

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

CRIME VICTIM RECORDS AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Ken Ivory
Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill places restrictions on certain records relating to crime victims.

Highlighted Provisions:

This bill:

- defines terms;
- provides that certain records relating to the payment of reparations by the Utah Office for Victims of Crime are not public records;
- allows for the release of certain records relating to the payment of reparations by the Utah Office for Victims of Crime under certain circumstances; and
- makes technical and conforming changes.

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
- 52-4-205**, as last amended by Laws of Utah 2023, Chapters 263, 328, 374, and 521
- 63G-2-305**, as last amended by Laws of Utah 2023, Chapters 1, 16, 205, and 329
- 63G-2-305.5**, as last amended by Laws of Utah 2021, Chapter 231
- 63M-7-502**, as last amended by Laws of Utah 2022, Chapters 148, 185 and 430
- 63M-14-205**, as enacted by Laws of Utah 2021, Chapter 179
- 63N-16-201**, as last amended by Laws of Utah 2022, Chapter 332

ENACTS:

28 63M-7-527, Utah Code Annotated 1953

29

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

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

32 **17-22-30 . Prohibition on providing copy of booking photograph -- Statement**
33 **required -- Criminal liability for false statement -- Remedy for failure to remove or**
34 **delete.**

35 (1) As used in this section:

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

38 (i) for identification purposes; and

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

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

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

45 (a) the booking photograph will be placed in a publish-for-pay publication or posted to a
46 publish-for-pay website; or

47 (b) the booking photograph is a protected record under Subsection 63G-2-305[~~(81)~~] (80).

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

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

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

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

61 (c) If the publish-for-pay publication or publish-for-pay website described in Subsection

62 (4)(a) does not remove and destroy the booking photograph in accordance with
63 Subsection (4)(a), the publish-for-pay publication or publish-for-pay website is liable
64 for:

- 65 (i) all costs, including reasonable attorney fees, resulting from any legal action the
66 individual brings in relation to the failure of the publish-for-pay publication or
67 publish-for-pay website to remove and destroy the booking photograph; and
68 (ii) a civil penalty of \$50 per day for each day after the 30-day deadline described in
69 Subsection (4)(a) on which the booking photograph is visible or publicly
70 accessible in the publish-for-pay publication or on the publish-for-pay website.

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

- 75 (i) the booking photograph relates to a criminal charge:
76 (A) on which the individual was acquitted or not prosecuted; or
77 (B) that was expunged, vacated, or pardoned; and
78 (ii) the individual submits, in relation to the request, evidence of a disposition
79 described in Subsection (5)(a)(i).

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

- 84 (i) all costs, including reasonable attorney fees, resulting from any legal action that
85 the individual brings in relation to the failure of the publish-for-pay publication or
86 publish-for-pay website to remove and destroy the booking photograph; and
87 (ii) a civil penalty of \$100 per day for each day after the seven-day deadline
88 described in Subsection (5)(a) on which the booking photograph is visible or
89 publicly accessible in the publish-for-pay publication or on the publish-for-pay
90 website.

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

95 Section 2. Section **52-4-205** is amended to read:

- 96 **52-4-205 . Purposes of closed meetings -- Certain issues prohibited in closed**
97 **meetings.**
- 98 (1) A closed meeting described under Section 52-4-204 may only be held for:
- 99 (a) except as provided in Subsection (3), discussion of the character, professional
100 competence, or physical or mental health of an individual;
- 101 (b) strategy sessions to discuss collective bargaining;
- 102 (c) strategy sessions to discuss pending or reasonably imminent litigation;
- 103 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,
104 including any form of a water right or water shares, or to discuss a proposed
105 development agreement, project proposal, or financing proposal related to the
106 development of land owned by the state, if public discussion would:
- 107 (i) disclose the appraisal or estimated value of the property under consideration; or
108 (ii) prevent the public body from completing the transaction on the best possible
109 terms;
- 110 (e) strategy sessions to discuss the sale of real property, including any form of a water
111 right or water shares, if:
- 112 (i) public discussion of the transaction would:
- 113 (A) disclose the appraisal or estimated value of the property under consideration;
114 or
115 (B) prevent the public body from completing the transaction on the best possible
116 terms;
- 117 (ii) the public body previously gave public notice that the property would be offered
118 for sale; and
- 119 (iii) the terms of the sale are publicly disclosed before the public body approves the
120 sale;
- 121 (f) discussion regarding deployment of security personnel, devices, or systems;
- 122 (g) investigative proceedings regarding allegations of criminal misconduct;
- 123 (h) as relates to the Independent Legislative Ethics Commission, conducting business
124 relating to the receipt or review of ethics complaints;
- 125 (i) as relates to an ethics committee of the Legislature, a purpose permitted under
126 Subsection 52-4-204(1)(a)(iii)(C);
- 127 (j) as relates to the Independent Executive Branch Ethics Commission created in Section
128 63A-14-202, conducting business relating to an ethics complaint;
- 129 (k) as relates to a county legislative body, discussing commercial information as defined

- 130 in Section 59-1-404;
- 131 (l) as relates to the Utah Higher Education Savings Board of Trustees and its appointed
132 board of directors, discussing fiduciary or commercial information;
- 133 (m) deliberations, not including any information gathering activities, of a public body
134 acting in the capacity of:
- 135 (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code,
136 during the process of evaluating responses to a solicitation, as defined in Section
137 63G-6a-103;
- 138 (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a
139 decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or
- 140 (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement
141 Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part
142 17, Procurement Appeals Board;
- 143 (n) the purpose of considering information that is designated as a trade secret, as defined
144 in Section 13-24-2, if the public body's consideration of the information is necessary
145 to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement
146 Code;
- 147 (o) the purpose of discussing information provided to the public body during the
148 procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the
149 time of the meeting:
- 150 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be
151 disclosed to a member of the public or to a participant in the procurement process;
152 and
- 153 (ii) the public body needs to review or discuss the information to properly fulfill its
154 role and responsibilities in the procurement process;
- 155 (p) as relates to the governing board of a governmental nonprofit corporation, as that
156 term is defined in Section 11-13a-102, the purpose of discussing information that is
157 designated as a trade secret, as that term is defined in Section 13-24-2, if:
- 158 (i) public knowledge of the discussion would reasonably be expected to result in
159 injury to the owner of the trade secret; and
- 160 (ii) discussion of the information is necessary for the governing board to properly
161 discharge the board's duties and conduct the board's business;
- 162 (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board, to
163 review confidential information regarding violations and security requirements in

