

Senator Scott K. Jenkins proposes the following substitute bill:

WARRANT PROCESS AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: _____

LONG TITLE

General Description:

This bill creates an Outstanding Warrants Identification Database Program.

Highlighted Provisions:

This bill:

- ▶ requires specified additional information to be included in the statewide warrant system;
- ▶ requires the Department of Public Safety to share information in the expanded statewide warrant system with a designated agent;
- ▶ requires the designated agent to maintain and cross-reference information in the shared database to identify the most recent address and contact information for people with an outstanding warrant;
- ▶ requires the designated agent to send up to two written notices to each person with an outstanding warrant reminding the person that if the warrant is not paid or resolved within a specified period of time that the person's driver license will be suspended ~~§~~ → [and the person will not be permitted to purchase a state hunting or fishing license] ← ~~§~~ ;
- ▶ provides penalties to the designated agent for unauthorized disclosure of information in the database;

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- 26 ▶ requires scheduled audits of the designated agent; and
- 27 ▶ provides the Office of State Debt Collection with access to outstanding warrant
- 28 records contained on the statewide warrants system.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **§→** [~~23-19-9.5, as last amended by Laws of Utah 1995, Chapter 211~~] **←§**

36 **53-3-220**, as last amended by Laws of Utah 2010, Chapters 276 and 374

37 **53-10-208**, as last amended by Laws of Utah 2009, Chapters 292 and 356

38 **63A-3-502**, as last amended by Laws of Utah 2011, Chapter 59 and renumbered and
39 amended by Laws of Utah 2011, Chapter 79

40 ENACTS:

41 **53-10a-101**, Utah Code Annotated 1953

42 **53-10a-102**, Utah Code Annotated 1953

43 **53-10a-103**, Utah Code Annotated 1953

44 **53-10a-104**, Utah Code Annotated 1953



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

47 **§→** [~~Section 1. Section 23-19-9.5 is amended to read:~~

48 ~~—— 23-19-9.5. Warrant outstanding or failure to comply with citation -- Person not~~
49 ~~entitled to license, permit, tag, or certificate.~~

50 ~~—— (1) A person may not purchase a license, permit, tag, or certificate of registration if:~~

51 ~~—— (a) there is an outstanding Utah warrant against him for failure to appear in answer to a~~
52 ~~summons for a violation of:~~

53 ~~—— (i) a provision of this title; or~~

54 ~~—— (ii) a rule, proclamation, or order of the Wildlife Board; {or}~~

55 ~~—— (b) [he] the person has failed to comply with a wildlife citation in a state which is a~~
56 ~~party to the Wildlife Violator Compact set forth in Title 23, Chapter 25[-]; or~~

57 ~~_____ (c) the division receives a report from the designated agent in accordance with Section~~
 58 ~~53-10a-103 that a person has not paid or resolved a warrant within 120 days after the date the~~
 59 ~~warrant was issued.~~

60 ~~_____ (2) The division may allow a person referred to in Subsection (1) to purchase a license,~~
 61 ~~permit, tag, or certificate of registration if satisfactory proof is given that:~~

62 ~~_____ (a) the warrant is no longer outstanding; or~~

63 ~~_____ (b) [he] the person has complied with the wildlife citation.] ←§~~

64 Section ~~§~~ → [2] 1 ←§ . Section 53-3-220 is amended to read:

65 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
 66 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
 67 **Limited driving privileges.**

68 (1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter
 69 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or
 70 disqualification, the division shall deny, suspend, or disqualify the license of a person upon
 71 receiving a record of the person's conviction for:

72 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or
 73 automobile homicide under Section 76-5-207 or 76-5-207.5;

74 (ii) driving or being in actual physical control of a motor vehicle while under the
 75 influence of alcohol, any drug, or combination of them to a degree that renders the person
 76 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited
 77 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

78 (iii) driving or being in actual physical control of a motor vehicle while having a blood
 79 or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance
 80 that complies with the requirements of Subsection 41-6a-510(1);

81 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
 82 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
 83 regulating driving on highways;

84 (v) any felony under the motor vehicle laws of this state;

85 (vi) any other felony in which a motor vehicle is used to facilitate the offense;

86 (vii) failure to stop and render aid as required under the laws of this state if a motor
 87 vehicle accident results in the death or personal injury of another;

367 (ii) appeared before the appropriate judicial authority and resolved the warrant;

368 (e) provide a written notice to the most current address in the Outstanding Warrant
369 Database reminding the person with an outstanding warrant to pay or resolve the warrant and
370 advising that the person's driver license will be suspended if the person does not pay or resolve
371 the warrant within 120 days of the date the warrant was issued;

372 (f) if a person to whom a written notice has been sent does not pay or resolve the
373 warrant within 15 days, send a second written notice informing the person that the person's
374 driver license will be suspended if the person does not pay or resolve the warrant within 120
375 days of the date the warrant was issued; and

376 (g) if a person to whom a second notice has been sent under Subsection (4)(g) does not
377 pay or resolve the warrant within 120 days of the date the warrant was issued, provide the
378 Driver License Division ~~§~~ → [and the Division of Wildlife Resources] ← ~~§~~ a report containing
379 information about each person who has not paid or resolved a warrant within 120 days of the
380 date the warrant was issued.

381 (5) The report under Subsection (4)(g) shall include the name of the person to whom
382 the warrant was issued, the date the warrant was issued, the court that issued the warrant, the
383 name of the offense, the address to which the written notices were sent, and the dates they were
384 sent.

385 (6) (a) The internal audit unit of the Utah State Tax Commission created in Section
386 59-1-206 shall audit the program after the first full year of operation, and then at least every
387 three years.

388 (b) The audit under Subsection (5) shall include verification of:

389 (i) billings made by the designated agent;

390 (ii) any reduction in outstanding warrants in the state;

391 (iii) the amounts collected and paid to state agencies as result of the program;

392 (iv) the accuracy of the designated agent's matching of information with outstanding
393 warrant data; and

394 (v) the cost of the program and the benefit provided to the state.

395 Section 7. Section **53-10a-104** is enacted to read:

396 **53-10a-104. Disclosure of outstanding warrant information -- Penalty.**

397 (1) Information in the Outstanding Warrants Database established under Section