

**Senator Curtis S. Bramble** proposes the following substitute bill:

**PAWNSHOP AND SECONDHAND MERCHANDISE**

**AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Eric K. Hutchings**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill addresses pawnshop and secondhand merchandise provisions.

**Highlighted Provisions:**

This bill:

- ▶ modifies, deletes, and adds definitions;
- ▶ makes consistent references to property and other terminology;
- ▶ addresses coin dealers, including ticket requirements;
- ▶ requires tickets be maintained by pawn or secondhand businesses with specified content;
- ▶ modifies provisions related to a central database;
- ▶ repeals outdated language;
- ▶ addresses retention and inspection of records;
- ▶ outlines the holding period for property;
- ▶ addresses seizure of property;
- ▶ provides for administrative penalties;
- ▶ addresses fees;
- ▶ changes make up and duties of Pawnshop and Secondhand Merchandise Advisory



26 Board;

- 27 ▶ addresses training;
- 28 ▶ repeals language regarding certain exempt businesses;
- 29 ▶ addresses the Pawnbroker and Secondhand Merchandise Operations Restricted

30 Account;

- 31 ▶ addresses preemption of local ordinances;
- 32 ▶ provides for use of property for forensic testing;
- 33 ▶ addresses disposition of property;
- 34 ▶ repeals provisions related to property disposition if no criminal charges are filed;
- 35 ▶ amends provisions related to receiving stolen property and duties of pawnbrokers,
- 36 secondhand businesses, and coin dealers; and
- 37 ▶ makes technical and conforming changes.

38 **Money Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 AMENDS:

- 44 [13-32a-102](#), as last amended by Laws of Utah 2018, Chapter 238
- 45 [13-32a-103](#), as last amended by Laws of Utah 2007, Chapter 352
- 46 [13-32a-103.5](#), as last amended by Laws of Utah 2012, Chapter 399
- 47 [13-32a-104](#), as last amended by Laws of Utah 2018, Chapter 238
- 48 [13-32a-104.5](#), as enacted by Laws of Utah 2009, Chapter 272
- 49 [13-32a-105](#), as last amended by Laws of Utah 2009, Chapter 272
- 50 [13-32a-106](#), as last amended by Laws of Utah 2012, Chapter 284
- 51 [13-32a-106.5](#), as last amended by Laws of Utah 2012, Chapters 170, 284 and last
- 52 amended by Coordination Clause, Laws of Utah 2012, Chapter 284
- 53 [13-32a-108](#), as last amended by Laws of Utah 2012, Chapter 284
- 54 [13-32a-109](#), as last amended by Laws of Utah 2016, Chapter 421
- 55 [13-32a-109.5](#), as last amended by Laws of Utah 2016, Chapter 421
- 56 [13-32a-110](#), as last amended by Laws of Utah 2012, Chapter 284

- 57 [13-32a-110.5](#), as enacted by Laws of Utah 2012, Chapter 284
- 58 [13-32a-111](#), as last amended by Laws of Utah 2012, Chapter 284
- 59 [13-32a-112](#), as last amended by Laws of Utah 2016, Chapter 421
- 60 [13-32a-112.5](#), as last amended by Laws of Utah 2012, Chapter 284
- 61 [13-32a-113](#), as last amended by Laws of Utah 2009, Chapter 272
- 62 [13-32a-114](#), as last amended by Laws of Utah 2007, Chapter 352
- 63 [13-32a-115](#), as last amended by Laws of Utah 2016, Chapter 421
- 64 [13-32a-116](#), as last amended by Laws of Utah 2016, Chapter 421
- 65 [13-32a-116.5](#), as enacted by Laws of Utah 2016, Chapter 421
- 66 [76-6-408](#), as last amended by Laws of Utah 2013, Chapter 187
- 67 [76-6-412](#), as last amended by Laws of Utah 2018, Chapter 265

68 ENACTS:

- 69 [13-32a-103.1](#), Utah Code Annotated 1953
- 70 [13-32a-112.1](#), Utah Code Annotated 1953

71 REPEALS:

- 72 [13-32a-107](#), as last amended by Laws of Utah 2010, Chapter 167
- 73 [13-32a-117](#), as last amended by Laws of Utah 2014, Chapter 189



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

76 Section 1. Section **13-32a-102** is amended to read:

77 **13-32a-102. Definitions.**

78 As used in this chapter:

79 (1) "Account" means the Pawnbroker and Secondhand Merchandise Operations

80 Restricted Account created in Section [13-32a-113](#).

81 (2) "Antique item" means an item:

82 (a) that is generally older than 25 years;

83 (b) whose value is based on age, rarity, condition, craftsmanship, or collectability;

84 (c) that is furniture or other decorative objects produced in a previous time period, as  
85 distinguished from new items of a similar nature; and

86 (d) obtained from auctions, estate sales, other antique shops, and individuals.

87 (3) "Antique shop" means a business operating at an established location [~~and that~~

88 ~~offers for~~ that deals primarily in the purchase, exchange, or sale of antique items.

89 (4) "Board" means the Pawnshop and Secondhand Merchandise Advisory Board  
90 created by this chapter.

91 (5) "Central database" or "database" means the electronic database created and  
92 operated under Section 13-32a-105.

93 (6) "Children's product" means a used item that is for the exclusive use of children, or  
94 for the care of children, including clothing and toys.

95 (7) "Children's product resale business" means a business operating at a commercial  
96 location and primarily selling children's products.

97 (8) "Coin" means a piece of currency, usually metallic and usually in the shape of a  
98 disc that is:

99 (a) stamped metal, and issued by a government as monetary currency; or

100 (b) (i) worth more than its current value as currency; and

101 (ii) worth more than its metal content value.

102 (9) "Coin dealer" means a person [~~or business~~] whose sole business activity is the  
103 selling and purchasing of [~~coins~~] numismatic items and precious metals.

104 (10) "Collectible paper money" means paper currency that is no longer in circulation  
105 and is sold and purchased for the paper currency's collectible value.

106 [~~(10)~~] (11) (a) "Commercial grade precious metals" or "precious metals" means ingots,  
107 monetized bullion, art bars, medallions, medals, tokens, and currency that are marked by the  
108 refiner or fabricator indicating their fineness and include:

109 [~~(a)~~] (i) .99 fine or finer ingots of gold, silver, platinum, palladium, or other precious  
110 metals; or

111 [~~(b)~~] (ii) .925 fine sterling silver ingots, art bars, and medallions.

112 (b) "Commercial grade precious metals" or "precious metals" does not include jewelry.

113 (12) "Consignment shop" means a business, operating at an established location:

114 (a) that deals primarily in the offering for sale property owned by a third party; and

115 (b) where the owner of the property only receives consideration upon the sale of the  
116 property by the business.

117 [~~(11)~~] (13) "Division" means the Division of Consumer Protection created in Chapter  
118 1, Department of Commerce.

119 ~~[(12) "Identification" means a valid United States federal or state-issued photo personal~~  
120 ~~identification, including a United States passport, a United States passport card, United States~~  
121 ~~military personal identification, and a driver license.]~~

122 (14) "Exonomia" means a privately issued token for trade that is sold and purchased  
123 for the token's collectible value.

124 (15) "Gift card" means a record that:

125 (a) is usable at:

126 (i) a single merchant; or

127 (ii) a specified group of merchants;

128 (b) is prefunded before the record is used; and

129 (c) can be used for the purchase of goods or services.

130 (16) "Identification" means any of the following non-expired forms of identification  
131 issued by a state government, the United States government, or a federally recognized Indian  
132 tribe, if the identification includes a unique number, photograph of the bearer, and date of birth:

133 (a) a United States Passport or United States Passport Card;

134 (b) a state-issued driver license;

135 (c) a state-issued identification card;

136 (d) a state-issued concealed carry permit;

137 (e) a United States military identification;

138 (f) a United States resident alien card;

139 (g) an identification of a federally recognized Indian tribe; or

140 (h) notwithstanding Section [53-3-207](#), a Utah driving privilege card.

141 (17) "Indicia of being new" means property that:

142 (a) is represented by the individual pawning or selling the property as new;

143 (b) is unopened in the original packaging; or

144 (c) possesses other distinguishing characteristics that indicate the property is new.

145 ~~[(13)]~~ (18) "Local law enforcement agency" means the law enforcement agency that  
146 has direct responsibility for ensuring compliance with central database reporting requirements  
147 for the jurisdiction where the ~~[pawnshop]~~ pawn or secondhand business is located.

148 ~~[(14) "Misappropriated" means stolen, embezzled, converted, obtained by theft, or~~  
149 ~~otherwise appropriated without authority of the lawful owner.]~~

150 (19) "Numismatic item" means a coin, collectible paper money, or exonomia.  
151 ~~[(15)]~~ (20) "Original victim" means a victim who is not a party to the pawn or sale  
152 transaction and includes:  
153 (a) an authorized representative designated in writing by the original victim; and  
154 (b) an insurer who has indemnified the original victim for the loss of the described  
155 property.  
156 ~~[(16)]~~ (21) "Pawn ~~and~~ or secondhand business" means ~~any~~ a business operated by a  
157 pawnbroker or secondhand merchandise dealer, or the owner or operator of the business.  
158 ~~[(17) "Pawnbroker" means a person whose business engages in the following~~  
159 ~~activities:]~~  
160 ~~[(a) loans money on one or more deposits of personal property;]~~  
161 ~~[(b) deals in the purchase, exchange, or possession of personal property on condition of~~  
162 ~~selling the same property back again to the pledgor or depositor;]~~  
163 ~~[(c) loans or advances money on personal property by taking chattel mortgage security~~  
164 ~~on the property and takes or receives the personal property into his possession, and who sells~~  
165 ~~the unredeemed pledges;]~~  
166 ~~[(d) deals in the purchase, exchange, or sale of used or secondhand merchandise or~~  
167 ~~personal property; or]~~  
168 ~~[(e) engages in a licensed business enterprise as a pawnshop.]~~  
169 ~~[(18) "Pawnshop" means the physical location or premises where a pawnbroker~~  
170 ~~conducts business.]~~  
171 ~~[(19) "Pawn ticket" means a document upon which information regarding a pawn~~  
172 ~~transaction is entered when the pawn transaction is made.]~~  
173 ~~[(20)]~~ (22) "Pawn transaction" means:  
174 (a) an extension of credit in which an individual delivers property to a pawnbroker for  
175 an advance of money and retains the right to redeem the property for the redemption price  
176 within a fixed period of time[-];  
177 (b) a loan of money on one or more deposits of personal property;  
178 (c) the purchase, exchange, or possession of personal property on condition of selling  
179 the same property back again to the pledgor or depositor; or  
180 (d) a loan or advance of money on personal property by the pawnbroker taking chattel

181 mortgage security on the personal property, taking or receiving the personal property into the  
182 pawnbroker's possession, and selling the unredeemed pledges.