- 164 relation to the operation of cannabis production establishments;
- 165 (r) considering a loan application, if public discussion of the loan application would
166 disclose:
- 167 (i) nonpublic personal financial information; or
- 168 (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business
169 financial information the disclosure of which would reasonably be expected to
170 result in unfair competitive injury to the person submitting the information;
- 171 (s) a discussion of the board of the Point of the Mountain State Land Authority, created
172 in Section 11-59-201, regarding a potential tenant of point of the mountain state land,
173 as defined in Section 11-59-102; or
- 174 (t) a purpose for which a meeting is required to be closed under Subsection (2).
- 175 (2) The following meetings shall be closed:
- 176 (a) a meeting of the Health and Human Services Interim Committee to review a report
177 described in Subsection 26B-1-506(1)(a), and the responses to the report described in
178 Subsections 26B-1-506(2) and (4);
- 179 (b) a meeting of the Child Welfare Legislative Oversight Panel to:
- 180 (i) review a report described in Subsection 26B-1-506(1)(a), and the responses to the
181 report described in Subsections 26B-1-506(2) and (4); or
- 182 (ii) review and discuss an individual case, as described in Subsection 36-33-103(2);
- 183 (c) a meeting of the Opioid and Overdose Fatality Review Committee, created in Section
184 26B-1-403, to review and discuss an individual case, as described in Subsection
185 26B-1-403(10);
- 186 (d) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose
187 of advising the Natural Resource Conservation Service of the United States
188 Department of Agriculture on a farm improvement project if the discussed
189 information is protected information under federal law;
- 190 (e) a meeting of the Compassionate Use Board established in Section 26B-1-421 for the
191 purpose of reviewing petitions for a medical cannabis card in accordance with
192 Section 26B-1-421;
- 193 (f) a meeting of the Colorado River Authority of Utah if:
- 194 (i) the purpose of the meeting is to discuss an interstate claim to the use of the water
195 in the Colorado River system; and
- 196 (ii) failing to close the meeting would:
- 197 (A) reveal the contents of a record classified as protected under Subsection [

- 198 ~~63G-2-305(82)]~~ 63G-2-305(81);
- 199 (B) reveal a legal strategy relating to the state's claim to the use of the water in the
200 Colorado River system;
- 201 (C) harm the ability of the Colorado River Authority of Utah or river
202 commissioner to negotiate the best terms and conditions regarding the use of
203 water in the Colorado River system; or
- 204 (D) give an advantage to another state or to the federal government in negotiations
205 regarding the use of water in the Colorado River system;
- 206 (g) a meeting of the General Regulatory Sandbox Program Advisory Committee if:
- 207 (i) the purpose of the meeting is to discuss an application for participation in the
208 regulatory sandbox as defined in Section 63N-16-102; and
- 209 (ii) failing to close the meeting would reveal the contents of a record classified as
210 protected under Subsection [~~63G-2-305(83)]~~ 63G-2-305(82);
- 211 (h) a meeting of a project entity if:
- 212 (i) the purpose of the meeting is to conduct a strategy session to discuss market
213 conditions relevant to a business decision regarding the value of a project entity
214 asset if the terms of the business decision are publicly disclosed before the
215 decision is finalized and a public discussion would:
- 216 (A) disclose the appraisal or estimated value of the project entity asset under
217 consideration; or
- 218 (B) prevent the project entity from completing on the best possible terms a
219 contemplated transaction concerning the project entity asset;
- 220 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could
221 cause commercial injury to, or confer a competitive advantage upon a potential or
222 actual competitor of, the project entity;
- 223 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of
224 which could cause commercial injury to, or confer a competitive advantage upon a
225 potential or actual competitor of, the project entity; or
- 226 (iv) failing to close the meeting would prevent the project entity from getting the best
227 price on the market; and
- 228 (i) a meeting of the School Activity Eligibility Commission, described in Section
229 53G-6-1003, if the commission is in effect in accordance with Section 53G-6-1002,
230 to consider, discuss, or determine, in accordance with Section 53G-6-1004, an
231 individual student's eligibility to participate in an interscholastic activity, as that term

232 is defined in Section 53G-6-1001, including the commission's determinative vote on
233 the student's eligibility.

234 (3) In a closed meeting, a public body may not:

235 (a) interview a person applying to fill an elected position;

236 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A,
237 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in
238 Elected Office; or

239 (c) discuss the character, professional competence, or physical or mental health of the
240 person whose name was submitted for consideration to fill a midterm vacancy or
241 temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and
242 Vacancy and Temporary Absence in Elected Office.

243 Section 3. Section **63G-2-305** is amended to read:

244 **63G-2-305 . Protected records.**

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

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

248 (2) commercial information or nonindividual financial information obtained from a person
249 if:

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

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

255 (c) the person submitting the information has provided the governmental entity with the
256 information specified in Section 63G-2-309;

257 (3) commercial or financial information acquired or prepared by a governmental entity to
258 the extent that disclosure would lead to financial speculations in currencies, securities, or
259 commodities that will interfere with a planned transaction by the governmental entity or
260 cause substantial financial injury to the governmental entity or state economy;

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

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

- 266 (6) records, the disclosure of which would impair governmental procurement proceedings
267 or give an unfair advantage to any person proposing to enter into a contract or agreement
268 with a governmental entity, except, subject to Subsections (1) and (2), that this
269 Subsection (6) does not restrict the right of a person to have access to, after the contract
270 or grant has been awarded and signed by all parties:
- 271 (a) a bid, proposal, application, or other information submitted to or by a governmental
272 entity in response to:
 - 273 (i) an invitation for bids;
 - 274 (ii) a request for proposals;
 - 275 (iii) a request for quotes;
 - 276 (iv) a grant; or
 - 277 (v) other similar document; or
 - 278 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 279 (7) information submitted to or by a governmental entity in response to a request for
280 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not
281 restrict the right of a person to have access to the information, after:
- 282 (a) a contract directly relating to the subject of the request for information has been
283 awarded and signed by all parties; or
 - 284 (b) (i) a final determination is made not to enter into a contract that relates to the
285 subject of the request for information; and
 - 286 (ii) at least two years have passed after the day on which the request for information
287 is issued;
- 288 (8) records that would identify real property or the appraisal or estimated value of real or
289 personal property, including intellectual property, under consideration for public
290 acquisition before any rights to the property are acquired unless:
- 291 (a) public interest in obtaining access to the information is greater than or equal to the
292 governmental entity's need to acquire the property on the best terms possible;
 - 293 (b) the information has already been disclosed to persons not employed by or under a
294 duty of confidentiality to the entity;
 - 295 (c) in the case of records that would identify property, potential sellers of the described
296 property have already learned of the governmental entity's plans to acquire the
297 property;
 - 298 (d) in the case of records that would identify the appraisal or estimated value of
299 property, the potential sellers have already learned of the governmental entity's

