

SB0206S01 compared with SB0206

~~{deleted text}~~ shows text that was in SB0206 but was deleted in SB0206S01.

inserted text shows text that was not in SB0206 but was inserted into SB0206S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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 ~~{modifies the statewide warrant system, requires the Bureau of Criminal}~~ creates an Outstanding Warrants Identification ~~{to provide written notification reminding individuals with an unpaid warrant to pay or resolve the warrant, and establishes penalties for persons who do not pay or resolve a warrant within a specified period of time}~~ Database Program.

Highlighted Provisions:

This bill:

- ▶ requires specified additional information to be included in the statewide warrant system;
- ▶ requires the ~~{Bureau}~~ Department of ~~{Criminal Identification to}~~ Public Safety to share information in the expanded statewide warrant

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system ~~{to locate the best known}~~ 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

~~{individuals who have,}~~ 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 ~~{, not paid or resolved outstanding warrants};~~

~~• provide written notification informing individuals that under certain circumstances, a~~ that the person's ~~{driver's}~~ driver license will be suspended and ~~{a}~~ the person will not be permitted to purchase a state hunting or fishing license;

~~{• to report to the Driver License Division all individuals who do not pay or resolve warrants within a specified period of time;~~

▶ ~~requires the Driver's License Division to suspend the driver's licenses of individuals who do not pay or resolve warrants with the appropriate judicial authority within specified period of time; and~~

▶ ~~prevents a person with an~~ ▶ provides penalties to the designated agent for unauthorized disclosure of information in the database;

▶ requires scheduled audits of the designated agent; and

▶ provides the Office of State Debt Collection with access to outstanding warrant ~~{from purchasing a hunting tag, permit, or license, or a fishing license}~~ records contained on the statewide warrants system.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

23-19-9.5, as last amended by Laws of Utah 1995, Chapter 211

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~~{ 41-12a-803, as last amended by Laws of Utah 2011, Chapter 342~~

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

~~{ 53-10-202, as last amended by Laws of Utah 2011, Chapter 428~~

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

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

ENACTS:

53-10a-101, Utah Code Annotated 1953

53-10a-102, Utah Code Annotated 1953

53-10a-103, Utah Code Annotated 1953

53-10a-104, Utah Code Annotated 1953

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

Section 1. Section **23-19-9.5** is amended to read:

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

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

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

(i) a provision of this title; or

(ii) a rule, proclamation, or order of the Wildlife Board; [or]

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

(c) the division ~~has received~~ receives a report from the ~~Bureau of Criminal Identification~~ designated agent in accordance with Section ~~53-10-202~~ 53-10a-103 that a person has not paid or resolved a warrant within 120 days after the date the warrant was issued.

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

(a) the warrant is no longer outstanding; or

(b) [he] the person has complied with the wildlife citation.

~~{ Section 2. Section **41-12a-803** is amended to read:~~

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~~41-12a-803. Program creation -- Administration -- Selection of designated agent -- Duties -- Rulemaking -- Audits.~~

~~(1) There is created the Uninsured Motorist Identification Database Program to:~~

~~(a) establish an Uninsured Motorist Identification Database to verify compliance with motor vehicle owner's or operator's security requirements under Section 41-12a-301 and other provisions under this part;~~

~~(b) assist in reducing the number of uninsured motor vehicles on the highways of the state;~~

~~(c) assist in increasing compliance with motor vehicle registration and sales and use tax laws;~~

~~(d) assist in protecting a financial institution's bona fide security interest in a motor vehicle; and~~

~~(e) assist in the identification and prevention of identity theft and other crimes.~~

~~(2) The program shall be administered by the department with the assistance of the designated agent and the Motor Vehicle Division.~~

~~(3) (a) The department shall contract in accordance with Title 63G, Chapter 6, Utah Procurement Code, with a third party to establish and maintain an Uninsured Motorist Identification Database for the purposes established under this part.~~

~~(b) The contract may not obligate the department to pay the third party more money than is available in the account.~~

~~(4) (a) The third party under contract under this section is the department's designated agent, and shall develop and maintain a computer database from the information provided by:~~

~~(i) insurers under Section 31A-22-315;~~

~~(ii) the division under Subsection (6); and~~

~~(iii) the Motor Vehicle Division under Section 41-1a-120.~~

~~(b) (i) The database shall be developed and maintained in accordance with guidelines established by the department so that the Bureau of Criminal Identification, state and local law enforcement agencies and financial institutions as defined in Section 7-1-103 can efficiently access the records of the database, including reports useful for the implementation of the provisions of this part.~~

~~(ii) (A) The reports shall be in a form and contain information approved by the~~

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department.