183 (23) "Pawnbroker" means a person whose business:

184 (a) engages in a pawn transaction; or

185 (b) holds itself out as being in the business of a pawnbroker or pawnshop, regardless of  
186 whether the person or business enters into pawn transactions or secondhand merchandise  
187 transactions.

188 (24) "Pawnshop" means the physical location or premises where a pawnbroker  
189 conducts business.

190 ~~[(21)]~~ (25) "Pledgor" means [a person] an individual who conducts a pawn transaction  
191 with a pawnshop.

192 ~~[(22)]~~ (26) "Property" means [any] an article of tangible personal property, numismatic  
193 item, precious metal, gift card, transaction card, or other physical or digital card or certificate  
194 evidencing store credit.

195 ~~[(23)]~~ "Register" means the record of information required under this chapter to be  
196 maintained by pawn and secondhand businesses. The register is an electronic record that is in a  
197 format that is compatible with the central database.]

198 ~~[(24)]~~ (27) "Retail media item" means recorded music, a movie, or a video game that is  
199 produced and distributed in hard copy format for retail sale.

200 ~~[(25)]~~ (28) "Scrap jewelry" means any item purchased solely:

201 (a) for its gold, silver, or platinum content; and

202 (b) for the purpose of reuse of the metal content.

203 ~~[(26)]~~ (29) (a) "Secondhand merchandise dealer" means [an owner or operator of a] a  
204 person whose business [that]:

205 ~~[(i) deals in the purchase, exchange, or sale of used or secondhand merchandise or~~  
206 ~~personal property; and]~~

207 ~~[(ii) does not function as a pawnbroker.]~~

208 (i) engages in a secondhand merchandise transaction; and

209 (ii) does not engage in a pawn transaction.

210 (b) "Secondhand merchandise dealer" includes a coin dealer.

211 ~~[(b)]~~ (c) "Secondhand merchandise dealer" does not include:

- 212 (i) ~~[the owner or operator of]~~ an antique shop when dealing in antique items;  
213 ~~[(ii) any class of businesses exempt by administrative rule under Section~~  
214 ~~13-32a-112.5;]~~
- 215 ~~[(iii) any]~~ (ii) a person ~~[or entity]~~ who operates an auction ~~[houses]~~ house, flea  
216 ~~[markets]~~ market, or vehicle, vessel, and outboard motor dealers as defined in Section  
217 ~~41-1a-102;~~
- 218 ~~[(iv)]~~ (iii) the sale of secondhand goods at events commonly known as "garage sales,"  
219 "yard sales," ~~[or]~~ "estate sales," "storage unit sales," or "storage unit auctions";
- 220 ~~[(v)]~~ (iv) the sale or receipt of secondhand books, magazines, ~~[or]~~ post cards~~;~~ or  
221 nonelectronic:
- 222 (A) card games;  
223 (B) table-top games; or  
224 (C) magic tricks;
- 225 ~~[(vi)]~~ (v) the sale or receipt of used merchandise donated to recognized nonprofit,  
226 religious, or charitable organizations or any school-sponsored association, and for which no  
227 compensation is paid;
- 228 ~~[(vii)]~~ (vi) the sale or receipt of secondhand clothing ~~[and]~~, shoes, furniture, or  
229 appliances;
- 230 ~~[(viii)]~~ (vii) any person offering the person's own personal property for sale, purchase,  
231 consignment, or trade via the Internet;
- 232 ~~[(ix)]~~ (viii) any person offering the personal property of others for sale, purchase,  
233 consignment, or trade via the Internet, when that person ~~[or entity]~~ does not have, and is not  
234 required to have, a local business or occupational license or other authorization for this activity;
- 235 ~~[(x)]~~ (ix) any owner or operator of a retail business that:  
236 (A) receives used merchandise as a trade-in for similar new merchandise; or  
237 (B) receives used retail media items as a trade-in for similar new or used retail media  
238 items;
- 239 ~~[(xi)]~~ (x) an owner or operator of a business that contracts with other persons ~~[or~~  
240 ~~entities]~~ to offer those persons' secondhand goods for sale, purchase, consignment, or trade via  
241 the Internet;
- 242 ~~[(xii)]~~ (xi) any dealer as defined in Section ~~76-6-1402~~, which concerns scrap metal and



243 secondary metals;

244 [~~(xiii)~~] (xii) the purchase of items in bulk that are:

245 (A) sold at wholesale in bulk packaging;

246 (B) sold by a person licensed to conduct business in Utah; and

247 (C) regularly sold in bulk quantities as a recognized form of sale; [~~or~~]

248 [~~(xiv)~~] (xiii) the owner or operator of a children's product resale business[:]; or

249 (xiv) a consignment shop when dealing in consigned property.

250 (30) "Secondhand merchandise transaction" means the purchase or exchange of used or

251 secondhand property.

252 (31) "Ticket" means a document upon which information is entered when a pawn

253 transaction or secondhand merchandise transaction is made.

254 (32) "Transaction card" means a card, code, or other means of access to a value with  
255 the retail business issued to a person that allows the person to obtain, purchase, or receive any  
256 of the following:

257 (a) goods;

258 (b) services;

259 (c) money; or

260 (d) anything else of value.

261 Section 2. Section **13-32a-103** is amended to read:

262 **13-32a-103. Compliance with criminal code and this chapter.**

263 [~~Every~~] A pawn or secondhand business shall, regarding [each article of] property [a  
264 person] an individual pawns or sells, comply with the requirements of this chapter and the  
265 requirements of [Subsections] Subsection 76-6-408[~~(2)~~](3)(c)[~~(i) through (iii)~~] regarding the  
266 [person's] individual's:

267 (1) legal right to the property;

268 (2) fingerprint; and

269 (3) [~~picture~~] identification.

270 Section 3. Section **13-32a-103.1** is enacted to read:

271 **13-32a-103.1. Transaction or gift cards.**

272 (1) A retail business engaging in a transaction involving a transaction card or gift card  
273 issued by that retail business and that bears the branding of that retail business is not subject to

274 this chapter.

275 (2) A pawn or secondhand business may not purchase or pawn a gift card or transaction  
276 card.

277 (3) This chapter does not prohibit a pawn or secondhand business from issuing or  
278 accepting as payment a gift card that:

279 (a) is issued solely by the pawn or secondhand business; and

280 (b) bears the brand or name of the pawn or secondhand business.

281 Section 4. Section **13-32a-103.5** is amended to read:

282 **13-32a-103.5. Specie legal tender exempt from chapter.**

283 [~~(1) This chapter applies to coin dealers, except:~~]

284 [~~(a) where provisions otherwise specifically address coin dealers; or]~~

285 [~~(b) as provided in Subsection (2):]~~

286 [(2)] Specie legal tender as defined in Section [59-1-1501.1](#) that is used as legal tender  
287 is exempt from this chapter.

288 Section 5. Section **13-32a-104** is amended to read:

289 **13-32a-104. Tickets required to be maintained -- Contents -- Identification of**  
290 **items -- Prohibition against pawning or selling certain property.**

291 (1) A [~~pawnbroker or secondhand merchandise dealer~~] pawn or secondhand business  
292 shall keep a [~~register of each article of~~] ticket for property a person pawns or sells to the  
293 [~~pawnbroker or secondhand merchandise dealer, except as provided in Subsection~~  
294 [13-32a-102\(26\)\(b\)](#)] pawn or secondhand business. A pawn [~~and~~] or secondhand business  
295 [~~owner or operator, or the owner's or operator's employee;~~] shall [~~enter~~] document on the ticket  
296 the following information regarding [~~every article pawned or sold to the owner or employee~~]  
297 the property:

298 (a) the date and time of the transaction;

299 (b) whether the transaction is a pawn or purchase;

300 [~~(b)~~] (c) the [~~pawn transaction~~] ticket number[~~, if the article is pawned~~];

301 [~~(c)~~] (d) the date by which the [~~article~~] property must be redeemed, if the property is  
302 pawned;

303 [~~(d)~~] (e) the following information regarding the [~~person~~] individual who pawns or  
304 sells the [~~article~~] property:

305 (i) the ~~[person's]~~ individual's full name~~[-]~~ and date of birth as they appear on the  
306 individual's identification and the individual's residence address~~[-and date of birth]~~ and  
307 telephone number;

308 (ii) ~~[the number of the driver license or other form of positive identification presented~~  
309 ~~by the person, and notations of discrepancies if the person's physical description, including~~  
310 ~~gender, height, weight, race, age, hair color, and eye color, does not correspond with~~  
311 ~~identification provided by the person]~~ the unique number and type of identification presented to  
312 the pawn or secondhand business;

