

HB0101S02 compared with HB0101S01

~~text~~ shows text that was in HB0101S01 but was deleted in HB0101S02.

text shows text that was not in HB0101S01 but was inserted into HB0101S02.

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.

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: _____

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:

HB0101S02 compared with HB0101S01

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

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 382)

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

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

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

CHAPTER 25. LAW ENFORCEMENT REQUIREMENTS

Part 1. Disclosure Restrictions

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

(1) As used in this section:

(a) "Criminal homicide" means the same as that term is defined in Section 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

HB0101S02 compared with HB0101S01

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 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.

HB0101S02 compared with HB0101S01

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 State Commission on Criminal and Juvenile Justice created in Section 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;
- (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:

HB0101S02 compared with HB0101S01

- (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 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 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 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

HB0101S02 compared with HB0101S01

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:

(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 53-10-403.7.

(c) "Law enforcement agency" means the same as that term is defined in Section

HB0101S02 compared with HB0101S01

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 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.

HB0101S02 compared with HB0101S01

(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 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 from restricted persons;

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

~~(b) the types of firearms the law enforcement agency lawfully seized; and~~
from restricted persons;

(c) information on where the restricted persons obtained the firearms that seized by the law enforcement agency recovered if the information is known or discoverable by the law enforcement agency; and

(d) the reasons under Subsection 76-10-503(1)(a) or (b) that made the individuals who had weapons seized restricted persons.

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, 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;

(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.

HB0101S02 compared with HB0101S01

(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 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 inmates;

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

~~[(n)]~~ (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

HB0101S02 compared with HB0101S01

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

63M-7-204. Duties of commission.

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

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

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

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

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

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

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

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

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

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

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

HB0101S02 compared with HB0101S01

(k) provide a comprehensive criminal justice plan annually;

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

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

(i) developing and maintaining common data standards for use by all state criminal justice agencies;

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

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

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

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

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

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

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

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

(s) make rules and administer the juvenile holding room standards and juvenile jail

HB0101S02 compared with HB0101S01

standards to align with the Juvenile Justice and Delinquency Prevention Act requirements pursuant to 42 U.S.C. Sec. 5633;

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

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

(v) request, receive, and evaluate the aggregate data collected from prosecutorial agencies and the Administrative Office of the Courts, in accordance with Sections 63M-7-216 and 78A-2-109.5;

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

(i) ensuring oversight and accountability;

(ii) supporting local corrections systems;

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

(iv) strengthening probation and parole supervision;

(x) compile a report of findings based on the data and recommendations provided under Section 13-53-111 and Subsection 26B-5-102(2)(n) that:

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

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

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

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

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

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

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

(2) If the commission designates an entity under Subsection (1)(r), the commission shall ensure that the membership of the entity includes representation from the three branches of government and, as determined by the commission, representation from relevant stakeholder

HB0101S02 compared with HB0101S01

groups across all parts of the juvenile justice system, including county representation.

Section ~~9~~10. **Effective date.**

This bill takes effect on May 1, 2024.