

Representative Brian S. King proposes the following substitute bill:

LAW ENFORCEMENT REPORTING REQUIREMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill addresses law enforcement reporting requirements.

Highlighted Provisions:

This bill:

▶ restructures law enforcement reporting requirements in Title 53, Public Safety

Code;

▶ requires a law enforcement agency to report certain information on lawfully seized

firearms; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-25-101, as enacted by Laws of Utah 2023, Chapter 427

63A-16-1002, as last amended by Laws of Utah 2023, Chapters 158, 161, 382, and 448

63M-7-204, as last amended by Laws of Utah 2023, Chapters 158, 330, 382, and 500



26 ENACTS:

27 **53-25-501**, Utah Code Annotated 1953

28 RENUMBERS AND AMENDS:

29 **53-25-201**, (Renumbered from 53-24-101, as enacted by Laws of Utah 2023, Chapter
30 158)

31 **53-25-202**, (Renumbered from 53-24-102, as enacted by Laws of Utah 2023, Chapter
32 158)

33 **53-25-203**, (Renumbered from 53-24-103, as enacted by Laws of Utah 2023, Chapter
34 158)

35 **53-25-301**, (Renumbered from 53-23-101, as enacted by Laws of Utah 2023, Chapter
36 382)

37 **53-25-401**, (Renumbered from 53-26-101, as enacted by Laws of Utah 2023, Chapter
38 500)

39

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

41 Section 1. Section **53-25-101** is amended to read:

42 **CHAPTER 25. LAW ENFORCEMENT REQUIREMENTS**

43 **Part 1. Disclosure Restrictions**

44 **53-25-101. Prohibition on disclosure of identity of minor homicide victim.**

45 (1) As used in this section:

46 (a) "Criminal homicide" means the same as that term is defined in Section **76-5-201**.

47 (b) "Media outlet" means a bona fide newspaper, magazine, or broadcast media
48 enterprise, whether conducted on a for-profit or nonprofit basis, engaged in the business of
49 providing news and information to the general public.

50 (c) "Minor victim" means the victim of a criminal homicide if the victim is younger
51 than 18 years old.

52 (d) "Parent or legal guardian" does not include an individual who is a suspect or
53 defendant with respect to the criminal homicide.

54 (2) A law enforcement agency [~~and~~] or a law enforcement officer may not disclose [~~to~~
55 ~~a representative of a media outlet~~] the name or other personally identifying information of a
56 minor victim [~~until~~] to a representative of a media outlet unless the law enforcement agency or

57 law enforcement officer has made a reasonable effort to obtain the consent of the minor
58 victim's parent or legal guardian for the disclosure.

59 Section 2. Section **53-25-201**, which is renumbered from Section 53-24-101 is
60 renumbered and amended to read:

61 **Part 2. Sexual assault offense policy and reporting requirements**
62 **~~[53-24-101].~~ 53-25-201. Sexual assault offense policy and public**
63 **information requirements for law enforcement agencies.**

64 (1) (a) Beginning January 1, 2024, a law enforcement agency shall create and maintain
65 a policy regarding the law enforcement agency's processes for handling sexual assault
66 investigations.

67 (b) A policy described under Subsection (1)(a) shall include current best practices for
68 handling sexual assault investigations, including:

69 (i) protocols and training on responses to sexual trauma;

70 (ii) emergency response procedures, including prompt contact with the victim and the
71 preservation of evidence; and

72 (iii) referrals to sexual assault support services.

73 (c) A law enforcement agency shall publicly post on the law enforcement agency's
74 website the policy described in Subsection (1)(a).

75 (2) Beginning January 1, 2024, a law enforcement agency shall create and publicly post
76 on the law enforcement agency's website a guide for victims of sexual assault that includes:

77 (a) a description of the law enforcement agency's processes for handling sexual assault
78 investigations;

79 (b) contact information for victims of sexual assault to obtain more information from
80 the law enforcement agency; and

81 (c) referral information for sexual assault victim support services.

82 Section 3. Section **53-25-202**, which is renumbered from Section 53-24-102 is
83 renumbered and amended to read:

84 **~~[53-24-102].~~ 53-25-202. Sexual assault offense reporting requirements for**
85 **law enforcement agencies.**

86 (1) As used in this section:

87 (a) "Commission" means the State Commission on Criminal and Juvenile Justice

88 created in Section 63M-7-201.

