

Utah Criminal History (UCH)



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1.0 Utah Criminal History Background

The Utah Criminal Justice System (UCJIS) was created to house the federal and The State of Utah criminal justice databases in one location. The Utah Criminal History (UCH) database is created from fingerprint submissions and maintained by the Bureau of Criminal Identification (BCI).

The arrest information found on a criminal history record is obtained from the ten-print fingerprint card or a single-print citation. If fingerprints are not received by BCI when an individual is cited or arrested, or if the prints are illegible, the arrest or citation will not be added to the individual's Utah criminal history.

Federal regulations and Utah state law control the dissemination of criminal record information. This information may only be provided to criminal justice agencies authorized for criminal justice purposes according to the CJIS Security Policy, UCA 53-10-108, and Utah Administrative Law R722900. An exception to this statute is agencies who have a signed contract with BCI to run Utah Rights of Access ROA.

For security and liability purposes, the UCJIS database maintains an automated dissemination log of all inquiries. This dissemination log includes the name of the person requesting the information, the user ID of the user, the purpose for the request, the time and date of the request, the reason for the request, and the name being queried.

On April 5, 2014, the UCH database was updated to include the following:

Additional personal identifiers on the first page stemming from the most recent arrest

The ability to display and print UCH RAP sheets in a condensed or detailed format

Offender's historical personal identifiers being maintained with each arrest

Available photograph(s) associated with the offender

1.1 Criminal Justice Defined

UCH can only be used for the criminal justice purpose of administration of criminal justice or criminal justice employment. The term "administration of criminal justice" is defined by the FBI as the performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, and rehabilitation of accused person or criminal offenders.

1.2 Qualifying Entities

As authorized under UCA 53-10-108, Qualifying Entities may only acquire UCH information for specific purposes from the Applicant Background Check (ABC) section at BCI. A Qualifying Entity is defined by law as “a business, organization, or a governmental entity that employs persons or utilizes volunteers who deal with national security interests; care, custody or control of children; fiduciary trust over money; health care to children or vulnerable adults or the provision of any of the following to a vulnerable adult: care; protection; food, shelter, or clothing; assistance with the activities of daily living; or assistance with financial resource management. “

1.3 Accessing UCH through Outside Vendors

Many agencies use vendors such as Spillman, Versaterm, eForce, etc. to access UCH information. Whether the information comes directly from UCJIS or through a vendor, it is protected by state and federal regulations.

1.4 UCH Test Records for Training

When training or testing users, agencies can use approved test records. A list of current test records can also be found on the TAC web site. Users must NEVER run themselves, family members, neighbors, co-workers, public personalities, or any other curiosity inquiry for training or testing purposes. Doing so is considered misuse of UCH and is a violation of the law.

1.5 Violation of Dissemination, Privacy, and Security Policies

All information acquired from UCJIS is protected by FBI policies and state laws. UCJIS information is strictly for criminal justice investigations and criminal justice employment. Printed copies of UCH information must be destroyed when no longer needed.

Misuse of UCJIS information: Violation of dissemination, privacy and security policies can result in criminal prosecution for those involved. There is also the potential for civil actions as well. BCI maintains a dissemination log of all UCJIS transactions. Dissemination of UCH information is controlled by federal policies and Utah law.

UCA 53-10-108(12) (a) states:

(12) (a) It is a class B misdemeanor for a person to knowingly or intentionally access, use, disclose, or disseminate a record created, maintained, or to which access is granted by the division or any information contained in a record created, maintained, or to which access is granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.

When misuse is discovered, the agency’s administrator or Terminal Agency Coordinator (TAC) must inform the Commissioner of the Department of Public Safety (DPS) and the Director of BCI per UCA 53-10-108.

2.0 Creation of a RAP Sheet

The information found on a UCH RAP sheet comes from the different criminal justice agencies. Each agency is responsible to send their information on an offender to BCI to be included on the offender's RAP sheet.

2.1 The Teamwork of Each Agency

Utah criminal justice agencies all contribute to the completeness and accuracy of UCH RAP sheets. These agencies include policed and sheriff departments, prosecutors, courts, and the Utah Department of Corrections (DOC). Failure to supply available information to BCI can keep vital information from being added to UCH. Incomplete RAP sheets can hinder criminal justice agencies in their investigations.

