

**Representative Keven J. Stratton** proposes the following substitute bill:

**JAIL PHOTO AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

Senate Sponsor: Michael S. Kennedy

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to the disclosure of an image taken during the process of booking an individual into jail.

**Highlighted Provisions:**

This bill:

- ▶ permits an alleged victim of a crime, or their representative in certain cases, to view a booking photo of a person who has been charged with a crime in relation to that victim; and
- ▶ modifies relevant provisions in the Government Records Management and Access Act.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-22-30**, as last amended by Laws of Utah 2022, Chapter 415

**63G-2-305**, as last amended by Laws of Utah 2023, Chapters 1, 16, 205, and 329



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

Section 1. Section 17-22-30 is amended to read:

**17-22-30. Prohibition on providing copy of booking photograph -- Statement required -- Criminal liability for false statement -- Remedy for failure to remove or delete.**

(1) As used in this section:

(a) "Booking photograph" means a photograph or image of an individual that is generated:

(i) for identification purposes; and

(ii) when the individual is booked into a county jail.

(b) "Publish-for-pay publication" or "publish-for-pay website" means a publication or website that requires the payment of a fee or other consideration in order to remove or delete a booking photograph from the publication or website.

(2) (a) A sheriff may not provide a copy of a booking photograph in any format to a person requesting a copy of the booking photograph if:

~~[(a)]~~ (i) the booking photograph will be placed in a publish-for-pay publication or posted to a publish-for-pay website; or

~~[(b)]~~ (ii) the booking photograph is a protected record under Subsection [63G-2-305](#)(81).

(b) (i) A sheriff shall display a copy of a booking photograph to a person requesting to view the booking photograph if the person making the request:

(A) (I) is an alleged victim of a crime that resulted in the creation of the booking photograph; and

(II) ~~Ŝ~~→ **subject to Utah Rules of Evidence, Rule 617**, ~~←Ŝ~~ the prosecuting agency with jurisdiction consents; or

(B) if an alleged victim is deceased or incapacitated, is an immediate family member, guardian, or conservator of an alleged victim of the crime that resulted in the creation of the booking photograph.

(ii) A person entitled to view a booking photograph under Subsection (2)(b)(i) is not permitted to:

(A) retain the booking photograph;

57           (B) make a copy, take a picture of, or otherwise reproduce the booking photograph; or  
58           (C) disseminate or distribute the booking photograph.

59           (3) (a) A person who requests a copy of a booking photograph from a sheriff shall, at  
60 the time of making the request, submit a statement signed by the person affirming that the  
61 booking photograph will not be placed in a publish-for-pay publication or posted to a  
62 publish-for-pay website.

63           (b) A person who submits a false statement under Subsection (3)(a) is subject to  
64 criminal liability as provided in Section 76-8-504.

65           (4) (a) Except as provided in Subsection (5), a publish-for-pay publication or a  
66 publish-for-pay website shall remove and destroy a booking photograph of an individual who  
67 submits a request for removal and destruction within 30 calendar days after the day on which  
68 the individual makes the request.

69           (b) A publish-for-pay publication or publish-for-pay website described in Subsection  
70 (4)(a) may not condition removal or destruction of the booking photograph on the payment of a  
71 fee in an amount greater than \$50.

72           (c) If the publish-for-pay publication or publish-for-pay website described in  
73 Subsection (4)(a) does not remove and destroy the booking photograph in accordance with  
74 Subsection (4)(a), the publish-for-pay publication or publish-for-pay website is liable for:

75           (i) all costs, including reasonable attorney fees, resulting from any legal action the  
76 individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay  
77 website to remove and destroy the booking photograph; and

78           (ii) a civil penalty of \$50 per day for each day after the 30-day deadline described in  
79 Subsection (4)(a) on which the booking photograph is visible or publicly accessible in the  
80 publish-for-pay publication or on the publish-for-pay website.

