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Public Safety Data Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Ryan D. Wilcox
Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill amends provisions related to public safety data.

Highlighted Provisions:

This bill:

- ▶ removes a report required to be submitted by the Bureau of Criminal Identification to the Law Enforcement and Criminal Justice Interim Committee regarding attempted weapons purchases by individuals who are restricted from purchasing, possessing, or transferring a firearm as a result of a conviction for an offense involving domestic violence and requires the report to be submitted to the State Commission on Criminal and Juvenile Justice (commission) to be included in the public safety portal;
- ▶ removes a report required to be submitted by the Division of Juvenile Justice and Youth Services to the Law Enforcement and Criminal Justice Interim Committee regarding data of sexual assaults in detention and secure care facilities and requires the report to be submitted to the commission to be included in the public safety portal;
- ▶ removes a report required to be submitted by the Department of Corrections to the Law Enforcement and Criminal Justice Interim Committee regarding data of sexual assaults in correctional facilities and requires the report to be submitted to the commission to be included in the public safety portal;
- ▶ requires institutions of higher education to provide data of crime in student housing to the commission to be included in the public safety portal;
- ▶ requires the multi-agency strike force to combat violent and other major felony crimes to submit the strike force's annual report to the commission to be included in the public safety portal;
- ▶ requires the commission to include a report from the Board of Pardons and Parole

- 28 regarding metrics of offenders in the public safety portal;
- 29 ▸ requires the Prosecutor Conduct Commission to provide the Prosecutor Conduct
- 30 Commission's annual report on prosecutorial complaints to the commission to be
- 31 included in the public safety portal;
- 32 ▸ requires the Department of Public Safety and the Bureau of Forensic Services to provide
- 33 an annual report on sexual assault kits to the commission to be included in the public
- 34 safety portal;
- 35 ▸ adds requirements for the commission regarding the public safety portal;
- 36 ▸ clarifies that the commission is not required to provide records in response to a record
- 37 request under the Government Records Access and Management Act for records
- 38 received by the commission for the public safety portal; and
- 39 ▸ makes technical can conforming changes.

40 **Money Appropriated in this Bill:**

41 None

42 **Other Special Clauses:**

43 None

44 **Utah Code Sections Affected:**

45 AMENDS:

- 46 **53-5a-602**, as renumbered and amended by Laws of Utah 2025, Chapter 208
- 47 **53-10-910**, as last amended by Laws of Utah 2025, Chapter 271
- 48 **53H-7-603**, as renumbered and amended by Laws of Utah 2025, First Special Session,
- 49 Chapter 8
- 50 **63A-16-1002**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17
- 51 **63G-2-201**, as last amended by Laws of Utah 2025, Chapters 299, 476
- 52 **63M-7-1106**, as enacted by Laws of Utah 2025, Chapter 360
- 53 **64-13-47**, as enacted by Laws of Utah 2021, Chapter 44
- 54 **67-5-22.7**, as last amended by Laws of Utah 2025, Chapter 173
- 55 **77-27-32**, as last amended by Laws of Utah 2024, Chapter 208
- 56 **80-5-202**, as last amended by Laws of Utah 2024, Chapter 256

57 REPEALS:

- 58 **63A-16-101**, as renumbered and amended by Laws of Utah 2021, Chapter 344

59

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

61 Section 1. Section **53-5a-602** is amended to read:

62 **53-5a-602 . Criminal background check before purchase of a firearm -- Fee --**
63 **Exemption for concealed firearm permit holders and law enforcement officers.**

64 (1)(a) To establish personal identification and residence in this state for purposes of this
65 part, a dealer shall require an individual receiving a firearm to present one photo
66 identification on a form issued by a governmental agency of the state.

67 (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as
68 proof of identification for the purpose of establishing personal identification and
69 residence in this state as required under this Subsection (1).

70 (2)(a) A criminal history background check is required for the sale of a firearm by a
71 licensed firearm dealer in the state.

72 (b) Subsection (2)(a) does not apply to the sale of a firearm to a Federal Firearms
73 Licensee.

74 (3)(a) An individual purchasing a firearm from a dealer shall consent in writing to a
75 criminal background check, on a form provided by the bureau.

76 (b) The form shall contain the following information:

77 (i) the dealer identification number;

78 (ii) the name and address of the individual receiving the firearm;

79 (iii) the date of birth, height, weight, eye color, and hair color of the individual
80 receiving the firearm; and

81 (iv) the social security number or any other identification number of the individual
82 receiving the firearm.

83 (4)(a) The dealer shall send the information required by Subsection (3) to the bureau
84 immediately upon its receipt by the dealer.

85 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has
86 provided the bureau with the information in Subsection (3) and has received approval
87 from the bureau under Subsection (6).

88 (5) The dealer shall make a request for criminal history background information by
89 telephone or other electronic means to the bureau and shall receive approval or denial of
90 the inquiry by telephone or other electronic means.