UCA 53-10-207 requires peace officers to fingerprint on arrested persons and forward the fingerprints to BCI without delay. RAP sheets on UCH contain arrests records of adults. However, juveniles can have criminal history information on UCH if they are certified and tried as adults.

UCA 53-10-207 and 53-10-208(1) outline the requirement of law enforcement agencies, prosecutors, and courts to provide and furnish BCI with declination and disposition information.

Prosecutors, courts, and corrections can add additional information to UCH once the arrest has been posted. They can do so by submitting the Criminal Record Update Request Form to the Record Section at BCI. If BCI has not received a single-print citation or a ten-print card for the arrest, a RAP sheet cannot be created and the additional information contained on the Criminal Record Update Request Form cannot be added to UCH. Likewise, if the prosecutor does not submit their declination, or the court fails to submit their dispositions to BCI, none of the additional information will be added to the UCH.

2.2 Starts with Fingerprints

Utah criminal history records are created when BCI receives an offender's fingerprints. Fingerprints provide unique identification of the arrested person. If fingerprints are not received, the information from that arrest cannot be added to the criminal history record.

UCH records begin when an arresting agency submits arrest information accompanied with at least one legible fingerprint. Fingerprints enable AFIS to positively establish an offender's identity. Other identifying information (name, date of birth, social security number, height, weight, etc.) is also attached to the RAP sheet.

2.2.1 Fingerprint Quality

Fingerprints must be of the highest quality to ensure that the record is attached to the appropriate person. When BCI receives a single-print citation or ten-print card with poor quality fingerprints, the arrest is not added to the RAP sheet.

2.2.2 Ten-Print Cards, Single-Print Citations, and Live Scan

Ten-Print Fingerprint Cards - The FBI provides criminal fingerprint card for free to law enforcement agencies. When printing on a ten-print card, all fingers should be fingerprinted. If injuries or deformities prevent the printing of all fingers, the appropriate notations should be used. If you have any questions concerning fingerprinting you can contact the BCI's AFIS section at 801965-4569. The vast majority of ten-print cards are sent to BCI via electronic LiveScan machines.

Single-Print Citations –When sending a citation to BCI, the offender's right index finger should be fingerprinted on the citation. If an officer is unable to obtain a quality fingerprint on the designated part of the citation, they can place a fingerprint on the back of the. If a finger other than the right index finger is used on the citation, then the officer will need to note which finger was used. Fingerprints should never be crossed out, regardless of the officer perceived quality. AFIS may need to rely on a poor quality fingerprint if needed. Please note that unlike ten-print cards, single-print citations are not accepted by the FBI.

2.3 State Identification Number (SID)

When BCI receives fingerprints, the AFIS section will process the fingerprints and determines if an offender has previously been arrested in Utah before. If the fingerprints do not match any prints in the database, then BCI will assigned a Utah State Identification Number (SID) to the offender. Everyone with a Utah criminal history has a distinctive SID number assigned to them. All subsequent arrests for an offender will be attached to their SID number as well as any new personal identifiers (ALIASES, HGT, WGT, EYE, SMT, etc.).

2.4 Offense Tracking Number (OTN)

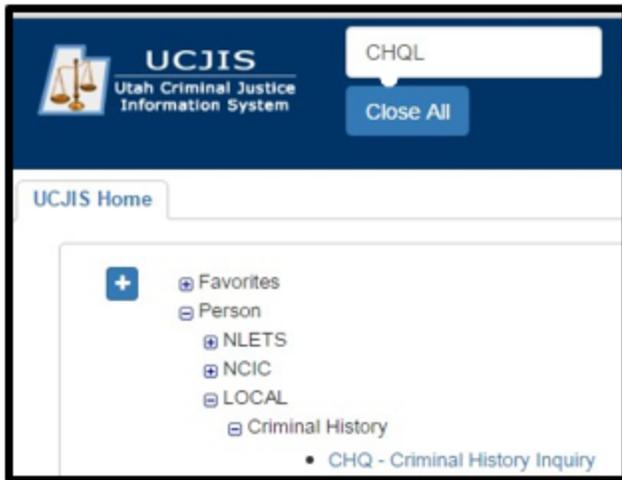
Each criminal incident is given unique identifier called an Offense Tracking Number (OTN). This OTN is used to track the progress of the incident as it goes from arresting agency, prosecuting agency, court, and corrections. Each time a person is arrested, a unique OTN is assigned to the arrest. With single-print citations, the citation number is considered the OTN by BCI and added to UCH. Whenever BCI receives new information linked to an arrest, the OTN is used to connect the information together.

