

FIREARM REPORTING REQUIREMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires the Bureau of Criminal Identification to collect statistics on the source of weapons recovered from restricted persons.

Highlighted Provisions:

This bill:

► provides that the Bureau of Criminal Identification shall keep statistics on the source of weapons obtained by restricted persons.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-10-102, as last amended by Laws of Utah 2019, Chapter 33

53-10-202, as last amended by Laws of Utah 2021, Chapter 103

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

Section 1. Section **53-10-102** is amended to read:

53-10-102. Definitions.

As used in this chapter:



28 (1) "Administration of criminal justice" means performance of any of the following:
29 detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication,
30 correctional supervision, or rehabilitation of accused persons or criminal offenders.

31 (2) "Alcoholic beverage" is as defined in Section 32B-1-102.

32 (3) "Alcoholic product" is as defined in Section 32B-1-102.

33 (4) "Commission" means the Alcoholic Beverage Control Commission.

34 (5) "Communications services" means the technology of reception, relay, and
35 transmission of information required by public safety agencies in the performance of their duty.

36 (6) "Conviction record" means criminal history information indicating a record of a
37 criminal charge which has led to a declaration of guilt of an offense.

38 (7) "Criminal history record information" means information on individuals consisting
39 of identifiable descriptions and notations of:

40 (a) arrests, detentions, indictments, informations, or other formal criminal charges, and
41 any disposition arising from any of them; and

42 (b) sentencing, correctional supervision, and release.

43 (8) "Criminal justice agency" means courts or a government agency or subdivision of a
44 government agency that administers criminal justice under a statute, executive order, or local
45 ordinance and that allocates greater than 50% of its annual budget to the administration of
46 criminal justice.

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

50 (10) "Department" means the Department of Public Safety.

51 (11) "Director" means the division director appointed under Section 53-10-103.

52 (12) "Division" means the Criminal Investigations and Technical Services Division
53 created in Section 53-10-103.

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

57 (14) "Forensic" means dealing with the application of scientific knowledge relating to
58 criminal evidence.

59 (15) "Mental defective" means an individual who, by a district court, as a result of
60 marked subnormal intelligence, or mental illness, incompetency, condition, or disease, is
61 found:

- 62 (a) to be a danger to himself or herself or others;
- 63 (b) to lack the mental capacity to contract or manage the individual's own affairs;
- 64 (c) to be incompetent by a court in a criminal case; or
- 65 (d) to be incompetent to stand trial or found not guilty by reason or lack of mental
66 responsibility.

67 (16) "Missing child" means any person under the age of 18 years old who is missing
68 from the person's home environment or a temporary placement facility for any reason and
69 whose location cannot be determined by the person responsible for the child's care.

70 (17) "Missing person" is as defined in Section [26-2-27](#).

71 (18) "Pathogens" means disease-causing agents.

72 (19) "Physical evidence" means something submitted to the bureau to determine the
73 truth of a matter using scientific methods of analysis.

74 (20) "Qualifying entity" means a business, organization, or a governmental entity that
75 employs persons or utilizes volunteers who deal with:

- 76 (a) national security interests;
- 77 (b) care, custody, or control of children;
- 78 (c) fiduciary trust over money;
- 79 (d) health care to children or vulnerable adults; or
- 80 (e) the provision of any of the following to a vulnerable adult:
 - 81 (i) care;
 - 82 (ii) protection;
 - 83 (iii) food, shelter, or clothing;
 - 84 (iv) assistance with the activities of daily living; or
 - 85 (v) assistance with financial resource management.

86 (21) "Restricted person" means a Category I or Category II restricted person as defined
87 in Section [76-10-503](#).

88 Section 2. Section **53-10-202** is amended to read:

89 **53-10-202. Criminal identification -- Duties of bureau.**

90 The bureau shall:

91 (1) procure and file information relating to identification and activities of persons who:

92 (a) are fugitives from justice;

93 (b) are wanted or missing;

94 (c) have been arrested for or convicted of a crime under the laws of any state or nation;

95 and

96 (d) are believed to be involved in racketeering, organized crime, or a dangerous

97 offense;

98 (2) establish a statewide uniform crime reporting system that shall include:

99 (a) statistics concerning general categories of criminal activities;

100 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,

101 religion, ancestry, national origin, ethnicity, or other categories that the division finds

102 appropriate;

103 (c) statistics concerning the use of force by law enforcement officers in accordance

104 with the Federal Bureau of Investigation's standards;

105 (d) statistics on the source of weapons recovered from restricted persons, if known or

106 discoverable; and

107 [~~(d)~~] (e) other statistics required by the Federal Bureau of Investigation;

108 (3) make a complete and systematic record and index of the information obtained

109 under this part;

110 (4) subject to the restrictions in this part, establish policy concerning the use and

111 dissemination of data obtained under this part;

112 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature

113 of crime in Utah;

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

115 persons, which may include:

116 (a) identifying data including fingerprints of each missing person;

117 (b) identifying data of any missing person who is reported as missing to a law

118 enforcement agency having jurisdiction;

119 (c) dates and circumstances of any persons requesting or receiving information from

120 the register; and

121 (d) any other information, including blood types and photographs found necessary in
122 furthering the purposes of this part;

123 (7) publish a quarterly directory of missing persons for distribution to persons or
124 entities likely to be instrumental in the identification and location of missing persons;

125 (8) list the name of every missing person with the appropriate nationally maintained
126 missing persons lists;

127 (9) establish and operate a 24-hour communication network for reports of missing
128 persons and reports of sightings of missing persons;

129 (10) coordinate with the National Center for Missing and Exploited Children and other
130 agencies to facilitate the identification and location of missing persons and the identification of
131 unidentified persons and bodies;

132 (11) receive information regarding missing persons as provided in Sections 26-2-27
133 and 53G-6-602, and stolen vehicles, vessels, and outboard motors, as provided in Section
134 41-1a-1401;

135 (12) adopt systems of identification, including the fingerprint system, to be used by the
136 division to facilitate law enforcement;

137 (13) assign a distinguishing number or mark of identification to any pistol or revolver,
138 as provided in Section 76-10-520;

139 (14) check certain criminal records databases for information regarding motor vehicle
140 salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons,
141 and inform the Motor Vehicle Enforcement Division when new entries are made for certain
142 criminal offenses for motor vehicle salespersons in accordance with the requirements of
143 Section 41-3-205.5;

144 (15) check certain criminal records databases for information regarding driving
145 privilege card applicants or cardholders and maintain a separate file of fingerprints for driving
146 privilege applicants and cardholders and inform the federal Immigration and Customs
147 Enforcement Agency of the United States Department of Homeland Security when new entries
148 are made in accordance with the requirements of Section 53-3-205.5;

149 (16) review and approve or disapprove applications for license renewal that meet the
150 requirements for renewal; and

151 (17) forward to the board those applications for renewal under Subsection (16) that do

152 not meet the requirements for renewal.