~~—— (B) The reports may be made available through the Internet or through other electronic medium, if the department determines that sufficient security is provided to ensure compliance with Section 41-12a-805 regarding limitations on disclosure of information in the database.~~

~~—— (5) With information provided by the department and the Motor Vehicle Division, the designated agent shall, at least monthly for submissions under Subsection 31A-22-315(2)(b) or at least twice a month for submissions under Subsection 31A-22-315(2)(a):~~

~~—— (a) update the database with the motor vehicle insurance information provided by the insurers in accordance with Section 31A-22-315; and~~

~~—— (b) compare all current motor vehicle registrations against the database.~~

~~—— (6) The division shall provide the designated agent with the name, date of birth, address, and driver license number of all persons on the driver license database.~~

~~—— (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules and develop procedures in cooperation with the Motor Vehicle Division to use the database for the purpose of administering and enforcing this part.~~

~~—— (8) (a) The designated agent shall archive computer data files at least semi-annually for auditing purposes.~~

~~—— (b) The internal audit unit of the tax commission provided under Section 59-1-206 shall audit the program at least every three years.~~

~~—— (c) The audit under Subsection (8)(b) shall include verification of:~~

~~—— (i) billings made by the designated agent; and~~

~~—— (ii) the accuracy of the designated agent's matching of vehicle registration with insurance data.~~

‡ Section ~~{3}~~2. Section **53-3-220** is amended to read:

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

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

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- (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or automobile homicide under Section 76-5-207 or 76-5-207.5;
- (ii) driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or combination of them to a degree that renders the person incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- (iii) driving or being in actual physical control of a motor vehicle while having a blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- (iv) perjury or the making of a false affidavit to the division under this chapter, Title 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or regulating driving on highways;
- (v) any felony under the motor vehicle laws of this state;
- (vi) any other felony in which a motor vehicle is used to facilitate the offense;
- (vii) failure to stop and render aid as required under the laws of this state if a motor vehicle accident results in the death or personal injury of another;
- (viii) two charges of reckless driving, impaired driving, or any combination of reckless driving and impaired driving committed within a period of 12 months; but if upon a first conviction of reckless driving or impaired driving the judge or justice recommends suspension of the convicted person's license, the division may after a hearing suspend the license for a period of three months;
- (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as required in Section 41-6a-210;
- (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that requires disqualification;
- (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or allowing the discharge of a firearm from a vehicle;
- (xii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);
- (xiii) operating or being in actual physical control of a motor vehicle while having any measurable controlled substance or metabolite of a controlled substance in the person's body in

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violation of Section 41-6a-517;

(xiv) until July 30, 2015, operating or being in actual physical control of a motor vehicle while having any alcohol in the person's body in violation of Section 53-3-232;

(xv) operating or being in actual physical control of a motor vehicle while having any measurable or detectable amount of alcohol in the person's body in violation of Section 41-6a-530;

(xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in violation of Section 41-6a-606;

(xvii) operating or being in actual physical control of a motor vehicle in this state without an ignition interlock system in violation of Section 41-6a-518.2; or

(xviii) custodial interference, under:

(A) Subsection 76-5-303(3), which suspension shall be for a period of 30 days, unless the court provides the division with an order of suspension for a shorter period of time;

(B) Subsection 76-5-303(4), which suspension shall be for a period of 90 days, unless the court provides the division with an order of suspension for a shorter period of time; or

(C) Subsection 76-5-303(5), which suspension shall be for a period of 180 days, unless the court provides the division with an order of suspension for a shorter period of time.

