

PAWNSHOP RECORD AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act, modifying procedures relating to access of pawn and purchase transaction records.

Highlighted Provisions:

This bill:

- ▶ permits law enforcement and the Division of Consumer Protection to access pawn and purchase transaction records on a central database on behalf of an insurance company investigating a claim for physical loss of property; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-32a-106.5, as last amended by Laws of Utah 2009, Chapter 272

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

Section 1. Section **13-32a-106.5** is amended to read:



28 **13-32a-106.5. Confidentiality of pawn and purchase transactions.**

29 (1) All pawn and purchase transaction records delivered to a local law enforcement
30 official or transmitted to the central database pursuant to Section 13-32a-106 are protected
31 records under Section 63G-2-305. These records may be used only by law enforcement
32 officials and the division and only for the law enforcement and administrative enforcement
33 purposes of:

34 (a) investigating possible criminal conduct involving the property delivered to the
35 pawnbroker or secondhand business in a pawn or purchase transaction;

36 (b) investigating a possible violation of the record keeping or reporting requirements of
37 this chapter when the local law enforcement official, based on a review of the records and
38 information received, has reason to believe that a violation has occurred;

39 (c) responding to an inquiry from a person claiming ownership of described property or
40 an insurance company investigating a claim for physical loss of described property by
41 searching the database to determine if property matching the description has been delivered to a
42 pawnbroker or secondhand business by another person in a pawn or purchase transaction and if
43 so, obtaining from the database:

44 (i) a description of the property;

45 (ii) the name and address of the pawnbroker or secondhand business who received the
46 property; and

47 (iii) the name, address, and date of birth of the conveying person; and

48 (d) taking enforcement action under Section 13-2-5 against a pawnbroker or
49 secondhand business.

50 (2) (a) A person may not knowingly and intentionally use, release, publish, or
51 otherwise make available to any person or entity any information obtained from the database
52 for any purpose other than those specified in Subsection (1).

53 (b) Each separate violation of Subsection (2)(a) is a class B misdemeanor.

54 (c) Each separate violation of Subsection (2)(a) is subject to a civil penalty not to
55 exceed \$250.

Legislative Review Note
as of 1-27-12 5:30 PM

Office of Legislative Research and General Counsel