2.5 UCH Transaction Code in UCJIS

Although UCH can be accessed through UCJIS using any internet browser, Google Chrome is the recommended browser. This recommendation is especially true when printing RAP sheets.

UCH can also be accessed through vendors. Take note that UCH information accessed through a vendor is still protected by state and federal laws.

There are two ways to access UCH within UCJIS. The first way is by using the transaction tree on the left-side of the screen. Clicking on Person, Local, then Criminal History followed by CHQ Criminal History Inquiry will bring up the UCH inquiry screen. The UCH inquiry screen is also accessible by entering the CHQL transaction in the transaction code box.



Transaction Code

OR

- Person
 - LOCAL
 -Criminal History
 -CHQ Criminal History Inquiry

3.0 Entering Search Criteria

The UCH inquiry screen offers multiple ways to search for criminal histories. The first three sections contain fields that require the user to enter auditing information. Once these fields are completed, a search can be completed by using several different options. Users can search by SID number, name, Social Security Number (SSN), Driver License Number (OLN), or by FBI number.

3.1 Photo Wanted

After selecting the agency ORI, the inquiry screen lets you choose if you want photos included on the RAP sheet. The system defaults to one photo option, but if desired the user can select either multiple photos or no photos. If multiple photos are selected, they will appear at the end of the RAP sheet.

3.2 Requestor Information

The three fields in the Requestor Information section are mandatory. This is noted by red asterisks next to the field description. These fields are used to log the search for auditing purposes. The information in these fields will also appear in the Criminal Justice Summary section located on the first page of the RAP sheet.

3.2.1 Requestor Name

The Requestor Name is the name of the user, non-access user, or ROA individual requesting the criminal history. The name typed in this field must be the name of the person requesting the RAP sheet. If running UCH for ROA, the Requestor Name is the name of the individual requesting their own Utah criminal history.

3.2.2 Audit Purpose Code

The Audit Purpose Code is used to help with auditing purposes. Each code has a specific meaning and designates why the search is being done. Users must select the correct Audit Purpose Code using the drop-down box. The following is a list of Audit Purpose Codes and what they can be used for as well as who can use them.

A and **I** codes are for BCI use only

C for criminal justice investigations such as:

- Gathering information on an offender
- Security of a criminal justice facility
- Inmates of a confinement facility and their visitors
- Volunteers or interns not involved in a criminal justice function
- Participants in a law enforcement firearms training

D is for Courts hearing domestic violence cases only

F is for releasing firearms by law enforcement and for Brady gun checks

H is for Housing Authority agencies only (Response will be Probable or Not Probable)

J is for employment with criminal justice agencies and used for:

- Background checks for user, non-access users, and non-users of UCJIS
- Volunteers or interns assisting with a criminal justice function

P is for agencies with a current ROA contract with BCI

X is for the Emergency Placement of Children

- Only the Division of Child and Family Services (DCFS) has authority to use this code

3.2.3 Audit Reason

The Audit Reason field is used to remind the requestor why they ran inquiry at a later date. When possible, use a case number in this field. Doing so will help to avoid using generic terms such as criminal, investigation, theft, discovery, etc. which are not specific and may cause issues when being audited. Using specific case numbers help protect the user in the event a questionable situation occurs. This field will accept up to 30 characters helping the user to be more specific in their inquiry.

3.3 Search Option Sections

As mentioned earlier, there are many ways to search the UCH file. When information is entered into the search fields, the system will also search for aliases or previously reported information. To search by SID, Name, SSN, OLN, or FBI, click on the search type. This will cause it to expand providing search fields. Be aware that only one search type can be used at a time.