(b) The division shall immediately revoke the license of a person upon receiving a record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for:

(i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or allowing the discharge of a firearm from a vehicle; or

(ii) using, allowing the use of, or causing to be used any explosive, chemical, or incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).

(c) Except when action is taken under Section 53-3-219 for the same offense, the division shall immediately suspend for six months the license of a person upon receiving a record of conviction for:

(i) any violation of:

(A) Title 58, Chapter 37, Utah Controlled Substances Act;

(B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

(C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

(D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

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(E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

(ii) any criminal offense that prohibits:

(A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance that is prohibited under the acts described in Subsection (1)(c)(i); or

(B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).

(d) (i) The division shall immediately suspend a person's driver license for conviction of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:

(A) an order from the sentencing court requiring that the person's driver license be suspended; and

(B) a record of the conviction.

(ii) An order of suspension under this section is at the discretion of the sentencing court, and may not be for more than 90 days for each offense.

(e) (i) The division shall immediately suspend for one year the license of a person upon receiving a record of:

(A) conviction for the first time for a violation under Section 32B-4-411; or

(B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under Section 32B-4-411.

(ii) The division shall immediately suspend for a period of two years the license of a person upon receiving a record of:

(A) (I) conviction for a second or subsequent violation under Section 32B-4-411; and

(II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior conviction for a violation under Section 32B-4-411; or

(B) (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under Section 32B-4-411; and

(II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under Section 32B-4-411.

(iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:

(A) for a conviction or adjudication described in Subsection (1)(e)(i):

(I) impose a suspension for one year beginning on the date of conviction; or

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(II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for one year beginning on the date of eligibility for a driver license; or

(B) for a conviction or adjudication described in Subsection (1)(e)(ii):

(I) impose a suspension for a period of two years; or

(II) if the person is under the age of eligibility for a driver license, impose a suspension that begins on the date of conviction and continues for two years beginning on the date of eligibility for a driver license.

(2) The division shall extend the period of the first denial, suspension, revocation, or disqualification for an additional like period, to a maximum of one year for each subsequent occurrence, upon receiving:

(a) a record of the conviction of any person on a charge of driving a motor vehicle while the person's license is denied, suspended, revoked, or disqualified;

(b) a record of a conviction of the person for any violation of the motor vehicle law in which the person was involved as a driver;

(c) a report of an arrest of the person for any violation of the motor vehicle law in which the person was involved as a driver; or

(d) a report of an accident in which the person was involved as a driver.

(3) When the division receives a report under Subsection (2)(c) or (d) that a person is driving while the person's license is denied, suspended, disqualified, or revoked, the person is entitled to a hearing regarding the extension of the time of denial, suspension, disqualification, or revocation originally imposed under Section 53-3-221.

(4) (a) The division may extend to a person the limited privilege of driving a motor vehicle to and from the person's place of employment or within other specified limits on recommendation of the judge in any case where a person is convicted of any of the offenses referred to in Subsections (1) and (2) except:

(i) automobile homicide under Subsection (1)(a)(i);

(ii) those offenses referred to in Subsections (1)(a)(ii), (iii), (xi), (xii), (xiii), (1)(b), and (1)(c); and

(iii) those offenses referred to in Subsection (2) when the original denial, suspension, revocation, or disqualification was imposed because of a violation of Section 41-6a-502,

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41-6a-517, a local ordinance which complies with the requirements of Subsection 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of these sections or ordinances, unless:

(A) the person has had the period of the first denial, suspension, revocation, or disqualification extended for a period of at least three years;

(B) the division receives written verification from the person's primary care physician that:

(I) to the physician's knowledge the person has not used any narcotic drug or other controlled substance except as prescribed by a licensed medical practitioner within the last three years; and

(II) the physician is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely; and

(C) for a period of one year prior to the date of the request for a limited driving privilege:

(I) the person has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle;

(II) the division has not received a report of an arrest for a violation of any motor vehicle law in which the person was involved as the operator of the vehicle; and

(III) the division has not received a report of an accident in which the person was involved as an operator of a vehicle.

(b) (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege authorized in this Subsection (4):

(A) is limited to when undue hardship would result from a failure to grant the privilege; and

(B) may be granted only once to any person during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.

