

894 capable of performing but unreasonably failed to undertake.

895 Section 6. Section **63M-7-527** is enacted to read:

896 **63M-7-527. Records -- Requirements for release.**

897 (1) Notwithstanding Title 63G, Chapter 2, Government Records Access and
898 Management Act, a confidential record, a public restitution record, and a nonpublic restitution
899 record may only be disclosed as provided in this section.

900 (2) A confidential record may be provided to:

901 (a) the claimant who is the subject of the record if the record requested does not
902 contain mental health treatment information; or

903 (b) the person who submitted the record to the office.

904 (3) A confidential record may be used in:

905 (a) a criminal investigation or prosecution when the office suspects that a reparations
906 claim may be fraudulent; or

907 (b) a subrogation action brought by the office in accordance with Section 63M-7-519.

908 (4) (a) The office may disclose a public restitution record for the purpose of carrying
909 out this part.

910 (b) The office shall disclose a public restitution record to the Board of Pardons and
911 Parole for a restitution matter.

912 (5) (a) If the office requests restitution in a criminal case, the office ~~H~~→ [may] shall, upon
912a request, ←H provide a

913 nonpublic restitution record to the court, the prosecuting attorney, and counsel for the offender.

914 (b) A person may not:

915 (i) disseminate a nonpublic restitution record obtained under this Subsection (5); or

916 (ii) share a nonpublic restitution record with the offender unless the office and claimant
917 agree, in writing, to the disclosure.

918 (6) Before the office may disclose a restitution record under Subsection (4) or (5), the
919 office shall redact:

920 (a) the name, not including the initials, of a minor or an individual who has been the
921 victim of a sexual assault;

922 (b) the contact information of a claimant or a witness, including a physical address,
923 phone number, or email address;

924 (c) a claimant's date of birth and social security number; and