1   # COLD CASE DATABASE

2   2018 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Todd Weiler**

5   House Sponsor: Michael K. McKell

6

7   **LONG TITLE**

8   **General Description:**

9   This bill requires that the Department of Public Safety develop and maintain a database

10   of cold cases.

11   **Highlighted Provisions:**

12   This bill:

13   ‣   defines "cold case";

14   ‣   requires the Criminal Investigations and Technical Services Division to develop and

15   maintain a secure database of certain unsolved crimes and missing persons

16   investigations;

17   ‣   allows the division to determine what information to collect, maintain, and allow

18   the public to access by rule; and

19   ‣   makes technical and conforming corrections.

20   **Money Appropriated in this Bill:**

21   None

22   **Other Special Clauses:**

23   This bill provides a special effective date.

24   **Utah Code Sections Affected:**

25   AMENDS:

26   **53-10-104**, as last amended by Laws of Utah 2006, Chapter 137

27   ENACTS:

28   **53-10-115**, Utah Code Annotated 1953

29

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

31   Section 1. Section **53-10-104** is amended to read:

32   **53-10-104.   Division duties.**

33   The division shall:

34   (1) provide and coordinate the delivery of support services to law enforcement

35   agencies;

36   (2) maintain and provide access to criminal records for use by law enforcement

37   agencies;

38   (3) publish law enforcement and statistical data;

39   (4) maintain dispatch and communications services for public safety communications

40   centers and provide emergency medical, fire suppression, highway maintenance, public works,

41   and law enforcement communications for municipal, county, state, and federal agencies;

42   (5) analyze evidence from crime scenes and crime-related incidents for criminal

43   prosecution;

44   (6) provide criminalistic laboratory services to federal, state, and local law enforcement

45   agencies, prosecuting attorneys' and agencies, and public defenders, with the exception of those

46   services provided by the state medical examiner in accordance with Title 26, Chapter 4, Utah

47   Medical Examiner Act;

48   (7) establish satellite laboratories as necessary to provide criminalistic services;

49   (8) safeguard the public through licensing and regulation of activities that impact

50   public safety, including concealed weapons, emergency vehicles, and private investigators;

51   (9) provide investigative assistance to law enforcement and other government agencies;

52   (10) collect and provide intelligence information to criminal justice agencies;

53   (11) investigate crimes that jeopardize the safety of the citizens, as well as the interests,

54   of the state;

55   (12) regulate and investigate laws pertaining to the sale and distribution of liquor;

56   (13) make rules to implement this chapter;

57   (14) perform the functions specified in this chapter;

58   (15) comply with the requirements of Section 11-40-103; [and]

59   (16) comply with the requirements of Sections 72-10-602 and 72-10-603[.]; and

60   (17) develop and maintain a secure database of cold cases within the Utah Criminal

61 Justice Information System pursuant to Section 53-10-115.

62   Section 2. Section **53-10-115** is enacted to read:

63   **53-10-115. Cold case database.**

64   (1) As used in this section, "cold case" means an investigation into any crime listed in

65 Subsections 76-1-301(2)(a) through (g), or regarding a missing person, that remains unsolved

66 at least three years after the crime occurred or the individual went missing.

67   (2) The division shall develop a secure database within the Utah Criminal Justice

68 Information System that contains information related to each cold case that is open in any

69 jurisdiction in the state.

70   (3) The division shall adopt rules in accordance with Title 63G, Chapter 3, Utah

71 Administrative Rulemaking Act, to specify:

72   (a) the information to be collected and maintained in the database; and

73   (b) what information may be accessed by the public.

74   (4) Each law enforcement agency in the state shall provide the information required by

75 the division for inclusion in the database for each open investigation. The law enforcement

76 agency shall maintain the physical evidence and investigation file for each case unless

77 otherwise agreed to by the law enforcement agency and the division.

78   (5) The division shall maintain the information on a cold case indefinitely.

79   Section 3. **Effective date.**

80   This bill takes effect July 1, 2018.