(ii) The discretionary privilege authorized in Subsection (4)(a)(iii):

(A) is limited to when the limited privilege is necessary for the person to commute to school or work; and

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(B) may be granted only once to any person during any single period of denial, suspension, revocation, or disqualification, or extension of that denial, suspension, revocation, or disqualification.

(c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or denied under this chapter.

(5) (a) The division shall, upon receiving a report from the ~~{Bureau of Criminal Identification pursuant to}~~ designated agent in accordance with Section ~~{53-2-202}~~ 53-10a-103, immediately suspend the ~~{driver's}~~ driver license of each person who has not paid or resolved a warrant ~~{within 120}~~ within 120 days after the date the warrant was issued.

(b) The division shall reinstate ~~{the suspension of}~~ a ~~{driver's}~~ driver license under Subsection ~~{(2)}~~ (5) (a) ~~{when}~~ within two business days after a person has paid the bail on all outstanding warrants in full, resolved ~~{the warrant}~~ all warrants with the appropriate judicial authority, or ~~{upon}~~ obtained a court order.

Section ~~{4. Section 53-10-202 is amended to read:~~

~~53-10-202. Criminal identification -- Duties of bureau.~~

~~The bureau shall:~~

~~(1) procure and file information relating to identification and activities of persons who:~~

~~(a) are fugitives from justice;~~

~~(b) are wanted or missing;~~

~~(c) have been arrested for or convicted of a crime under the laws of any state or nation;~~

~~and~~

~~(d) are believed to be involved in racketeering, organized crime, or a dangerous offense;~~

~~(2) establish a statewide uniform crime reporting system that shall include:~~

~~(a) statistics concerning general categories of criminal activities;~~

~~(b) statistics concerning crimes that exhibit evidence of prejudice based on race, religion, ancestry, national origin, ethnicity, or other categories that the division finds appropriate; and~~

~~(c) other statistics as required by the Federal Bureau of Investigation;~~

~~(3) make a complete and systematic record and index of the information obtained~~

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~~under this part;~~

~~—— (4) subject to the restrictions in this part, establish policy concerning the use and dissemination of data obtained under this part;~~

~~—— (5) publish an annual report concerning the extent, fluctuation, distribution, and nature of crime in Utah;~~

~~—— (6) establish a statewide central register for the identification and location of missing persons, which may include:~~

~~—— (a) identifying data including fingerprints of each missing person;~~

~~—— (b) identifying data of any missing person who is reported as missing to a law enforcement agency having jurisdiction;~~

~~—— (c) dates and circumstances of any persons requesting or receiving information from the register; and~~

~~—— (d) any other information, including blood types and photographs found necessary in furthering the purposes of this part;~~

~~—— (7) publish a quarterly directory of missing persons for distribution to persons or entities likely to be instrumental in the identification and location of missing persons;~~

~~—— (8) list the name of every missing person with the appropriate nationally maintained missing persons lists;~~

~~—— (9) establish and operate a 24-hour communication network for reports of missing persons and reports of sightings of missing persons;~~

~~—— (10) coordinate with the National Center for Missing and Exploited Children and other agencies to facilitate the identification and location of missing persons and the identification of unidentified persons and bodies;~~

~~—— (11) receive information regarding missing persons, as provided in Sections 26-2-27 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section 41-1a-1401;~~

~~—— (12) adopt systems of identification, including the fingerprint system, to be used by the division to facilitate law enforcement;~~

~~—— (13) assign a distinguishing number or mark of identification to any pistol or revolver, as provided in Section 76-10-520;~~

~~—— (14) check certain criminal records databases for information regarding motor vehicle~~

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~~salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons, and inform the Motor Vehicle Enforcement Division when new entries are made for certain criminal offenses for motor vehicle salespersons in accordance with the requirements of Section 41-3-205.5; [and]~~

~~—— (15) check certain criminal records databases for information regarding driving privilege card applicants or cardholders and maintain a separate file of fingerprints for driving privilege applicants and cardholders and inform the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security or law enforcement agencies when new entries are made in accordance with the requirements of Section 53-3-205.5[.];~~