- 300 estimated value of the property; or
- 301 (e) the property under consideration for public acquisition is a single family residence
302 and the governmental entity seeking to acquire the property has initiated negotiations
303 to acquire the property as required under Section 78B-6-505;
- 304 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated
305 transaction of real or personal property including intellectual property, which, if
306 disclosed prior to completion of the transaction, would reveal the appraisal or estimated
307 value of the subject property, unless:
- 308 (a) the public interest in access is greater than or equal to the interests in restricting
309 access, including the governmental entity's interest in maximizing the financial
310 benefit of the transaction; or
- 311 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
312 the value of the subject property have already been disclosed to persons not
313 employed by or under a duty of confidentiality to the entity;
- 314 (10) records created or maintained for civil, criminal, or administrative enforcement
315 purposes or audit purposes, or for discipline, licensing, certification, or registration
316 purposes, if release of the records:
- 317 (a) reasonably could be expected to interfere with investigations undertaken for
318 enforcement, discipline, licensing, certification, or registration purposes;
- 319 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
320 proceedings;
- 321 (c) would create a danger of depriving a person of a right to a fair trial or impartial
322 hearing;
- 323 (d) reasonably could be expected to disclose the identity of a source who is not generally
324 known outside of government and, in the case of a record compiled in the course of
325 an investigation, disclose information furnished by a source not generally known
326 outside of government if disclosure would compromise the source; or
- 327 (e) reasonably could be expected to disclose investigative or audit techniques,
328 procedures, policies, or orders not generally known outside of government if
329 disclosure would interfere with enforcement or audit efforts;
- 330 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 331 (12) records the disclosure of which would jeopardize the security of governmental
332 property, governmental programs, or governmental recordkeeping systems from
333 damage, theft, or other appropriation or use contrary to law or public policy;

- 334 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
335 facility, or records relating to incarceration, treatment, probation, or parole, that would
336 interfere with the control and supervision of an offender's incarceration, treatment,
337 probation, or parole;
- 338 (14) records that, if disclosed, would reveal recommendations made to the Board of
339 Pardons and Parole by an employee of or contractor for the Department of Corrections,
340 the Board of Pardons and Parole, or the Department of Health and Human Services that
341 are based on the employee's or contractor's supervision, diagnosis, or treatment of any
342 person within the board's jurisdiction;
- 343 (15) records and audit workpapers that identify audit, collection, and operational procedures
344 and methods used by the State Tax Commission, if disclosure would interfere with
345 audits or collections;
- 346 (16) records of a governmental audit agency relating to an ongoing or planned audit until
347 the final audit is released;
- 348 (17) records that are subject to the attorney client privilege;
- 349 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
350 employee, or agent of a governmental entity for, or in anticipation of, litigation or a
351 judicial, quasi-judicial, or administrative proceeding;
- 352 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
353 from a member of the Legislature; and
354 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
355 legislative action or policy may not be classified as protected under this section;
356 and
- 357 (b) (i) an internal communication that is part of the deliberative process in connection
358 with the preparation of legislation between:
359 (A) members of a legislative body;
360 (B) a member of a legislative body and a member of the legislative body's staff; or
361 (C) members of a legislative body's staff; and
362 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
363 legislative action or policy may not be classified as protected under this section;
- 364 (20) (a) records in the custody or control of the Office of Legislative Research and
365 General Counsel, that, if disclosed, would reveal a particular legislator's
366 contemplated legislation or contemplated course of action before the legislator has
367 elected to support the legislation or course of action, or made the legislation or course

- 368 of action public; and
- 369 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
370 Office of Legislative Research and General Counsel is a public document unless a
371 legislator asks that the records requesting the legislation be maintained as protected
372 records until such time as the legislator elects to make the legislation or course of
373 action public;
- 374 (21) research requests from legislators to the Office of Legislative Research and General
375 Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in
376 response to these requests;
- 377 (22) drafts, unless otherwise classified as public;
- 378 (23) records concerning a governmental entity's strategy about:
- 379 (a) collective bargaining; or
- 380 (b) imminent or pending litigation;
- 381 (24) records of investigations of loss occurrences and analyses of loss occurrences that may
382 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
383 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 384 (25) records, other than personnel evaluations, that contain a personal recommendation
385 concerning an individual if disclosure would constitute a clearly unwarranted invasion
386 of personal privacy, or disclosure is not in the public interest;
- 387 (26) records that reveal the location of historic, prehistoric, paleontological, or biological
388 resources that if known would jeopardize the security of those resources or of valuable
389 historic, scientific, educational, or cultural information;
- 390 (27) records of independent state agencies if the disclosure of the records would conflict
391 with the fiduciary obligations of the agency;
- 392 (28) records of an institution within the state system of higher education defined in Section
393 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
394 retention decisions, and promotions, which could be properly discussed in a meeting
395 closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided
396 that records of the final decisions about tenure, appointments, retention, promotions, or
397 those students admitted, may not be classified as protected under this section;
- 398 (29) records of the governor's office, including budget recommendations, legislative
399 proposals, and policy statements, that if disclosed would reveal the governor's
400 contemplated policies or contemplated courses of action before the governor has
401 implemented or rejected those policies or courses of action or made them public;