81           (5) (a) A publish-for-pay publication or a publish-for-pay website shall remove and  
82 destroy a booking photograph of an individual who submits a request for removal and  
83 destruction within seven calendar days after the day on which the individual makes the request  
84 if:

85           (i) the booking photograph relates to a criminal charge:

86           (A) on which the individual was acquitted or not prosecuted; or

87           (B) that was expunged, vacated, or pardoned; and

88 (ii) the individual submits, in relation to the request, evidence of a disposition  
89 described in Subsection (5)(a)(i).

90 (b) If the publish-for-pay publication or publish-for-pay website described in  
91 Subsection (5)(a) does not remove and destroy the booking photograph in accordance with  
92 Subsection (5)(a), the publish-for-pay publication or publish-for-pay website is liable for:

93 (i) all costs, including reasonable attorney fees, resulting from any legal action that the  
94 individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay  
95 website to remove and destroy the booking photograph; and

96 (ii) a civil penalty of \$100 per day for each day after the seven-day deadline described  
97 in Subsection (5)(a) on which the booking photograph is visible or publicly accessible in the  
98 publish-for-pay publication or on the publish-for-pay website.

99 (c) An act of a publish-for-pay publication or publish-for-pay website described in  
100 Subsection (5)(a) that seeks to condition removal or destruction of the booking photograph on  
101 the payment of any fee or amount constitutes theft by extortion under Section [76-6-406](#).

102 Section 2. Section **63G-2-305** is amended to read:

103 **63G-2-305. Protected records.**

104 The following records are protected if properly classified by a governmental entity:

105 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret  
106 has provided the governmental entity with the information specified in Section [63G-2-309](#);

107 (2) commercial information or nonindividual financial information obtained from a  
108 person if:

109 (a) disclosure of the information could reasonably be expected to result in unfair  
110 competitive injury to the person submitting the information or would impair the ability of the  
111 governmental entity to obtain necessary information in the future;

112 (b) the person submitting the information has a greater interest in prohibiting access  
113 than the public in obtaining access; and

114 (c) the person submitting the information has provided the governmental entity with  
115 the information specified in Section [63G-2-309](#);

116 (3) commercial or financial information acquired or prepared by a governmental entity  
117 to the extent that disclosure would lead to financial speculations in currencies, securities, or  
118 commodities that will interfere with a planned transaction by the governmental entity or cause

119 substantial financial injury to the governmental entity or state economy;

120 (4) records, the disclosure of which could cause commercial injury to, or confer a  
121 competitive advantage upon a potential or actual competitor of, a commercial project entity as  
122 defined in Subsection 11-13-103(4);

123 (5) test questions and answers to be used in future license, certification, registration,  
124 employment, or academic examinations;

125 (6) records, the disclosure of which would impair governmental procurement  
126 proceedings or give an unfair advantage to any person proposing to enter into a contract or  
127 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this  
128 Subsection (6) does not restrict the right of a person to have access to, after the contract or  
129 grant has been awarded and signed by all parties:

130 (a) a bid, proposal, application, or other information submitted to or by a governmental  
131 entity in response to:

132 (i) an invitation for bids;

133 (ii) a request for proposals;

134 (iii) a request for quotes;

135 (iv) a grant; or

136 (v) other similar document; or

137 (b) an unsolicited proposal, as defined in Section 63G-6a-712;

138 (7) information submitted to or by a governmental entity in response to a request for  
139 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict  
140 the right of a person to have access to the information, after:

141 (a) a contract directly relating to the subject of the request for information has been  
142 awarded and signed by all parties; or

143 (b) (i) a final determination is made not to enter into a contract that relates to the  
144 subject of the request for information; and

145 (ii) at least two years have passed after the day on which the request for information is  
146 issued;

147 (8) records that would identify real property or the appraisal or estimated value of real  
148 or personal property, including intellectual property, under consideration for public acquisition  
149 before any rights to the property are acquired unless:

150 (a) public interest in obtaining access to the information is greater than or equal to the  
151 governmental entity's need to acquire the property on the best terms possible;

152 (b) the information has already been disclosed to persons not employed by or under a  
153 duty of confidentiality to the entity;

154 (c) in the case of records that would identify property, potential sellers of the described  
155 property have already learned of the governmental entity's plans to acquire the property;