~~—— (16) (a) adopt rules and procedures in accordance with Title 63G, Chapter 3, Administrative Rulemaking Act, that establish priorities and criteria for use of the statewide warrant system created in Section 53-10-208;~~

~~—— (b) identify the most current address in the statewide warrant system for each person who has been issued a warrant for 60 days or more if the person has not:~~

~~—— (i) paid the bail on the warrant; or~~

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

~~—— (17) provide a written notice to the most current address in the statewide warrant system reminding the person with an outstanding warrant to pay or resolve the warrant and advising that the person's driver's license will be suspended if the person does not pay or resolve the warrant within 120 days of the date the warrant was issued;~~

~~—— (18) (a) if a person to whom a written notice has been sent does not pay or resolve the warrant within 15 days, provide a second written notice informing the person that the person's driver's license will be suspended if the person does not pay or resolve the warrant within 120 days of the date the warrant was issued; and~~

~~—— (b) if a person to whom a second notice has been sent does not pay or resolve the warrant within 120 days of the date the warrant was issued, the bureau shall provide the Driver License Division and the Division of Wildlife Resources a report containing information about each person residing in this state who has not paid or resolved a warrant within 120 days of the date the warrant was issued; and~~

~~—— (19) include in the report the date the warrant was issued, which court issued the~~

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~~warrant, the name of the offense, the date and address to which the written notices were sent, and the name of the person to whom the warrant was issued.~~

~~Section 5}3.~~ Section 53-10-208 is amended to read:

53-10-208. Definition -- Offenses included on statewide warrant system -- Transportation fee to be included -- Statewide warrant system ~~{duties and responsibilities}~~responsibility -- Quality control -- Training -- Technical support -- Transaction costs.

(1) "Statewide warrant system" means the portion of the state court computer system that is accessible by modem from the state mainframe computer and contains:

(a) records of criminal warrant information; and

(b) after notice and hearing, records of protective orders issued pursuant to:

(i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act; or

(ii) Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act.

(2) ~~{a}~~ The division shall include on the statewide warrant system:

(a) all warrants issued for felony offenses and class A, B, and C misdemeanor offenses in the state~~[-];~~

(b) ~~[The division shall include on the statewide warrant system]~~ all warrants issued for failure to appear on a traffic citation as ordered by a magistrate under Subsection 77-7-19(3)~~[-];~~

(c) vehicle registration records collected by the Motor Vehicle Division under Section ~~{41-1a-206}~~41-1a-202;

(d) ~~{driver's}~~driver license records collected by the Driver License Division under Section 53-3-205;

(e) hunting and fishing license, certificate of registration, tag, and permit records collected by the Division of Wildlife Resources under Title 23, Chapter 19, ~~{License}~~Licenses, Permits, and Tags;

~~-----~~ ~~{f}~~ records of the Uninsured Motorist Identification Database created in Section ~~41-12a-803;~~ and

~~{g}~~f any other record collected or maintained by a governmental entity or ~~{a}~~ political subdivision of this state if the sharing of the record is authorized by Section 63G-2-206 and the record will assist the bureau to locate the address or contact information of an individual with a warrant~~{t}~~.

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~~(e)~~ ~~(b)~~3 For each warrant, the division shall indicate whether the magistrate ordered under Section 77-7-5 and Rule 6, Utah Rules of Criminal Procedure, that the accused appear in court.

~~(3)~~(4) The division is the agency responsible for the statewide warrant system and shall:

(a) ensure quality control of all warrants of arrest or commitment and protective orders contained in the statewide warrant system by conducting regular validation checks with every clerk of a court responsible for entering the information on the system;

(b) upon the expiration of the protective orders and in the manner prescribed by the division, purge information regarding protective orders described in Subsection 53-10-208.1(4) within 30 days of the time after expiration;

(c) establish system procedures and provide training to all criminal justice agencies having access to information contained on the state warrant system;

(d) provide technical support, program development, and systems maintenance for the operation of the system; ~~and~~

(e) pay data processing and transaction costs for state, county, and city law enforcement agencies and criminal justice agencies having access to information contained on the state warrant system~~[-]~~;

~~(f) investigate and identify the economic loss to the state resulting from unpaid warrants;~~