- 402 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
403 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
404 recommendations in these areas;
- 405 (31) records provided by the United States or by a government entity outside the state that
406 are given to the governmental entity with a requirement that they be managed as
407 protected records if the providing entity certifies that the record would not be subject to
408 public disclosure if retained by it;
- 409 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
410 public body except as provided in Section 52-4-206;
- 411 (33) records that would reveal the contents of settlement negotiations but not including final
412 settlements or empirical data to the extent that they are not otherwise exempt from
413 disclosure;
- 414 (34) memoranda prepared by staff and used in the decision-making process by an
415 administrative law judge, a member of the Board of Pardons and Parole, or a member of
416 any other body charged by law with performing a quasi-judicial function;
- 417 (35) records that would reveal negotiations regarding assistance or incentives offered by or
418 requested from a governmental entity for the purpose of encouraging a person to expand
419 or locate a business in Utah, but only if disclosure would result in actual economic harm
420 to the person or place the governmental entity at a competitive disadvantage, but this
421 section may not be used to restrict access to a record evidencing a final contract;
- 422 (36) materials to which access must be limited for purposes of securing or maintaining the
423 governmental entity's proprietary protection of intellectual property rights including
424 patents, copyrights, and trade secrets;
- 425 (37) the name of a donor or a prospective donor to a governmental entity, including an
426 institution within the state system of higher education defined in Section 53B-1-102, and
427 other information concerning the donation that could reasonably be expected to reveal
428 the identity of the donor, provided that:
- 429 (a) the donor requests anonymity in writing;
- 430 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
431 classified protected by the governmental entity under this Subsection (37); and
- 432 (c) except for an institution within the state system of higher education defined in
433 Section 53B-1-102, the governmental unit to which the donation is made is primarily
434 engaged in educational, charitable, or artistic endeavors, and has no regulatory or
435 legislative authority over the donor, a member of the donor's immediate family, or

- 436 any entity owned or controlled by the donor or the donor's immediate family;
- 437 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 438 (39) a notification of workers' compensation insurance coverage described in Section
- 439 34A-2-205;
- 440 (40) (a) the following records of an institution within the state system of higher
- 441 education defined in Section 53B-1-102, which have been developed, discovered,
- 442 disclosed to, or received by or on behalf of faculty, staff, employees, or students of
- 443 the institution:
- 444 (i) unpublished lecture notes;
- 445 (ii) unpublished notes, data, and information:
- 446 (A) relating to research; and
- 447 (B) of:
- 448 (I) the institution within the state system of higher education defined in Section
- 449 53B-1-102; or
- 450 (II) a sponsor of sponsored research;
- 451 (iii) unpublished manuscripts;
- 452 (iv) creative works in process;
- 453 (v) scholarly correspondence; and
- 454 (vi) confidential information contained in research proposals;
- 455 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information
- 456 required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 457 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 458 (41) (a) records in the custody or control of the Office of the Legislative Auditor
- 459 General that would reveal the name of a particular legislator who requests a
- 460 legislative audit prior to the date that audit is completed and made public; and
- 461 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
- 462 Office of the Legislative Auditor General is a public document unless the legislator
- 463 asks that the records in the custody or control of the Office of the Legislative Auditor
- 464 General that would reveal the name of a particular legislator who requests a
- 465 legislative audit be maintained as protected records until the audit is completed and
- 466 made public;
- 467 (42) records that provide detail as to the location of an explosive, including a map or other
- 468 document that indicates the location of:
- 469 (a) a production facility; or

- 470 (b) a magazine;
- 471 (43) information contained in the statewide database of the Division of Aging and Adult
472 Services created by Section 26B-6-210;
- 473 (44) information contained in the Licensing Information System described in Title 80,
474 Chapter 2, Child Welfare Services;
- 475 (45) information regarding National Guard operations or activities in support of the
476 National Guard's federal mission;
- 477 (46) records provided by any pawn or secondhand business to a law enforcement agency or
478 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand
479 Merchandise, and Catalytic Converter Transaction Information Act;
- 480 (47) information regarding food security, risk, and vulnerability assessments performed by
481 the Department of Agriculture and Food;
- 482 (48) except to the extent that the record is exempt from this chapter pursuant to Section
483 63G-2-106, records related to an emergency plan or program, a copy of which is
484 provided to or prepared or maintained by the Division of Emergency Management, and
485 the disclosure of which would jeopardize:
- 486 (a) the safety of the general public; or
- 487 (b) the security of:
- 488 (i) governmental property;
- 489 (ii) governmental programs; or
- 490 (iii) the property of a private person who provides the Division of Emergency
491 Management information;
- 492 (49) records of the Department of Agriculture and Food that provides for the identification,
493 tracing, or control of livestock diseases, including any program established under Title
494 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
495 of Animal Disease;
- 496 (50) as provided in Section 26B-2-408:
- 497 (a) information or records held by the Department of Health and Human Services related
498 to a complaint regarding a child care program or residential child care which the
499 department is unable to substantiate; and
- 500 (b) information or records related to a complaint received by the Department of Health
501 and Human Services from an anonymous complainant regarding a child care program
502 or residential child care;
- 503 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided

- 504 under Section 41-1a-116, an individual's home address, home telephone number, or
505 personal mobile phone number, if:
- 506 (a) the individual is required to provide the information in order to comply with a law,
507 ordinance, rule, or order of a government entity; and
- 508 (b) the subject of the record has a reasonable expectation that this information will be
509 kept confidential due to:
- 510 (i) the nature of the law, ordinance, rule, or order; and
511 (ii) the individual complying with the law, ordinance, rule, or order;
- 512 (52) the portion of the following documents that contains a candidate's residential or
513 mailing address, if the candidate provides to the filing officer another address or phone
514 number where the candidate may be contacted:
- 515 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
516 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,
517 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- 518 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 519 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 520 (53) the name, home address, work addresses, and telephone numbers of an individual that
521 is engaged in, or that provides goods or services for, medical or scientific research that is:
- 522 (a) conducted within the state system of higher education, as defined in Section
523 53B-1-102; and
- 524 (b) conducted using animals;
- 525 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
526 Evaluation Commission concerning an individual commissioner's vote, in relation to
527 whether a judge meets or exceeds minimum performance standards under Subsection
528 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 529 (55) information collected and a report prepared by the Judicial Performance Evaluation
530 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,
531 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes
532 public, the information or report;
- 533 (56) records provided or received by the Public Lands Policy Coordinating Office in
534 furtherance of any contract or other agreement made in accordance with Section
535 63L-11-202;
- 536 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 537 (58) in accordance with Section 73-10-33;