The diagram illustrates the search options and their corresponding input fields. On the left, a vertical list of search options is shown: 'By State ID', 'By Name', 'By Social Security Number', 'By Driver License Number', and 'By FBI Number'. Two double-headed arrows point from the 'By State ID' and 'By Driver License Number' options to their respective input forms on the right. The 'By State ID' form contains a label 'SID:' and a text input field with the placeholder 'ENTER SID #'. The 'By Driver License Number' form contains a label 'Operator License Number:' and a text input field with the value '123456789'.

3.4 Optional Information Section

The Optional Information section on the UCH inquiry screen provides the user with two options. The first option is to include DOC information at the end of the RAP sheet. This option is automatically defaulted and can be deselected to exclude it from the RAP sheet. The second option allows the user to select a more detailed RAP sheet. The added details will be viewable near the end of the RAP sheet and include specifics of when additional identifiers were added to UCH and what OTN they are associated with.

4.0 Overview of the UCH RAP sheet

UCH contains the most current information about an offender that BCI has received. RAP sheets include the audit information the user entered on the search screen, a time stamp, a misuse caveat, the offender's personal identifiers, their charges, dispositions, as well as DOC information and if available, photographs.

4.1 Criminal History Query Section

This section contains the audit information that is logged by BCI. The header at the top of the RAP sheet contains the information entered on the search screen. The date and time that the RAP sheet was queried is recorded beneath the audit information. Underneath the time stamp the misuse caveat is stated. The caveat references UCA 53-10-108 concerning the misuse and unlawful dissemination of UCH information.

4.1.1 Creating a PDF of the RAP Sheet

The header on the RAP sheet contains a PDF icon. By clicking on the icon, a PDF of the RAP sheet will be created in a new browser tab. The PDF includes a non-dissemination watermark on each page.

4.2 Identification Section

The Identification section, located near the top of the RAP sheet, contains the offender's descriptive information. The information in this section comes from ten-print fingerprint cards and citations sent to BCI. When BCI receives new descriptive or alias information, it is added to the Identification section in UCH. The date the information was added to UCH is also included in this section. Because of the massive update to UCH in early 2014, any descriptive information obtained prior to the update is dated 1/1/1900.

If the offender has an FBI number, it will appear as a hyperlink. Click on the FBI number to run an Interstate Identification Index (III) criminal history (QR2 transaction in UCJIS). This feature is only available to agencies with approved access to III files. Like the FBI number, if the offender has a DOC Offender ID number, it too will appear as a hyperlink. Clicking this hyperlink will run an O-Track query (OTRKL transaction in UCJIS) on the offender.

4.2.1 Cautions, Flags, and Deceased Status

Information listed under Cautions in the Identification section is provided for officer safety. The possible Cautions can be any of the following:

Violent tendencies

Explosive expertise

Know to abuse drugs

Escape risk

Sexually violent predator

Heart condition

Allergies

Epilepsy

Suicidal

Medication required

Hemophiliac

Diabetic

Alcoholic

The Identification section also contains automated Flags that are based on the offender's criminal history. The Flags are created to let law enforcement quickly know what serious charges an offender has on their criminal history. The Flags a user might see on a RAP sheet could be any of the following:

Convicted of a felony

Firearm Felony

ODNA Status: Offender DNA status and date analyzed

Child Abuse

Domestic Violence

Crimes against Women

Multistate Offender

Deceased

UCH will state that an offender is deceased if BCI has received a report from a reputable source stating that the offender is deceased. Looking under the Deceased Status, a user will see the words Deceased and yes displayed red if BCI has been notified of the offender's death. If the offender is still alive, the Deceased Status will not be displayed.

4.3 Criminal Justice Summary

The Criminal Justice Summary section provides a quick summation of the incidents and felony convictions on the offender's RAP sheet. The section also provides information such as how many incidents are missing disposition information from the courts as well as the date of the last reported incident.

CRIMINAL JUSTICE SUMMARY	
TOTAL NUMBER OF INCIDENTS:	5
TOTAL NUMBER OF INCIDENTS WITH CONVICTIONS:	1
TOTAL NUMBER OF INCIDENTS WITH A FELONY:	3
TOTAL NUMBER OF INCIDENTS WITH A FELONY CONVICTION:	1
TOTAL NUMBER OF INCIDENTS WITHOUT DISPOSITIONS:	1
DATE OF LAST INCIDENT:	5/22/2014

4.4 Incident Information

Each incident is separated by a header. Incidents are displayed in ascending order, with the oldest incident being listed first.