~~(g) encourage individuals with an unpaid warrant to pay the bail on the warrant or appear before the appropriate judicial authority and resolve the warrant;~~

~~(h) provide a means for individuals to pay the bail on unpaid warrants on a secure financial transaction Internet site; and~~

~~(f)~~(f) prepare reports upon the request of the Legislature, a legislative committee, or a state or local law enforcement agency regarding the number and dollar amount of ~~unpaid~~outstanding warrants in any specified geographical region within the state; and

~~(f)~~(g) make recommendations as requested to the Judiciary, Law Enforcement, and Criminal Justice Interim Committee ~~on improving~~to improve the ~~ongoing~~ collection of ~~unpaid warrants.~~

~~(4)~~outstanding warrants through use of the statewide warrant system.

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~~[(4)]~~ (5) (a) Any data processing or transaction costs not funded by legislative appropriation shall be paid on a pro rata basis by all agencies using the system during the fiscal year.

(b) This Subsection ~~[(4)]~~ (5) supersedes any conflicting provision in Subsection ~~[(3)(c)]~~.

Legislative Review Note

as of ~~2-29-12 11:28 AM~~

~~Office of Legislative Research and General Counsel~~ ~~[(3)]~~ (4)(e).

Section 4. Section 53-10a-101 is enacted to read:

CHAPTER 10a. OUTSTANDING WARRANT IDENTIFICATION DATABASE PROGRAM.

53-10a-101. Title.

This chapter is known as the "Outstanding Warrant Identification Database Program."

Section 5. Section 53-10a-102 is enacted to read:

53-10a-102. Definitions.

As used in this chapter:

(1) "Department" means the Department of Public Safety created in Section 53-1-103.

(2) "Designated agent" means a third party that the department contracts with under

Section 53-10a-103.

(3) "Outstanding warrant" means a warrant that has been issued for 60 days or more to a person who has not:

(a) paid the bail on the warrant; or

(b) appeared before the appropriate judicial authority and resolved the warrant.

(4) "Outstanding warrant database" means a database maintained by the designated agent and populated by merging information from other sources as described in Section 53-10a-103.

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(5) "Program" means the Outstanding Warrant Identification Database Program created in Section 53-10a-103.

Section 6. Section 53-10a-103 is enacted to read:

53-10a-103. Program creation -- Administration -- Selection of designated agent -- Duties -- Rulemaking -- Audits.

(1) There is created the Outstanding Warrant Database Program. The program shall:

(a) maintain an Outstanding Warrant Database to be used to encourage timely compliance with the payment of bail and other provisions under this chapter;

(b) investigate and identify the economic loss to the state as a result of outstanding warrants;

(c) encourage a person with an outstanding warrant to pay the bail on the warrant or appear before the appropriate judicial authority and resolve the warrant;

(d) provide an explanation of the legal consequences of failure to pay or resolve an outstanding warrant;

(e) identify the most current address and contact information in the outstanding warrant database for each person who has been issued a warrant for 60 days or more; and

(f) prepare reports upon the request of the Legislature, a legislative committee, or a state or local law enforcement agency regarding the program and the number and amount of unpaid warrants in any specified geographical region within the state.

(2) The program shall be administered by the department with the assistance of the designated agent, and in cooperation with the:

(a) Driver License Division;

(b) Motor Vehicle Division;

(c) Division of Purchasing and General Services, in conjunction with the Pawnshop and Secondhand Merchandise Advisory Board;

(d) Bureau of Criminal Investigation and its statewide warrant system;

(e) Uninsured Motorist Program; and

(f) Division of Wildlife Resources.

(3) The department shall:

(a) contract in accordance with Title 63G, Chapter 6, Utah Procurement Code, with a designated agent to maintain the Outstanding Warrant Identification Database Program for the

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purposes established under this chapter:

(b) ensure that the designated agent is in compliance with Section 53-10a-104 regarding limitations on disclosure of information in the database:

(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules and procedures, with input from the state agencies in Subsection (2), to:

(i) govern the designated agent's administration of the program; and

(ii) provide that the return address on notices sent under this chapter shall be to the department and that all returned letters under this section shall be used in updating the statewide warrant system.