89 (b) "Sexual assault offense" means:

90 (i) rape, Section 76-5-402;

91 (ii) rape of a child, Section 76-5-402.1;

92 (iii) object rape, Section 76-5-402.2;

93 (iv) object rape of a child, Section 76-5-402.3;

94 (v) forcible sodomy, Section 76-5-403;

95 (vi) sodomy on a child, Section 76-5-403.1;

96 (vii) forcible sexual abuse, Section 76-5-404;

97 (viii) sexual abuse of a child, Section 76-5-404.1;

98 (ix) aggravated sexual abuse of a child, Section 76-5-404.3;

99 (x) aggravated sexual assault, Section 76-5-405; or

100 (xi) sexual battery, Section 76-9-702.1.

101 (2) (a) Beginning January 1, 2025, a law enforcement agency shall annually, on or
102 before April 30, submit a report to the commission for the previous calendar year containing
103 the number of each type of sexual assault offense that:

104 (i) was reported to the law enforcement agency;

105 (ii) was investigated by a detective; and

106 (iii) was referred to a prosecutor for prosecution.

107 (b) A law enforcement agency shall:

108 (i) compile the report described in Subsection (2)(a) for each calendar year in the
109 standardized format developed by the commission under Subsection (3); and

110 (ii) publicly post the information reported in Subsection (2)(a) on the law enforcement
111 agency's website.

112 (3) The commission shall:

113 (a) develop a standardized format for reporting the data described in Subsection (2);

114 (b) compile the data submitted under Subsection (2); and

115 (c) annually on or before August 1, publish a report of the data described in Subsection
116 (2) on the commission's website.

117 Section 4. Section **53-25-203**, which is renumbered from Section 53-24-103 is
118 renumbered and amended to read:

119 ~~[53-24-103]~~. 53-25-203. Exemption.

120 The provisions of this [~~chapter~~] part do not apply to a law enforcement agency created
121 under Section ~~41-3-104~~.

122 Section 5. Section **53-25-301**, which is renumbered from Section 53-23-101 is
123 renumbered and amended to read:

124 **Part 3. Reporting requirements for reverse-location warrants**

125 ~~[53-23-101]~~. 53-25-301. Reporting requirements for reverse-location
126 **warrants.**

127 (1) As used in this section:

128 (a) "Anonymized" means the same as that term is defined in Section ~~77-23f-101~~.

129 (b) "Commission" means the State Commission on Criminal and Juvenile Justice
130 created in Section ~~63M-7-201~~.

131 (c) "Electronic device" means the same as that term is defined in Section ~~77-23f-101~~.

132 (d) "Law enforcement agency" means the same as that term is defined in Section
133 ~~77-23c-101.2~~.

134 (e) "Reverse-location information" means the same as that term is defined in Section
135 ~~77-23f-101~~.

136 (f) "Reverse-location warrant" means a warrant seeking reverse-location information
137 under Section ~~77-23f-102~~, ~~77-23f-103~~, or ~~77-23f-104~~.

138 (2) (a) Beginning January 1, 2024, a law enforcement agency shall annually on or
139 before April 30 submit a report to the commission with the following data for the previous
140 calendar year:

141 (i) the number of reverse-location warrants requested by the law enforcement agency
142 under Section ~~77-23f-102~~, ~~77-23f-103~~, or ~~77-23f-104~~;

143 (ii) the number of reverse-location warrants that a court or magistrate granted after a
144 request described in Subsection (2)(a)(i);

145 (iii) the number of investigations that used information obtained under a
146 reverse-location warrant to investigate a crime that was not the subject of the reverse-location
147 warrant;

148 (iv) the number of times reverse-location information was obtained under an exception
149 listed in Section ~~77-23f-106~~;

- 150 (v) the warrant identification number for each warrant described under Subsection
- 151 (2)(a)(ii) or (iii); and
- 152 (vi) the number of electronic devices for which anonymized electronic device data was
- 153 obtained under each reverse-location warrant described under Subsection (2)(a)(ii).
- 154 (b) A law enforcement agency shall compile the report described in Subsection (2)(a)
- 155 for each year in the standardized format developed by the commission under Subsection (4).
- 156 (3) If a reverse-location warrant is requested by a multijurisdictional team of law
- 157 enforcement officers, the reporting requirement in this section is the responsibility of the
- 158 commanding agency or governing authority of the multijurisdictional team.
- 159 (4) The commission shall:
- 160 (a) develop a standardized format for reporting the data described in Subsection (2);
- 161 (b) compile the data submitted under Subsection (2); and
- 162 (c) annually on or before August 1, publish on the commission's website a report of the
- 163 data described in Subsection (2).