156 (d) in the case of records that would identify the appraisal or estimated value of  
157 property, the potential sellers have already learned of the governmental entity's estimated value  
158 of the property; or

159 (e) the property under consideration for public acquisition is a single family residence  
160 and the governmental entity seeking to acquire the property has initiated negotiations to acquire  
161 the property as required under Section [78B-6-505](#);

162 (9) records prepared in contemplation of sale, exchange, lease, rental, or other  
163 compensated transaction of real or personal property including intellectual property, which, if  
164 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value  
165 of the subject property, unless:

166 (a) the public interest in access is greater than or equal to the interests in restricting  
167 access, including the governmental entity's interest in maximizing the financial benefit of the  
168 transaction; or

169 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of  
170 the value of the subject property have already been disclosed to persons not employed by or  
171 under a duty of confidentiality to the entity;

172 (10) records created or maintained for civil, criminal, or administrative enforcement  
173 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if  
174 release of the records:

175 (a) reasonably could be expected to interfere with investigations undertaken for  
176 enforcement, discipline, licensing, certification, or registration purposes;

177 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement  
178 proceedings;

179 (c) would create a danger of depriving a person of a right to a fair trial or impartial  
180 hearing;

181 (d) reasonably could be expected to disclose the identity of a source who is not  
182 generally known outside of government and, in the case of a record compiled in the course of  
183 an investigation, disclose information furnished by a source not generally known outside of  
184 government if disclosure would compromise the source; or

185 (e) reasonably could be expected to disclose investigative or audit techniques,  
186 procedures, policies, or orders not generally known outside of government if disclosure would  
187 interfere with enforcement or audit efforts;

188 (11) records the disclosure of which would jeopardize the life or safety of an  
189 individual;

190 (12) records the disclosure of which would jeopardize the security of governmental  
191 property, governmental programs, or governmental recordkeeping systems from damage, theft,  
192 or other appropriation or use contrary to law or public policy;

193 (13) records that, if disclosed, would jeopardize the security or safety of a correctional  
194 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere  
195 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

196 (14) records that, if disclosed, would reveal recommendations made to the Board of  
197 Pardons and Parole by an employee of or contractor for the Department of Corrections, the  
198 Board of Pardons and Parole, or the Department of Health and Human Services that are based  
199 on the employee's or contractor's supervision, diagnosis, or treatment of any person within the  
200 board's jurisdiction;

201 (15) records and audit workpapers that identify audit, collection, and operational  
202 procedures and methods used by the State Tax Commission, if disclosure would interfere with  
203 audits or collections;

204 (16) records of a governmental audit agency relating to an ongoing or planned audit  
205 until the final audit is released;

206 (17) records that are subject to the attorney client privilege;

207 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,  
208 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,  
209 quasi-judicial, or administrative proceeding;

210 (19) (a) (i) personal files of a state legislator, including personal correspondence to or  
211 from a member of the Legislature; and

212 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of  
213 legislative action or policy may not be classified as protected under this section; and  
214 (b) (i) an internal communication that is part of the deliberative process in connection  
215 with the preparation of legislation between:  
216 (A) members of a legislative body;  
217 (B) a member of a legislative body and a member of the legislative body's staff; or  
218 (C) members of a legislative body's staff; and  
219 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of  
220 legislative action or policy may not be classified as protected under this section;  
221 (20) (a) records in the custody or control of the Office of Legislative Research and  
222 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated  
223 legislation or contemplated course of action before the legislator has elected to support the  
224 legislation or course of action, or made the legislation or course of action public; and  
225 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the  
226 Office of Legislative Research and General Counsel is a public document unless a legislator  
227 asks that the records requesting the legislation be maintained as protected records until such  
228 time as the legislator elects to make the legislation or course of action public;  
229 (21) research requests from legislators to the Office of Legislative Research and  
230 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared  
231 in response to these requests;  
232 (22) drafts, unless otherwise classified as public;  
233 (23) records concerning a governmental entity's strategy about:  
234 (a) collective bargaining; or  
235 (b) imminent or pending litigation;  
236 (24) records of investigations of loss occurrences and analyses of loss occurrences that  
237 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the  
238 Uninsured Employers' Fund, or similar divisions in other governmental entities;  
239 (25) records, other than personnel evaluations, that contain a personal recommendation  
240 concerning an individual if disclosure would constitute a clearly unwarranted invasion of  
241 personal privacy, or disclosure is not in the public interest;  
242 (26) records that reveal the location of historic, prehistoric, paleontological, or