(4) The designated agent shall:

(a) in accordance with the administrative rules adopted by the department, maintain a database created from the information provided by the following state sources:

(i) records of the statewide warrant system established under Section 53-10-208;

(ii) records of the central database for pawn and second hand merchandise established in Section 13-32a-105; and

(iii) records of the uninsured motorist program established under Section 41-12a-804.

(b) archive computer data files at least semi-annually for auditing purposes;

(c) make reports available through the Internet regarding the number and dollar amount of unpaid warrants within any geographical region of the state;

(d) within one business day of receiving information in accordance with this subsection, compare the information with the Outstanding Warrant Database to identify the most current address in the statewide warrant system for each person who has been issued a warrant for 60 days or more and who has not:

(i) paid the bail on the warrant; or

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

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

(f) if a person to whom a written notice has been sent does not pay or resolve the warrant within 15 days, send a second written notice informing the person that the person's

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driver license will be suspended if the person does not pay or resolve the warrant within 120 days of the date the warrant was issued; and

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

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

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

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

(i) billings made by the designated agent;

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

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

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

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

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

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

(1) Information in the Outstanding Warrants Database established under Section 53-10a-103, may not be disclosed under Title 63G, Chapter 2, Government Records Access and Management Act, except as required by this chapter or to assist a state or local government agency or court locate a person with an outstanding warrant.

(2) The information provided by a person to the designated agent is considered to be the property of the person providing the information.

(3) The designated agent shall, upon request, issue a document stating information about an outstanding warrant to:

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(a) any person who is the subject of an outstanding warrant;

(b) the parent or legal guardian of an individual who is the subject of an outstanding warrant;

(c) a person who has power of attorney for an individual who is the subject of an outstanding warrant;

(d) any state or local government agency or court for the purpose of investigation or prosecution of crimes;

(e) any peace officer acting in an official capacity; and

(f) the state auditor, the legislative auditor general, or other auditor of the state or a political subdivision who is conducting an audit of the program.

(4) A person who knowingly releases or discloses information from the database for a purpose other than those authorized in this section or to a person who is not authorized by law to receive the information is guilty of a third degree felony.

(5) Neither the state nor the department's designated agent is liable to any person for gathering, managing, or using the information in the database in accordance with this chapter.

Section 8. Section 63A-3-502 is amended to read:

63A-3-502. Office of State Debt Collection created -- Duties.

(1) The state and each state agency shall comply with the requirements of this chapter and any rules established by the Office of State Debt Collection.

(2) There is created the Office of State Debt Collection in the Division of Finance.

(3) The office shall:

(a) have overall responsibility for collecting and managing state receivables;

(b) assist the Division of Finance to develop consistent policies governing the collection and management of state receivables;

(c) oversee and monitor state receivables to ensure that state agencies are:

(i) implementing all appropriate collection methods;

(ii) following established receivables guidelines; and

(iii) accounting for and reporting receivables in the appropriate manner;

(d) assist the Division of Finance to develop policies, procedures, and guidelines for accounting, reporting, and collecting money owed to the state;

(e) provide information, training, and technical assistance to each state agency on

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various collection-related topics:

(f) write an inclusive receivables management and collection manual for use by each state agency;

(g) prepare quarterly and annual reports of the state's receivables;

(h) create or coordinate a state accounts receivable database that includes the most recent name and address of individuals with warrants that have not been paid or resolved for more than 120 days from date the warrant was issued as generated by the statewide warrant system created under Section 53-10-208;

(i) develop reasonable criteria to gauge state agencies' efforts in maintaining an effective accounts receivable program;

(j) identify any state agency that is not making satisfactory progress toward implementing collection techniques and improving accounts receivable collections;

(k) coordinate information, systems, and procedures between each state agency to maximize the collection of past-due accounts receivable;

(l) establish an automated cash receipt process between each state agency;

(m) assist the Division of Finance to establish procedures for writing off accounts receivable for accounting and collection purposes;

(n) establish standard time limits after which an agency will delegate responsibility to collect state receivables to the office or its designee;

(o) be a real party in interest for an account receivable referred to the office by any state agency; and

(p) allocate money collected for judgments registered under Section 77-18-6 in accordance with Sections 51-9-402, 63A-3-506, and 78A-5-110.

