

1 **PROTECTION OF LAW ENFORCEMENT OFFICERS'**

2 **PERSONAL INFORMATION**

3 2017 GENERAL SESSION

4 STATE OF UTAH

5

6 **LONG TITLE**

7 **General Description:**

8 This bill amends the Utah Criminal Code regarding protection of personal information
9 of law enforcement officers.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ provides criminal penalties for posting on the Internet a law enforcement officer's
- 13 address and phone numbers, or posting the same information regarding an officer's
- 14 spouse and children;
- 15 ▶ prohibits the solicitation or sale of the officer's private information and provides for
- 16 civil damages and the cost of attorney fees; and
- 17 ▶ provides definitions, including a definition of "personal information."

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **76-18-101**, Utah Code Annotated 1953

25 **76-18-201**, Utah Code Annotated 1953

26 **76-18-301**, Utah Code Annotated 1953

27

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

29 Section 1. Section **76-18-101** is enacted to read:

30 **CHAPTER 18. PROTECTION OF PERSONAL INFORMATION OF LAW**

31 **ENFORCEMENT OFFICERS**

32 **76-18-101. Title.**

33 This chapter is known as "Protection of Personal Information of Law Enforcement
34 Officers."

35 Section 2. Section **76-18-201** is enacted to read:

36 **76-18-201. Definitions.**

37 As used in this chapter:

38 (1) "Access software provider" means a provider of software, including client or server
39 software, or enabling tools that do any one or more of the following:

40 (a) filter, screen, allow, or disallow content;

41 (b) pick, choose, analyze, or digest content; or

42 (c) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or
43 translate content.

44 (2) "Interactive computer service" means any information service, system, or access
45 software provider that provides or enables computer access by multiple users to a computer
46 server, including specifically a service or system that provides access to the Internet and
47 systems operated or services offered by libraries or educational institutions.

48 (3) "Law enforcement officer" or "officer":

49 (a) means the same as that term is defined in Section 53-13-103; and

50 (b) refers only to officers who are currently employed by a state or local governmental
51 law enforcement agency.

52 (4) "Personal information" means a law enforcement officer's home address, home
53 telephone number, personal mobile telephone number, pager number, personal email address,
54 personal photograph, directions to locate the law enforcement officer's home, or photographs of
55 the law enforcement officer's or the officer's immediate family member's home or vehicle.

56 (5) "Publicly post" or "publicly display" means to intentionally communicate or
57 otherwise make available to the general public.

58 Section 3. Section **76-18-301** is enacted to read:

59 **76-18-301. Internet posting of personal information of law enforcement officers --**
60 **Prohibitions.**

61 (1) A state or local governmental agency may not post the home address or telephone
62 number of any law enforcement officer employed by the state or any political subdivision on

63 the Internet unless the agency has obtained written permission from the officer and has the
64 written permission in the agency's possession.

65 (2) (a) An individual may not knowingly post on the Internet the personal information
66 of any law enforcement officer or of the officer's spouse and children who reside at the officer's
67 residence:

68 (i) knowing the person is a law enforcement officer or that the person is the spouse or
69 child of a law enforcement officer; and

70 (ii) with the intent to cause imminent bodily harm that is likely to occur or threatening
71 to cause imminent bodily harm to that individual.

72 (b) A violation of this Subsection (2) is a class B misdemeanor.

73 (c) A violation of this Subsection (2) that results in the bodily injury of the officer, or
74 the officer's residing spouse or child, is a class A misdemeanor.

75 (d) Each act against a separate individual in violation of this Subsection (2) is a
76 separate offense. The defendant may also be charged separately with the commission of any
77 other criminal conduct related to the commission of an offense under this Subsection (2).

78 (3) (a) A person, business, or association may not publicly post or publicly display on
79 the Internet the personal information of any law enforcement officer if that officer has, either
80 directly or through an agent designated under Subsection (3)(c), provided to that person,
81 business, or association a written demand to not disclose the officer's personal information.

82 (b) A written demand made under this Subsection (3) by a law enforcement officer is
83 effective for the four years beginning on the day the demand is delivered, regardless of whether
84 or not the law enforcement officer's employment as an officer has terminated during the four
85 years.

86 (c) A law enforcement officer may designate in writing the officer's employer or a
87 representative of any voluntary professional association of law enforcement officers to act on
88 behalf of the officer and as the officer's agent to make a written demand pursuant to this
89 chapter.

90 (d) (i) A person, business, or association that receives the written demand from a law
91 enforcement officer under Subsection (3)(a) shall remove the officer's personal information
92 from public display on the Internet, including the removal of information provided to cellular
93 telephone applications, within 48 hours of the delivery of the written demand, and shall ensure

94 that the information is not posted again on the same Internet website or any other Internet
95 website the recipient of the written demand maintains or exercises control over.

96 (ii) After receiving the law enforcement officer's written demand, the person, business,
97 or association may not transfer or provide the personal information of the law enforcement
98 officer to any other person, business, or association through any other medium, including
99 electronic, verbal, or written means.

100 (iii) This Subsection (3)(d) does not prohibit a telephone corporation, as defined in
101 Section 54-2-1, or its affiliate, from transferring the law enforcement officer's personal
102 information to any person, business, or association, if the transfer is authorized by federal or
103 state law, regulation, order, or tariff, or is necessary in the event of an emergency, or to collect
104 a debt owed by the officer to the telephone corporation or its affiliate.

105 (4) (a) A law enforcement officer whose personal information is made public as a
106 result of a violation of Subsection (3) may bring an action seeking injunctive or declarative
107 relief in any court of competent jurisdiction.

108 (b) If a court finds that a violation has occurred, it may grant injunctive or declarative
109 relief and shall award the law enforcement officer court costs and reasonable attorney fees.

110 (c) If the defendant fails to comply with an order of the court issued under this
111 Subsection (4), the court may impose a civil penalty of not more than \$1,000 for the
112 defendant's failure to comply with the court's order.

113 (5) (a) A person, business, or association may not solicit, sell, or trade on the Internet
114 the personal information of a law enforcement officer.

115 (b) A law enforcement officer whose personal information is solicited, sold, or traded
116 in violation of Subsection (5)(a) may bring an action in any court of competent jurisdiction. If a
117 jury or court finds that a defendant has committed a violation of Subsection (5)(a), the jury or
118 court shall award damages to the officer in the amount of triple the cost of actual damages or
119 \$4,000, whichever is greater.

120 (c) An interactive computer service or access software is not liable under this
121 Subsection (5).