91 (6) When the dealer calls for or requests a criminal history background check, the bureau
92 shall:

93 (a) review the criminal history files, including juvenile court records, and the temporary
94 restricted file created under Section 53-5a-504, to determine if the individual is
95 prohibited from purchasing, possessing, or transferring a firearm by state or federal

- 96 law;
- 97 (b) inform the dealer that:
- 98 (i) the records indicate the individual is prohibited; or
- 99 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;
- 100 (c) provide the dealer with a unique transaction number for that inquiry; and
- 101 (d) provide a response to the requesting dealer during the call for a criminal background
- 102 check, or by return call, or other electronic means, without delay, except in case of
- 103 electronic failure or other circumstances beyond the control of the bureau, the bureau
- 104 shall advise the dealer of the reason for the delay and give the dealer an estimate of
- 105 the length of the delay.
- 106 (7)(a) The bureau may not maintain any records of the criminal history background
- 107 check longer than 20 days from the date of the dealer's request, if the bureau
- 108 determines that the individual receiving the firearm is not prohibited from
- 109 purchasing, possessing, or transferring the firearm under state or federal law.
- 110 (b) However, the bureau shall maintain a log of requests containing the dealer's federal
- 111 firearms number, the transaction number, and the transaction date for a period of 12
- 112 months.
- 113 (8)(a) If the criminal history background check discloses information indicating that the
- 114 individual attempting to purchase the firearm is prohibited from purchasing,
- 115 possessing, or transferring a firearm, the bureau shall:
- 116 (i) within 24 hours after determining that the purchaser is prohibited from purchasing,
- 117 possessing, or transferring a firearm, notify the law enforcement agency in the
- 118 jurisdiction where the dealer is located; and
- 119 (ii) inform the law enforcement agency in the jurisdiction where the individual
- 120 resides.
- 121 (b) Subsection (8)(a) does not apply to an individual prohibited from purchasing a
- 122 firearm solely due to placement on the temporary restricted list under Section
- 123 53-5a-504.
- 124 (c) A law enforcement agency that receives information from the bureau under
- 125 Subsection (8)(a) shall provide a report before August 1 of each year to the bureau
- 126 that includes:
- 127 (i) based on the information the bureau provides to the law enforcement agency under
- 128 Subsection (8)(a), the number of cases that involve an individual who is
- 129 prohibited from purchasing, possessing, or transferring a firearm as a result of a

- 130 conviction for an offense involving domestic violence; and
- 131 (ii) of the cases described in Subsection (8)(c)(i):
- 132 (A) the number of cases the law enforcement agency investigates; and
- 133 (B) the number of cases the law enforcement agency investigates that result in a
- 134 criminal charge.
- 135 (d) The bureau shall:
- 136 (i) compile the information from the reports described in Subsection (8)(c);
- 137 (ii) omit or redact any identifying information in the compilation; and
- 138 (iii) submit the compilation to the ~~[Law Enforcement and Criminal Justice Interim~~
- 139 ~~Committee]~~ State Commission on Criminal and Juvenile Justice created in Section
- 140 63M-7-201 before November 1 of each year.
- 141 (9) If an individual is denied the right to purchase a firearm under this section, the
- 142 individual may review the individual's criminal history information and may challenge
- 143 or amend the information as provided in Section 53-10-108.
- 144 (10) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah
- 145 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of
- 146 all records provided by the bureau under this part are in conformance with the
- 147 requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107
- 148 Stat. 1536 (1993).
- 149 (11)(a) A dealer shall collect a criminal history background check fee for the sale of a
- 150 firearm under this section.
- 151 (b) The fee described under Subsection (11)(a) remains in effect until changed by the
- 152 bureau through the process described in Section 63J-1-504.
- 153 (c)(i) The dealer shall forward at one time all fees collected for criminal history
- 154 background checks performed during the month to the bureau by the last day of
- 155 the month following the sale of a firearm.
- 156 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to
- 157 cover the cost of administering and conducting the criminal history background
- 158 check program.
- 159 (12)(a) An individual with a concealed firearm permit issued under Section 53-5a-303 or
- 160 a provisional concealed firearm permit issued under Section 53-5a-304 is exempt
- 161 from the background check and corresponding fee required in this section for the
- 162 purchase of a firearm if:
- 163 (i) the individual presents the individual's concealed firearm permit to the dealer [

- 164 ~~prior to~~] before purchase of the firearm; and
- 165 (ii) the dealer verifies with the bureau that the individual's concealed firearm permit
- 166 is valid.
- 167 (b) An individual with a temporary permit to carry a concealed firearm issued under
- 168 Section 53-5a-305 is not exempt from a background check and the corresponding fee
- 169 required in this section for the purchase of a firearm.
- 170 (13)(a) A law enforcement officer, as defined in Section 53-13-103, is exempt from the
- 171 background check fee required in this section for the purchase of a personal firearm
- 172 to be carried while off-duty if the law enforcement officer verifies current
- 173 employment by providing a letter of good standing from the officer's commanding
- 174 officer and current law enforcement photo identification.
- 175 (b) Subsection (13)(a) may only be used by a law enforcement officer to purchase a
- 176 personal firearm once in a 24-month period.
- 177 (14) A dealer engaged in the business of selling, leasing, or otherwise transferring a firearm
- 178 shall:
- 179 (a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to
- 180 a customer free of charge; and
- 181 (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under
- 182 Subsection 26B-5-211(3) to a customer purchasing a shotgun, short barreled shotgun,
- 183 short barreled rifle, rifle, or another firearm that federal law does not require be
- 184 accompanied by a gun lock at the time of purchase.

