH 2/24/11 10:15 am