

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

ENACTS:



26 **53-25-501**, Utah Code Annotated 1953

27 RENUMBERS AND AMENDS:

28 **53-25-201**, (Renumbered from 53-24-101, as enacted by Laws of Utah 2023, Chapter
29 158)

30 **53-25-202**, (Renumbered from 53-24-102, as enacted by Laws of Utah 2023, Chapter
31 158)

32 **53-25-203**, (Renumbered from 53-24-103, as enacted by Laws of Utah 2023, Chapter
33 158)

34 **53-25-301**, (Renumbered from 53-23-101, as enacted by Laws of Utah 2023, Chapter
35 382)

36 **53-25-401**, (Renumbered from 53-26-101, as enacted by Laws of Utah 2023, Chapter
37 500)



38
39 *Be it enacted by the Legislature of the state of Utah:*

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

41 **CHAPTER 25. LAW ENFORCEMENT REQUIREMENTS**

42 **Part 1. Disclosure Restrictions**

43 **53-25-101. Prohibition on disclosure of identity of minor homicide victim.**

44 (1) As used in this section:

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

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

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

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

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

57 victim's parent or legal guardian for the disclosure.

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

60 **Part 2. Sexual assault offense policy and reporting requirements**

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

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

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

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

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

71 (iii) referrals to sexual assault support services.

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

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

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

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

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

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

83 ~~[53-24-102]~~. **53-25-202. Sexual assault offense reporting requirements for**
84 **law enforcement agencies.**

85 (1) As used in this section:

86 (a) "Commission" means the State Commission on Criminal and Juvenile Justice
87 created in Section [63M-7-201](#).

88 (b) "Sexual assault offense" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

104 (ii) was investigated by a detective; and

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

106 (b) A law enforcement agency shall:

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

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

111 (3) The commission shall:

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

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

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

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

118 ~~[53-24-103]~~. 53-25-203. Exemption.

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

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

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

124 [~~53-23-101~~]. **53-25-301. Reporting requirements for reverse-location**
125 **warrants.**

126 (1) As used in this section:

127 (a) "Anonymized" means the same as that term is defined in Section [77-23f-101](#).

128 (b) "Commission" means the State Commission on Criminal and Juvenile Justice
129 created in Section [63M-7-201](#).

130 (c) "Electronic device" means the same as that term is defined in Section [77-23f-101](#).

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

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

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

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

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

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

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

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

149 (v) the warrant identification number for each warrant described under Subsection

150 (2)(a)(ii) or (iii); and

151 (vi) the number of electronic devices for which anonymized electronic device data was
152 obtained under each reverse-location warrant described under Subsection (2)(a)(ii).

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

155 (3) If a reverse-location warrant is requested by a multijurisdictional team of law
156 enforcement officers, the reporting requirement in this section is the responsibility of the
157 commanding agency or governing authority of the multijurisdictional team.

158 (4) The commission shall:

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

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

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

163 Section 6. Section **53-25-401**, which is renumbered from Section 53-26-101 is
164 renumbered and amended to read:

165 **Part 4. Reporting requirements for genetic genealogy database utilizations**
166 **~~[53-26-101].~~ 53-25-401. Law enforcement reporting requirements for**
167 **genetic genealogy database utilizations .**

168 (1) As used in this section:

169 (a) "Commission" means the State Commission on Criminal and Juvenile Justice
170 created in Section [63M-7-201](#).

171 (b) "Genetic genealogy database utilization" means the same as that term is defined in
172 Section [53-10-403.7](#).

173 (c) "Law enforcement agency" means the same as that term is defined in Section
174 [53-1-102](#).

175 (d) "Qualifying case" means the same as that term is defined in Section [53-10-403.7](#).

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

179 (i) the number of genetic genealogy database utilizations requested by the law
180 enforcement agency under Section [53-10-403.7](#); and

- 181 (ii) for each utilization described in Subsection (2)(a)(i):
- 182 (A) if applicable, the type of qualifying case;
- 183 (B) for a criminal investigation, the alleged offense;
- 184 (C) whether the case was a cold case, as that term is defined in Section [53-10-115](#), at
- 185 the time of the request for the utilization; and
- 186 (D) whether the results of the utilization revealed the identity of the owner of the DNA
- 187 specimen.
- 188 (b) A law enforcement agency shall compile the report described in Subsection (2)(a)
- 189 for each year in the standardized format developed by the commission under Subsection (4).
- 190 (3) If a genetic genealogy database utilization is requested by a multijurisdictional team
- 191 of law enforcement officers, the reporting requirement in this section is the responsibility of the
- 192 commanding agency or governing authority of the multijurisdictional team.
- 193 (4) The commission shall:
- 194 (a) develop a standardized format for reporting the data described in Subsection (2);
- 195 (b) compile the data submitted under Subsection (2), including the number of genetic
- 196 genealogy database utilizations requested by each reporting law enforcement agency; and
- 197 (c) annually on or before August 1, publish a report of the data described in Subsection
- 198 (2) on the commission's website.