185 Section 2. Section **53-10-910** is amended to read:

186 **53-10-910 . Reporting requirement.**

187 The Department of Public Safety and the Utah Bureau of Forensic Services shall report

188 by July 31 of each year to the State Commission on Criminal and Juvenile Justice created in

189 Section 63M-7-201, the Law Enforcement and Criminal Justice Interim Committee, and the

190 Criminal Justice Appropriations Subcommittee regarding:

- 191 (1) the timelines set for testing all sexual assault kits submitted to the Utah Bureau of
- 192 Forensic Services as provided in Subsection 53-10-903(2);
- 193 (2) the goals established in Section 53-10-909;
- 194 (3) the status of meeting those goals;
- 195 (4) the number of sexual assault kits that are sent to the Utah Bureau of Forensic Services
- 196 for testing;
- 197 (5) the number of restricted kits held by law enforcement;

198 (6) the number of sexual assault kits that are not processed in accordance with the timelines
199 established in this part; and

200 (7) future appropriations requests that will ensure that all DNA cases can be processed
201 according to the timelines established by this part.

202 Section 3. Section **53H-7-603** is amended to read:

203 **53H-7-603 . Student housing crime reporting.**

204 (1) As used in this section:

205 (a) "Campus law enforcement" means an institution's police department.

206 (b) "Crime statistics" means the number of each of the crimes in 34 C.F.R. Sec.
207 668.46(c)(1) that are reported to a local police agency or campus law enforcement,
208 listed by type of crime.

209 (c)(i) "Institution noncampus housing facility" means a building or property that:

210 (A) is used for housing students;

211 (B) is not part of the institution's campus; and

212 (C) the institution owns, manages, controls, or leases;

213 (ii) "Institution noncampus housing facility" includes real property that is adjacent to,
214 and is used in direct support of, the building or property described in Subsection
215 (1)(c)(i).

216 (d) "Local law enforcement agency" means a state or local law enforcement agency
217 other than campus law enforcement.

218 (e)(i) "On-campus housing facility" means a building or property that is:

219 (A) used for housing students; and

220 (B) part of the institution's campus.

221 (ii) "On-campus housing facility" includes real property that is:

222 (A) adjacent to the on-campus housing facility; and

223 (B) used in direct support of the on-campus housing facility.

224 (f) "Student housing" means:

225 (i) an institution noncampus housing facility;

226 (ii) an on-campus housing facility; or

227 (iii) a student organization noncampus housing facility.

228 (g) "Student organization" means the same as that term is defined in Section 53H-7-101.

229 (h) "Student organization noncampus housing facility" means a building or property that:

230 (i) is used for housing students;

231 (ii) is not part of the institution's campus; and

- 232 (iii)(A) a student organization owns, manages, controls, or leases; or
 233 (B) is real property that is adjacent to the student organization noncampus housing
 234 facility and is used in direct support of the noncampus housing facility.
- 235 (2) An institution with the types of housing facilities described in this Subsection (2) shall:
 236 (a) create a report of crime statistics aggregated by:
 237 (i) on-campus housing facility, identified and listed individually using the institution's
 238 system for inventorying institution facilities;
 239 (ii) institution noncampus housing facility, identified and listed individually using the
 240 institution's system for inventorying institution facilities; and
 241 (iii) student organization noncampus housing facilities, identified and listed
 242 individually using the institution's system for identifying student organization
 243 noncampus housing facilities;[-and]
- 244 (b) report annually to the Education Interim Committee and the Law Enforcement and
 245 Criminal Justice Interim Committee, at or before the committee's November
 246 meetings, on crime statistics aggregated by housing facility as described in
 247 Subsection(2)(a)[-] ; and
- 248 (c) on or before November 1 of each year, provide the crime statistics aggregated by
 249 housing facility as described in Subsection (2)(a) to the State Commission on
 250 Criminal and Juvenile Justice created in Section 63M-7-201.
- 251 (3) An institution that does not have the types of housing described in Subsection (2) shall
 252 report the crime statistics as required by 20 U.S.C. Section 1092(f), the Jeanne Clery
 253 Disclosure of Campus Security Policy and Campus Crime Statistics Act, to the entities
 254 specified in Subsection (2).
- 255 (4) Upon request from an institution, a local law enforcement agency shall provide to the
 256 institution crime statistics for each student housing facility over which the local law
 257 enforcement agency has jurisdiction.
- 258 (5) Except as provided in Section 53H-7-503, when campus law enforcement receives a
 259 complaint or report of a crime that campus law enforcement reasonably determines
 260 occurred outside of campus law enforcement's jurisdiction, campus law enforcement
 261 shall share any record of the complaint or report with the local law enforcement agency
 262 with jurisdiction.

