

# HB0101S01 compared with HB0101

~~{deleted text}~~ shows text that was in HB0101 but was deleted in HB0101S01.

inserted text shows text that was not in HB0101 but was inserted into HB0101S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{FIREARM}~~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: {} \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill ~~{requires the Bureau of Criminal Identification to collect statistics on the source of firearms recovered from restricted persons}~~addresses law enforcement reporting requirements.

#### Highlighted Provisions:

This bill:

- ▶ restructures law enforcement reporting requirements in Title 53, Public Safety Code;
- ▶ requires ~~{the Bureau of Criminal Identification to collect statistics on the source of firearms recovered from restricted persons}~~a law enforcement agency to report certain information on lawfully seized firearms; and
- ▶ makes technical and conforming changes.

# HB0101S01 compared with HB0101

## Money Appropriated in this Bill:

None

## Other Special Clauses:

None

## Utah Code Sections Affected:

### AMENDS:

~~{53-10-102}~~ 53-25-101, as enacted by Laws of Utah 2023, Chapter 427

63A-16-1002, as last amended by Laws of Utah 2023, ~~{Chapter 328~~ ~~53-10-202,~~

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158,  
161,  
382,  
and  
448

### ENACTS:

53-25-501, Utah Code Annotated 1953

### RENUMBERS AND AMENDS:

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

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

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

53-25-301, (Renumbered from 53-23-101, as enacted by Laws of Utah 2023, Chapter  
~~{328}~~ 382)

53-25-401, (Renumbered from 53-26-101, as enacted by Laws of Utah 2023, Chapter

# HB0101S01 compared with HB0101

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

Section 1. Section ~~{53-10-102}~~53-25-101 is amended to read:

## CHAPTER 25. LAW ENFORCEMENT REQUIREMENTS

### Part 1. Disclosure Restrictions

~~{53-10-102}~~53-25-101. {Definitions}Prohibition on disclosure of identity of minor homicide victim.

(1) As used in this {chapter: ——— (1) "Administration of criminal justice" means performance of any of the following: detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.

~~——— (2) "Alcoholic beverage";~~section:

(a) "Criminal homicide" means the same as that term is defined in Section {32B-1-102.

~~——— (3) "Alcoholic product" means the same as that term is defined in Section 32B-1-102.~~

~~——— (4) "Bureau" means the Bureau of Criminal Identification within the department, created in Section 53-10-201.~~

~~——— (5);~~76-5-201.

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

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

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

(2) A law enforcement agency [and] or a law enforcement officer may not disclose [to a representative of a media outlet] the name or other personally identifying information of a minor victim [until] to a representative of a media outlet unless the law enforcement agency or law enforcement officer has made a reasonable effort to obtain the consent of the minor victim's parent or legal guardian for the disclosure.

Section 2. Section 53-25-201, which is renumbered from Section 53-24-101 is

## HB0101S01 compared with HB0101

renumbered and amended to read:

### Part 2. Sexual assault offense policy and reporting requirements

[53-24-101].      53-25-201. Sexual assault offense policy and public

information requirements for law enforcement agencies.

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

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

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

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

(iii) referrals to sexual assault support services.

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

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

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

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

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

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

[53-24-102].      53-25-202. Sexual assault offense reporting requirements for

law enforcement agencies.

(1) As used in this section:

(a) "Commission" means the ~~Alcoholic Beverage Services Commission.~~

~~\_\_\_\_\_ (6) "Communications services" means the technology of reception, relay, and transmission of information required by a public safety agency in the performance of the public safety agency's duty.~~

## HB0101S01 compared with HB0101

~~———— (7) "Conviction record" means criminal history information indicating a record of a criminal charge that has led to a declaration of guilt of an offense.~~

~~———— (8) "Criminal history record information" means information on an individual consisting of identifiable descriptions and notations of: — (a) arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising from any of them; and — (b) sentencing, correctional supervision, and release.~~