243 biological resources that if known would jeopardize the security of those resources or of  
244 valuable historic, scientific, educational, or cultural information;

245 (27) records of independent state agencies if the disclosure of the records would  
246 conflict with the fiduciary obligations of the agency;

247 (28) records of an institution within the state system of higher education defined in  
248 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,  
249 retention decisions, and promotions, which could be properly discussed in a meeting closed in  
250 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of  
251 the final decisions about tenure, appointments, retention, promotions, or those students  
252 admitted, may not be classified as protected under this section;

253 (29) records of the governor's office, including budget recommendations, legislative  
254 proposals, and policy statements, that if disclosed would reveal the governor's contemplated  
255 policies or contemplated courses of action before the governor has implemented or rejected  
256 those policies or courses of action or made them public;

257 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,  
258 revenue estimates, and fiscal notes of proposed legislation before issuance of the final  
259 recommendations in these areas;

260 (31) records provided by the United States or by a government entity outside the state  
261 that are given to the governmental entity with a requirement that they be managed as protected  
262 records if the providing entity certifies that the record would not be subject to public disclosure  
263 if retained by it;

264 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a  
265 public body except as provided in Section [52-4-206](#);

266 (33) records that would reveal the contents of settlement negotiations but not including  
267 final settlements or empirical data to the extent that they are not otherwise exempt from  
268 disclosure;

269 (34) memoranda prepared by staff and used in the decision-making process by an  
270 administrative law judge, a member of the Board of Pardons and Parole, or a member of any  
271 other body charged by law with performing a quasi-judicial function;

272 (35) records that would reveal negotiations regarding assistance or incentives offered  
273 by or requested from a governmental entity for the purpose of encouraging a person to expand

274 or locate a business in Utah, but only if disclosure would result in actual economic harm to the  
275 person or place the governmental entity at a competitive disadvantage, but this section may not  
276 be used to restrict access to a record evidencing a final contract;

277 (36) materials to which access must be limited for purposes of securing or maintaining  
278 the governmental entity's proprietary protection of intellectual property rights including patents,  
279 copyrights, and trade secrets;

280 (37) the name of a donor or a prospective donor to a governmental entity, including an  
281 institution within the state system of higher education defined in Section 53B-1-102, and other  
282 information concerning the donation that could reasonably be expected to reveal the identity of  
283 the donor, provided that:

284 (a) the donor requests anonymity in writing;

285 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be  
286 classified protected by the governmental entity under this Subsection (37); and

287 (c) except for an institution within the state system of higher education defined in  
288 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged  
289 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority  
290 over the donor, a member of the donor's immediate family, or any entity owned or controlled  
291 by the donor or the donor's immediate family;

292 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
293 73-18-13;

294 (39) a notification of workers' compensation insurance coverage described in Section  
295 34A-2-205;

296 (40) (a) the following records of an institution within the state system of higher  
297 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,  
298 or received by or on behalf of faculty, staff, employees, or students of the institution:

299 (i) unpublished lecture notes;

300 (ii) unpublished notes, data, and information:

301 (A) relating to research; and

302 (B) of:

303 (I) the institution within the state system of higher education defined in Section  
304 53B-1-102; or

