

1 **TECHNICAL REVISIONS TO PAWNSHOP STATUTE**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Angela Romero**

5 Senate Sponsor: Karen Mayne

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Pawnshop and Secondhand Merchandise Transaction Information
10 Act regarding disposition of property.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ corrects a cross-reference regarding disposition of property after it has been
14 removed from a law enforcement hold and is not needed as evidence.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides an immediate effective date.

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **13-32a-115**, as enacted by Laws of Utah 2012, Chapter 284

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

24 Section 1. Section **13-32a-115** is amended to read:

25 **13-32a-115. Investigation phase -- Victim's responsibilities -- Property**
26 **disposition.**

27 (1) If the property pawned or sold to a pawn or secondhand business is the subject of a
28 criminal investigation and a hold has been placed on the property under Section **13-32a-109**,
29 the original victim shall do the following to establish a claim:

- 30 (a) positively identify to law enforcement the item stolen or lost;
- 31 (b) if a police report has not already been filed for the original theft or loss of property,
- 32 file a police report, and provide for the law enforcement agency information surrounding the
- 33 original theft or loss of property; and
- 34 (c) give a sworn statement under penalty of law that:
- 35 (i) claims ownership of the property;
- 36 (ii) references the original theft or loss; and
- 37 (iii) identifies the perpetrator if known.
- 38 (2) The pawn or secondhand business shall retain possession of any property subject to
- 39 a hold until a criminal prosecution is commenced relating to the property for which the hold
- 40 was placed unless:
- 41 (a) during the course of a criminal investigation the actual physical possession by law
- 42 enforcement of an article purchased or pawned is essential for the purpose of fingerprinting the
- 43 property, chemical testing of the property, or if the property contains unique or sensitive
- 44 personal identifying information; or
- 45 (b) an agreement between the original victim and the pawn or secondhand business to
- 46 return the property is reached.
- 47 (3) (a) Upon the commencement of a criminal prosecution, any article subject to a hold
- 48 for investigation under this chapter may be seized by the law enforcement agency which
- 49 requested the hold.
- 50 (b) Subsequent disposition of the property shall be consistent with Section [~~77-24-2~~]
- 51 [24-3-103](#) regarding property not needed as evidence and this chapter.
- 52 (c) If a conflict exists between the provisions of Section [~~77-24-2~~] [24-3-103](#) regarding
- 53 property not needed as evidence and this chapter, this chapter takes precedence regarding
- 54 property held by pawn or secondhand businesses.
- 55 (4) At all times during the course of a criminal investigation and subsequent
- 56 prosecution, the article subject to a law enforcement hold shall be kept secure by the pawn or
- 57 secondhand business subject to the hold unless a pawned or sold article has been seized by the

58 law enforcement agency pursuant to Section 13-32a-109.5.

59 Section 2. **Effective date.**

60 If approved by two-thirds of all the members elected to each house, this bill takes effect
61 upon approval by the governor, or the day following the constitutional time limit of Utah
62 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
63 the date of veto override.