~~———— (9) "Criminal justice agency" means a court or a government agency or subdivision of a government agency that administers criminal justice under a statute, executive order, or local ordinance and that allocates greater than 50% of its annual budget to the administration of criminal justice.~~

~~———— (10) "Criminalist" means the scientific discipline directed to the recognition, identification, individualization, and evaluation of physical evidence by application of the natural sciences in law-science matters.~~

~~———— (11) "Department" means the Department of Public Safety.~~

~~———— (12) "Director" means the division director appointed under Section 53-10-103.~~

~~———— (13) "Division" means the Criminal Investigations and Technical Services Division; State Commission on Criminal and Juvenile Justice created in Section {53-10-103.~~

~~———— (14) "Executive order" means an order of the president of the United States or the chief executive of a state that has the force of law and that is published in a manner permitting regular public access to the order.~~

~~———— (15) "Firearm" 63M-7-201.~~

~~(b) "Sexual assault offense" means:~~

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

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

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

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

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

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

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

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

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

## **HB0101S01 compared with HB0101**

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

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

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

(i) was reported to the law enforcement agency;

(ii) was investigated by a detective; and

(iii) was referred to a prosecutor for prosecution.

(b) A law enforcement agency shall:

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

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

(3) The commission shall:

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

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

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

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

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

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

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

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

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

(1) As used in this section:

(a) "Anonymized" means the same as that term is defined in Section ~~{76-10-501.~~

~~[(15)] (16) "Forensic" means dealing with the application of scientific knowledge~~

## HB0101S01 compared with HB0101

relating to criminal evidence:

~~— [(16)] (17) "Mental defective" means an individual who, by a district court, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease, is found: (a) to be a danger to himself or herself or others; (b) to lack the mental capacity to contract or manage the individual's own affairs; (c) to be incompetent by a court in a criminal case; or (d) to be incompetent to stand trial or found not guilty by reason or lack of mental responsibility.~~

~~— [(17)] (18) "Missing child" means an individual under 18 years old who is missing from the individual's home environment or a temporary placement facility for any reason and whose location cannot be determined by the person responsible for the individual's care:~~

~~— [(18)] (19) "Missing person" 77-23f-101.~~

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

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

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

(e) "Reverse-location information" means the same as that term is defined in Section {26B-8-130.

~~— [(19)] (20) "Pathogens" means disease-causing agents:~~

~~— [(20)] (21) "Physical evidence" means something submitted to the bureau to determine the truth of a matter using scientific methods of analysis:~~

~~— [(21)] (22) "Qualifying entity" means a business, organization, or a governmental entity that employs persons or utilizes volunteers who deal with: (a) national security interests; (b) fiduciary trust over money; or (c) the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities:~~

~~— (23) "Restricted person" means a Category I or Category II restricted person as 77-23f-101.~~

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

(2) (a) Beginning January 1, 2024, a law enforcement agency shall annually on or

## **HB0101S01 compared with HB0101**

before April 30 submit a report to the commission with the following data for the previous calendar year:

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

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

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

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

(v) the warrant identification number for each warrant described under Subsection (2)(a)(ii) or (iii); and

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

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

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

(4) The commission shall:

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

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

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

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

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

(1) As used in this section:



## HB0101S01 compared with HB0101

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

(b) "Genetic genealogy database utilization" means the same as that term is defined in Section ~~{76-10-503. Section 2. Section 53-10-202~~ is amended to read: ~~53-10-202.~~

~~**Criminal identification -- Duties of bureau.** The bureau shall: (1) procure and file information relating to identification and activities of persons who: (a) are fugitives from justice; (b) are wanted or missing; (c) have been arrested for or convicted of a crime under the laws of any state or nation; and (d) are believed to be involved in racketeering, organized crime, or a dangerous offense; (2) establish a statewide uniform crime reporting system that [shall include] includes: (a) statistics concerning general categories of criminal activities; (b) statistics concerning crimes that exhibit evidence of prejudice based on race, religion, ancestry, national origin, ethnicity, or other categories that the division finds appropriate; (c) statistics concerning the use of force by;~~ 53-10-403.7.