263 Section 4. Section **63A-16-1002** is amended to read:

264 **CHAPTER 16. Governance of Technology**

265 **63A-16-1002 . Public safety portal.**

- 266 (1) The commission shall oversee the creation and management of a public safety portal for
267 information and data required to be reported to the commission and accessible to all
268 criminal justice agencies in the state.
- 269 (2) The division shall assist with the development and management of the public safety
270 portal.
- 271 (3) The division, in collaboration with the commission, shall create:
- 272 (a) master standards and formats for information submitted to the public safety portal;
- 273 (b) a gateway, bridge, website, or other method for reporting entities to provide the
274 information;
- 275 (c) a master data management index or system to assist in the retrieval of information
276 from the public safety portal;
- 277 (d) a protocol for accessing information in the public safety portal that complies with
278 state privacy regulations;[~~and~~]
- 279 (e) a protocol for real-time audit capability of all data accessed from the public safety
280 portal by participating data source, data use entities, and regulators[~~;~~];
- 281 (f) a protocol for de-identifying the data described in Subsection (4) for public use;
- 282 (g) a searchable portion of the public safety portal described in Subsection (4) available
283 to the public that displays the de-identified data as described in Subsection (3)(f); and
- 284 (h) subject to the restrictions in this section, a policy concerning the use and
285 dissemination of data obtained under this section.
- 286 (4) The public safety portal shall be the repository for the statutorily required data,
287 information, or reports described in:
- 288 (a) Section 13-53-111, Recidivism reporting requirements;
- 289 (b) Section 17-72-408, County jail reporting requirements;
- 290 (c) Section 17E-2-201, Criminal Justice Coordinating Councils reporting;
- 291 (d) Section 26B-1-427, Alcohol Abuse Tracking Committee;
- 292 (e) Section 41-6a-511, Courts to collect and maintain data;
- 293 (f) Section 53-5a-602, regarding data of attempted weapons purchases by restricted
294 persons;
- 295 [(f)] (g) Section 53-10-118, [~~Regarding~~] regarding driving under the influence data;
- 296 (h) Section 53-10-910, regarding sexual assault kits;
- 297 [(g)] (i) Section 53-25-301, Reporting requirements for reverse-location warrants;
- 298 [(h)] (j) Section 53-25-202, Sexual assault offense reporting requirements for law
299 enforcement agencies;

- 300 [~~(i)~~] Section 53E-3-516, School disciplinary and law enforcement action report;
 301 [~~(j)~~] (k) Section 53-25-501, Reporting requirements for seized firearms;
 302 [~~(k)~~] (l) Section 53-25-502, Law enforcement agency reporting requirements for certain
 303 firearm data;
 304 (m) Section 53E-3-516, School disciplinary and law enforcement action report;
 305 (n) Section 53H-7-603, Student housing crime reporting;
 306 [~~(h)~~] (o) Section 63M-7-214, Law enforcement agency grant reporting;
 307 [~~(m)~~] (p) Section 63M-7-216, Prosecutorial data collection;
 308 [~~(n)~~] (q) Section 63M-7-216.1, Prosecutorial data collection regarding certain
 309 prosecutions, dismissals, and declinations to prosecute;
 310 [~~(o)~~] (r) Section 63M-7-220, Domestic violence data collection;
 311 (s) Section 63M-7-1106, regarding annual reporting from the Prosecutor Conduct
 312 Commission;
 313 (t) Section 64-13-47, regarding data of sexual assaults;
 314 [~~(p)~~] (u) Section 64-14-204, Supervision of sentenced offenders placed in community;
 315 [~~(q)~~] (v) Section 64-13-25, Standards for programs;
 316 [~~(r)~~] (w) Section 64-13-45, Department reporting requirements;
 317 [~~(s)~~] (x) Section 64-13e-104, County correctional facility reimbursement program for
 318 state probationary inmates and state parole inmates;
 319 (y) Section 67-5-22.7, regarding data from the multi-agency strike force to combat
 320 violent and other major felony crimes;
 321 [~~(t)~~] (z) Section 77-7-8.5, Use of tactical groups;
 322 [~~(u)~~] (aa) Section 77-11b-404, Forfeiture reporting requirements;
 323 [~~(v)~~] (bb) Section 77-20-103, Release data requirements;
 324 [~~(w)~~] (cc) Section 77-22-2.5, Court orders for criminal investigations;
 325 (dd) Section 77-27-32, regarding metrics from the Board of Pardons and Parole;
 326 [~~(x)~~] (ee) Section 78A-2-109.5, Court data collection on criminal cases;
 327 (ff) Section 80-5-202, regarding data of sexual assaults;
 328 [~~(y)~~] (gg) Section 80-6-104, Data collection on offenses committed by minors; and
 329 [~~(z)~~] (hh) any other statutes that require the collection of specific data and the reporting
 330 of that data to the commission.
 331 [~~(5)~~] Before October 1, 2025, the commission shall report all data collected to the Law
 332 Enforcement and Criminal Justice Interim Committee.]
 333 [~~(6)~~] (5) The commission may:

- 334 (a) enter into contracts with private or governmental entities to assist entities in
335 complying with the data reporting requirements of Subsection (4); and
336 (b) make, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
337 Act, rules to administer this section, including establishing requirements and
338 procedures for collecting the data, information, or reports described in Subsection (4).

339 Section 5. Section **63G-2-201** is amended to read:

340 **63G-2-201 . Provisions relating to records -- Public records -- Private, controlled,**
341 **protected, and other restricted records -- Disclosure and nondisclosure of records --**
342 **Certified copy of record -- Limits on obligation to respond to record request.**