305 (II) a sponsor of sponsored research;  
306 (iii) unpublished manuscripts;  
307 (iv) creative works in process;  
308 (v) scholarly correspondence; and  
309 (vi) confidential information contained in research proposals;  
310 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public  
311 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and  
312 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;  
313 (41) (a) records in the custody or control of the Office of the Legislative Auditor  
314 General that would reveal the name of a particular legislator who requests a legislative audit  
315 prior to the date that audit is completed and made public; and  
316 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
317 Office of the Legislative Auditor General is a public document unless the legislator asks that  
318 the records in the custody or control of the Office of the Legislative Auditor General that would  
319 reveal the name of a particular legislator who requests a legislative audit be maintained as  
320 protected records until the audit is completed and made public;  
321 (42) records that provide detail as to the location of an explosive, including a map or  
322 other document that indicates the location of:  
323 (a) a production facility; or  
324 (b) a magazine;  
325 (43) information contained in the statewide database of the Division of Aging and  
326 Adult Services created by Section 26B-6-210;  
327 (44) information contained in the Licensing Information System described in Title 80,  
328 Chapter 2, Child Welfare Services;  
329 (45) information regarding National Guard operations or activities in support of the  
330 National Guard's federal mission;  
331 (46) records provided by any pawn or secondhand business to a law enforcement  
332 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,  
333 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;  
334 (47) information regarding food security, risk, and vulnerability assessments performed  
335 by the Department of Agriculture and Food;

336 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
337 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or  
338 prepared or maintained by the Division of Emergency Management, and the disclosure of  
339 which would jeopardize:

340 (a) the safety of the general public; or

341 (b) the security of:

342 (i) governmental property;

343 (ii) governmental programs; or

344 (iii) the property of a private person who provides the Division of Emergency  
345 Management information;

346 (49) records of the Department of Agriculture and Food that provides for the  
347 identification, tracing, or control of livestock diseases, including any program established under  
348 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
349 of Animal Disease;

350 (50) as provided in Section 26B-2-408:

351 (a) information or records held by the Department of Health and Human Services  
352 related to a complaint regarding a child care program or residential child care which the  
353 department is unable to substantiate; and

354 (b) information or records related to a complaint received by the Department of Health  
355 and Human Services from an anonymous complainant regarding a child care program or  
356 residential child care;

357 (51) unless otherwise classified as public under Section 63G-2-301 and except as  
358 provided under Section 41-1a-116, an individual's home address, home telephone number, or  
359 personal mobile phone number, if:

360 (a) the individual is required to provide the information in order to comply with a law,  
361 ordinance, rule, or order of a government entity; and

362 (b) the subject of the record has a reasonable expectation that this information will be  
363 kept confidential due to:

364 (i) the nature of the law, ordinance, rule, or order; and

365 (ii) the individual complying with the law, ordinance, rule, or order;

366 (52) the portion of the following documents that contains a candidate's residential or

367 mailing address, if the candidate provides to the filing officer another address or phone number  
368 where the candidate may be contacted:

369 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
370 described in Section [20A-9-201](#), [20A-9-202](#), [20A-9-203](#), [20A-9-404](#), [20A-9-405](#), [20A-9-408](#),  
371 [20A-9-408.5](#), [20A-9-502](#), or [20A-9-601](#);

372 (b) an affidavit of impecuniosity, described in Section [20A-9-201](#); or

373 (c) a notice of intent to gather signatures for candidacy, described in Section  
374 [20A-9-408](#);

375 (53) the name, home address, work addresses, and telephone numbers of an individual  
376 that is engaged in, or that provides goods or services for, medical or scientific research that is:

377 (a) conducted within the state system of higher education, as defined in Section  
378 [53B-1-102](#); and

379 (b) conducted using animals;

380 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance  
381 Evaluation Commission concerning an individual commissioner's vote, in relation to whether a  
382 judge meets or exceeds minimum performance standards under Subsection [78A-12-203](#)(4), and  
383 information disclosed under Subsection [78A-12-203](#)(5)(e);

384 (55) information collected and a report prepared by the Judicial Performance  
385 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter  
386 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,  
387 the information or report;

388 (56) records provided or received by the Public Lands Policy Coordinating Office in  
389 furtherance of any contract or other agreement made in accordance with Section [63L-11-202](#);

390 (57) information requested by and provided to the 911 Division under Section  
391 [63H-7a-302](#);

392 (58) in accordance with Section [73-10-33](#):

393 (a) a management plan for a water conveyance facility in the possession of the Division  
394 of Water Resources or the Board of Water Resources; or