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

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

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

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

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

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

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

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

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

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

(3) If a genetic genealogy database utilization is requested by a multijurisdictional team

## **HB0101S01 compared with HB0101**

of law enforcement officers, the reporting requirement in this section is the responsibility of the commanding agency or governing authority of the multijurisdictional team.

(4) The commission shall:

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

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

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

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

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

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

(1) As used in this section:

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

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

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

(2) Beginning on July 1, 2026, a law enforcement ~~{officers in accordance with the Federal Bureau of Investigation's standards; (d) statistics on the sources}~~ agency shall annually on or before April 30 report to the commission the following data for the previous calendar year:

(a) the number of firearms the law enforcement agency lawfully seized;

(b) the types of firearms the law enforcement agency lawfully seized; and

(c) information on where restricted persons obtained the firearms ~~{recovered by} that the law enforcement ~~{officers}~~ agency recovered if the information is known or discoverable by the ~~{bureau; and~~ ~~[(d)] (c) other statistics required by the Federal Bureau of Investigation;~~~~

~~(3) make a complete and systematic record and index of} law enforcement agency.~~

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

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

(1) The commission shall oversee the creation and management of a criminal and juvenile justice database for information and data required to be reported to the commission,

## HB0101S01 compared with HB0101

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

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

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

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

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

~~information { obtained under this part; (4) subject to the restrictions in this part, establish~~

~~policy concerning the use and dissemination of data obtained under this part; (5) publish~~

~~an annual report concerning the extent, fluctuation, distribution, and nature of crime in Utah;~~

~~(6) establish a statewide central register for the identification and location of missing~~

~~persons, which may include: (a) identifying data including fingerprints of each missing~~

~~person; (b) identifying data of any missing person who is reported as missing to a};~~

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

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

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

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

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

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

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

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

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

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

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

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

(g) (h) Section 63M-7-214, law enforcement agency {having jurisdiction; (c) dates and circumstances of any persons requesting or receiving information from the register;

## HB0101S01 compared with HB0101

~~and (d) any other information, including blood types and photographs found necessary in furthering the purposes of this part; (7) publish a quarterly directory of missing persons for distribution to persons or entities likely to be instrumental in the identification and location of missing persons; (8) list the name of every missing person with the appropriate nationally maintained missing persons lists; (9) establish and operate a 24-hour communication network for reports of missing persons and reports of sightings of missing persons; (10) coordinate with the National Center for Missing and Exploited Children and other agencies to facilitate the identification and location of missing persons and the identification of unidentified persons and bodies; (11) receive information regarding missing persons as provided in Sections 26B-8-130 and 53G-6-602, and stolen vehicles, vessels, and outboard motors, as provided in Section 41-1a-1401; (12) adopt systems of identification, including the fingerprint system, to be used by the division to facilitate law enforcement; (13) assign a distinguishing number or mark of identification to any pistol or revolver, as provided in Section 76-10-520; (14) check certain criminal records databases for information regarding motor vehicle salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons, and inform the Motor Vehicle Enforcement Division when new entries are made for certain criminal offenses for motor vehicle salespersons in accordance with the requirements of Section 41-3-205.5; (15) check certain criminal records databases for information regarding driving privilege card applicants or cardholders and maintain a separate file of fingerprints for driving privilege applicants and cardholders and inform the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security when new entries are made in accordance with the requirements of Section 53-3-205.5; (16) review and approve or disapprove applications for license renewal that meet the requirements for renewal; and (17) forward to the board those applications for renewal under Subsection (16) that do not meet the requirements for renewal.~~

~~Section 3}~~ grant reporting;

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

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

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

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

~~(l)~~ (m) Section 64-13e-104, housing of state probationary inmates or state parole

## HB0101S01 compared with HB0101

inmates:

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

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

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

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

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

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

~~[(s)]~~ (t) any other statutes which require the collection of specific data and the reporting

of that data to the commission.

(6) The commission shall report:

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

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

Section 9. Effective date.

This bill takes effect on May 1, 2024.