

1                   **WHITE COLLAR CRIME REGISTRY AMENDMENTS**

2                                   2016 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Mike K. McKell**

5                                   Senate Sponsor: Curtis S. Bramble

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7 **LONG TITLE**

8 **General Description:**

9                   This bill amends the provisions of the Utah White Collar Crime Offender Registry.

10 **Highlighted Provisions:**

11                   This bill:

12                   ▶ authorizes the disclosure of certain driver license information to the attorney general  
13 to be posted to the Utah White Collar Crime Offender Registry;

14                   ▶ specifies the situations when a driver license photograph may be posted;

15                   ▶ authorizes the attorney general to obtain specified offender information from court  
16 records, prison or jail booking records, driver license records, and other sources;

17                   ▶ provides that an offender who fails to register as required is considered to have  
18 consented to the release of specified information; and

19                   ▶ makes technical corrections.

20 **Money Appropriated in this Bill:**

21                   None

22 **Other Special Clauses:**

23                   None

24 **Utah Code Sections Affected:**

25 AMENDS:

26                   77-42-102, as enacted by Laws of Utah 2015, Chapter 131

27                   77-42-103, as enacted by Laws of Utah 2015, Chapter 131

28                   77-42-104, as enacted by Laws of Utah 2015, Chapter 131

29                   77-42-105, as enacted by Laws of Utah 2015, Chapter 131

30 ENACTS:

31 [53-3-221.7](#), Utah Code Annotated 1953

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

34 Section 1. Section [53-3-221.7](#) is enacted to read:

35 **[53-3-221.7](#). Disclosure of license information for the Utah White Collar Crime**  
36 **Offender Registry.**

37 (1) The division shall disclose to the attorney general, if requested, the following  
38 information for use in connection with the Utah White Collar Crime Offender Registry  
39 established by Title 77, Chapter 42, Utah White Collar Crime Offender Registry:

40 (a) all names and aliases under which an offender has obtained a driver license, but not  
41 including any online or Internet identifiers;

42 (b) a physical description of an offender, including the offender's:

43 (i) date of birth;

44 (ii) height;

45 (iii) weight;

46 (iv) eye color; and

47 (v) hair color;

48 (c) the most current driver license photograph of an offender, as allowed in Subsection  
49 (2)(a)(ii); and

50 (d) the last known address of an offender.

51 (2) (a) The information in Subsections (1)(a) and (c) may be publicly posted on the  
52 Utah White Collar Crime Offender Registry, pursuant to Subsection [77-42-104\(4\)](#), in order to  
53 assist the public in the accurate identification of offenders.

54 (b) The driver license photograph under Subsection (1)(c) may be publicly posted on  
55 the registry only if:

56 (i) the offender has not registered as required under Section [77-42-106](#);

57 (ii) the attorney general has attempted to contact the offender at the last known address

58 listed in the division's records regarding the failure to register; and  
59 (iii) 30 or more days have passed since the most recent attempt to contact the offender.  
60 (c) The information in Subsection (1)(d) may only be used by the attorney general to  
61 assist in locating and communicating with an offender, and may not be publicly posted on the  
62 Utah White Collar Crime Offender Registry.

63 Section 2. Section **77-42-102** is amended to read:

64 **77-42-102. Definitions.**

65 As used in this chapter:

66 (1) "Attorney general" means the Utah attorney general or a deputy attorney general.

67 (2) "Bureau" means the Bureau of Criminal Identification of the Department of Public  
68 Safety established in Section [53-10-201](#).

69 (3) "Business day" means a day on which state offices are open for regular business.

70 (4) "Certificate of eligibility" means a document issued by the Bureau of Criminal  
71 Identification stating that the offender has met the requirements of Section [77-42-108](#).

72 (5) "Conviction" means the same as that term is defined in Section [76-3-201](#).

73 ~~(5)~~ (6) "Offender" means an individual required to register as provided in Section  
74 [77-42-105](#).

75 ~~(6)~~ (7) "Register" means to comply with the requirements of this chapter and rules of  
76 the Office of the Attorney General made under this chapter.