164 Section 6. Section **53-25-401**, which is renumbered from Section 53-26-101 is

165 renumbered and amended to read:

166 **Part 4. Reporting requirements for genetic genealogy database utilizations**

167 ~~**[53-26-101].**~~ **53-25-401. Law enforcement reporting requirements for**

168 **genetic genealogy database utilizations .**

- 169 (1) As used in this section:
- 170 (a) "Commission" means the State Commission on Criminal and Juvenile Justice
- 171 created in Section [63M-7-201](#).
- 172 (b) "Genetic genealogy database utilization" means the same as that term is defined in
- 173 Section [53-10-403.7](#).
- 174 (c) "Law enforcement agency" means the same as that term is defined in Section
- 175 [53-1-102](#).
- 176 (d) "Qualifying case" means the same as that term is defined in Section [53-10-403.7](#).
- 177 (2) (a) Beginning on January 1, 2024, a law enforcement agency shall annually on or
- 178 before April 30 submit a report to the commission with the following data for the previous
- 179 calendar year:
- 180 (i) the number of genetic genealogy database utilizations requested by the law

181 enforcement agency under Section 53-10-403.7; and

182 (ii) for each utilization described in Subsection (2)(a)(i):

183 (A) if applicable, the type of qualifying case;

184 (B) for a criminal investigation, the alleged offense;

185 (C) whether the case was a cold case, as that term is defined in Section 53-10-115, at
186 the time of the request for the utilization; and

187 (D) whether the results of the utilization revealed the identity of the owner of the DNA
188 specimen.

189 (b) A law enforcement agency shall compile the report described in Subsection (2)(a)
190 for each year in the standardized format developed by the commission under Subsection (4).

191 (3) If a genetic genealogy database utilization is requested by a multijurisdictional team
192 of law enforcement officers, the reporting requirement in this section is the responsibility of the
193 commanding agency or governing authority of the multijurisdictional team.

194 (4) The commission shall:

195 (a) develop a standardized format for reporting the data described in Subsection (2);

196 (b) compile the data submitted under Subsection (2), including the number of genetic
197 genealogy database utilizations requested by each reporting law enforcement agency; and

198 (c) annually on or before August 1, publish a report of the data described in Subsection
199 (2) on the commission's website.

200 Section 7. Section 53-25-501 is enacted to read:

201 **Part 5. Reporting requirements for seized firearms**

202 **53-25-501. Reporting requirements for seized firearms.**

203 (1) As used in this section:

204 (a) "Commission" means the State Commission on Criminal and Juvenile Justice
205 created in Section 63M-7-201.

206 (b) "Firearm" means the same as that term is defined in Section 76-10-501.

207 (c) "Restricted person" means a Category I or Category II restricted person as defined
208 in Section 76-10-503.

209 (2) Beginning on July 1, 2026, a law enforcement agency ~~H~~→ , **not including the**
209a **Department of Corrections, ←H** shall annually on or before

210 April 30 report to the commission the following data for the previous calendar year:

211 (a) the number of firearms the law enforcement agency lawfully seized from restricted

212 persons;

213 (b) the types of firearms the law enforcement agency lawfully seized from restricted

214 persons;

215 (c) information on where the restricted persons obtained the firearms seized by the law

216 enforcement agency if the information is known or discoverable by the law enforcement

217 agency; and

218 (d) the reasons under Subsection 76-10-503(1)(a) or (b) that made the individuals who

219 had weapons seized restricted persons.

220 Section 8. Section **63A-16-1002** is amended to read:

221 **63A-16-1002. Criminal and juvenile justice database.**

222 (1) The commission shall oversee the creation and management of a criminal and

223 juvenile justice database for information and data required to be reported to the commission,

224 organized by county, and accessible to all criminal justice agencies in the state.