- 538 (a) a management plan for a water conveyance facility in the possession of the Division
539 of Water Resources or the Board of Water Resources; or
- 540 (b) an outline of an emergency response plan in possession of the state or a county or
541 municipality;
- 542 (59) the following records in the custody or control of the Office of Inspector General of
543 Medicaid Services, created in Section 63A-13-201:
- 544 (a) records that would disclose information relating to allegations of personal
545 misconduct, gross mismanagement, or illegal activity of a person if the information
546 or allegation cannot be corroborated by the Office of Inspector General of Medicaid
547 Services through other documents or evidence, and the records relating to the
548 allegation are not relied upon by the Office of Inspector General of Medicaid
549 Services in preparing a final investigation report or final audit report;
- 550 (b) records and audit workpapers to the extent they would disclose the identity of a
551 person who, during the course of an investigation or audit, communicated the
552 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected
553 violation of a law, rule, or regulation adopted under the laws of this state, a political
554 subdivision of the state, or any recognized entity of the United States, if the
555 information was disclosed on the condition that the identity of the person be
556 protected;
- 557 (c) before the time that an investigation or audit is completed and the final investigation
558 or final audit report is released, records or drafts circulated to a person who is not an
559 employee or head of a governmental entity for the person's response or information;
- 560 (d) records that would disclose an outline or part of any investigation, audit survey plan,
561 or audit program; or
- 562 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
563 investigation or audit;
- 564 (60) records that reveal methods used by the Office of Inspector General of Medicaid
565 Services, the fraud unit, or the Department of Health and Human Services, to discover
566 Medicaid fraud, waste, or abuse;
- 567 (61) information provided to the Department of Health and Human Services or the Division
568 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
569 58-68-304(3) and (4);
- 570 (62) a record described in Section 63G-12-210;
- 571 (63) captured plate data that is obtained through an automatic license plate reader system

- 572 used by a governmental entity as authorized in Section 41-6a-2003;
- 573 ~~[(64) any record in the custody of the Utah Office for Victims of Crime relating to a~~
- 574 ~~victim, including:]~~
- 575 ~~[(a) a victim's application or request for benefits;]~~
- 576 ~~[(b) a victim's receipt or denial of benefits; and]~~
- 577 ~~[(c) any administrative notes or records made or created for the purpose of, or used to,~~
- 578 ~~evaluate or communicate a victim's eligibility for or denial of benefits from the Crime~~
- 579 ~~Victim Reparations Fund;]~~
- 580 ~~[(65)]~~ (64) an audio or video recording created by a body-worn camera, as that term is
- 581 defined in Section 77-7a-103, that records sound or images inside a hospital or health
- 582 care facility as those terms are defined in Section 78B-3-403, inside a clinic of a health
- 583 care provider, as that term is defined in Section 78B-3-403, or inside a human service
- 584 program as that term is defined in Section 26B-2-101, except for recordings that:
- 585 (a) depict the commission of an alleged crime;
- 586 (b) record any encounter between a law enforcement officer and a person that results in
- 587 death or bodily injury, or includes an instance when an officer fires a weapon;
- 588 (c) record any encounter that is the subject of a complaint or a legal proceeding against a
- 589 law enforcement officer or law enforcement agency;
- 590 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);
- 591 or
- 592 (e) have been requested for reclassification as a public record by a subject or authorized
- 593 agent of a subject featured in the recording;
- 594 ~~[(66)]~~ (65) a record pertaining to the search process for a president of an institution of higher
- 595 education described in Section 53B-2-102, except for application materials for a publicly
- 596 announced finalist;
- 597 ~~[(67)]~~ (66) an audio recording that is:
- 598 (a) produced by an audio recording device that is used in conjunction with a device or
- 599 piece of equipment designed or intended for resuscitating an individual or for treating
- 600 an individual with a life-threatening condition;
- 601 (b) produced during an emergency event when an individual employed to provide law
- 602 enforcement, fire protection, paramedic, emergency medical, or other first responder
- 603 service:
- 604 (i) is responding to an individual needing resuscitation or with a life-threatening
- 605 condition; and

606 (ii) uses a device or piece of equipment designed or intended for resuscitating an
607 individual or for treating an individual with a life-threatening condition; and
608 (c) intended and used for purposes of training emergency responders how to improve
609 their response to an emergency situation;

610 ~~[(68)]~~ (67) records submitted by or prepared in relation to an applicant seeking a
611 recommendation by the Research and General Counsel Subcommittee, the Budget
612 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
613 employment position with the Legislature;

614 ~~[(69)]~~ (68) work papers as defined in Section 31A-2-204;

615 ~~[(70)]~~ (69) a record made available to Adult Protective Services or a law enforcement
616 agency under Section 61-1-206;

617 ~~[(71)]~~ (70) a record submitted to the Insurance Department in accordance with Section
618 31A-37-201;

619 ~~[(72)]~~ (71) a record described in Section 31A-37-503;

620 ~~[(73)]~~ (72) any record created by the Division of Professional Licensing as a result of
621 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

622 ~~[(74)]~~ (73) a record described in Section 72-16-306 that relates to the reporting of an injury
623 involving an amusement ride;

624 ~~[(75)]~~ (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
625 on a political petition, or on a request to withdraw a signature from a political petition,
626 including a petition or request described in the following titles:

627 (a) Title 10, Utah Municipal Code;

628 (b) Title 17, Counties;

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

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

631 (e) Title 20A, Election Code;

632 ~~[(76)]~~ (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual
633 in a voter registration record;

634 ~~[(77)]~~ (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
635 signature described in Subsection ~~[(75) or (76)]~~ (74) or (75), in the custody of the
636 lieutenant governor or a local political subdivision collected or held under, or in relation
637 to, Title 20A, Election Code;

638 ~~[(78)]~~ (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38,
639 Part 5, Victims Guidelines for Prosecutors Act;

640 ~~[(79)]~~ (78) a record submitted to the Insurance Department under Section 31A-48-103;
641 ~~[(80)]~~ (79) personal information, as defined in Section 63G-26-102, to the extent disclosure
642 is prohibited under Section 63G-26-103;

643 ~~[(81)]~~ (80) an image taken of an individual during the process of booking the individual into
644 jail, unless:

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

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

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

651 (ii) to a potential witness or other individual with direct knowledge of events relevant
652 to a criminal investigation or criminal proceeding for the purpose of identifying or
653 locating an individual in connection with the criminal investigation or criminal
654 proceeding; or

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

657 ~~[(82)]~~ (81) a record:

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

659 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
660 representative from another state or the federal government as provided in Section
661 63M-14-205; and

662 (c) the disclosure of which would:

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

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

668 (iii) give an advantage to another state or to the federal government in negotiations
669 regarding the use of water in the Colorado River system;

670 ~~[(83)]~~ (82) any part of an application described in Section 63N-16-201 that the Governor's
671 Office of Economic Opportunity determines is nonpublic, confidential information that
672 if disclosed would result in actual economic harm to the applicant, but this Subsection [
673 ~~(83)]~~ (82) may not be used to restrict access to a record evidencing a final contract or

- 674 approval decision;
- 675 [(84)] (83) the following records of a drinking water or wastewater facility:
- 676 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
- 677 and
- 678 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
- 679 drinking water or wastewater facility uses to secure, or prohibit access to, the records
- 680 described in Subsection [(84)(a)] (83)(a);
- 681 [(85)] (84) a statement that an employee of a governmental entity provides to the
- 682 governmental entity as part of the governmental entity's personnel or administrative
- 683 investigation into potential misconduct involving the employee if the governmental
- 684 entity:
- 685 (a) requires the statement under threat of employment disciplinary action, including
- 686 possible termination of employment, for the employee's refusal to provide the
- 687 statement; and
- 688 (b) provides the employee assurance that the statement cannot be used against the
- 689 employee in any criminal proceeding;
- 690 [(86)] (85) any part of an application for a Utah Fits All Scholarship account described in
- 691 Section 53F-6-402 or other information identifying a scholarship student as defined in
- 692 Section 53F-6-401; and
- 693 [(87)] (86) a record:
- 694 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 695 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
- 696 person concerning the claim, including a representative from another state or the
- 697 federal government; and
- 698 (c) the disclosure of which would:
- 699 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
- 700 Great Salt Lake;
- 701 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
- 702 and conditions regarding the use of water in the Great Salt Lake; or
- 703 (iii) give an advantage to another person including another state or to the federal
- 704 government in negotiations regarding the use of water in the Great Salt Lake.
- 705 Section 4. Section **63G-2-305.5** is amended to read:
- 706 **63G-2-305.5 . Viewing or obtaining lists of signatures.**
- 707 (1) The records custodian of a signature described in Subsection [~~63G-2-305(75)~~] 63G-2-305

- 708 (74) shall, upon request, except for a name or signature classified as private under Title
 709 20A, Chapter 2, Voter Registration:
- 710 (a) provide a list of the names of the individuals who signed the petition or request; and
 711 (b) permit an individual to view, but not take a copy or other image of, the signatures on
 712 a political petition described in Subsection [~~63G-2-305(75)~~] 63G-2-305(74).
- 713 (2) The records custodian of a signature described in Subsection [~~63G-2-305(76)~~] 63G-2-305
 714 (75) shall, upon request, except for a name or signature classified as private under Title
 715 20A, Chapter 2, Voter Registration:
- 716 (a) provide a list of the names of registered voters, excluding the names that are
 717 classified as private under Title 20A, Chapter 2, Voter Registration; and
 718 (b) except for a signature classified as private under Title 20A, Chapter 2, Voter
 719 Registration, permit an individual to view, but not take a copy or other image of, the
 720 signature on a voter registration record.
- 721 (3) Except for a signature classified as private under Title 20A, Chapter 2, Voter
 722 Registration, the records custodian of a signature described in Subsection [~~63G-2-305~~
 723 ~~(77)~~] 63G-2-305(76) shall, upon request, permit an individual to view, but not take a
 724 copy or other image of, a signature.
- 725 Section 5. Section **63M-7-502** is amended to read:
- 726 **63M-7-502 . Definitions.**
- 727 As used in this part:
- 728 (1) "Accomplice" means an individual who has engaged in criminal conduct as described in
 729 Section 76-2-202.
- 730 (2) "Advocacy services provider" means the same as that term is defined in Section
 731 77-38-403.
- 732 (3) "Board" means the Crime Victim Reparations and Assistance Board created under
 733 Section 63M-7-504.
- 734 (4) "Bodily injury" means physical pain, illness, or any impairment of physical condition.
- 735 (5) "Claimant" means any of the following claiming reparations under this part:
- 736 (a) a victim;
 737 (b) a dependent of a deceased victim; or
 738 (c) an individual or representative who files a reparations claim on behalf of a victim.
- 739 (6) "Child" means an unemancipated individual who is under 18 years old.
- 740 (7) "Collateral source" means any source of benefits or advantages for economic loss
 741 otherwise reparable under this part that the [~~victim or~~] claimant has received, or that is

- 742 readily available to the [~~victim~~] claimant from:
- 743 (a) the offender;
- 744 (b) the insurance of the offender or the [~~victim~~] claimant;
- 745 (c) the United States government or any of its agencies, a state or any of its political
746 subdivisions, or an instrumentality of two or more states, except in the case on
747 nonobligatory state-funded programs;
- 748 (d) social security, Medicare, and Medicaid;
- 749 (e) state-required temporary nonoccupational income replacement insurance or disability
750 income insurance;
- 751 (f) workers' compensation;
- 752 (g) wage continuation programs of any employer;
- 753 (h) proceeds of a contract of insurance payable to the [~~victim~~] claimant for the loss the [
754 ~~victim~~] claimant sustained because of the criminally injurious conduct;
- 755 (i) a contract providing prepaid hospital and other health care services or benefits for
756 disability; or
- 757 (j) veteran's benefits, including veteran's hospitalization benefits.
- 758 (8) (a) "Confidential record" means a record in the custody of the office that relates to a
759 claimant's eligibility for a reparations award.
- 760 (b) "Confidential record" includes:
- 761 (i) a reparations claim;
- 762 (ii) any correspondence regarding:
- 763 (A) the approval or denial of a reparations claim; or
- 764 (B) the payment of a reparations award;
- 765 (iii) a document submitted to the office in support of a reparations award;
- 766 (iv) a medical or mental health treatment plan; and
- 767 (v) an investigative report provided to the office by a law enforcement agency.
- 768 [~~(8)~~] (9) "Criminal justice system victim advocate" means the same as that term is defined in
769 Section 77-38-403.
- 770 [~~(9)~~] (10) (a) "Criminally injurious conduct" other than acts of war declared or not
771 declared means conduct that:
- 772 (i) is or would be subject to prosecution in this state under Section 76-1-201;
- 773 (ii) occurs or is attempted;
- 774 (iii) causes, or poses a substantial threat of causing, bodily injury or death;
- 775 (iv) is punishable by fine, imprisonment, or death if the individual engaging in the