313 (iii) the ~~[person's]~~ individual's signature; and

314 (iv) subject to Subsection (6), a legible fingerprint of the ~~[person's]~~ individual's right  
315 index finger, or if the right index finger cannot be fingerprinted, a legible fingerprint of the  
316 ~~[person]~~ individual with a ~~[written]~~ notation identifying the fingerprint and the reason why the  
317 index finger's print was unavailable;

318 ~~[(e)]~~ (f) the amount loaned on ~~[or]~~<sub>2</sub> paid for ~~[the article]~~, or ~~[the article for which it was~~  
319 ~~traded]~~ value for trade-in of each article of property;

320 ~~[(f) the identification of the pawn or secondhand business owner or the employee,~~  
321 ~~whoever is making the register entry; and]~~

322 (g) the full name of the individual conducting the pawn transaction or secondhand  
323 merchandise transaction on behalf of the pawn or secondhand business or the initials or a  
324 unique identifying number of the individual, if the pawn or secondhand business maintains a  
325 record of the initials or unique identifying number of the individual; and

326 ~~[(g)]~~ (h) an accurate description of ~~[the]~~ each article of property, ~~[including]~~ with  
327 available identifying marks ~~[such as]~~, including:

328 (i) names, brand names, numbers, serial numbers, model numbers, color,  
329 manufacturers' names, and size;

330 (ii) metallic composition, and any jewels, stones, or glass;

331 (iii) any other marks of identification or indicia of ownership on the ~~[article]~~ property;

332 (iv) the weight of the ~~[article]~~ property, if the payment is based on weight;

333 (v) any other unique identifying feature;

334 (vi) gold content, if indicated; ~~[and]~~ or

335 (vii) if multiple articles of property of a similar nature are delivered together in one

336 transaction and the articles of property do not bear serial or model numbers and do not include  
337 precious metals or gemstones, such as musical or video recordings, books, or hand tools, the  
338 description of the articles is adequate if it includes the quantity of the articles and a description  
339 of the type of articles delivered.

340 (2) (a) A pawn or secondhand business may not accept ~~[any personal]~~ property if, upon  
341 inspection, it is apparent that ~~[serial numbers, model names, or identifying characteristics have~~  
342 ~~been intentionally defaced on that article of property.];~~

343 (i) a serial number or another form of indicia of ownership has been removed, altered,  
344 defaced, or obliterated;

345 (ii) the property is not a numismatic item and has indicia of being new, but is not  
346 accompanied by a written receipt or other satisfactory proof of ownership other than the seller's  
347 own statement; or

348 (iii) except as provided in Subsection 13-32a-103.1(3), the property is a gift card,  
349 transaction card, or other physical or digital card or certificate evidencing store credit.

350 (b) A pawn or secondhand business is not subject to Subsection (2)(a)(ii) if the pawn or  
351 secondhand business is the original seller of the property and is accepting a return of the  
352 property as provided by the pawn or secondhand business' established return policy.

353 (c) Property is presumed to have had indicia of being new at the time of a transaction if  
354 the property is subsequently advertised by the pawn or secondhand business as being new.

355 (3) (a) ~~[A person]~~ An individual may not pawn or sell any property to a business  
356 regulated under this chapter if the property is subject to being turned over to a law enforcement  
357 agency in accordance with Title 77, Chapter 24a, Lost or Mislaid Personal Property.

358 (b) If an individual attempts to sell or pawn property to a business regulated under this  
359 chapter and the employee or owner of the business knows or has reason to know that the  
360 property is subject to Title 77, Chapter 24a, Lost or Mislaid Personal Property, the employee or  
361 owner shall advise the individual of the requirements of Title 77, Chapter 24a, Lost or Mislaid  
362 Personal Property, and may not receive the property in pawn or sale.

363 (4) A coin dealer is subject to Section 13-32a-104.5 and not subject to this section.

364 ~~[(4)]~~ (5) A violation of this section is a class B misdemeanor and is also subject to civil  
365 penalties under Section 13-32a-110.

366 (6) (a) On and after January 1, 2020:

367 (i) a pawn or secondhand business shall obtain an electronic legible fingerprint of the  
368 individual's right index finger that can be submitted to the central database at the same time the  
369 other information is submitted under this section, or if the right index finger cannot be  
370 fingerprinted, an electronic legible fingerprint of the individual with a notation on the ticket  
371 identifying the fingerprint and the reason why a right index fingerprint is unavailable; and

372 (ii) the electronic fingerprint is not required on the ticket.

373 (b) On and after January 1, 2020, a pawn or secondhand business shall submit an  
374 electronic legible fingerprint obtained under Subsection (6)(a) to the central database.

375 (7) (a) As used in this Subsection (7), "jewelry" means:

376 (i) any jewelry purchased by the pawn or secondhand business, including scrap jewelry  
377 and watches; or

378 (ii) any jewelry that the pawn or secondhand business is allowed to sell under  
379 Subsection 13-32a-109(1), including scrap jewelry and watches.

380 (b) On and after January 1, 2020, a pawn or secondhand business shall obtain:

381 (i) a color digital photograph clearly and accurately depicting:

382 (A) each item of jewelry; and

383 (B) if an item of jewelry has one or more engravings, an additional color digital  
384 photograph specifically depicting any engraving; and

385 (ii) a color digital photograph of an item that bears an identifying mark, including:

386 (A) a serial number, engraving, owner label, or similar identifying mark; and

387 (B) an additional photograph that clearly depicts the identifying mark described in  
388 Subsection (7)(b)(ii)(A).

389 Section 6. Section 13-32a-104.5 is amended to read:

390 **13-32a-104.5. Database information from coin dealers -- New and prior**  
391 **customers.**

392 (1) A coin dealer shall maintain ~~[in a register and provide for the database the~~  
393 ~~information]~~ a ticket under this section for each secondhand merchandise transaction of a  
394 ~~[coin]~~ numismatic item or precious metal with ~~[a person]~~ an individual with whom the coin  
395 dealer has not previously conducted a secondhand merchandise transaction.

396 (2) For ~~[transactions]~~ a secondhand merchandise transaction under Subsection (1), the  
397 coin dealer or the coin dealer's employee shall ~~[enter]~~ document the following information ~~[in]~~

398 on the ~~[register]~~ ticket regarding every ~~[coin]~~ numismatic item or precious metal transaction:

399 (a) the date and time of the transaction;

400 (b) the ~~[receipt]~~ ticket number;

401 (c) the following information regarding the ~~[person]~~ individual who sells the ~~[coin]~~  
402 numismatic item or precious metal:

403 (i) the ~~[person's]~~ individual's full name~~[-residence address,]~~ and date of birth as they  
404 appear on the individual's identification and the individual's residence address and telephone  
405 number;

406 (ii) ~~[the number of the driver license or other form of positive identification presented~~  
407 ~~by the person, and notations of discrepancies if the person's physical description, including~~  
408 ~~gender, height, weight, race, age, hair color, and eye color, does not correspond with~~  
409 ~~identification provided by the person]~~ the unique number and type of identification presented to  
410 the coin dealer;

411 (iii) the ~~[person's]~~ individual's signature; and

412 (iv) subject to Subsection (6), a legible fingerprint of the [person's] individual's right  
413 [thumb] index finger, or if the right [thumb] index finger cannot be fingerprinted, a legible  
414 fingerprint of the ~~[person]~~ individual with a ~~[written]~~ notation identifying the fingerprint and  
415 the reason why ~~[the thumb print was]~~ a right index fingerprint is unavailable;

416 (d) the amount paid for ~~[the article, or the article for which it was traded]~~ or trade-in  
417 value of each numismatic item or precious metal;

418 (e) ~~[the identification of the coin dealer or the employee who is conducting the~~  
419 ~~transaction]~~ the full name of the individual conducting the transaction on behalf of the pawn or  
420 secondhand business or the initials or unique identifying number, if the coin dealer maintains a  
421 record of the initials or unique identifying number of the individual; and

422 (f) an accurate description of ~~[the coin]~~ each numismatic item or precious metal,  
423 [including] with available identifying marks ~~[such as]~~, including:

424 (i) type and name of ~~[coin]~~ numismatic item or type and content of precious metal;

425 (ii) metallic composition, and any jewels, stones, or glass;

426 (iii) any other marks of identification or indicia of ownership on the article;

427 (iv) the weight of the article, if the payment is based on weight;

428 (v) any other unique identifying feature; and

429 (vi) metallic content.

430 (3) (a) If multiple [~~coins~~] numismatic items or precious metals of the same type in an  
431 amount that would make reporting of each item unreasonably difficult are part of a single sale  
432 transaction, [~~a general description of the items and a photograph of the items, which shall be~~  
433 ~~stored by the coin dealer with a copy of the invoice of the transaction for three years from the~~  
434 ~~date of the transaction.~~] a coin dealer shall document the property as a grouping.

435 (b) The description for a grouping described in Subsection (3)(a) must be an accurate  
436 description, with available identifying marks, including:

437 (i) type and name of numismatic items or type and content of precious metal;

438 (ii) metallic composition, and any jewels, stones, or glass;

439 (iii) any other marks of identification or indicia of ownership on the article;

440 (iv) the weight of the articles, if the payment is based on the weight;

441 (v) any other unique identifying features; and

442 (vi) metallic content.