- 343 (1)(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public
344 record free of charge, and the right to take a copy of a public record during normal
345 working hours, subject to Sections 63G-2-203 and 63G-2-204.
346 (b) A right under Subsection (1)(a) does not apply with respect to a record:
347 (i) a copy of which the governmental entity has already provided to the person;
348 (ii) that is the subject of a records request that the governmental entity is not required
349 to fill under Subsection (7)(a)(v); or
350 (iii)(A) that is accessible only by a computer or other electronic device owned or
351 controlled by the governmental entity;
352 (B) that is part of an electronic file that also contains a record that is private,
353 controlled, or protected; and
354 (C) that the governmental entity cannot readily segregate from the part of the
355 electronic file that contains a private, controlled, or protected record.
356 (2) A record is public unless otherwise expressly provided by statute.
357 (3) The following records are not public:
358 (a) a record that is private, controlled, or protected under Sections 63G-2-302, 63G-2-303,
359 63G-2-304, and 63G-2-305; and
360 (b) a record to which access is restricted [~~pursuant to~~] in accordance with court rule,
361 another state statute, federal statute, or federal regulation, including records for which
362 access is governed or restricted as a condition of participation in a state or federal
363 program or for receiving state or federal funds.
364 (4) Only a record specified in Section 63G-2-302, 63G-2-303, 63G-2-304, or 63G-2-305
365 may be classified private, controlled, or protected.
366 (5)(a) A governmental entity may not disclose a record that is private, controlled, or
367 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c),

- 368 Section 63G-2-202, 63G-2-206, or 63G-2-303.
- 369 (b) A governmental entity may disclose a record that is private under Subsection
370 63G-2-302(2) or protected under Section 63G-2-305 to persons other than those
371 specified in Section 63G-2-202 or 63G-2-206 if the head of a governmental entity, or
372 a designee, determines that:
- 373 (i) there is no interest in restricting access to the record; or
 - 374 (ii) the interests favoring access are greater than or equal to the interest favoring
375 restriction of access.
- 376 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may
377 disclose a record that is protected under Subsection 63G-2-305(51) if:
- 378 (i) the head of the governmental entity, or a designee, determines that the disclosure:
379 (A) is mutually beneficial to:
 - 380 (I) the subject of the record;
 - 381 (II) the governmental entity; and
 - 382 (III) the public; and
 - 383 (B) serves a public purpose related to:
 - 384 (I) public safety; or
 - 385 (II) consumer protection; and
 - 386 (ii) the person who receives the record from the governmental entity agrees not to use
387 or allow the use of the record for advertising or solicitation purposes.
- 388 (6) A governmental entity shall provide a person with a certified copy of a record if:
- 389 (a) the person requesting the record has a right to inspect it;
 - 390 (b) the person identifies the record with reasonable specificity; and
 - 391 (c) the person pays the lawful fees.
- 392 (7)(a) In response to a request, a governmental entity is not required to:
- 393 (i) create a record;
 - 394 (ii) compile, format, manipulate, package, summarize, or tailor information;
 - 395 (iii) provide a record in a particular format, medium, or program not currently
396 maintained by the governmental entity;
 - 397 (iv) fulfill a person's records request if the request unreasonably duplicates prior
398 records requests from that person;
 - 399 (v) fill a person's records request if:
 - 400 (A) the record requested is:
 - 401 (I) publicly accessible online; or

- 402 (II) included in a public publication or product produced by the governmental
403 entity receiving the request; and
- 404 (B) the governmental entity:
- 405 (I) specifies to the person requesting the record where the record is accessible
406 online; or
- 407 (II) provides the person requesting the record with the public publication or
408 product and specifies where the record can be found in the public
409 publication or product; or
- 410 (vi) fulfill a person's records request if:
- 411 (A) the person has been determined under Section 63G-2-209 to be a vexatious
412 requester;
- 413 (B) the order of the director of the Government Records Office determining the
414 person to be a vexatious requester provides that the governmental entity is not
415 required to fulfill a request from the person for a period of time; and
- 416 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
- 417 (b) A governmental entity shall conduct a reasonable search for a requested record.
- 418 (8)(a) Although not required to do so, a governmental entity may, upon request from the
419 person who submitted the records request, compile, format, manipulate, package,
420 summarize, or tailor information or provide a record in a format, medium, or program
421 not currently maintained by the governmental entity.
- 422 (b) In determining whether to fulfill a request described in Subsection (8)(a), a
423 governmental entity may consider whether the governmental entity is able to fulfill
424 the request without unreasonably interfering with the governmental entity's duties
425 and responsibilities.
- 426 (c) A governmental entity may require a person who makes a request under Subsection
427 (8)(a) to pay the governmental entity, in accordance with Section 63G-2-203, for
428 providing the information or record as requested.
- 429 (9)(a) Notwithstanding any other provision of this chapter, and subject to Subsection
430 (9)(b), a governmental entity is not required to respond to, or provide a record in
431 response to, a record request if the request is submitted by or in behalf of an
432 individual who is on parole or confined in a jail or other correctional facility
433 following the individual's conviction.
- 434 (b) Subsection (9)(a) does not apply to:
- 435 (i) the first five record requests submitted to the governmental entity by or in behalf