395 (b) an outline of an emergency response plan in possession of the state or a county or  
396 municipality;

397 (59) the following records in the custody or control of the Office of Inspector General

398 of Medicaid Services, created in Section [63A-13-201](#):

399 (a) records that would disclose information relating to allegations of personal  
400 misconduct, gross mismanagement, or illegal activity of a person if the information or  
401 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services  
402 through other documents or evidence, and the records relating to the allegation are not relied  
403 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation  
404 report or final audit report;

405 (b) records and audit workpapers to the extent they would disclose the identity of a  
406 person who, during the course of an investigation or audit, communicated the existence of any  
407 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or  
408 regulation adopted under the laws of this state, a political subdivision of the state, or any  
409 recognized entity of the United States, if the information was disclosed on the condition that  
410 the identity of the person be protected;

411 (c) before the time that an investigation or audit is completed and the final  
412 investigation or final audit report is released, records or drafts circulated to a person who is not  
413 an employee or head of a governmental entity for the person's response or information;

414 (d) records that would disclose an outline or part of any investigation, audit survey  
415 plan, or audit program; or

416 (e) requests for an investigation or audit, if disclosure would risk circumvention of an  
417 investigation or audit;

418 (60) records that reveal methods used by the Office of Inspector General of Medicaid  
419 Services, the fraud unit, or the Department of Health and Human Services, to discover  
420 Medicaid fraud, waste, or abuse;

421 (61) information provided to the Department of Health and Human Services or the  
422 Division of Professional Licensing under Subsections [58-67-304](#)(3) and (4) and Subsections  
423 [58-68-304](#)(3) and (4);

424 (62) a record described in Section [63G-12-210](#);

425 (63) captured plate data that is obtained through an automatic license plate reader  
426 system used by a governmental entity as authorized in Section [41-6a-2003](#);

427 (64) any record in the custody of the Utah Office for Victims of Crime relating to a  
428 victim, including:

429 (a) a victim's application or request for benefits;  
430 (b) a victim's receipt or denial of benefits; and  
431 (c) any administrative notes or records made or created for the purpose of, or used to,  
432 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim  
433 Reparations Fund;

434 (65) an audio or video recording created by a body-worn camera, as that term is  
435 defined in Section 77-7a-103, that records sound or images inside a hospital or health care  
436 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care  
437 provider, as that term is defined in Section 78B-3-403, or inside a human service program as  
438 that term is defined in Section 26B-2-101, except for recordings that:

439 (a) depict the commission of an alleged crime;  
440 (b) record any encounter between a law enforcement officer and a person that results in  
441 death or bodily injury, or includes an instance when an officer fires a weapon;

442 (c) record any encounter that is the subject of a complaint or a legal proceeding against  
443 a law enforcement officer or law enforcement agency;

444 (d) contain an officer involved critical incident as defined in Subsection  
445 76-2-408(1)(f); or

446 (e) have been requested for reclassification as a public record by a subject or  
447 authorized agent of a subject featured in the recording;

448 (66) a record pertaining to the search process for a president of an institution of higher  
449 education described in Section 53B-2-102, except for application materials for a publicly  
450 announced finalist;

451 (67) an audio recording that is:

452 (a) produced by an audio recording device that is used in conjunction with a device or  
453 piece of equipment designed or intended for resuscitating an individual or for treating an  
454 individual with a life-threatening condition;

455 (b) produced during an emergency event when an individual employed to provide law  
456 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

457 (i) is responding to an individual needing resuscitation or with a life-threatening  
458 condition; and

459 (ii) uses a device or piece of equipment designed or intended for resuscitating an

460 individual or for treating an individual with a life-threatening condition; and

461 (c) intended and used for purposes of training emergency responders how to improve  
462 their response to an emergency situation;

463 (68) records submitted by or prepared in relation to an applicant seeking a  
464 recommendation by the Research and General Counsel Subcommittee, the Budget  
465 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an  
466 employment position with the Legislature;

467 (69) work papers as defined in Section 31A-2-204;

468 (70) a record made available to Adult Protective Services or a law enforcement agency  
469 under Section 61-1-206;