443 (4) If the [~~person~~] individual selling a [~~coin~~] numismatic item or precious metal to the  
444 coin dealer has an established previous transaction history with the coin dealer, the coin dealer  
445 or the coin dealer's employee shall [~~enter~~] document the following information [~~in~~] on the  
446 [~~register~~] ticket:

447 (a) the date and time of the transaction and the ticket number;

448 (b) indication that the coin dealer has conducted business with the seller previously;

449 (c) [~~the identification of the coin dealer or the employee who is conducting the~~  
450 ~~transaction~~] the full name of the individual conducting the transaction on behalf of the pawn or  
451 secondhand business or the initials or unique identifying number, if the coin dealer maintains a  
452 record of the initials or unique identifying number of the individual;

453 (d) the initials of the seller's legal name, including any middle name;

454 (e) form of identification presented by the seller at the time of sale;

455 (f) the last four digits of the unique identifying number on the form of identification;

456 [~~and~~]

457 (g) the individual's signature;

458 (h) the amount paid for or trade-in value of each numismatic item or precious metal;

459 and

460 ~~[(g)]~~ (i) the identifying information under Subsection (2)(f) and under Subsection (3) as  
461 applicable.

462 (5) A coin dealer may not accept any ~~[coin]~~ numismatic item or precious metal if, upon  
463 inspection, it is apparent that serial numbers or identifying characteristics have been  
464 intentionally defaced on that ~~[coin]~~ numismatic item or precious metal.

465 (6) (a) On and after January 1, 2020:

466 (i) for a secondhand merchandise transaction described in Subsection (1), a coin dealer  
467 shall obtain an electronic legible fingerprint of the individual's right index finger that can be  
468 submitted to the central database at the same time the other information is submitted under this  
469 section, or if the right index finger cannot be fingerprinted, an electronic legible fingerprint of  
470 the individual with a notation on the ticket identifying the fingerprint and the reason why a  
471 right index fingerprint is unavailable; and

472 (ii) the electronic fingerprint is not required on the ticket.

473 (b) On and after January 1, 2020, a pawn or secondhand business shall submit an  
474 electronic legible fingerprint obtained under Subsection (6)(a) to the central database.

475 Section 7. Section **13-32a-105** is amended to read:

476 **13-32a-105. Central database.**

477 (1) ~~[There]~~ In accordance with this section, there is created under this section a central  
478 database as a statewide repository for [all] information that pawn ~~[and]~~ or secondhand  
479 businesses ~~[and coin dealers]~~ are required to submit in accordance with this chapter and for the  
480 use of [all] participating law enforcement agencies ~~[whose jurisdictions include one or more~~  
481 ~~pawn or secondhand businesses]~~ that meet the requirements of Section [13-32a-111](#).

482 ~~[(2) The Division of Purchasing and General Services created in Title 63A, Chapter 2,~~  
483 ~~Division of Purchasing and General Services, shall:]~~

484 ~~[(a) meet with the board to determine the required elements of the database; and]~~

485 ~~[(b) conduct a statewide request for proposal for the creation of and maintenance of the~~  
486 ~~central database.]~~

487 (2) The division shall:

488 (a) establish and operate the central database; or

489 (b) contract with a third party to establish and operate the central database in  
490 accordance with Title 63G, Chapter 6a, Utah Procurement Code.



491 (3) Funding for the creation and operation of the central database shall be from the  
492 account.

493 (4) (a) ~~[Any]~~ An entity ~~[submitting a bid to create, maintain, and operate the]~~ that  
494 operates the central database ~~[pursuant to the request for proposal conducted by the Division of~~  
495 ~~Purchasing and General Services]~~ may not hold any financial or operating interest in ~~[any~~  
496 ~~pawnshop]~~ a pawn or secondhand business in any state.

497 (b) The ~~[Division of Purchasing and General Services, in conjunction with the~~  
498 ~~Pawnshop and Secondhand Merchandise Advisory Board,]~~ division shall verify before a bid is  
499 awarded that the selected entity meets the requirements of Subsection (4)(a).

500 (c) If any entity is awarded a bid under this Subsection (4) and is later found to hold  
501 any interest in violation of Subsection (4)(a), the award is subject to being opened again for  
502 request for proposal.

503 (5) (a) Beginning January 1, 2020, upon a query by a pawnbroker, the central database  
504 shall provide notification of the volume of business an individual seeking to enter into a  
505 transaction with the pawnbroker has engaged in with any pawnbroker regulated by this chapter  
506 within the previous 30 days based on the records in the central database at the time of the  
507 query.

508 ~~[(5)]~~ (b) Information entered in the central database shall be retained for five years and  
509 shall then be deleted.

510 Section 8. Section **13-32a-106** is amended to read:

511 **13-32a-106. Transaction information provided to the central database --**  
512 **Protected information.**

513 (1) (a) ~~[The]~~ A pawn or secondhand business shall transmit electronically in a  
514 compatible format information required to be recorded under Sections 13-32a-103 ~~[and]~~,  
515 13-32a-104, and 13-32a-104.5 that is capable of being transmitted electronically ~~[shall be~~  
516 ~~transmitted electronically]~~ to the central database ~~[on the next business day following]~~ within  
517 24 hours after entering into the transaction.

518 (b) The division may specify by rule, made in accordance with Title 63G, Chapter 3,  
519 Utah Administrative Rulemaking Act, the information capable of being transmitted  
520 electronically under Subsection (1)(a).

521 (2) ~~[The pawnbroker]~~ A pawn or secondhand business shall maintain ~~[all pawn]~~ tickets

522 generated by the [pawshop] pawn or secondhand business and shall maintain the tickets in a  
523 manner so that the tickets are available to local law enforcement agencies as required by this  
524 chapter and as requested by any law enforcement agency as part of an investigation or  
525 reasonable random inspection conducted pursuant to this chapter.

526 (3) (a) If a pawn or secondhand business experiences a computer or electronic  
527 malfunction that affects its ability to report transactions as required in Subsection (1), the pawn  
528 or secondhand business shall immediately notify the division and the local law enforcement  
529 agency of the malfunction.

530 (b) The pawn or secondhand business shall solve the malfunction within three business  
531 days or notify the division and the local law enforcement agency under Subsection (4).

532 (4) If the computer or electronic malfunction under Subsection (3) cannot be solved  
533 within three business days, the pawn or secondhand business shall notify the division and the  
534 local law enforcement agency of the reasons for the delay and provide documentation from a  
535 reputable computer maintenance company of the reasons why the computer or electronic  
536 malfunction cannot be solved within three business days.

537 (5) A computer or electronic malfunction does not suspend the pawn or secondhand  
538 business' obligation to comply with all other provisions of this chapter.

539 (6) During the malfunction under Subsections (3) and (4), the pawn or secondhand  
540 business shall:

541 (a) arrange with the local law enforcement agency a mutually acceptable alternative  
542 method by which the pawn or secondhand business provides the required information to the  
543 local law enforcement [~~official~~] agency; and

544 (b) a [pawshop] pawn or secondhand business shall maintain the [paw] tickets and  
545 other related information required under this chapter in a written form.

546 (7) A pawn or secondhand business that violates the electronic transaction reporting  
547 requirement of this section is subject to an administrative fine of \$50 per day if:

548 (a) the pawn or secondhand business is unable to submit the information electronically  
549 due to a computer or electronic malfunction;

550 (b) the three business day period under Subsection (3) has expired; and

551 (c) the pawn or secondhand business has not provided documentation regarding its  
552 inability to solve the malfunction as required under Subsection (4).

553 (8) A pawn or secondhand business is not responsible for a delay in transmission of  
554 information that results from a malfunction in the central database.

555 ~~Ŝ→ [(9) A pawnbroker is not responsible for a transaction in violation of Subsection~~  
556 ~~13-32a-110.5(2) if, at the time of the transaction, the pawnbroker is unable to query the central~~  
557 ~~database as a result of a malfunction of the central database.] ←Ŝ~~

558 [(9)] ~~Ŝ→ [(10)] (9) ←Ŝ~~ A violation of this section is a Class B misdemeanor and is also  
558a subject to  
559 civil penalties under Section 13-32a-110.

560 Section 9. Section 13-32a-106.5 is amended to read:

561 **13-32a-106.5. Confidentiality of pawn and purchase transactions.**

562 (1) ~~[All pawn and purchase transaction records]~~ A ticket, copy of a ticket, or  
563 information from a ticket delivered to a local law enforcement ~~[official]~~ agency or transmitted  
564 to the central database pursuant to Section 13-32a-106 ~~[are protected records]~~ is a protected  
565 record under Section 63G-2-305. ~~[These records]~~ In addition to use by the issuing pawn or  
566 secondhand business, the ticket, copy of a ticket, or information from a ticket may be used only  
567 by a law enforcement ~~[officials]~~ agency and the division and only for the law enforcement and  
568 administrative enforcement purposes of:

569 (a) investigating possible criminal conduct involving the property delivered to the  
570 ~~[pawnbroker]~~ pawn or secondhand business in a pawn transaction or ~~[purchase]~~ secondhand  
571 merchandise transaction;

572 (b) investigating a possible violation of the record keeping or reporting requirements of  
573 this chapter when the local law enforcement ~~[official]~~ agency or the division, based on a review  
574 of the records and information received, has reason to believe that a violation has occurred;

575 (c) responding to an inquiry from an insurance company investigating a claim for  
576 physical loss of described property by searching the central database to determine if property  
577 matching the description has been delivered to a ~~[pawnbroker]~~ pawn or secondhand business  
578 by another person in a pawn transaction or secondhand merchandise purchase transaction and if  
579 so, obtaining from the central database:

580 (i) a description of the property;

581 (ii) the name and address of the ~~[pawnbroker]~~ pawn or secondhand business ~~[who]~~ that  
582 received the property; and

583 (iii) the name, address, and date of birth of the conveying ~~[person]~~ individual; and

584 (d) taking enforcement action under Section 13-2-5 against a ~~[pawnbroker]~~ pawn or  
585 secondhand business.

586 (2) An insurance company making a request under Subsection (1)(c) shall provide the  
587 police report case number concerning the described property.

588 (3) (a) A person may not knowingly and intentionally use, release, publish, or  
589 otherwise make available to any person ~~[or entity]~~ any information obtained from the central  
590 database for any purpose other than those specified in Subsection (1).

