

DRIVING PRIVILEGE CARD AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill amends provisions related to driving privilege cards.

Highlighted Provisions:

This bill:

- ▶ amends certain requirements for obtaining a driving privilege card;
- ▶ amends notification requirements regarding criminal history and warrants between law enforcement jurisdictions; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-205.5, as last amended by Laws of Utah 2015, Chapter 348

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

Section 1. Section **53-3-205.5** is amended to read:

53-3-205.5. Fingerprint and photograph submission required for driving privilege card applicants and cardholders.



28 (1) (a) Every applicant for an original driving privilege card shall submit ~~[the following~~
29 ~~with the]~~:

30 (i) an application to the division~~[-]; and~~

31 ~~[(i)]~~ (ii) fingerprints and a photograph in a sealed envelope provided by the Bureau of
32 Criminal Identification or a law enforcement agency~~[-; and]~~.

33 ~~[(ii) a signed waiver from the person whose fingerprints are being registered in the~~
34 ~~Federal Bureau of Investigation's Next Generation Identification system's Rap Back Service.]~~

35 ~~[(b) If a person has not submitted fingerprints and a photograph to the division on or~~
36 ~~after July 1, 2015, the person that renews a driving privilege card shall submit:]~~

37 ~~[(i)]~~ (b) If an applicant for a renewal of a driving privilege card has not previously
38 submitted fingerprints and a photograph to the division, the applicant shall submit fingerprints
39 and a photograph in a sealed envelope provided by the Bureau of Criminal Identification or a
40 law enforcement agency~~[-; and]~~.

41 ~~[(ii) a signed waiver from the person whose fingerprints are being registered in the~~
42 ~~Federal Bureau of Investigation's Next Generation Identification system's Rap Back Service.]~~

43 ~~[(c) The fingerprinting and photograph submission required under this Subsection (1)~~
44 ~~shall be conducted by:]~~

45 ~~[(i) the Bureau of Criminal Identification; or]~~

46 ~~[(ii) a]~~ (c) The Bureau of Criminal Identification or a law enforcement agency that has
47 the capability of handling fingerprint and photograph submissions shall take the applicant's
48 fingerprints and photo for submission under Subsection (1).

49 (2) The division shall submit fingerprints for each person described in Subsection (1)
50 to the Bureau of Criminal Identification established in Section [53-10-201](#).

51 (3) ~~[(a)]~~ The Bureau of Criminal Identification shall:

52 (a) check the fingerprints submitted under Subsection (1) against the applicable state
53 and regional criminal records databases ~~[and submit the fingerprints to national criminal~~
54 ~~records databases, including the Federal Bureau of Investigation's Next Generation~~
55 ~~Identification system:]~~;

56 ~~[(b) The Bureau of Criminal Identification shall:]~~

57 ~~[(i)]~~ (b) maintain a separate file of fingerprints submitted under Subsection (1) for
58 search by future submissions to the local, state, and regional criminal records databases,

59 including latent prints; and

60 ~~[(ii) request that the fingerprints be retained in the Federal Bureau of Investigation's~~
61 ~~Next Generation Identification system's Rap Back Service for search by future submissions to~~
62 ~~national criminal records databases, including the Federal Bureau of Investigation's Next~~
63 ~~Generation Identification system and latent prints; and]~~

64 ~~[(iii) establish a privacy risk mitigation strategy to ensure that the entity only receives~~
65 ~~notifications for individuals with whom the entity maintains an authorizing relationship.]~~

66 (c) ~~[Notification]~~ provide notice to the federal Immigration and Customs Enforcement
67 Agency of the United States Department of Homeland Security of any new or existing criminal
68 history record or new or existing ~~[or new warrant information and any new criminal history~~
69 ~~record information entered in local, state, or federal databases shall be made to the federal~~
70 ~~Immigration and Customs Enforcement Agency of the United States Department of Homeland~~
71 ~~Security if the person has a criminal history or warrant record or a new criminal history or~~
72 ~~warrant record is entered in local, state, or federal databases]~~ warrant information contained in
73 or entered in local, state, or regional databases.

74 ~~[(d) Upon request of the agency described in Subsection (3)(c), the Bureau of Criminal~~
75 ~~Identification shall inform the agency whether a person whose arrest was reported under~~
76 ~~Subsection (3)(c) was subsequently convicted of the charge for which the person was arrested.]~~

77 (4) In addition to any other fees ~~[imposed under]~~ authorized by this chapter, the
78 division shall:

79 (a) impose on individuals submitting fingerprints in accordance with this section the
80 fees that the Bureau of Criminal Identification is authorized to collect for the services the
81 Bureau of Criminal Identification or other authorized agency provides under this section; and

82 (b) remit the fees collected under Subsection (4)(a) to the Bureau of Criminal
83 Identification.