- 776 conduct possessed the capacity to commit the conduct; and
- 777 (v) does not arise out of the ownership, maintenance, or use of a motor vehicle,
- 778 aircraft, or water craft, unless the conduct is:
- 779 (A) intended to cause bodily injury or death;
- 780 (B) punishable under Title 76, Chapter 5, Offenses Against the Individual; or
- 781 (C) chargeable as an offense for driving under the influence of alcohol or drugs.
- 782 (b) "Criminally injurious conduct" includes a felony violation of Section 76-7-101 and
- 783 other conduct leading to the psychological injury of an individual resulting from
- 784 living in a setting that involves a bigamous relationship.
- 785 ~~[(10)]~~ (11) (a) "Dependent" means a natural person to whom the victim is wholly or
- 786 partially legally responsible for care or support.
- 787 (b) "Dependent" includes a child of the victim born after the victim's death.
- 788 ~~[(11)]~~ (12) "Dependent's economic loss" means loss after the victim's death of contributions
- 789 of things of economic value to the victim's dependent, not including services the
- 790 dependent would have received from the victim if the victim had not suffered the fatal
- 791 injury, less expenses of the dependent avoided by reason of victim's death.
- 792 ~~[(12)]~~ (13) "Dependent's replacement services loss" means loss reasonably and necessarily
- 793 incurred by the dependent after the victim's death in obtaining services in lieu of those
- 794 the decedent would have performed for the victim's benefit if the victim had not suffered
- 795 the fatal injury, less expenses of the dependent avoided by reason of the victim's death
- 796 and not subtracted in calculating the dependent's economic loss.
- 797 ~~[(13)]~~ (14) "Director" means the director of the office.
- 798 ~~[(14)]~~ (15) "Disposition" means the sentencing or determination of penalty or punishment to
- 799 be imposed upon an individual:
- 800 (a) convicted of a crime;
- 801 (b) found delinquent; or
- 802 (c) against whom a finding of sufficient facts for conviction or finding of delinquency is
- 803 made.
- 804 ~~[(15)]~~ (16) (a) "Economic loss" means economic detriment consisting only of allowable
- 805 expense, work loss, replacement services loss, and if injury causes death, dependent's
- 806 economic loss and dependent's replacement service loss.
- 807 (b) "Economic loss" includes economic detriment even if caused by pain and suffering
- 808 or physical impairment.
- 809 (c) "Economic loss" does not include noneconomic detriment.

- 810 ~~[(16)]~~ (17) "Elderly victim" means an individual who is 60 years old or older and who is a
811 victim.
- 812 ~~[(17)]~~ (18) "Fraudulent claim" means a filed reparations based on material misrepresentation
813 of fact and intended to deceive the reparations staff for the purpose of obtaining
814 reparation funds for which the claimant is not eligible.
- 815 ~~[(18)]~~ (19) "Fund" means the Crime Victim Reparations Fund created in Section 63M-7-526.
- 816 ~~[(19)]~~ (20) (a) "Interpersonal violence" means an act involving violence, physical harm,
817 or a threat of violence or physical harm, that is committed by an individual who is or
818 has been in a domestic, dating, sexual, or intimate relationship with the victim.
- 819 (b) "Interpersonal violence" includes any attempt, conspiracy, or solicitation of an act
820 described in Subsection ~~[(19)(a)]~~ (20)(a).
- 821 ~~[(20)]~~ (21) "Law enforcement officer" means the same as that term is defined in Section
822 53-13-103.
- 823 ~~[(21)]~~ (22) (a) "Medical examination" means a physical examination necessary to
824 document criminally injurious conduct.
- 825 (b) "Medical examination" does not include mental health evaluations for the
826 prosecution and investigation of a crime.
- 827 ~~[(22)]~~ (23) "Mental health counseling" means outpatient and inpatient counseling
828 necessitated as a result of criminally injurious conduct, is subject to rules made by the
829 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 830 ~~[(23)]~~ (24) "Misconduct" means conduct by the victim that was attributable to the injury or
831 death of the victim as provided by rules made by the board in accordance with Title
832 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 833 ~~[(24)]~~ (25) "Noneconomic detriment" means pain, suffering, inconvenience, physical
834 impairment, and other nonpecuniary damage, except as provided in this part.
- 835 ~~[(25)]~~ (26) "Nongovernment organization victim advocate" means the same as that term is
836 defined in Section 77-38-403.
- 837 (27) "Nonpublic restitution record" means a restitution record that contains a claimant's
838 medical or mental health information.
- 839 ~~[(26)]~~ (28) "Pecuniary loss" does not include loss attributable to pain and suffering except as
840 otherwise provided in this part.
- 841 ~~[(27)]~~ (29) "Offender" means an individual who has violated Title 76, Utah Criminal Code,
842 through criminally injurious conduct regardless of whether the individual is arrested,
843 prosecuted, or convicted.

844 ~~[(28)]~~ (30) "Offense" means a violation of Title 76, Utah Criminal Code.

845 ~~[(29)]~~ (31) "Office" means the director, the reparations and assistance officers, and any other
846 staff employed for the purpose of carrying out the provisions of this part.

847 ~~[(30)]~~ (32) "Perpetrator" means the individual who actually participated in the criminally
848 injurious conduct.

849 (33) "Public restitution record" means a restitution record that does not contain a claimant's
850 medical or mental health information.

851 ~~[(31)]~~ (34) "Reparations award" means money or other benefits provided to a claimant or to
852 another on behalf of a claimant after the day on which a reparations claim is approved
853 by the office.

854 ~~[(32)]~~ (35) "Reparations claim" means a claimant's request or application made to the office
855 for a reparations award.