591 (b) Each separate violation of Subsection (3)(a) is a class B misdemeanor.

592 (c) Each separate violation of Subsection (3)(a) is subject to a civil penalty not to  
593 exceed \$250.

594 Section 10. Section 13-32a-108 is amended to read:

595 **13-32a-108. Retention of records -- Reasonable inspection.**

596 (1) ~~[The pawnbroker]~~ A pawn or secondhand business or local law enforcement  
597 agency, whichever has custody of ~~[pawn tickets]~~ a ticket or copy of a ticket, shall retain ~~[them]~~  
598 the ticket or copy for no less than three years from the date of the transaction.

599 (2) (a) A law enforcement agency or the division may conduct random reasonable  
600 inspections of pawn or secondhand businesses for the purpose of monitoring compliance with  
601 the ~~[reporting]~~ requirements of this chapter. ~~[The inspections may be conducted to:]~~

602 ~~[(i) confirm that pawned or sold items match the description reported to the database~~  
603 ~~by the pawnshop; and]~~

604 ~~[(ii) make spot checks of property at the pawn or secondhand business to determine if~~  
605 ~~the property is appropriately reported.]~~

606 (b) Inspections under Subsection (2)(a) shall be performed during the regular business  
607 hours of the pawn or secondhand business.

608 (3) A violation of this section is a Class B misdemeanor and is also subject to civil  
609 penalties under Section 13-32a-110.

610 Section 11. Section 13-32a-109 is amended to read:

611 **13-32a-109. Holding period for property -- Return of property -- Penalty.**

612 (1) (a) A pawnbroker may sell ~~[an article]~~ property pawned to the pawnbroker if:

613 (i) 15 calendar days have passed ~~[since]~~ after the day on which the ~~[contract between~~  
614 ~~the pawnbroker and the pledgor was executed]~~ pawnbroker submits the information ~~Ŝ→~~ and any  
614a required photograph ~~←Ŝ~~ to the

615 central database;

616 (ii) the contract period between the pawnbroker and the pledgor [~~has expired~~] expires;

617 and

618 (iii) the pawnbroker has complied with [~~the requirements of Section~~] Sections  
619 13-32a-103, 13-32a-104, and 13-32a-106 [~~regarding reporting to the central database and~~  
620 ~~Section 13-32a-103~~].

621 (b) If [~~an article~~] property, including scrap jewelry, is purchased by a pawn or  
622 secondhand business [~~or a coin dealer~~], the pawn or secondhand business [~~or coin dealer~~] may  
623 sell the [~~article after~~] property if the pawn or secondhand business [~~or coin dealer~~] has held the  
624 [~~article~~] property for 15 calendar days after the day on which the pawn or secondhand business  
625 submits the information to the central database, and complied with [~~the requirements of~~  
626 ~~Section~~] Sections 13-32a-103, 13-32a-104, and 13-32a-106 [~~regarding reporting to the central~~  
627 ~~database and Section 13-32a-103~~], except that the pawn[:] or secondhand[: ~~and coin dealer~~  
628 ~~businesses are~~] business is not required to hold precious metals or [~~coins~~] numismatic items  
629 under this Subsection (1)(b).

630 (c) (i) This Subsection (1) does not preclude a law enforcement agency from requiring  
631 a pawn or secondhand business to hold [~~an article~~] property if necessary in the course of an  
632 investigation.

633 [(i)] (ii) If the [~~article was~~] property is pawned, the law enforcement agency may  
634 require the [~~article~~] property be held beyond the terms of the contract between the pledgor and  
635 the [~~pawn broker~~] pawnbroker.

636 [(ii)] (iii) If the [~~article was~~] property is sold to the pawn or secondhand business, the  
637 law enforcement agency may require the [~~article~~] property be held if the pawn or secondhand  
638 business has not sold the article.

639 (d) If the law enforcement agency requesting a hold on property under this Subsection  
640 (1) is not the local law enforcement agency, the requesting law enforcement agency shall notify  
641 the local law enforcement agency of the request and also the pawn or secondhand business.

642 (2) If a law enforcement agency requires the pawn or secondhand business to hold [~~an~~  
643 ~~article~~] property as part of an investigation, the law enforcement agency shall provide to the  
644 pawn or secondhand business a hold [~~ticket~~] form issued by the law enforcement agency,  
645 [~~which~~] that:

- 646 (a) states the active case number;
- 647 (b) confirms the date of the hold request and the ~~[article]~~ property to be held; and
- 648 (c) facilitates the ability of the pawn or secondhand business to track the ~~[article]~~
- 649 property when the prosecution takes over the case.
- 650 (3) If ~~[an article]~~ property is not seized by a law enforcement agency that has placed a
- 651 hold on the property, the property shall remain in the custody of the pawn or secondhand
- 652 business until further disposition by the law enforcement agency, and as consistent with this
- 653 chapter.
- 654 (4) The initial hold by a law enforcement agency is for a period of 90 days. If the
- 655 ~~[article]~~ property is not seized by the law enforcement agency, the ~~[article]~~ property shall
- 656 remain in the custody of the pawn or secondhand business and is subject to the hold unless
- 657 exigent circumstances require the ~~[purchased or pawned article]~~ property to be seized by the
- 658 law enforcement agency.
- 659 (5) (a) A law enforcement agency may extend any hold for up to an additional 90 days
- 660 ~~[when exigent]~~ if circumstances require the extension.
- 661 (b) ~~[When]~~ If there is an extension of a hold under Subsection (5)(a), the requesting
- 662 law enforcement agency shall notify the pawn or secondhand business that is subject to the
- 663 hold prior to the expiration of the initial 90 days.
- 664 (c) A law enforcement agency may not hold an item for more than the 180 days
- 665 allowed under Subsections (5)(a) and (b) without obtaining a court order authorizing the hold.
- 666 (6) A hold on ~~[an article]~~ property under Subsection (2) takes precedence over any
- 667 request to claim or purchase the ~~[article]~~ property subject to the hold.
- 668 (7) ~~[When the purpose for the hold on or seizure of an article for which]~~ If an original
- 669 victim who has complied with Section 13-32a-115 has not been identified and the hold or
- 670 seizure of the property is terminated, the law enforcement agency requiring the hold or seizure
- 671 shall within 15 business days after the termination:
- 672 (a) notify the pawn or secondhand business in writing that the hold or seizure has been
- 673 terminated;
- 674 (b) return the ~~[article]~~ property subject to the seizure to the pawn or secondhand
- 675 business; or
- 676 (c) if the ~~[article]~~ property is not returned to the pawn or secondhand business, advise

677 the pawn or secondhand business either in writing or electronically of the specific alternative  
678 disposition of the ~~[article]~~ property.

679 (8) (a) ~~[When the purpose for the hold on or seizure of an article, for which an]~~ If the  
680 original victim who has complied with Section 13-32a-115 has been identified and the hold or  
681 seizure of property is terminated, the law enforcement agency requiring the hold or seizure  
682 shall:

683 (i) document the original victim who has positively identified the ~~[item of]~~ property;  
684 and

685 (ii) provide the documented information concerning the original victim to the  
686 prosecuting agency to determine whether continued possession of the ~~[article]~~ property is  
687 necessary for purposes of prosecution, as provided in Section 24-3-103.

688 (b) If the prosecuting agency determines that continued possession of the ~~[article]~~  
689 property is not necessary for purposes of prosecution, as provided in Section 24-3-103, the  
690 prosecuting agency shall provide a written or electronic notification to the law enforcement  
691 agency ~~[which]~~ that authorizes the return of the ~~[article]~~ property to an original victim who has  
692 complied with Section 13-32a-115.

693 (c) (i) A law enforcement agency shall promptly provide notice to the pawn or  
694 secondhand business of the authorized return of the ~~[article]~~ property under this Subsection (8).

695 (ii) The notice shall identify the original victim, advise the pawn or secondhand  
696 business that the original victim has identified the ~~[article]~~ property, and direct the pawn or  
697 secondhand business to release the ~~[article]~~ property to the original victim at no cost to the  
698 original victim~~[-or if]~~.

699 (iii) If the ~~[article]~~ property was seized, the notice shall advise that the ~~[article]~~  
700 property will be returned to the original victim within 15 days after the day on which the pawn  
701 or secondhand business receives the notice, except as provided under Subsection (8)(d).

702 (d) The pawn or secondhand business shall release ~~[an article]~~ property under  
703 Subsection (8)(c) unless within 15 days of receiving the notice the pawn or secondhand  
704 business complies with Section 13-32a-116.5.

705 (9) If the law enforcement agency does not notify the pawn or secondhand business  
706 that a hold on ~~[an item]~~ the property has expired, the pawn or secondhand business shall send a  
707 letter by registered or certified mail to the law enforcement agency that ordered the hold and

708 inform the agency that the holding period has expired. The law enforcement agency shall  
709 respond within 30 days by:

710 (a) confirming that the ~~[holding]~~ hold period has expired and that the pawn or  
711 secondhand business may manage the ~~[item]~~ property as if acquired in the ordinary course of  
712 business; or

713 (b) providing written notice to the pawn or secondhand business that a court order has  
714 continued the period of time for which the item shall be held.

715 (10) The written notice under Subsection (9)(b) is considered provided when:

716 (a) personally delivered to the pawn or secondhand business with a signed receipt of  
717 delivery;

718 (b) delivered to the pawn or secondhand business by registered or certified mail; or

719 (c) delivered by any other means with the mutual assent of the law enforcement agency  
720 and the pawn or secondhand business.

721 (11) If the law enforcement agency does not respond within 30 days under Subsection  
722 (9), the pawn or secondhand business may manage the ~~[item]~~ property as if acquired in the  
723 ordinary course of business.