- 436 of an individual described in Subsection (9)(a) during any calendar year
437 requesting only a record that contains a specific reference to the individual; or
438 (ii) a record request that is submitted by an attorney of an individual described in
439 Subsection (9)(a).
- 440 (10)(a) A governmental entity may allow a person requesting more than 50 pages of
441 records to copy the records if:
- 442 (i) the records are contained in files that do not contain records that are exempt from
443 disclosure, or the records may be segregated to remove private, protected, or
444 controlled information from disclosure; and
 - 445 (ii) the governmental entity provides reasonable safeguards to protect the public from
446 the potential for loss of a public record.
- 447 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:
- 448 (i) provide the requester with the facilities for copying the requested records and
449 require that the requester make the copies; or
 - 450 (ii) allow the requester to provide the requester's own copying facilities and personnel
451 to make the copies at the governmental entity's offices and waive the fees for
452 copying the records.
- 453 (11)(a) A governmental entity that owns an intellectual property right and that offers the
454 intellectual property right for sale or license may control by ordinance or policy the
455 duplication and distribution of the material based on terms the governmental entity
456 considers to be in the public interest.
- 457 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections
458 granted to the governmental entity under federal copyright or patent law as a result of
459 its ownership of the intellectual property right.
- 460 (12) A governmental entity may not use the physical form, electronic or otherwise, in
461 which a record is stored to deny, or unreasonably hinder the rights of a person to inspect
462 and receive a copy of a record under this chapter.
- 463 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide
464 access to an electronic copy of a record in lieu of providing access to its paper
465 equivalent if:
- 466 (a) the person making the request requests or states a preference for an electronic copy;
 - 467 (b) the governmental entity currently maintains the record in an electronic format that is
468 reproducible and may be provided without reformatting or conversion; and
 - 469 (c) the electronic copy of the record:

- 470 (i) does not disclose other records that are exempt from disclosure; or
 471 (ii) may be segregated to protect private, protected, or controlled information from
 472 disclosure without the undue expenditure of public resources or funds.

473 (14) In determining whether a record is properly classified as private under Subsection
 474 63G-2-302(2)(d), the governmental entity, the director of the Government Records
 475 Office, local appeals board, or court shall consider and weigh:

- 476 (a) any personal privacy interests, including those in images, that would be affected by
 477 disclosure of the records in question; and
 478 (b) any public interests served by disclosure.

479 (15) Notwithstanding any other provision of this chapter, the State Commission on
 480 Criminal and Juvenile Justice created in Section 63M-7-201:

- 481 (a) is not required to provide a record in response to a record request that requests
 482 records received by the State Commission on Criminal and Juvenile Justice under
 483 Section 63A-16-1002; and
 484 (b) shall inform the person making a record request for a record described in Subsection
 485 (15)(a) of the governmental entity from which the State Commission on Criminal and
 486 Juvenile Justice received the record.

487 Section 6. Section **63M-7-1106** is amended to read:

488 **63M-7-1106 . Annual reporting requirement to Legislature.**

489 (1) Before November 1 of each year, the commission shall report to the State Commission
 490 on Criminal and Juvenile Justice created in Section 63M-7-201, the Law Enforcement
 491 and Criminal Justice Interim Committee, and the Judiciary Interim Committee on:

- 492 (a) the number of complaints received;
 493 (b) the general nature of the complaints;
 494 (c) the number of complaints dismissed without an investigation;
 495 (d) the number of complaints investigated;
 496 (e) the general findings and outcomes of investigations; and
 497 (f) the name of any prosecuting agency that refused, without reasonable cause, to
 498 cooperate in an investigation by the commission.

499 (2) The commission may not include any personal identifying information regarding a
 500 prosecuting attorney in a report described in Subsection (1).

501 Section 7. Section **64-13-47** is amended to read:

502 **64-13-47 . Prison Sexual Assault Prevention Program.**

503 (1) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative

- 504 Rulemaking Act, make rules establishing policies and procedures regarding sexual
505 assaults that occur in correctional facilities.
- 506 (2) The rules described in Subsection (1) shall:
- 507 (a) require education and training, including:
- 508 (i) providing to inmates, at intake and periodically, department-approved,
509 easy-to-understand information developed by the department on sexual assault
510 prevention, treatment, reporting, and counseling in consultation with community
511 groups with expertise in sexual assault prevention, treatment, reporting, and
512 counseling; and
- 513 (ii) providing sexual-assault-specific training to department mental health
514 professionals and all employees who have direct contact with inmates regarding
515 treatment and methods of prevention and investigation;
- 516 (b) require reporting of sexual assault, including:
- 517 (i) ensuring the confidentiality of inmate sexual assault complaints and the protection
518 of inmates who make complaints of sexual assault; and
- 519 (ii) prohibiting retaliation and disincentives for reporting sexual assault;
- 520 (c) require safety and care for victims, including:
- 521 (i) providing, in situations in which there is reason to believe that a sexual assault has
522 occurred, reasonable and appropriate measures to ensure the victim's safety by
523 separating the victim from the assailant, if known;
- 524 (ii) providing acute trauma care for sexual assault victims, including treatment of
525 injuries, HIV prophylaxis measures, and testing for sexually transmitted infections;
- 526 (iii) providing confidential mental health counseling for victims of sexual assault,
527 including access to outside community groups or victim advocates that have
528 expertise in sexual assault counseling, and enable confidential communication
529 between inmates and those organizations and advocates; and
- 530 (iv) monitoring victims of sexual assault for suicidal impulses, post-traumatic stress
531 disorder, depression, and other mental health consequences resulting from the
532 sexual assault;
- 533 (d) require investigations and staff discipline, including:
- 534 (i) requiring all employees to report any knowledge, suspicion, or information
535 regarding an incident of sexual assault to the executive director or designee, and
536 require disciplinary action for employees who fail to report as required;
- 537 (ii) requiring investigations described in Subsection (3);