(4) The office may:

(a) recommend to the Legislature new laws to enhance collection of past-due accounts by state agencies;

(b) collect accounts receivables for higher education entities, if the higher education entity agrees;

(c) prepare a request for proposal for consulting services to:

(i) analyze the state's receivable management and collection efforts; and

(ii) identify improvements needed to further enhance the state's effectiveness in

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collecting its receivables:

(d) contract with private or state agencies to collect past-due accounts;

(e) perform other appropriate and cost-effective coordinating work directly related to

collection of state receivables;

(f) obtain access to records and databases of any state agency that are necessary to the duties of the office by following the procedures and requirements of Section 63G-2-206;

(g) collect interest and fees related to the collection of receivables under this chapter, and establish, by following the procedures and requirements of Section 63J-1-504:

(i) a fee to cover the administrative costs of collection, on accounts administered by the office;

(ii) a late penalty fee that may not be more than 10% of the account receivable on accounts administered by the office;

(iii) an interest charge that is:

(A) the postjudgment interest rate established by Section 15-1-4 in judgments established by the courts; or

(B) not more than 2% above the prime rate as of July 1 of each fiscal year for accounts receivable for which no court judgment has been entered; and

(iv) fees to collect accounts receivable for higher education;

(h) collect reasonable attorney fees and reasonable costs of collection that are related to the collection of receivables under this chapter;

(i) make rules that allow accounts receivable to be collected over a reasonable period of time and under certain conditions with credit cards;

(j) file a satisfaction of judgment in the district court by following the procedures and requirements of the Utah Rules of Civil Procedure;

(k) ensure that judgments for which the office is the judgment creditor are renewed, as necessary;

(l) notwithstanding Section 63G-2-206, share records obtained under Subsection (4)(f) with private sector vendors under contract with the state to assist state agencies in collecting debts owed to the state agencies without changing the classification of any private, controlled, or protected record into a public record; and

(m) enter into written agreements with other governmental agencies to obtain

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information for the purpose of collecting state accounts receivable.

(5) The office shall ensure that:

(a) a record obtained by the office or a private sector vendor as referred to in

Subsection (4)(l):

(i) is used only for the limited purpose of collecting accounts receivable; and

(ii) is subject to federal, state, and local agency records restrictions; and

(b) any person employed by, or formerly employed by, the office or a private sector vendor as referred to in Subsection (4)(l) is subject to:

(i) the same duty of confidentiality with respect to the record imposed by law on officers and employees of the state agency from which the record was obtained; and

(ii) any civil or criminal penalties imposed by law for violations of lawful access to a private, controlled, or protected record.

(6) (a) The office shall collect accounts receivable ordered by the district court as a result of prosecution for a criminal offense that have been transferred to the office under Subsection 76-3-201.1(5)(h) or (8).

(b) The office may not assess the interest charge established by the office under Subsection (4) on an account receivable subject to the postjudgment interest rate established by Section 15-1-4.

(7) The office shall require a state agency to:

(a) transfer collection responsibilities to the office or its designee according to time limits established by the office;

(b) make annual progress towards implementing collection techniques and improved accounts receivable collections;

(c) use the state's accounts receivable system or develop systems that are adequate to properly account for and report their receivables;

(d) develop and implement internal policies and procedures that comply with the collections policies and guidelines established by the office;

(e) provide internal accounts receivable training to staff involved in the management and collection of receivables as a supplement to statewide training;

(f) bill for and make initial collection efforts of its receivables up to the time the accounts must be transferred; and

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(g) submit quarterly receivable reports to the office that identify the age, collection status, and funding source of each receivable.

(8) The office shall use the information provided by the agencies and any additional information from the office's records to compile a one-page summary report of each agency.

(9) The summary shall include:

(a) the type of revenue that is owed to the agency;

(b) any attempted collection activity; and

(c) any costs incurred in the collection process.

(10) The office shall annually provide copies of each agency's summary to the governor and to the Legislature.