

**WHITE COLLAR CRIME REGISTRY AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike K. McKell**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the provisions of the Utah White Collar Crime Offender Registry.

**Highlighted Provisions:**

This bill:

▶ authorizes the disclosure of certain driver license information to the attorney general to be posted to the Utah White Collar Crime Offender Registry **↔** ;

▶ **specifies the situations when a driver license photograph may be posted** **↔** ;

▶ authorizes the attorney general to obtain specified offender information from court records, prison or jail booking records, driver license records, and other sources;

▶ provides that an offender who fails to register as required is considered to have consented to the release of specified information; and

▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**77-42-102**, as enacted by Laws of Utah 2015, Chapter 131

**77-42-103**, as enacted by Laws of Utah 2015, Chapter 131

**77-42-104**, as enacted by Laws of Utah 2015, Chapter 131

H.B. 311



28 77-42-105, as enacted by Laws of Utah 2015, Chapter 131

29 ENACTS:

30 53-3-221.7, Utah Code Annotated 1953

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

33 Section 1. Section 53-3-221.7 is enacted to read:

34 **53-3-221.7. Disclosure of license information for the Utah White Collar Crime**  
35 **Offender Registry.**

36 (1) The division shall disclose to the attorney general, if requested, the following  
37 information for use in connection with the Utah White Collar Crime Offender Registry  
38 established by Title 77, Chapter 42, Utah White Collar Crime Offender Registry:

39 (a) all names and aliases under which an offender has obtained a driver license, but not  
40 including any online or Internet identifiers;

41 (b) a physical description of an offender, including the offender's:

42 (i) date of birth;

43 (ii) height;

44 (iii) weight;

45 (iv) eye color; and

46 (v) hair color;

47 (c) the most current driver license photograph of an offender ~~H→~~ , as allowed in

47a Subsection (2)(a)(ii) ~~←H~~ ; and

48 (d) the last known address of an offender.

49 (2) (a) The information in Subsections (1)(a) ~~H→~~ [through (c)] and (c) ~~←H~~ may be  
49a publicly posted on the  
50 Utah White Collar Crime Offender Registry, pursuant to Subsection 77-42-104(4), in order to  
51 assist the public in the accurate identification of offenders.

52a ~~H→~~ (b) The driver license photograph under Subsection (1)(c) may be publicly posted  
52b on the registry only if:

52c (i) the offender has not registered as required under Section 77-42-106;

52d (ii) the attorney general has attempted to contact the offender at the last known  
52e address listed in the division's records regarding the failure to register; and

52f (ii) 30 or more days have passed since the most recent attempt to contact the  
52g offender.

52 [~~(b)~~] (c) ~~←H~~ The information in Subsection (1)(d) may only be used by the attorney general to

90 website on the Internet, which shall contain a disclaimer informing the public that:

91 (a) the information contained on the website is obtained from [~~public~~] government  
92 records [~~and~~] where feasible, however, the attorney general does not guarantee the website's  
93 accuracy or completeness;

94 (b) members of the public are not allowed to use the information to harass or threaten  
95 offenders or members of their families; and

96 (c) harassment, stalking, or making threats against offenders or their families is  
97 prohibited and may violate Utah criminal laws.

98 (2) The Utah White Collar Crime Offender Registry website shall be indexed by the  
99 surname of the offender.

100 (3) The attorney general shall construct the Utah White Collar Crime Offender Registry  
101 website so that before accessing registry information, users must indicate that they have read  
102 and understand the disclaimer and agree to comply with the disclaimer's terms.

103 (4) Except as provided in Subsection (6), the Utah White Collar Crime Offender  
104 Registry website shall include the following registry information, which may be obtained from  
105 court records, prison or jail booking records, driver license records, or other sources ~~H→~~ [~~at the~~  
106 ~~discretion of~~] **lawfully and appropriately obtained by and available to ←H** the attorney general:

107 (a) all names and aliases by which the offender is or has been known, but not including  
108 any online or Internet identifiers;

109 (b) a physical description, including the offender's date of birth, height, weight, and eye  
110 and hair color;

111 (c) a recent photograph of the offender; and

112 (d) the crimes listed in Section 77-42-105 of which the offender has been convicted.

113 (5) The Office of the Attorney General and any individual or entity acting at the request  
114 or upon the direction of the attorney general are immune from civil liability for damages and  
115 will be presumed to have acted in good faith by reporting information.

116 (6) The attorney general shall redact the names, addresses, phone numbers, Social  
117 Security numbers, and other information that, if disclosed, specifically identifies individual  
118 victims.

119 (7) An offender is considered to have consented to the public posting of the images or  
120 records specified in Subsection (4) if the offender:

121 (a) fails to register as required by Subsection 77-42-106(2) within 30 days of  
122 conviction of a registerable offense, as specified in Section 77-42-105; or

123 (b) fails to appear at the request of the Office of the Attorney General to have a current  
124 photograph taken.

125 Section 5. Section **77-42-105** is amended to read:

126 **77-42-105. Registerable offenses.**

127 A person shall be required to register with the Office of the Attorney General for a  
128 conviction of any of the following offenses as a second degree felony:

129 (1) Section 61-1-1 or Section 61-1-2, securities fraud;

130 (2) Section 76-6-405, theft by deception;

131 (3) Section 76-6-513, unlawful dealing of property by fiduciary;

132 (4) Section 76-6-521, fraudulent insurance;

133 (5) Section 76-6-1203, mortgage fraud;

134 (6) Section 76-10-1801, communications fraud; ~~and~~

135 (7) Section 76-10-1903, money laundering[-]; and

136 (8) Section 76-10-1603, pattern of unlawful activity, if at least one of the unlawful  
137 activities used to establish the pattern of unlawful activity is an offense listed in Subsections

138 (1) through (7) ~~Ĥ→ [-regardless of whether the offender was convicted of that offense] ←Ĥ .~~

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**