4.4.1 Arrest Information

The arrest information contains the following information for each incident:

- Offense Tracking Number (OTN)
- BCI Microfiche Reel & Frame
- Cross-referenced OTNs (if applicable)
- Name used at arrest
- Firearm at offense
- Firearm at arrest
- Date of arrest
- Date of offense
- Arresting Charges

4.4.2 Charges and Dispositions

In the Incident Information section, charges and dispositions can be found.

Arresting Agency Decision

PROSECUTION ACTION:	
AGENCY: CITY PROSEC-SALT LAKE CITY (UT018051A)	
CASE NUMBER: SL99-1999	
LAW ENFORCEMENT AGENCY: SALT LAKE CITY PD(UT0180300)	
PROSECUTOR AGENCY: CITY PROSEC-SALT LAKE CITY(UT018051A)	
DUI DEFENDANT ADVISED OF RIGHT TO ATTY: NO	
CHARGES DISPOSED OF:	
OFFENSE LITERAL: ASSAULT	JURISDICTION:
STATUTE: 76-5-102	
NCIC CODE: 1399 - ASSAULT	
SEVERITY: MISDEMEANOR B	
DISPOSITION: FAILED TO FILE	
COURT ACTION DATE: 4/24/2014	
VIOLATION DATE: 1/1/1999	
ORIGINAL STATUTE: (UNDEFINED)	

If an arresting agency doesn't send the arresting information to the prosecutor, they will notify BCI and the disposition will be updated to say Failed to File.

Prosecutor Decision

PROSECUTION ACTION:	
AGENCY: COUNTY ATTORNEY-SALT LAKE (UT018013A)	
CASE NUMBER: 1112233	
PROSECUTOR AGENCY: COUNTY ATTORNEY-SALT LAKE(UT018013A)	
CHARGES DISPOSED OF:	
OFFENSE LITERAL: PRIVATE PROBATION PROVIDER W/O LICENSE	JURISDICTION:
STATUTE: 63-50-4	
NCIC CODE: 6199 - TAX REVENUE	
SEVERITY: MISDEMEANOR B	
DISPOSITION: DECLINED TO PROSECUTE	
COURT ACTION DATE: 12/11/2013	
DISPOSITION COMMENTS:	
PRE-CONVERSION ACTION = DECLINED	
ORIGINAL STATUTE: (UNDEFINED)	
GUN CHECK COMMENTS:	
DECLINED	

After the prosecutor receives the arresting information, they will screen the case to determine if they pursue the charges. If they choose not to prosecute, then they will notify BCI and UCH will be updated to reflect the declination.

Court Decision and Information

COURT ACTION 2 of 2:	
AGENCY: WEST VALLEY JUSTICE COURT (UT018191J)	
CASE NUMBER: 1234569	DOMESTIC VIOLENCE: YES
NAME USED AT COURT: BEAR, YOGI	
SUBMITTER CASE INDEX: 1236	
CITATION NUMBER: T123456	
LAW ENFORCEMENT AGENCY: UHP SALT LAKE CITY(UTUHP1300)	
PROSECUTOR AGENCY: CITY ATTORNEY - WEST VALLEY(UT018091A)	
ON APPEAL: NO	
CHARGES DISPOSED OF:	
OFFENSE LITERAL: "SELL, OFFER, FURNISH ALC PRODUCT TO A MINOR -NEGLIGENTLY"	
STATUTE: 26B-4-403(2)(A)	JURISDICTION: STATE OF UTAH
NCIC CODE: 3805 - CONTRIB DELINQ MINOR	
SEVERITY: MISDEMEANOR B	
PLEA: GUILTY	PLEA DATE: 1/3/2013
DISPOSITION: DISMISSED WITHOUT PREJUDICE	
COURT ACTION DATE: 3/31/2014	
VIOLATION DATE: 10/19/2012	
JUDGMENT: DISMISSED	

If the case goes to court, the disposition information will be updated and sent to BCI by the courts. If the severity of the charges change while at court, the severity status will be updated to mirror that adjustment. Any additional information sent to BCI by the courts will also be added to UCH.