- 538 (iii) requiring corrections investigators to submit all completed sexual assault
539 allegations to the executive director or the executive director's designee, who [must]
540 shall then submit any substantiated findings that may constitute a crime under
541 state law to the district attorney with jurisdiction over the facility in which the
542 alleged sexual assault occurred; and
- 543 (iv) requiring employees to be subject to disciplinary sanctions up to and including
544 termination for violating agency sexual assault policies, with termination the
545 presumptive disciplinary sanction for employees who have engaged in sexual
546 assault, consistent with constitutional due process protections and state personnel
547 laws and rules; and
- 548 (e) require data collection and reporting, including as provided in Subsection (4).
- 549 (3)(a) An investigator trained in the investigation of sex crimes shall conduct the
550 investigation of a sexual assault involving an inmate.
- 551 (b) The investigation shall include:
- 552 (i) using a forensic rape kit, if appropriate;
- 553 (ii) questioning suspects and witnesses; and
- 554 (iii) gathering and preserving relevant evidence.
- 555 (4) The department shall:
- 556 (a) collect and report data regarding all allegations of sexual assault from each
557 correctional facility in accordance with the federal Prison Rape Elimination Act of
558 2003, Pub. L 108-79, as amended; and
- 559 (b) annually report the data described in Subsection (4)(a) to the [~~Law Enforcement and~~
560 ~~Criminal Justice Interim Committee~~] the State Commission on Criminal and Juvenile
561 Justice created in Section 63M-7-201.
- 562 Section 8. Section **67-5-22.7** is amended to read:
- 563 **67-5-22.7 . Multi-agency strike force to combat violent and other major felony**
564 **crimes associated with illegal immigration and human trafficking -- Fraudulent**
565 **Documents Identification Unit.**
- 566 (1) The Office of the Attorney General is authorized to administer and coordinate the
567 operation of a multi-agency strike force to combat violent and other major felony crimes
568 committed within the state that are associated with illegal immigration and human
569 trafficking.
- 570 (2) The office shall invite officers of the [~~U.S.~~] United States Immigration and Customs
571 Enforcement and state and local law enforcement personnel to participate in this

- 572 mutually supportive, multi-agency strike force to more effectively utilize their combined
573 skills, expertise, and resources.
- 574 (3) The strike force shall focus its efforts on detecting, investigating, deterring, and
575 eradicating violent and other major felony criminal activity related to illegal
576 immigration and human trafficking.
- 577 (4) In conjunction with the strike force and subject to available funding, the Office of the
578 Attorney General shall establish a Fraudulent Documents Identification Unit:
- 579 (a) for the primary purpose of investigating, apprehending, and prosecuting individuals
580 or entities that participate in the sale or distribution of fraudulent documents used for
581 identification purposes;
- 582 (b) to specialize in fraudulent identification documents created and prepared for
583 individuals who are unlawfully residing within the state; and
- 584 (c) to administer the Identity Theft Victims Restricted Account created under Subsection
585 (5).
- 586 (5)(a) There is created a restricted account in the General Fund known as the "Identity
587 Theft Victims Restricted Account."
- 588 (b) The Identity Theft Victims Restricted Account shall consist of money appropriated
589 to the Identity Theft Victims Restricted Account by the Legislature.
- 590 (c) Subject to appropriations from the Legislature, beginning on the program start date,
591 as defined in Section 63G-12-102, the Fraudulent Documents Identification Unit may
592 expend the money in the Identity Theft Victims Restricted Account to pay a claim as
593 provided in this Subsection (5) to a person who is a victim of identity theft
594 prosecuted under Section 76-11-215 or 76-6-1102.
- 595 (d) To obtain payment from the Identity Theft Victims Restricted Account, a person
596 shall file a claim with the Fraudulent Documents Identification Unit by no later than
597 one year after the day on which an individual is convicted, pleads guilty to, pleads no
598 contest to, pleads guilty in a similar manner to, or resolved by diversion or its
599 equivalent an offense under Section 76-11-215 or 76-6-1102 for the theft of the
600 identity of the person filing the claim.
- 601 (e) A claim filed under this Subsection (5) shall include evidence satisfactory to the
602 Fraudulent Documents Identification Unit:
- 603 (i) that the person is the victim of identity theft described in Subsection (5)(d); and
604 (ii) of the actual damages experienced by the person as a result of the identity theft
605 that are not recovered from a public or private source.

- 606 (f) The Fraudulent Documents Identification Unit shall pay a claim from the Identity
607 Theft Victims Restricted Account:
- 608 (i) if the Fraudulent Documents Identification Unit determines that the person has
609 provided sufficient evidence to meet the requirements of Subsection (5)(e);
610 (ii) in the order that claims are filed with the Fraudulent Documents Identification
611 Unit; and
612 (iii) to the extent that it there is money in the Identity Theft Victims Restricted
613 Account.
- 614 (g) If there is insufficient money in the Identity Theft Victims Restrict Account when a
615 claim is filed under this Subsection (5) to pay the claim in full, the Fraudulent
616 Documents Identification Unit may pay a claim when there is sufficient money in the
617 account to pay the claim in the order that the claims are filed.
- 618 (6) The strike force shall make an annual report on [~~its~~] the strike force's activities to the
619 governor[~~and~~] , the State Commission on Criminal and Juvenile Justice created in
620 Section 63M-7-201, and the [~~Legislature's~~]Law Enforcement and Criminal Justice
621 Interim Committee by December 1, together with any proposed recommendations for
622 modifications to this section.
- 623 Section 9. Section **77-27-32** is amended to read:
624 **77-27-32 . Reporting requirements.**
- 625 (1) The board shall publicly display metrics on the board's website, including:
626 (a) a measure of recidivism;
627 (b) a measure of time under board jurisdiction;
628 (c) a measure of prison releases by category;
629 (d) a measure of parole revocations;
630 (e) a measure of alignment of board decisions with the adult sentencing and supervision
631 length guidelines, as defined in Section 63M-7-401.1; and
632 (f) a measure of the aggregate reasons for departing from the guidelines described in
633 Subsection (1)(e).
- 634 (2) On or before September 30 of each year, the board shall submit to [~~the commission and~~]
635 the Law Enforcement and Criminal Justice Interim Committee a report for the previous
636 fiscal year that summarizes the metrics in Subsection (1).
- 637 (3) On or before November 1 of each year, the board shall submit the metrics described in
638 Subsection (1) to the commission.
- 639 Section 10. Section **80-5-202** is amended to read:

640 **80-5-202 . Division rulemaking authority -- Reports on sexual assault.**

- 641 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
642 division shall make rules to:
- 643 (a) establish standards for the admission of a minor to detention;
 - 644 (b) describe good behavior for which credit may be earned under Subsection 80-6-704(5);
 - 645 (c) establish a formula, in consultation with the Office of the Legislative Fiscal Analyst, to
646 calculate savings from General Fund appropriations under 2017 Laws of Utah,
647 Chapter 330, resulting from the reduction in out-of-home placements for juvenile offenders
648 with the division;
 - 649 (d) establish policies and procedures regarding sexual assaults that occur in detention
650 and secure care facilities; and
 - 651 (e) establish the qualifications and conditions for services provided by the division under
652 Section 80-6-809.
- 653 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
654 division may make rules:
- 655 (a) that govern the operation of prevention and early intervention programs, youth
656 service programs, juvenile receiving centers, and other programs described in Section
657 80-5-401; and
 - 658 (b) that govern the operation of detention and secure care facilities.
- 659 (3) A rule made by the division under Subsection (1)(a):
- 660 (a) may not permit secure detention based solely on the existence of multiple status
661 offenses, misdemeanors, or infractions arising out of a single criminal episode; and
 - 662 (b) shall prioritize use of home detention for a minor who might otherwise be held in
663 secure detention.
- 664 (4) The rules described in Subsection (1)(d) shall:
- 665 (a) require education and training, including:
 - 666 (i) providing to minors detained in secure care and detention facilities, at intake and
667 periodically, easy-to-understand information, which is developed and approved by
668 the division, on sexual assault prevention, treatment, reporting, and counseling in
669 consultation with community groups with expertise in sexual assault prevention,
670 treatment, reporting, and counseling; and
 - 671 (ii) providing training specific to sexual assault to division mental health
672 professionals and all division employees who have direct contact with minors
673 regarding treatment and methods of prevention and investigation;

- 674 (b) require reporting of any incident of sexual assault, including:
675 (i) ensuring the confidentiality of sexual assault reports from minors and the
676 protection of minors who report sexual assault; and
677 (ii) prohibiting retaliation and disincentives for reporting sexual assault;
- 678 (c) require safety and care for minors who report sexual assault, including:
679 (i) providing, in situations in which there is reason to believe that a sexual assault has
680 occurred, reasonable and appropriate measures to ensure the minor's safety by
681 separating the minor from the minor's assailant, if known;
682 (ii) providing acute trauma care for minors who report sexual assault, including
683 treatment of injuries, HIV prophylaxis measures, and testing for sexually
684 transmitted infections;
685 (iii) providing confidential mental health counseling for minors who report sexual
686 assault, including:
687 (A) access to outside community groups or victim advocates that have expertise in
688 sexual assault counseling; and
689 (B) enabling confidential communication between minors and community groups
690 and victim advocates; and
691 (iv) monitoring minors who report sexual assault for suicidal impulses,
692 post-traumatic stress disorder, depression, and other mental health consequences
693 resulting from the sexual assault;
- 694 (d) require staff reporting of sexual assault and staff discipline for failure to report or for
695 violating sexual assault policies, including:
696 (i) requiring all division employees to report any knowledge, suspicion, or
697 information regarding an incident of sexual assault to the director or the director's
698 designee;
699 (ii) requiring disciplinary action for a division employee who fails to report as
700 required; and
701 (iii) requiring division employees to be subject to disciplinary sanctions up to and
702 including termination for violating agency sexual assault policies, with
703 termination the presumptive disciplinary sanction for division employees who
704 have engaged in sexual assault, consistent with constitutional due process
705 protections and state personnel laws and rules;
- 706 (e) require that any report of an incident of sexual assault be referred to the Division of
707 Child and Family Services or a law enforcement agency with jurisdiction over the

708 detention or secure care facility in which the alleged sexual assault occurred; and
709 (f) require data collection and reporting of all incidents of sexual assault from each
710 detention and secure care facility.

711 (5) The division shall annually report the data described in [~~Section~~] Subsection (4)(f) to the [
712 ~~Law Enforcement and Criminal Justice Interim Committee~~] State Commission on
713 Criminal and Juvenile Justice created in Section 63M-7-201.

714 Section 11. **Repealer.**

715 This bill repeals:

716 Section **63A-16-101, Title.**

717 Section 12. **Effective Date.**

718 This bill takes effect on May 6, 2026.