724 (12) A violation of this section is a class B misdemeanor and is also subject to civil  
725 penalties under Section [13-32a-110](#).

726 Section 12. Section **13-32a-109.5** is amended to read:

727 **13-32a-109.5. Seizure of property -- Notification to pawn or secondhand business.**

728 If a law enforcement agency determines seizure of property pawned or sold to a pawn  
729 or secondhand business is necessary under this chapter during the course of a criminal  
730 investigation, in addition to the ~~[holding]~~ hold provisions under Section [13-32a-109](#), the law  
731 enforcement agency shall:

732 (1) notify the ~~[pawnshop]~~ pawn or secondhand business of the specific ~~[item]~~ property  
733 to be seized; and

734 (2) issue to the ~~[pawnshop]~~ pawn or secondhand business a seizure ~~[ticket in a form]~~  
735 form approved by the division and that:

736 (a) provides the active case number related to the ~~[item]~~ property to be seized;

737 (b) provides the date of the seizure request;

738 (c) provides the reason for the seizure;



739 (d) describes the ~~[article]~~ property to be seized;

740 (e) states each reason the ~~[article]~~ property is necessary during the course of a criminal  
741 investigation; and

742 (f) includes any information that facilitates the ~~[pawnbroker's]~~ pawn or secondhand  
743 business' ability to track the ~~[article]~~ property when the prosecution agency takes over the case.

744 Section 13. Section **13-32a-110** is amended to read:

745 **13-32a-110. Administrative or civil penalties -- Criminal prosecution.**

746 (1) A violation of any of the following sections is subject to ~~[a]~~ an administrative or  
747 civil penalty of not more than \$500:

748 (a) Section 13-32a-104, ~~[register]~~ ticket required to be maintained;

749 (b) Section 13-32a-104.5, ticket by coin dealer to be maintained;

750 ~~[(b)]~~ (c) Section 13-32a-106, transaction information provided to law enforcement;

751 ~~[(c)]~~ (d) Section 13-32a-108, retention of records;

752 ~~[(d)]~~ (e) Section 13-32a-109, holding period for pawned ~~[articles]~~ or purchased  
753 property;

754 (f) Section 13-32a-110.5, transactions with certain individuals prohibited;

755 ~~[(e)]~~ (g) Section 13-32a-111, payment of fees as required; or

756 ~~[(f)]~~ (h) Section 13-32a-112, training requirements for pawn~~;~~ or secondhand~~;~~ and  
757 coin dealer business employees and officers of participating law enforcement agencies.

758 (2) This section does not prohibit civil action by a governmental entity regarding the  
759 ~~[pawnbroker's business]~~ pawn or secondhand business' operation or licenses.

760 (3) The imposition of civil penalties under this section does not prohibit criminal  
761 prosecution by a governmental entity for criminal violations of this chapter.

762 Section 14. Section **13-32a-110.5** is amended to read:

763 **13-32a-110.5. Transactions with certain individuals prohibited.**

764 A pawn or secondhand business may not ~~[purchase, accept as a pawn, or take for~~  
765 consignment any property from a person] engage in a pawn transaction or secondhand  
766 merchandise transaction with an individual who:

767 (1) is younger than 18 years of age; or

768 (2) appears to be ~~[acting]~~ under the influence of alcohol or [any] a controlled  
769 substance.

770 Section 15. Section ~~13-32a-111~~ is amended to read:

771 **13-32a-111. Fees to fund account.**

772 [~~(1) (a) (i) On and after January 1, 2005, each pawnshop or secondhand merchandise~~  
773 ~~dealer in operation shall annually pay \$250 to the division, to be deposited in the account.]~~

774 [~~(ii) On and after January 1, 2013, each pawnshop or secondhand merchandise dealer~~  
775 ~~in operation shall annually pay \$300 to the division, to be deposited in the account.]~~

776 [~~(b) For the period of July 1, 2009 through December 31, 2009, each coin dealer in~~  
777 ~~operation shall pay a fee of \$250 to the division to be deposited in the account.]~~

778 [~~(c) (i) On and after January 1, 2010, each coin dealer in operation shall annually on~~  
779 ~~January 1 pay \$250 to the division to be deposited in the account.]~~

780 [~~(ii) On and after January 1, 2013, each coin dealer in operation shall annually on~~  
781 ~~January 1 pay \$300 to the division to be deposited in the account.]~~

782 [~~(2) (a) On and after January 1, 2005, each law enforcement agency that participates in~~  
783 ~~the use of the database shall annually pay to the division a fee of \$2 per sworn law enforcement~~  
784 ~~officer who is employed by the agency as of January 1 of that year. The fee shall be deposited~~  
785 ~~in the account.]~~

786 [~~(b) On and after January 1, 2013, each]~~

787 (1) (a) A pawn or secondhand business in operation shall pay an annual fee, no more  
788 than \$500, set in accordance with Section [63J-1-504](#).

789 (b) A law enforcement agency within Utah that participates in the use of the central  
790 database shall [annually pay to the division a fee of \$3 per sworn law enforcement officer who  
791 is employed by the agency as of January 1 of that year. The fee shall be deposited in the  
792 account.] pay an annual fee set in accordance with Section [63J-1-504](#).

793 [~~(3) The fees under Subsections (1) and (2) shall be paid to the account annually on or~~  
794 ~~before January 30.]~~

795 [~~(4) (a) (i) If a] (c) A law enforcement agency outside Utah that requests access to the~~

796 central database[, the requesting agency] shall pay [a yearly] an annual fee [of \$750 for the

797 fiscal year beginning July 1, 2006, which shall be deposited in the account] set in accordance

798 with Section [63J-1-504](#).

799 [~~(ii) If a law enforcement agency outside Utah requests access to the central database,~~  
800 ~~the requesting agency shall pay a yearly fee of \$900 for the fiscal year beginning July 1, 2013,~~

801 ~~which shall be deposited in the account.]~~

802 ~~[(b) The board may establish the fee amount for fiscal years beginning on and after July~~  
803 ~~1, 2007 under Section [63J-1-504](#).]~~

804 (2) A fee paid under Subsection (1) shall be paid annually to the division on or before  
805 January 31.

806 (3) A fee received by the division under this section shall be deposited into the account.

807 (4) The division may only increase fees for a pawnshop or secondhand business under  
808 Section [63J-1-504](#).

809 Section 16. Section **13-32a-112** is amended to read:

810 **13-32a-112. Pawnshop and Secondhand Merchandise Advisory Board.**

811 (1) There is created within the division the "Pawnshop and Secondhand Merchandise  
812 Advisory Board."

813 (2) The board consists of [13] seven voting members [and one nonvoting member]  
814 appointed by the executive director of the Department of Commerce:

815 (a) one ~~[representative of]~~ law enforcement officer whose work regularly involves  
816 pawn or secondhand business, recommended by the Utah Chiefs of Police Association;

817 (b) one ~~[representative of]~~ law enforcement officer whose work regularly involves  
818 pawn or secondhand business, recommended by the Utah Sheriffs Association;

819 (c) one ~~[representative of the Statewide Association of Prosecutors]~~ state, county, or  
820 municipal prosecutor, recommended by a prosecutors' association or council;

821 ~~[(d) one representative of the Utah Municipal Prosecutors' Association;]~~

822 ~~[(e) three representatives from the pawnshop industry;]~~

823 ~~[(f) three representatives from the secondhand merchandise business industry;]~~

824 ~~[(g) one representative from the coin dealer industry;]~~

825 ~~[(h) one law enforcement officer who is appointed by the board members under~~  
826 ~~Subsections (1)(a) through (g);]~~

827 ~~[(i) one law enforcement officer whose work regularly involves pawn and secondhand~~  
828 ~~businesses and who is appointed by the board members under Subsections (1)(a) through (g);~~  
829 ~~and]~~

830 ~~[(j) one representative from the central database, who is nonvoting.]~~

831 ~~[(2) (a) The board shall prepare recommendations for the appointment of members~~

832 under Subsections (1)(a) through (g), and Subsection (1)(j), and shall forward its  
833 recommendations to the ~~Commission on Criminal and Juvenile Justice~~, which shall make the  
834 appointments.]

835 ~~[(b) The members under Subsections (1)(e), (f), and (g) shall represent three separate~~  
836 ~~pawnshops, three separate secondhand merchandise dealers, and one coin dealer, each of which~~  
837 ~~are owned by a separate person or entity.]~~

838 ~~[(c) In appointing members from the individuals recommended under Subsection~~  
839 ~~(2)(a), the Commission on Criminal and Juvenile Justice shall give consideration to~~  
840 ~~recommendations by members of the respective occupations and professions and by their~~  
841 ~~representative organizations.]~~

842 (d) one pawnbroker, recommended by the pawn industry;

843 (e) one secondhand merchandise dealer, recommended by the secondhand merchandise  
844 industry;

845 (f) one coin dealer, recommended by the Utah Coin Dealers Association; and

846 (g) one representative from the pawn or secondhand merchandise industry at large,  
847 recommended by the pawn or secondhand merchandise industry.

848 (3) After receiving a recommendation for a member by a respective association,  
849 council, or industry for the board, the executive director may:

850 (a) decline the recommendation; and

851 (b) request another recommendation from the respective association, council, or  
852 industry.

853 ~~[(3)]~~ (4) (a) [Each] A member of the board shall be appointed to a term of not more  
854 than four years, and may be reappointed upon expiration of the member's term.

855 ~~(b) Notwithstanding the requirements of Subsection [(3)] (4)(a), the [Commission on~~  
856 ~~Criminal and Juvenile Justice] executive director of the Department of Commerce shall, at the~~  
857 ~~time of appointments or reappointments, adjust the length of terms to ensure that the terms of~~  
858 ~~board members are staggered so that approximately half of the board is appointed every two~~  
859 ~~years.~~

860 (c) When a vacancy occurs in the membership for any reason, the executive director of  
861 the Department of Commerce shall appoint a member for the unexpired term.