4.4.3 No Information Available

Sometimes a user may encounter a RAP sheet that is missing disposition information. If BCI has not received disposition information on the charges, then UCH will display "No Information Available" in red. If this information is needed, users can contact BCI's Records section. A research at BCI will then contact the court, prosecutor, and arresting agency involved with the charges to find the missing information. Once BCI receives the missing information, it will be made available on UCH.

If you do see "No Information Available," it could be for anyone of the following reasons.

- Case has not yet gone to the prosecutor's office

- Case has not yet gone to court

- Charge was declined, but prosecutor failed to send the declination to BCI

- Case appeared in court, but the court did not forward the disposition information to BCI

- Disposition information was sent to BCI but did not match what was previously submitted

- The arresting agency never obtained a legible fingerprint

4.5 Corrections Information

Information from the DOC can be found near the bottom of the RAP Sheet. When a UCH inquiry is made, the UCJIS also searches the DOC database. If matching information is found, UCJIS will display the data on the RAP sheet.

Corrections/Custody Information Section

CORRECTIONS/CUSTODY INFORMATION		
OFFENDER INFORMATION:		
NAME:		STATE IDENT. NO. (SID):
OFFENDER #		FBI NO.:
CURRENT LEGAL STATUS: PROBATION		DRIVER LICENSE NO.: 15
PRISON #: 27		DIAGNOSTIC #:
AGENT NAME:		
AGENT PHONE:		
START DATE:	END DATE:	LEGAL STATUS DESCRIPTION:
5/12/2003		FELONY PROBATION (PROBATION START)
3/25/2003	5/12/2003	UNSENTENCED (NEW REFERRAL)
10/2/2002	3/25/2003	DISCHARGED (EXPIRATION OF SENTENCE)
6/11/2002	10/2/2002	PAROLE (PAROLE)
6/22/1998	6/11/2002	INMATE (NEW COMMITMENT)
4/1/1998	6/22/1998	UNSENTENCED (NEW DIAGNOSTIC REFERRAL)

4.6 Identification Details

Near the bottom of the UCH inquiry screen, the option to view a detailed option screen was available. The detailed Rap sheet is not the default and needs to be selected in order for the additional identifiers to be displayed at the bottom of the RAP Sheet. The Identification Details section contains dates of when additional information was added to the Identification section located at the top of the RAP Sheet. This section will also display multiple photos of the offender if they are available.

4.7 Printing a RAP Sheet

There are two ways to print a RAP sheet. One way will place a Do Not Disseminate watermark across each page and the other way will not print a watermark. To print a RAP sheet without a watermark, simply right click the mouse and select Print. You can also select Print from the browser menu. If you want them to print the RAP sheet with the watermark, click on the PDF located at the top-right of the RAP Sheet. A new browser tab will open containing a PDF of the RAP sheet. Click on the printer icon to then print the RAP sheet with the watermark.

5.0 Uncommon Occurrences on a RAP Sheet

Occasionally, there can be additional information displayed under the SID number on the RAP sheet. The following are some of the rarities.

5.1 Same Names with Different SID Numbers

It is possible to see two RAP Sheets that have the same name and date of birth but different SID numbers. It could be that there are multiple offenders with the same name and date of birth and

BCI has determined they are separate offenders based on fingerprint comparison. There is also the possibility that BCI could have mistakenly assigned two different SID numbers to the same offender. If you believe BCI has assigned two SID numbers to the same offender, please contact BCI's AFIS section.

5.2 RAP Sheets without FBI Numbers

FBI numbers are issued by the FBI when they receive a ten-print fingerprint card. If a RAP sheet doesn't display an FBI number, then the FBI has not received a ten-print fingerprint card for the offender from any state. The FBI does not accept single-print citations.

6.0 Miscellaneous Information Regarding UCH

There are different functions of criminal justice that may require a UCH information. The following subsections address some of the most common examples.

6.1 Transaction Log History

UCJIS maintains a log of all criminal history transactions. All users can access their logs for the past 21 days. If a TAC needs logs that are older than 21 days, they can submit a completed Dissemination Log Request Form to the supervisor of Field Services as BCI. The Dissemination Log Request Form can be found under the Forms section on the TAC Website.

