

1 **ILLEGAL IMMIGRATION AND HUMAN TRAFFICKING**

2 **ENFORCEMENT**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Richard A. Greenwood**

6 Senate Sponsor: _____

7

LONG TITLE

8 **General Description:**

9 This bill modifies provisions regarding the Department of Public Safety and the Office
10 of the Attorney General regarding the multi-agency criminal strike force.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ transfers from the Office of the Attorney General to the Department of Public Safety
14 the management of the multi-agency strike force created to combat violent and other
15 major felony crimes associated with illegal immigration and human trafficking and
16 to investigate fraudulent document crimes; and

17 ▶ includes uncodified language regarding the transfer of operations of the strike force,
18 including compensation to victims of identity fraud.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill takes effect on July 1, 2014.

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **63G-12-103**, as last amended by Laws of Utah 2012, Chapter 369

26 ENACTS:
27



28 **53-1-401**, Utah Code Annotated 1953

29 REPEALS:

30 **67-5-22.7**, as last amended by Laws of Utah 2011, Chapter 18

31 **Uncodified Material Affected:**

32 ENACTS UNCODIFIED MATERIAL



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

35 Section 1. Section **53-1-401** is enacted to read:

36 **53-1-401. Multi-agency strike force to combat violent and other major felony**
37 **crimes associated with illegal immigration and human trafficking -- Fraudulent**
38 **Documents Identification Unit.**

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

42 (2) The department shall invite officers of the United States Immigration and Customs
43 Enforcement and state and local law enforcement personnel to participate in this mutually
44 supportive multi-agency strike force to more effectively utilize their combined skills, expertise,
45 and resources.

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

49 (4) In conjunction with the strike force and subject to available funding, the
50 Department of Public Safety shall establish a Fraudulent Documents Identification Unit:

51 (a) for the primary purpose of investigating, apprehending, and prosecuting individuals
52 or entities that participate in the sale or distribution of fraudulent documents used for
53 identification purposes;

54 (b) to specialize in fraudulent identification documents created and prepared for
55 individuals who are unlawfully residing within the state; and

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

58 (5) (a) There is created a restricted account in the General Fund known as the "Identity

59 Theft Victims Restricted Account."

60 (b) The Identity Theft Victims Restricted Account consists of money appropriated to
61 the Identity Theft Victims Restricted Account by the Legislature.

62 (c) (i) Beginning on the program start date as defined in Section 63G-12-102, the
63 Fraudulent Documents Identification Unit may expend the money in the Identity Theft Victims
64 Restricted Account to pay a claim as provided in this Subsection (5) to a person who is a victim
65 of an identity theft offense that is prosecuted under Section 76-6-1102 or 76-10-1801.

66 (ii) Payments under this Subsection (5)(c) are subject to appropriations from the
67 Legislature.

68 (d) To obtain payment from the Identity Theft Victims Restricted Account, a person
69 shall file a claim with the Fraudulent Documents Identification Unit by no later than one year
70 after the day on which an individual is convicted, pleads guilty to, pleads no contest to, pleads
71 guilty in a similar manner to, or resolves by diversion or its equivalent an offense under Section
72 76-6-1102 or 76-10-1801 for the theft of the identity of the person filing the claim.

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

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

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

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

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

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

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

85 (g) If there is insufficient money in the Identity Theft Victims Restricted Account when
86 a claim is filed under this Subsection (5) to pay the claim in full, the Fraudulent Documents
87 Identification Unit may pay a claim when there is sufficient money in the account to pay the
88 claim in the order that the claims are filed.

89 (6) The strike force shall make an annual report on its activities to the governor and the

90 Legislature's Law Enforcement and Criminal Justice Interim Committee by December 1,
91 together with any proposed recommendations for modifications to this section.

92 Section 2. Section **63G-12-103** is amended to read:

93 **63G-12-103. Immigration Act Restricted Account.**

94 (1) There is created a restricted account within the General Fund known as the
95 "Immigration Act Restricted Account."

96 (2) (a) The restricted account shall consist of:

97 (i) a fee collected under this chapter;

98 (ii) a fine collected under Section [63G-12-207](#);

99 (iii) civil penalties imposed under Section [63G-12-211](#) or [63G-12-306](#);

100 (iv) money appropriated to the restricted account by the Legislature; and

101 (v) interest earned on the restricted account.

102 (b) The restricted account shall earn interest.

103 (3) The Legislature may appropriate money from the restricted account to:

104 (a) the department and the Office of the Governor to pay the costs associated with the
105 implementation of Section [63G-12-202](#);

106 (b) the department to administer this chapter;

107 (c) the State Tax Commission for costs associated with implementing Section
108 [63G-12-203](#);

109 (d) the attorney general for costs associated with:

110 (i) litigation related to this chapter;

111 (ii) a multi-agency strike force created under Section [[67-5-22.7](#)] [53-1-401](#); or

112 (iii) a memorandum of understanding executed under Section [67-5-28](#); and

113 (e) the Identity Theft Restricted Account created in Section [[67-5-22.7](#)] [53-1-401](#).

114 Section 3. **Repealer.**

115 This bill repeals:

116 Section [67-5-22.7](#), **Multi-agency strike force to combat violent and other major**
117 **felony crimes associated with illegal immigration and human trafficking -- Fraudulent**
118 **Documents Identification Unit.**

119 Section 4. **Transfer of responsibilities and duties related to the strike force.**

120 (1) On or before July 1, 2014, the Department of Public Safety shall establish a

121 Fraudulent Documents Identification Unit. On July 1, 2014, the unit shall assume the
122 responsibilities and duties previously allocated to the Fraudulent Documents Identification Unit
123 created within the Office of the Attorney General.

124 (2) The Office of the Attorney General shall work with the Department of Public
125 Safety to ensure a prompt and effective transfer of responsibility, including the processing of
126 victims' claims under Section 53-1-401 that are outstanding on July 1, 2014.

127 (3) On July 1, 2014, authority under Section 67-5-22.7 to distribute money in the Theft
128 Victims Restricted Account is transferred to the Department of Public Safety.

129 Section 5. **Effective date.**

130 This bill takes effect on July 1, 2014.

Legislative Review Note
as of 1-8-14 3:23 PM

Office of Legislative Research and General Counsel