862 (d) The executive director of the Department of Commerce may remove a member and

863 replace the member in accordance with this section for the following reasons:

864 (i) the member fails or refuses to fulfill the duties of a board member, including  
865 attendance at board meetings; or

866 (ii) the member, an entity owned by the member, an entity that the member is  
867 employed by, or an entity that the member is representing, engages in a violation of this chapter  
868 or Section 76-6-408.

869 (e) Notwithstanding Subsection (4)(d), members of the board as of May 13, 2019, are  
870 removed from the board and the executive director of the Department of Commerce shall  
871 appoint the board members in accordance with this section.

872 [~~(4)~~] (5) (a) The board shall elect one voting member as the chair of the board by a  
873 majority of the members present at the board's first meeting each year.

874 (b) The chair shall preside over the board for a period of one year.

875 (c) The [advisory] board shall meet quarterly upon the call of the chair.

876 (d) A quorum of [~~nine~~] five members is required for the board to take action. An action  
877 taken by majority of a quorum present at a meeting constitutes an action of the board.

878 [~~(5)(a) The board shall conduct quarterly training sessions regarding compliance with~~  
879 ~~this chapter and other applicable state laws for any person who owns or is employed by a pawn~~  
880 ~~or secondhand business subject to this chapter.]~~

881 [~~(b) Each training session shall provide no fewer than two hours of training.]~~

882 [~~(6)(a) Each pawn, secondhand, and coin dealer business in operation as of January 1~~  
883 ~~shall ensure one or more persons employed by the pawn or secondhand business each~~  
884 ~~participate in no fewer than two hours of compliance training within that year.]~~

885 [~~(b) This requirement does not limit the number of employees, directors, or officers of~~  
886 ~~a pawn or secondhand business who attend the compliance training.]~~

887 [~~(7) The board shall monitor and keep a record of the hours of compliance training~~  
888 ~~accrued by each pawn or secondhand business.]~~

889 [~~(8) The board shall provide each pawn or secondhand business with a certificate of~~  
890 ~~compliance upon completion by an employee of the two hours of compliance training under~~  
891 ~~Subsection (6).]~~

892 [~~(9)(a) Each law enforcement agency shall ensure that at least one of its officers~~  
893 ~~completes two hours of compliance training yearly.]~~

894 ~~[(b) Subsection (9)(a) does not limit the number of law enforcement officers who~~  
895 ~~attend the compliance training.]~~

896 ~~[(10)] (6) (a) The duties and powers of the board include the following: [board may~~  
897 ~~propose to the division administrative rules establishing:]~~

898 ~~[(a) pawn and secondhand business industry standards for best practices;]~~

899 ~~[(b) standardized property descriptions for the database created under this chapter; and]~~

900 ~~[(c) a roster of software programs for pawn and secondhand businesses setting out~~  
901 ~~minimum basic requirements for functionality.]~~

902 (i) recommending to the division appropriate rules regarding the administration and  
903 enforcement of this chapter;

904 (ii) recommending to the division changes related to the central database; and

905 (iii) advising the division on matters related to the pawn and secondhand industries.

906 (b) This Subsection (6) does not require the board's approval to act on a rule or amend  
907 this chapter.

908 ~~[(11)] (7) [Pawn and] A pawn or secondhand [businesses] business may file with the~~  
909 ~~board complaints regarding law enforcement agency practices perceived to be inconsistent with~~  
910 ~~this chapter. The board may refer the complaints to the Peace Officers Standards and Training~~  
911 ~~Division.~~

912 Section 17. Section **13-32a-112.1** is enacted to read:

913 **13-32a-112.1. Annual training.**

914 (1) (a) The division shall provide training sessions, whether online or in-person, at least  
915 once each year regarding compliance with this chapter and other applicable state laws.

916 (b) A pawn or secondhand business shall ensure that each individual employed by the  
917 pawn or secondhand business with access to the central database annually completes the  
918 training described in Subsection (1)(a) in order for that individual to continue to have access to  
919 the central database.

920 (c) A law enforcement agency participating in the use of the central database shall  
921 ensure that each individual employed by the law enforcement agency with access to the central  
922 database annually completes the training described in Subsection (1)(a) in order for that  
923 individual to continue to have access to the central database.

924 (2) The division shall monitor and keep a record of training completion.

925 Section 18. Section **13-32a-112.5** is amended to read:

926 **13-32a-112.5. Temporary businesses subject to chapter.**

927 ~~[(1) (a) The division may exempt specific classes of businesses from regulation under~~  
928 ~~this chapter by rules made under Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~

929 ~~[(b) The division shall consult with the board in determining which classes of~~  
930 ~~businesses to exempt under this section.]~~

931 ~~[(2) Businesses the division may exempt are classes of commercial enterprises clearly~~  
932 ~~defined by administrative rule and that do not involve transactions in property that is~~  
933 ~~recognized by law enforcement as regularly subject to theft and subsequent efforts to pawn or~~  
934 ~~sell.]~~

935 ~~[(3) Municipal and county criminal and civil enforcement regarding the provisions of~~  
936 ~~this chapter may not be imposed on businesses exempted under this section.]~~

937 ~~[(4) Any] A pawn or secondhand business [not exempted by this section and] that~~  
938 ~~operates on a temporary basis or from a location that is not a permanent retail location:~~

939 ~~[(a)] (1) shall comply with [the provisions of] this chapter; and~~

940 ~~[(b)] (2) is subject to enforcement of [the provisions of] this chapter.~~

941 Section 19. Section **13-32a-113** is amended to read:

942 **13-32a-113. Pawnbroker and Secondhand Merchandise Operations Restricted**  
943 **Account.**

944 (1) There is created within the General Fund a restricted account known as the  
945 "Pawnbroker and Secondhand Merchandise Operations Restricted Account."

946 (2) (a) The account shall be funded from ~~[the]~~ fees and administrative and civil fines  
947 imposed and collected under Sections 13-32a-106, ~~[13-32a-107,]~~ 13-32a-110, and 13-32a-111.  
948 These fees and administrative and civil fines shall be paid to the division, which shall deposit  
949 them in the account.

950 (b) The Legislature shall appropriate ~~[the]~~ funds in this account to the division for:

951 (i) ~~[to the board for]~~ the costs of providing training required under this chapter~~];~~

952 (ii) the costs of the central database created in Section 13-32a-105~~], and for costs of~~  
953 ~~operation of the board];~~ and

954 ~~[(ii) to the division for management of fees and penalties paid under this chapter.]~~

955 ~~[(c) The board shall account to the division for expenditures.]~~

956 [~~(d) The board shall account separately for expenditures for:~~]

957 [~~(i) training required under this chapter;~~]

958 [~~(ii) operation of the database; and]~~

959 [~~(iii) operation of the board.]~~

960 (iii) the division's costs of administering the chapter.

961 Section 20. Section **13-32a-114** is amended to read:

962 **13-32a-114. Preemption of local ordinances -- Exceptions.**

963 (1) This chapter preempts ~~[a]n~~ town, city, county, and other local ordinances governing  
964 pawn or secondhand businesses ~~[and pawnbroking transactions]~~, if the ordinances are more  
965 restrictive than the provisions of this chapter or are not consistent with this chapter.

966 (2) Subsection (1) does not preclude a city, county, or other local governmental unit  
967 from:

968 (a) enacting or enforcing local ordinances concerning public health, safety, or welfare,  
969 if the ordinances are uniform and equal in application to pawn and secondhand businesses and  
970 other retail businesses or activities;

971 (b) requiring a pawn or secondhand business to obtain and maintain a business license  
972 and providing for revocation of the business license based on multiple violations of Section  
973 76-6-408; and

974 (c) enacting zoning ordinances that restrict areas where pawn or secondhand businesses  
975 and other retail businesses or activities can be located.

976 Section 21. Section **13-32a-115** is amended to read:

977 **13-32a-115. Criminal investigation -- Prosecution -- Property disposition.**

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

981 (a) positively identify to law enforcement the ~~[item]~~ property stolen or lost;

982 (b) if a police report has not already been filed for the original theft or loss of property,  
983 file a police report, and provide for the law enforcement agency information surrounding the  
984 original theft or loss of property; and

985 (c) give a sworn statement under penalty of law that:

986 (i) claims ownership of the property;



987 (ii) references the original theft or loss; and

988 (iii) identifies the perpetrator if known.

989 (2) The pawn or secondhand business shall retain possession of any property subject to  
990 a hold until a criminal prosecution is commenced relating to the property for which the hold  
991 was placed unless:

992 (a) during the course of a criminal investigation the actual physical possession by law  
993 enforcement of ~~[an article]~~ the property purchased or pawned is essential for the purpose of  
994 ~~[fingerprinting the property, chemical]~~ forensic testing of the property, or if the property  
995 contains unique or sensitive personal identifying information; or

996 (b) an agreement between the original victim and the pawn or secondhand business to  
997 return the property is reached.

998 (3) (a) Upon the commencement of a criminal prosecution, any ~~[article]~~ property  
999 subject to a hold for investigation under this chapter may be seized by the law enforcement  
1000 agency ~~[which]~~ that requested the hold.

1001 (b) Subsequent disposition of the property shall be consistent with this chapter.

1002 (4) At all times during the course of a criminal investigation and subsequent  
1003 prosecution, the ~~[article]~~ property subject to a law enforcement hold shall be kept secure by the  
1004 pawn or secondhand business subject to the hold unless ~~[a]~~ the pawned or ~~[sold article]~~  
1005 purchased property has been seized by the law enforcement agency pursuant to Section  
1006 13-32a-109.5.