470 (71) a record submitted to the Insurance Department in accordance with Section  
471 31A-37-201;

472 (72) a record described in Section 31A-37-503;

473 (73) any record created by the Division of Professional Licensing as a result of  
474 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

475 (74) a record described in Section 72-16-306 that relates to the reporting of an injury  
476 involving an amusement ride;

477 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual  
478 on a political petition, or on a request to withdraw a signature from a political petition,  
479 including a petition or request described in the following titles:

480 (a) Title 10, Utah Municipal Code;

481 (b) Title 17, Counties;

482 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;

483 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

484 (e) Title 20A, Election Code;

485 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in  
486 a voter registration record;

487 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a  
488 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a  
489 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

490 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part



491 5, Victims Guidelines for Prosecutors Act;

492 (79) a record submitted to the Insurance Department under Section [31A-48-103](#);

493 (80) personal information, as defined in Section [63G-26-102](#), to the extent disclosure is  
494 prohibited under Section [63G-26-103](#);

495 (81) an image taken of an individual during the process of booking the individual into  
496 jail, unless:

497 (a) the individual is convicted of a criminal offense based upon the conduct for which  
498 the individual was incarcerated at the time the image was taken;

499 (b) a law enforcement agency releases or disseminates the image:

500 (i) after determining that the individual is a fugitive or an imminent threat to an  
501 individual or to public safety and releasing or disseminating the image will assist in  
502 apprehending the individual or reducing or eliminating the threat; or

503 (ii) to a potential witness or other individual with direct knowledge of events relevant  
504 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an  
505 individual in connection with the criminal investigation or criminal proceeding; [or]

506 (c) a judge orders the release or dissemination of the image based on a finding that the  
507 release or dissemination is in furtherance of a legitimate law enforcement interest; or

508 (d) the image is displayed to a person who is permitted to view the image under  
509 Section [17-22-30](#).

510 (82) a record:

511 (a) concerning an interstate claim to the use of waters in the Colorado River system;

512 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
513 representative from another state or the federal government as provided in Section

514 [63M-14-205](#); and

515 (c) the disclosure of which would:

516 (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
517 Colorado River system;

518 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to  
519 negotiate the best terms and conditions regarding the use of water in the Colorado River  
520 system; or

521 (iii) give an advantage to another state or to the federal government in negotiations

522 regarding the use of water in the Colorado River system;

523 (83) any part of an application described in Section 63N-16-201 that the Governor's  
524 Office of Economic Opportunity determines is nonpublic, confidential information that if  
525 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may  
526 not be used to restrict access to a record evidencing a final contract or approval decision;

527 (84) the following records of a drinking water or wastewater facility:

528 (a) an engineering or architectural drawing of the drinking water or wastewater facility;  
529 and

530 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the  
531 drinking water or wastewater facility uses to secure, or prohibit access to, the records described  
532 in Subsection (84)(a);

533 (85) a statement that an employee of a governmental entity provides to the  
534 governmental entity as part of the governmental entity's personnel or administrative  
535 investigation into potential misconduct involving the employee if the governmental entity:

536 (a) requires the statement under threat of employment disciplinary action, including  
537 possible termination of employment, for the employee's refusal to provide the statement; and

538 (b) provides the employee assurance that the statement cannot be used against the  
539 employee in any criminal proceeding;

540 (86) any part of an application for a Utah Fits All Scholarship account described in  
541 Section 53F-6-402 or other information identifying a scholarship student as defined in Section  
542 53F-6-401; and

543 (87) a record:

544 (a) concerning a claim to the use of waters in the Great Salt Lake;

545 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
546 person concerning the claim, including a representative from another state or the federal  
547 government; and

548 (c) the disclosure of which would:

549 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great  
550 Salt Lake;

551 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms  
552 and conditions regarding the use of water in the Great Salt Lake; or

553 (iii) give an advantage to another person including another state or to the federal  
554 government in negotiations regarding the use of water in the Great Salt Lake.

555 Section 3. **Effective date.**

556 This bill takes effect on May 1, 2024.