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FIREARM REPORTING REQUIREMENTS

2023 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 firearms recovered from restricted persons.

Highlighted Provisions:

This bill:

▸ requires the Bureau of Criminal Identification to collect statistics on the source of firearms recovered from 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 2022, Chapters 192, 447

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" means the same as that term is defined in Section 32B-1-102.

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

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

35 (5) "Commission" means the Alcoholic Beverage Services Commission.

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

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

41 (8) "Criminal history record information" means information on an individual
42 consisting of identifiable descriptions and notations of:

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

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

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

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

53 (11) "Department" means the Department of Public Safety.

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

55 (13) "Division" means the Criminal Investigations and Technical Services Division
56 created in Section 53-10-103.

57 (14) "Executive order" means an order of the president of the United States or the chief
58 executive of a state that has the force of law and that is published in a manner permitting

59 regular public access to the order.

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

61 ~~[(15)]~~ (16) "Forensic" means dealing with the application of scientific knowledge
62 relating to criminal evidence.

63 ~~[(16)]~~ (17) "Mental defective" means an individual who, by a district court, as a result
64 of marked subnormal intelligence, or mental illness, incompetency, condition, or disease, is
65 found:

66 (a) to be a danger to himself or herself or others;

67 (b) to lack the mental capacity to contract or manage the individual's own affairs;

68 (c) to be incompetent by a court in a criminal case; or

69 (d) to be incompetent to stand trial or found not guilty by reason or lack of mental
70 responsibility.

71 ~~[(17)]~~ (18) "Missing child" means an individual under 18 years old who is missing
72 from the individual's home environment or a temporary placement facility for any reason and
73 whose location cannot be determined by the person responsible for the individual's care.

74 ~~[(18)]~~ (19) "Missing person" means the same as that term is defined in Section
75 26-2-27.

76 ~~[(19)]~~ (20) "Pathogens" means disease-causing agents.

77 ~~[(20)]~~ (21) "Physical evidence" means something submitted to the bureau to determine
78 the truth of a matter using scientific methods of analysis.

79 ~~[(21)]~~ (22) "Qualifying entity" means a business, organization, or a governmental entity
80 that employs persons or utilizes volunteers who deal with:

81 (a) national security interests;

82 (b) fiduciary trust over money; or

83 (c) the provision of care, treatment, education, training, instruction, supervision, or
84 recreation to children, the elderly, or individuals with disabilities.

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

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

88 **53-10-202. Criminal identification -- Duties of bureau.**

89 The bureau shall:

- 90 (1) procure and file information relating to identification and activities of persons who:
91 (a) are fugitives from justice;
92 (b) are wanted or missing;
93 (c) have been arrested for or convicted of a crime under the laws of any state or nation;
94 and
95 (d) are believed to be involved in racketeering, organized crime, or a dangerous
96 offense;
- 97 (2) establish a statewide uniform crime reporting system that shall include:
98 (a) statistics concerning general categories of criminal activities;
99 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,
100 religion, ancestry, national origin, ethnicity, or other categories that the division finds
101 appropriate;
102 (c) statistics concerning the use of force by law enforcement officers in accordance
103 with the Federal Bureau of Investigation's standards;
104 (d) statistics on the sources where restricted persons obtained recovered firearms, if
105 known or discoverable; and
106 ~~[(d)]~~ (e) other statistics required by the Federal Bureau of Investigation;
- 107 (3) make a complete and systematic record and index of the information obtained
108 under this part;
109 (4) subject to the restrictions in this part, establish policy concerning the use and
110 dissemination of data obtained under this part;
111 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature
112 of crime in Utah;
113 (6) establish a statewide central register for the identification and location of missing
114 persons, which may include:
115 (a) identifying data including fingerprints of each missing person;
116 (b) identifying data of any missing person who is reported as missing to a law
117 enforcement agency having jurisdiction;
118 (c) dates and circumstances of any persons requesting or receiving information from
119 the register; and
120 (d) any other information, including blood types and photographs found necessary in

121 furthering the purposes of this part;

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

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

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

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

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

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

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

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

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

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

150 (17) forward to the board those applications for renewal under Subsection (16) that do
151 not meet the requirements for renewal.