

Representative Sahara Hayes proposes the following substitute bill:

FIREARM DATA AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sahara Hayes

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill concerns law enforcement data collection and reporting concerning firearms.

Highlighted Provisions:

This bill:

- ▶ establishes law enforcement agency reporting requirements concerning:
 - lost or stolen firearms that are used in a crime; and
 - the disposition of firearms in the custody of a law enforcement agency;
- ▶ requires the State Commission on Criminal and Juvenile Justice to receive, compile, and publish law enforcement agency data concerning firearms; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63A-16-1002, as last amended by Laws of Utah 2023, Chapters 158, 161, 382, and 448

63M-7-218, as last amended by Laws of Utah 2023, Chapters 158, 161 and 382



26 ENACTS:

27 [53-25-102](#), Utah Code Annotated 1953

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

30 Section 1. Section **53-25-102** is enacted to read:

31 **53-25-102. Law enforcement agency reporting requirements for certain firearm**
 32 **data.**

33 (1) As used in this section:

34 (a) "Commission" means the State Commission on Criminal and Juvenile Justice.

35 (b) "Law enforcement agency" does not include ~~Ĥ→~~ [;

36 ~~— (i) a law enforcement agency established under Title 23A, Wildlife Resources Act; or~~

37 ~~— (ii) ←Ĥ the Department of Corrections, including Adult Probation and Parole.~~

38 (2) (a) ~~Ĥ→~~ **[Beginning] Except as provided in Subsection (2)(c), beginning ←Ĥ** on July
 38a **1, 2026, a law enforcement agency shall annually, on or**

39 **before April 30, submit a report to the commission for the previous calendar year containing:**

40 (i) **the number of crimes reported to or investigated by the law enforcement agency in**
 41 **which the law enforcement agency determined that a lost or stolen firearm was used in the**
 42 **commission of the crime, separated by the type of crime; and**

43 (ii) **the number of firearms, separated by category, in the custody of the law**
 44 **enforcement agency that were:**

45 (A) **returned to the property owner;**

46 (B) **destroyed;**

47 (C) **retained in evidence or other storage;**

48 (D) **transferred to another governmental entity; or**

49 (E) **submitted to a non-governmental entity for sale or disposal under Section**

50 **[77-11a-403](#).**

51 (b) **A law enforcement agency shall compile the report described in Subsection (2)(a)**

52 **for each calendar year in the standardized format developed by the commission under**

53 **Subsection (3).**

53a ~~Ĥ→~~ **(c) The reporting requirements under Subsection (2)(a)(i) do not apply to a crime or**
 53b **investigation for an offense under Title 23A, Wildlife Resources Act, that involves a firearm.**

53c ~~←Ĥ~~

54 (3) **The commission shall:**

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

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

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

59 (4) The provisions of this section do not apply to a law enforcement agency created
60 under Section 41-3-104.

61 Section 2. Section **63A-16-1002** is amended to read:

62 **63A-16-1002. Criminal and juvenile justice database.**

63 (1) The commission shall oversee the creation and management of a criminal and
64 juvenile justice database for information and data required to be reported to the commission,
65 organized by county, and accessible to all criminal justice agencies in the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

84 (e) Section 53-23-101, reporting requirements for reverse-location warrants;

85 (f) Section 53-24-102, sexual assault offense reporting requirements for law
86 enforcement agencies;

87 (g) Section 53-25-102, law enforcement agency reporting requirements for certain

88 firearm data:

89 [~~g~~] (h) Section 63M-7-214, law enforcement agency grant reporting;

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

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

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

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

94 [~~l~~] (m) Section 64-13e-104, housing of state probationary inmates or state parole
95 inmates;

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

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

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

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

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

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

102 [~~s~~] (t) any other statutes [~~which~~] that require the collection of specific data and the
103 reporting of that data to the commission.

104 (6) The commission shall report:

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

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

111 Section 3. Section 63M-7-218 is amended to read:

112 **63M-7-218. State grant requirements.**

113 (1) [~~Beginning~~] Except as provided in Subsection (2), beginning July 1, 2023, the
114 commission may not award any grant of state funds to any entity subject to, and not in
115 compliance with, the reporting requirements in Subsections 63A-16-1002(5)(a) through [~~t~~]
116 (s).

117 (2) Subsection (1) does not apply to the reporting requirements established in Section
118 53-25-102, law enforcement agency reporting requirements for certain firearm data.

119 Section 4. **Effective date.**

120 This bill takes effect on May 1, 2024.