

1                                   **INFORMATION RELATING TO OLYMPIC**  
2   **SECURITY**

3   2000 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Gary F. Cox**

6 AN ACT RELATING TO THE OLYMPIC WINTER GAMES OF 2002; PROVIDING FOR  
7 NONDISCLOSURE AGREEMENTS TO PROHIBIT PUBLICATION, COMMUNICATION, OR  
8 DISCLOSURE OF CERTAIN SECURITY AND PUBLIC SAFETY INFORMATION  
9 RELATING TO THE OLYMPICS TO UNAUTHORIZED PERSONS.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 ENACTS:

12                   **53-12-401**, Utah Code Annotated 1953

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

14                   Section 1. Section **53-12-401** is enacted to read:

15                                   **Part 4. Nondisclosure of Information Regarding Security and Public Safety**

16                   **53-12-401. Public safety and security nondisclosure agreements -- Attorney general's**  
17 **office responsibilities -- Requirements -- Persons affected -- Penalties for unauthorized**  
18 **disclosure.**

19                   (1) Any person who is involved in or provides security or public safety services for the  
20 Olympics, or who has or will have actual knowledge of security and public safety plans, measures,  
21 or tactics related to the Olympics, shall execute a nondisclosure agreement in which that person  
22 agrees not to publish, communicate, or disclose to any unauthorized person, either orally or in  
23 writing, any public safety or security plan, process, or tactic related to the Olympics.

24                   (2) On or before July 1, 2000, the attorney general's office shall formulate and prepare a  
25 form for the nondisclosure agreement described in Subsection (1). The agreement shall:

26                                   (a) define the public safety and security information that is prohibited from disclosure;

27                                   (b) define "unauthorized" person or persons to whom information may not be disclosed;

28 (c) provide that the criminal penalty for intentional and knowing violation of the terms of  
29 the nondisclosure agreement is a class A misdemeanor, and that the civil penalty is a fine of no  
30 more than \$10,000 for each intentional and knowing disclosure, communication, or publication;  
31 and

32 (d) remain in effect for no less than three years after the conclusion of the Olympic Winter  
33 Games of 2002.

34 (3) Beginning no later than September 1, 2000 and continuing through March 31, 2002,  
35 the Olympic law enforcement commander shall ensure that nondisclosure agreements described  
36 in this section are executed by each person described in Subsection (1) who is:

37 (a) an employee of or a person who contracts with the department, a state agency, or a state  
38 law enforcement agency;

39 (b) an employee of or a person who contracts with a local law enforcement agency or local  
40 public safety agency;

41 (c) affiliated with, contracting with, or employed by the Organizing Committee; and

42 (d) a member of, affiliated with, contracting with, or employed by the State Olympic  
43 Public Safety Command, including the Olympic law enforcement commander.

44 (4) No person who provides, contracts for, or is affiliated with the provision of public  
45 safety or security for the Olympics is exempt from the requirements of this section regarding  
46 execution of a nondisclosure agreement, regardless of the public or private position of that person.

47 (5) The requirements of this section do not apply to a person who has executed a  
48 nondisclosure agreement with the federal government, relating to public safety and security for the  
49 Olympics, that is as restrictive or more restrictive than the nondisclosure agreement required by  
50 this section.

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**Legislative Review Note**

**as of 1-28-00 2:48 PM**

This legislation raises the following constitutional or statutory concerns:

There is a possibility that a person may challenge the restrictions provided by this section as a violation of protected "free speech" under the First Amendment to the United States Constitution. However, since each individual voluntarily signs a contract in which he or she personally agrees not to disclose the defined information, and because of a compelling governmental interest in providing security and public safety for the Olympic games, there is a strong argument that a First Amendment claim would not prevail.

**Office of Legislative Research and General Counsel**