6.2 Motions of Discovery

Defense attorneys are allowed to receive UCH information under the rules of discovery:

Utah Rules of Criminal Procedure, Rule 16, (a)(2) except as otherwise provided, the prosecutor shall disclose to the defense upon request the following material or information of which he has knowledge: (2) The criminal record of the defendant.

BCI requires that agencies providing UCH information in this manner maintain a secondary dissemination log. This log must include the date of dissemination, the person requesting the record, what documents were disseminated, and what their intended purpose is. BCI also strongly suggests a non-disclosure agreement be in place between the entities and that the RAP sheet be printed displaying the non-dissemination watermark.

Prosecutors are required by law to provide only information they have obtained for their case. If defense attorneys request UCJIS information that the prosecution hasn't obtained, then they must obtain a court order signed by the judge and present it to BCI.

6.3 Non-Serious Offenses

A current list of non-serious offenses can be found on the TAC Website under BCI Operating Manuals. Non-serious offenses do not need to be submitted to BCI nor will they appear on UCH.

6.4 Expungements

Utah State Code allows for the expungement and sealing of criminal record information when requested by the subject of the record if requirements are met. For further assistance, contact BCI's Expungement section at 801-965-4445 option 8, or see the expungement section on BCI's website at <https://bci.utah.gov/expungements>.

6.5 Brady Bill

Federal law known as the Brady Bill, states that anyone purchasing a firearm from a licensed dealer must undergo a criminal background check to verify that they can legally possess a firearm. Federal law stipulates that individuals with felony convictions, or domestic violence convictions, cannot possess firearms. For this reason, it is vital that RAP Sheets be complete and correct.

6.6 Missing Charges on UCH

When courts submit their dispositions to BCI through CORIS the information needs to match what is on UCH. Information that does not match will be sent to the Suspense File. A Disposition Error Report will then be sent to the court the next day informing them that the information did not post to UCH. The Courts are responsible to review their Disposition Error Reports and correct the errors using the Suspense File. If courts have issues with the Disposition Error Report or the Suspense File, they can contact BCI's Records section at (801) 965-4445 option 2 or bcirecords@utah.gov.

7.0 Utah Right of Access (ROA)

Adult individuals have the legal right to view their own Utah criminal history; this process is called "Right of Access" (ROA). If an individual wants to receive a copy of their Utah criminal history, they need to go to either BCI or an approved ROA agency. Because ROA is a State of Utah law, it only applies to UCH. Triple I (III) is a federal file and cannot be disseminated for ROA purposes.

7.1 Definition of Utah's Right of Access

Utah is a closed-record state. This means that individuals cannot access the criminal history records of other individuals UCA 53-10-108. However, anyone interested in obtaining their own Utah criminal history may go to any ROA approved agency to request a copy. For a complete list of Utah Right of Access agencies, please visit <https://bci.utah.gov/list-of-right-of-access-agencies>.

7.2 Becoming a Right of Access Approved Agency

Any agency with access to UCH may become an approved ROA agency. To do so they must first complete and submit a Right of Access Contract and a Provider Information Form to BCI for review. BCI will then review the contract and work with the agency to make any necessary updates. Once approved, BCI will send the agency an approval form with the expiration date of the contract and an agency specific waiver form that needs to be used for each ROA applicant. For more information regarding becoming a Utah Right of Access agency, please contact your BCI Field Services representative.

7.3 Right of Access Audit Fields

When running UCH for ROA, it is essential you enter the correct auditing information in the auditing fields. The only purpose code that can be used for ROA is "P". Using the "C" or the "J" is incorrect and may result in the termination of the ROA contract. The Requestor name is the individual who is requesting their own criminal history, not the user running the UCH inquiry. Also, the Reason field needs to contain a clear reason indicating the inquiry was performed for ROA purposes.

7.4 Right of Access Waiver Form

ROA agencies must have their applicants sign the ROA waiver and keep a copy of that waiver on file for at least three years.

7.5 Juvenile Requesting a Right of Access

Juveniles (persons under the age of 18) may request a ROA. However, since UCH is the only UCJIS file that can be searched and it only contains adult criminal histories, no RAP Sheet will be returned. Please be aware that the Utah Juvenile Criminal History file must never be accessed for ROA purposes.