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

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

201 **53-25-501. Reporting requirements for seized firearms.**

202 (1) As used in this section:

- 203 (a) "Commission" means the State Commission on Criminal and Juvenile Justice
- 204 created in Section [63M-7-201](#).
- 205 (b) "Firearm" means the same as that term is defined in Section [76-10-501](#).
- 206 (c) "Restricted person" means a Category I or Category II restricted person as defined
- 207 in Section [76-10-503](#).
- 208 (2) Beginning on July 1, 2026, a law enforcement agency shall annually on or before
- 209 April 30 report to the commission the following data for the previous calendar year:
- 210 (a) the number of firearms the law enforcement agency lawfully seized;
- 211 (b) the types of firearms the law enforcement agency lawfully seized; and

212 (c) information on where restricted persons obtained the firearms that the law
213 enforcement agency recovered if the information is known or discoverable by the law
214 enforcement agency.

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

216 **63A-16-1002. Criminal and juvenile justice database.**

217 (1) The commission shall oversee the creation and management of a criminal and
218 juvenile justice database for information and data required to be reported to the commission,
219 organized by county, and accessible to all criminal justice agencies in the state.

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

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

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

223 (b) a portal, bridge, website, or other method for reporting entities to provide the
224 information;

225 (c) a master data management index or system to assist in the retrieval of information
226 in the database;

227 (d) a protocol for accessing information in the database that complies with state
228 privacy regulations; and

229 (e) a protocol for real-time audit capability of all data accessed through the portal by
230 participating data source, data use entities, and regulators.

231 (4) Each criminal justice agency charged with reporting information to the commission
232 shall provide the data or information to the database in a form prescribed by the commission.

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

234 (a) Section [13-53-111](#), recidivism reporting requirements;

235 (b) Section [17-22-32](#), county jail reporting requirements;

236 (c) Section [17-55-201](#), Criminal Justice Coordinating Councils reporting;

237 (d) Section [41-6a-511](#), courts to collect and maintain data;

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

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

242 (g) Section [53-25-501](#), reporting requirements for seized firearms;

243 [~~(g)~~] (h) Section 63M-7-214, law enforcement agency grant reporting;
244 [~~(h)~~] (i) Section 63M-7-216, prosecutorial data collection;
245 [~~(i)~~] (j) Section 64-13-21, supervision of sentenced offenders placed in community;
246 [~~(j)~~] (k) Section 64-13-25, standards for programs;
247 [~~(k)~~] (l) Section 64-13-45, department reporting requirements;
248 [~~(l)~~] (m) Section 64-13e-104, housing of state probationary inmates or state parole
249 inmates;
250 [~~(m)~~] (n) Section 77-7-8.5, use of tactical groups;
251 [~~(n)~~] (o) Section 77-11b-404, forfeiture reporting requirements;
252 [~~(o)~~] (p) Section 77-20-103, release data requirements;
253 [~~(p)~~] (q) Section 77-22-2.5, court orders for criminal investigations;
254 [~~(q)~~] (r) Section 78A-2-109.5, court demographics reporting;
255 [~~(r)~~] (s) Section 80-6-104, data collection on offenses committed by minors; and
256 [~~(s)~~] (t) any other statutes which require the collection of specific data and the reporting
257 of that data to the commission.

258 (6) The commission shall report:
259 (a) progress on the database, including creation, configuration, and data entered, to the
260 Law Enforcement and Criminal Justice Interim Committee not later than November 2022; and
261 (b) all data collected as of December 31, 2022, to the Law Enforcement and Criminal
262 Justice Interim Committee, the House Law Enforcement and Criminal Justice Standing
263 Committee, and the Senate Judiciary, Law Enforcement, and Criminal Justice Standing
264 Committee not later than January 16, 2023.

265 Section 9. **Effective date.**
266 This bill takes effect on May 1, 2024.