225 (2) The division shall assist with the development and management of the database.

226 (3) The division, in collaboration with the commission, shall create:

227 (a) master standards and formats for information submitted to the database;

228 (b) a portal, bridge, website, or other method for reporting entities to provide the

229 information;

230 (c) a master data management index or system to assist in the retrieval of information

231 in the database;

232 (d) a protocol for accessing information in the database that complies with state

233 privacy regulations; and

234 (e) a protocol for real-time audit capability of all data accessed through the portal by

235 participating data source, data use entities, and regulators.

236 (4) Each criminal justice agency charged with reporting information to the commission

237 shall provide the data or information to the database in a form prescribed by the commission.

238 (5) The database shall be the repository for the statutorily required data described in:

239 (a) Section 13-53-111, recidivism reporting requirements;

240 (b) Section 17-22-32, county jail reporting requirements;

241 (c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;

242 (d) Section 41-6a-511, courts to collect and maintain data;

243 (e) Section [~~53-23-101~~] 53-25-301, reporting requirements for reverse-location
 244 warrants;

245 (f) Section [~~53-24-102~~] 53-25-202, sexual assault offense reporting requirements for
 246 law enforcement agencies;

247 (g) Section 53-25-501, reporting requirements for seized firearms;

248 [~~(g)~~] (h) Section 63M-7-214, law enforcement agency grant reporting;

249 [~~(h)~~] (i) Section 63M-7-216, prosecutorial data collection;

250 [~~(i)~~] (j) Section 64-13-21, supervision of sentenced offenders placed in community;

251 [~~(j)~~] (k) Section 64-13-25, standards for programs;

252 [~~(k)~~] (l) Section 64-13-45, department reporting requirements;

253 [~~(l)~~] (m) Section 64-13e-104, housing of state probationary inmates or state parole
 254 inmates;

255 [~~(m)~~] (n) Section 77-7-8.5, use of tactical groups;

256 [~~(n)~~] (o) Section 77-11b-404, forfeiture reporting requirements;

257 [~~(o)~~] (p) Section 77-20-103, release data requirements;

258 [~~(p)~~] (q) Section 77-22-2.5, court orders for criminal investigations;

259 [~~(q)~~] (r) Section 78A-2-109.5, court demographics reporting;

260 [~~(r)~~] (s) Section 80-6-104, data collection on offenses committed by minors; and

261 [~~(s)~~] (t) any other statutes which require the collection of specific data and the reporting
 262 of that data to the commission.

263 (6) The commission shall report:

264 (a) progress on the database, including creation, configuration, and data entered, to the
 265 Law Enforcement and Criminal Justice Interim Committee not later than November 2022; and

266 (b) all data collected as of December 31, 2022, to the Law Enforcement and Criminal
 267 Justice Interim Committee, the House Law Enforcement and Criminal Justice Standing
 268 Committee, and the Senate Judiciary, Law Enforcement, and Criminal Justice Standing
 269 Committee not later than January 16, 2023.

270 Section 9. Section **63M-7-204** is amended to read:

271 **63M-7-204. Duties of commission.**

272 (1) The State Commission on Criminal and Juvenile Justice administration shall:

273 (a) promote the commission's purposes as enumerated in Section 63M-7-201;

274 (b) promote the communication and coordination of all criminal and juvenile justice
275 agencies;

276 (c) study, evaluate, and report on the status of crime in the state and on the
277 effectiveness of criminal justice policies, procedures, and programs that are directed toward the
278 reduction of crime in the state;

279 (d) study, evaluate, and report on programs initiated by state and local agencies to
280 address reducing recidivism, including changes in penalties and sentencing guidelines intended
281 to reduce recidivism, costs savings associated with the reduction in the number of inmates, and
282 evaluation of expenses and resources needed to meet goals regarding the use of treatment as an
283 alternative to incarceration, as resources allow;

284 (e) study, evaluate, and report on policies, procedures, and programs of other
285 jurisdictions which have effectively reduced crime;

286 (f) identify and promote the implementation of specific policies and programs the
287 commission determines will significantly reduce crime in Utah;