77 Section 3. Section **77-42-103** is amended to read:

78 **77-42-103. Duties.**

79 (1) The attorney general shall:

80 (a) develop and operate a system to collect, analyze, maintain, and disseminate  
81 information on offenders; and

82 (b) make information listed in Section [77-42-104](#) available to the public.

83 (2) Any attorney general, county attorney, or district attorney shall, in the manner  
84 prescribed by the attorney general, inform the attorney general of a person who is convicted of  
85 any of the offenses listed in Section [77-42-105](#) within 45 business days.

- 86 (3) The attorney general shall:
- 87 (a) provide the following additional information when available:
- 88 (i) the crimes for which the offender has been convicted~~[, noting cases in which the~~  
89 ~~offender is still awaiting sentencing or has appealed the conviction]~~];
- 90 (ii) a description of the offender's targets; and
- 91 (iii) any other relevant identifying information as determined by the attorney general;
- 92 (b) maintain the Utah White Collar Crime Offender Registry website; and
- 93 (c) ensure that information is entered into the offender registry in a timely manner.

94 Section 4. Section 77-42-104 is amended to read:

95 **77-42-104. Utah White Collar Crime Offender Registry -- Attorney general to**  
96 **maintain.**

97 (1) The attorney general shall maintain the Utah White Collar Crime Offender Registry  
98 website on the Internet, which shall contain a disclaimer informing the public that:

99 (a) the information contained on the website is obtained from ~~[public]~~ government  
100 records ~~[and]~~ where feasible, however, the attorney general does not guarantee the website's  
101 accuracy or completeness;

102 (b) members of the public are not allowed to use the information to harass or threaten  
103 offenders or members of their families; and

104 (c) harassment, stalking, or making threats against offenders or their families is  
105 prohibited and may violate Utah criminal laws.

106 (2) The Utah White Collar Crime Offender Registry website shall be indexed by the  
107 surname of the offender.

108 (3) The attorney general shall construct the Utah White Collar Crime Offender Registry  
109 website so that before accessing registry information, users must indicate that they have read  
110 and understand the disclaimer and agree to comply with the disclaimer's terms.

111 (4) Except as provided in Subsection (6), the Utah White Collar Crime Offender  
112 Registry website shall include the following registry information, which may be obtained from  
113 court records, prison or jail booking records, driver license records, or other sources lawfully

114 and appropriately obtained by and available to the attorney general:

115 (a) all names and aliases by which the offender is or has been known, but not including  
116 any online or Internet identifiers;

117 (b) a physical description, including the offender's date of birth, height, weight, and eye  
118 and hair color;

119 (c) a recent photograph of the offender; and

120 (d) the crimes listed in Section 77-42-105 of which the offender has been convicted.

121 (5) The Office of the Attorney General and any individual or entity acting at the request  
122 or upon the direction of the attorney general are immune from civil liability for damages and  
123 will be presumed to have acted in good faith by reporting information.

124 (6) The attorney general shall redact the names, addresses, phone numbers, Social  
125 Security numbers, and other information that, if disclosed, specifically identifies individual  
126 victims.

127 (7) An offender is considered to have consented to the public posting of the images or  
128 records specified in Subsection (4) if the offender:

129 (a) fails to register as required by Subsection 77-42-106(2) within 30 days of  
130 conviction of a registerable offense, as specified in Section 77-42-105; or

131 (b) fails to appear at the request of the Office of the Attorney General to have a current  
132 photograph taken.

133 Section 5. Section 77-42-105 is amended to read:

134 **77-42-105. Registerable offenses.**

135 A person shall be required to register with the Office of the Attorney General for a  
136 conviction of any of the following offenses as a second degree felony:

137 (1) Section 61-1-1 or Section 61-1-2, securities fraud;

138 (2) Section 76-6-405, theft by deception;

139 (3) Section 76-6-513, unlawful dealing of property by fiduciary;

140 (4) Section 76-6-521, fraudulent insurance;

141 (5) Section 76-6-1203, mortgage fraud;

142 (6) Section 76-10-1801, communications fraud; ~~and~~  
143 (7) Section 76-10-1903, money laundering[-]; and  
144 (8) Section 76-10-1603, pattern of unlawful activity, if at least one of the unlawful  
145 activities used to establish the pattern of unlawful activity is an offense listed in Subsections  
146 (1) through (7).