1007 Section 22. Section **13-32a-116** is amended to read:

1008 **13-32a-116. Property disposition -- Property subject to prosecution -- Property**  
1009 **not used as evidence.**

1010 When ~~[any]~~ property that is pawned or sold to a pawn or secondhand business is the  
1011 subject of a criminal proceeding, and has been seized by law enforcement pursuant to ~~[Section~~  
1012 13-32a-115] this chapter, the prosecuting agency shall notify the seizing agency, the original  
1013 victim, and the pawn or secondhand business in compliance with Subsection 13-32a-109(8), if  
1014 the prosecuting agency determines the article is no longer needed as evidence pending  
1015 resolution of the criminal case.

1016 Section 23. Section **13-32a-116.5** is amended to read:

1017 **13-32a-116.5. Contested disposition of property - Procedure.**

1018 (1) If a pawn or secondhand business ~~[has received]~~ receives notice from a law  
 1019 enforcement agency under Section [13-32a-109](#) that ~~[an article which was]~~ property that is the  
 1020 subject of a hold or seizure shall be returned to an identified original victim, the pawn or  
 1021 secondhand business may contest the determination and seek a specific alternative disposition  
 1022 if within 15 business days after the day on which the pawn or secondhand business receives the  
 1023 notice:

1024 (a) the pawn or secondhand business gives notice to the identified original victim, by  
 1025 certified mail, that the pawn or secondhand business contests the determination to return the  
 1026 ~~[article]~~ property to the original victim; and

1027 (b) files a petition in a court having jurisdiction over the matter to determine rightful  
 1028 ownership of the ~~[article]~~ property as provided in Section [24-3-104](#).

1029 (2) A pawn or secondhand business is guilty of a class B misdemeanor if the pawn or  
 1030 secondhand business:

1031 (a) holds or sells ~~[an article]~~ property in violation of a notification from a law  
 1032 enforcement agency that the ~~[item]~~ property is to be returned to an original victim; and

1033 (b) the pawn or secondhand business does not comply with the requirements of this  
 1034 section within the time periods specified.

1035 Section 24. Section ~~76-6-408~~ is amended to read:

1036 **76-6-408. Receiving stolen property -- Duties of pawnbrokers, secondhand**  
 1037 **businesses, and coin dealers.**

1038 (1) As used in this section:

1039 (a) "Pawnbroker" means the same as that term is defined in Section [13-32a-102](#).

1040 (b) "Receives" means acquiring possession, control, title, or lending on the security of  
 1041 the property.

1042 ~~[(1)]~~ (2) A person commits theft if ~~[he]~~ the person receives, retains, or disposes of the  
 1043 property of another knowing that ~~[it has been]~~ the property is stolen, or believing that ~~[it]~~ the  
 1044 property is probably ~~[has been]~~ stolen, or who conceals, sells, withholds, or aids in concealing,  
 1045 selling, or withholding the property from the owner, knowing or believing the property to be  
 1046 stolen, intending to deprive the owner of ~~[it]~~ the property.

1047 ~~[(2)]~~ (3) The knowledge or belief required for Subsection ~~[(1)]~~ (2) is presumed in the  
 1048 case of an actor who:

1049 (a) is found in possession or control of other property stolen on a separate occasion;

1050 (b) has received other stolen property within the year preceding the receiving offense

1051 charged;

1052 (c) is a pawnbroker or person who:

1053 (i) has or operates a business dealing in or collecting used or secondhand merchandise

1054 or personal property, or an agent, employee, or representative of a pawnbroker or person who

1055 buys, receives, or obtains property; and

1056 ~~[fails to require the seller or person delivering the property to: (i) certify, in writing,~~

1057 ~~that he has the legal rights to sell the property;]~~

1058 ~~[(ii) provide a legible print, preferably the right thumb, at the bottom of the certificate~~

1059 ~~next to his signature; and]~~

1060 ~~[(iii) provide at least one positive form of identification; or]~~

1061 (ii) (A) has not completely and accurately documented the information required under

1062 Section 13-32a-104; or

1063 (B) is found in possession of merchandise or personal property that violates Subsection

1064 13-32a-104(2); or

1065 (d) is a coin dealer or an employee of the coin dealer as defined in Section 13-32a-102

1066 who does not comply with the requirements of Section 13-32a-104.5.

1067 ~~[(3) Every]~~ (4) A pawnbroker or person who has or operates a business dealing in or

1068 collecting used or secondhand merchandise or personal property, and every agent, employee, or

1069 representative of a pawnbroker or person who fails to comply with ~~[the requirements of]~~

1070 Subsection ~~[(2)(c)]~~ (3) is presumed to have bought, received, or obtained the property knowing

1071 ~~[it]~~ the property to have been stolen or unlawfully obtained. This presumption may be rebutted

1072 by proof.

1073 ~~[(4)]~~ (5) When, in a prosecution under this section, it appears from the evidence that

1074 the defendant was a pawnbroker or a person who has or operates a business dealing in or

1075 collecting used or secondhand merchandise or personal property, or was an agent, employee, or

1076 representative of a pawnbroker or person, that the defendant bought, received, concealed, or

1077 withheld the property without obtaining the information required in Subsection ~~[(2)(c)]~~ or

1078 ~~(2)(d)]~~ (3)(c) or (d), then the burden shall be upon the defendant to show that the property

1079 bought, received, or obtained was not stolen.

1080 ~~[(5)]~~ (6) Subsections ~~[(2)]~~ (3)(c), ~~[(3)]~~ (4), and ~~[(4)]~~ (5) do not apply to scrap metal  
1081 processors as defined in Section 76-6-1402.

1082 ~~[(6) As used in this section:]~~

1083 ~~[(a) "Dealer" means a person in the business of buying or selling goods.]~~

1084 ~~[(b) "Pawnbroker" means a person who:]~~

1085 ~~[(i) loans money on deposit of personal property, or deals in the purchase, exchange, or~~  
1086 ~~possession of personal property on condition of selling the same property back again to the~~  
1087 ~~pledge or depositor;]~~

1088 ~~[(ii) loans or advances money on personal property by taking chattel mortgage security~~  
1089 ~~on the property and takes or receives the personal property into his possession and who sells~~  
1090 ~~the unredeemed pledges; or]~~

1091 ~~[(iii) receives personal property in exchange for money or in trade for other personal~~  
1092 ~~property.]~~

1093 ~~[(c) "Receives" means acquiring possession, control, or title or lending on the security~~  
1094 ~~of the property.]~~

1095 Section 25. Section 76-6-412 is amended to read:

1096 **76-6-412. Theft -- Classification of offenses -- Action for treble damages.**

1097 (1) Theft of property and services as provided in this chapter is punishable:

1098 (a) as a second degree felony if the:

1099 (i) value of the property or services is or exceeds \$5,000;

1100 (ii) property stolen is a firearm or an operable motor vehicle; or

1101 (iii) property is stolen from the person of another;

1102 (b) as a third degree felony if:

1103 (i) the value of the property or services is or exceeds \$1,500 but is less than \$5,000;

1104 (ii) the value of the property or services is or exceeds \$500 and the actor has been twice  
1105 before convicted of any of the following offenses, if each prior offense was committed within  
1106 10 years of the date of the current conviction or the date of the offense upon which the current  
1107 conviction is based and at least one of those convictions is for a class A misdemeanor:

1108 (A) any theft, any robbery, or any burglary with intent to commit theft;

1109 (B) any offense under Title 76, Chapter 6, Part 5, Fraud; or

1110 (C) any attempt to commit any offense under Subsection (1)(b)(ii)(A) or (B);

1111 (iii) in a case not amounting to a second degree felony, the property taken is a stallion,  
1112 mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine,  
1113 poultry, or a fur-bearing animal raised for commercial purposes; or

1114 (iv) (A) the value of property or services is or exceeds \$500 but is less than \$1,500;

1115 (B) the theft occurs on a property where the offender has committed any theft within  
1116 the past five years; and

1117 (C) the offender has received written notice from the merchant prohibiting the offender  
1118 from entering the property pursuant to Subsection 78B-3-108(4);

1119 (v) the actor has been previously convicted of a felony violation of any of the offenses  
1120 listed in Subsections (1)(b)(ii)(A) through (1)(b)(ii)(C);

1121 (c) as a class A misdemeanor if:

1122 (i) the value of the property stolen is or exceeds \$500 but is less than \$1,500;

1123 (ii) (A) the value of property or services is less than \$500;

1124 (B) the theft occurs on a property where the offender has committed any theft within  
1125 the past five years; and

1126 (C) the offender has received written notice from the merchant prohibiting the offender  
1127 from entering the property pursuant to Subsection 78B-3-108(4); or

1128 (iii) the actor has been twice before convicted of any of the offenses listed in  
1129 Subsections (1)(b)(ii)(A) through (1)(b)(ii)(C), if each prior offense was committed within 10  
1130 years of the date of the current conviction or the date of the offense upon which the current  
1131 conviction is based; or

1132 (d) as a class B misdemeanor if the value of the property stolen is less than \$500 and  
1133 the theft is not an offense under Subsection (1)(c).

1134 (2) Any individual who violates Subsection 76-6-408~~(1)~~(2) or [Subsection]  
1135 76-6-413(1), or commits theft of property described in Subsection 76-6-412(1)(b)(iii), is civilly  
1136 liable for three times the amount of actual damages, if any sustained by the plaintiff, and for  
1137 costs of suit and reasonable attorney fees.

1138 Section 26. **Repealer.**

1139 This bill repeals:

1140 Section 13-32a-107, **Deadline for registers to be electronic -- Notice for updating.**

1141 Section 13-32a-117, **Property disposition if no criminal charges filed --**

1142 **Administrative hearing.**