288 (g) provide analysis and recommendations on all criminal and juvenile justice
289 legislation, state budget, and facility requests, including program and fiscal impact on all
290 components of the criminal and juvenile justice system;

291 (h) provide analysis, accountability, recommendations, and supervision for state and
292 federal criminal justice grant money;

293 (i) provide public information on the criminal and juvenile justice system and give
294 technical assistance to agencies or local units of government on methods to promote public
295 awareness;

296 (j) promote research and program evaluation as an integral part of the criminal and
297 juvenile justice system;

298 (k) provide a comprehensive criminal justice plan annually;

299 (l) review agency forecasts regarding future demands on the criminal and juvenile
300 justice systems, including specific projections for secure bed space;

301 (m) promote the development of criminal and juvenile justice information systems that
302 are consistent with common standards for data storage and are capable of appropriately sharing
303 information with other criminal justice information systems by:

304 (i) developing and maintaining common data standards for use by all state criminal

305 justice agencies;

306 (ii) annually performing audits of criminal history record information maintained by
307 state criminal justice agencies to assess their accuracy, completeness, and adherence to
308 standards;

309 (iii) defining and developing state and local programs and projects associated with the
310 improvement of information management for law enforcement and the administration of
311 justice; and

312 (iv) establishing general policies concerning criminal and juvenile justice information
313 systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this
314 Subsection (1)(m);

315 (n) allocate and administer grants, from money made available, for approved education
316 programs to help prevent the sexual exploitation of children;

317 (o) allocate and administer grants for law enforcement operations and programs related
318 to reducing illegal drug activity and related criminal activity;

319 (p) request, receive, and evaluate data and recommendations collected and reported by
320 agencies and contractors related to policies recommended by the commission regarding
321 recidivism reduction, including the data described in Section 13-53-111 and Subsection
322 26B-5-102(2)(l);

323 (q) establish and administer a performance incentive grant program that allocates funds
324 appropriated by the Legislature to programs and practices implemented by counties that reduce
325 recidivism and reduce the number of offenders per capita who are incarcerated;

326 (r) oversee or designate an entity to oversee the implementation of juvenile justice
327 reforms;

328 (s) make rules and administer the juvenile holding room standards and juvenile jail
329 standards to align with the Juvenile Justice and Delinquency Prevention Act requirements
330 pursuant to 42 U.S.C. Sec. 5633;

331 (t) allocate and administer grants, from money made available, for pilot qualifying
332 education programs;

333 (u) oversee the trauma-informed justice program described in Section 63M-7-209;

334 (v) request, receive, and evaluate the aggregate data collected from prosecutorial
335 agencies and the Administrative Office of the Courts, in accordance with Sections 63M-7-216

336 and [78A-2-109.5](#);

337 (w) report annually to the Law Enforcement and Criminal Justice Interim Committee
338 on the progress made on each of the following goals of the Justice Reinvestment Initiative:

339 (i) ensuring oversight and accountability;

340 (ii) supporting local corrections systems;

341 (iii) improving and expanding reentry and treatment services; and

342 (iv) strengthening probation and parole supervision;

343 (x) compile a report of findings based on the data and recommendations provided

344 under Section [13-53-111](#) and Subsection [26B-5-102\(2\)\(n\)](#) that:

345 (i) separates the data provided under Section [13-53-111](#) by each residential, vocational
346 and life skills program; and

347 (ii) separates the data provided under Subsection [26B-5-102\(2\)\(n\)](#) by each mental
348 health or substance use treatment program;

349 (y) publish the report described in Subsection (1)(x) on the commission's website and
350 annually provide the report to the Judiciary Interim Committee, the Health and Human Services
351 Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the
352 related appropriations subcommittees; and

353 (z) receive, compile, and publish on the commission's website the data provided under:

354 (i) Section [~~53-23-101~~] [53-25-202](#);

355 (ii) Section [~~53-24-102~~] [53-25-301](#); and

356 (iii) Section [~~53-26-101~~] [53-25-401](#).

357 (2) If the commission designates an entity under Subsection (1)(r), the commission
358 shall ensure that the membership of the entity includes representation from the three branches
359 of government and, as determined by the commission, representation from relevant stakeholder
360 groups across all parts of the juvenile justice system, including county representation.

361 Section 10. **Effective date.**

362 This bill takes effect on May 1, 2024.