856 ~~[(33)]~~ (36) (a) "Reparations officer" means an individual employed by the office to
857 investigate ~~[claims of victims]~~ a claimant's request for reparations and award
858 reparations under this part.

859 (b) "Reparations officer" includes the director when the director is acting as a
860 reparations officer.

861 ~~[(34)]~~ (37) "Replacement service loss" means expenses reasonably and necessarily incurred
862 in obtaining ordinary and necessary services in lieu of those the injured individual would
863 have performed, not for income but the benefit of the injured individual or the injured
864 individual's dependents if the injured individual had not been injured.

865 ~~[(35)]~~ (38) (a) "Representative" means the victim, immediate family member, legal
866 guardian, attorney, conservator, executor, or an heir of an individual.

867 (b) "Representative" does not include a service provider or collateral source.

868 ~~[(36)]~~ (39) "Restitution" means the same as that term is defined in Section 77-38b-102.

869 (40) (a) "Restitution record" means a record documenting payments made to, or on
870 behalf of, a claimant by the office that the office relies on to support a restitution
871 request made in accordance with Section 77-38b-205.

872 (b) "Restitution record" includes:

873 (i) a notice of restitution;

874 (ii) an itemized list of payments;

875 (iii) an invoice, receipt, or bill submitted to the office for reimbursement; and

876 (iv) any documentation that the office relies on to establish a nexus between an
877 offender's criminally injurious conduct and a reparations award made by the office.

878 ~~[(37)]~~ (41) "Secondary victim" means an individual who is traumatically affected by the
 879 criminally injurious conduct subject to rules made by the board in accordance with Title
 880 63G, Chapter 3, Utah Administrative Rulemaking Act.

881 ~~[(38)]~~ (42) "Service provider" means an individual or agency who provides a service to a [
 882 ~~victim]~~ claimant for a monetary fee, except attorneys as provided in Section 63M-7-524.

883 ~~[(39)]~~ (43) "Serious bodily injury" means the same as that term is defined in Section 76-1
 884 -101.5.

885 ~~[(40)]~~ (44) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5,
 886 Part 4, Sexual Offenses.

887 ~~[(41)]~~ (45) "Strangulation" means any act involving the use of unlawful force or violence
 888 that:

- 889 (a) impedes breathing or the circulation of blood; and
- 890 (b) is likely to produce a loss of consciousness by:
 - 891 (i) applying pressure to the neck or throat of an individual; or
 - 892 (ii) obstructing the nose, mouth, or airway of an individual.

893 ~~[(42)]~~ (46) "Substantial bodily injury" means the same as that term is defined in Section 76-1
 894 -101.5.

895 ~~[(43)]~~ (47) (a) "Victim" means an individual who suffers bodily or psychological injury
 896 or death as a direct result of:

- 897 (i) criminally injurious conduct; or
- 898 (ii) the production of pornography in violation of Section 76-5b-201 or 76-5b-201.1
 899 if the individual is a minor.

900 (b) "Victim" does not include an individual who participated in or observed the judicial
 901 proceedings against an offender unless otherwise provided by statute or rule made in
 902 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

903 ~~[(44)]~~ (48) "Work loss" means loss of income from work the injured victim would have
 904 performed if the injured victim had not been injured and expenses reasonably incurred
 905 by the injured victim in obtaining services in lieu of those the injured victim would have
 906 performed for income, reduced by any income from substitute work the injured victim
 907 was capable of performing but unreasonably failed to undertake.

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

909 **63M-7-527 . Records -- Requirements for release.**

910 (1) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management
 911 Act, a confidential record, a public restitution record, and a nonpublic restitution record

- 912 may only be disclosed as provided in this section.
- 913 (2) A confidential record may be provided to:
- 914 (a) the claimant who is the subject of the record if the record requested does not contain
- 915 mental health treatment information; or
- 916 (b) the person who submitted the record to the office.
- 917 (3) A confidential record may be used in:
- 918 (a) a criminal investigation or prosecution when the office suspects that a reparations
- 919 claim may be fraudulent; or
- 920 (b) a subrogation action brought by the office in accordance with Section 63M-7-519.
- 921 (4) (a) The office may disclose a public restitution record for the purpose of carrying out
- 922 this part.
- 923 (b) The office shall disclose a public restitution record to the Board of Pardons and
- 924 Parole for a restitution matter.
- 925 (5) (a) If the office requests restitution in a criminal case and the offender requests a
- 926 restitution hearing, the office shall provide a nonpublic restitution record to the court,
- 927 the prosecuting attorney, and counsel for the offender.
- 928 (b) A person may not:
- 929 (i) disseminate a nonpublic restitution record obtained under this Subsection (5); or
- 930 (ii) share a nonpublic restitution record with the offender unless the office and
- 931 claimant agree, in writing, to the disclosure.
- 932 (6) Before the office may disclose a restitution record under Subsection (4) or (5), the office
- 933 shall redact:
- 934 (a) the name, not including the initials, of a minor or an individual who has been the
- 935 victim of a sexual assault;
- 936 (b) the contact information of a claimant or a witness, including a physical address,
- 937 phone number, or email address;
- 938 (c) a claimant's date of birth and social security number; and
- 939 (d) any information that would jeopardize the health or safety of a claimant.

940 Section 7. Section **63M-14-205** is amended to read:

941 **63M-14-205 . Records.**

- 942 (1) The records of the authority and the river commissioner shall be maintained by the
- 943 authority.
- 944 (2) The authority may classify a record in accordance with Title 63G, Chapter 2,
- 945 Government Records Access and Management Act, including a record described in

946 Subsection 63G-2-305[(82)] (81).

947 Section 8. Section **63N-16-201** is amended to read:

948 **63N-16-201 . General Regulatory Sandbox Program -- Application requirements.**

949 (1) There is created in the regulatory relief office the General Regulatory Sandbox Program.

950 (2) In administering the regulatory sandbox, the regulatory relief office:

951 (a) shall consult with each applicable agency;

952 (b) shall establish a program to enable a person to obtain legal protections and limited
953 access to the market in the state to demonstrate an offering without obtaining a
954 license or other authorization that might otherwise be required;

955 (c) may enter into agreements with or adopt the best practices of corresponding federal
956 regulatory agencies or other states that are administering similar programs; and

957 (d) may consult with businesses in the state about existing or potential proposals for the
958 regulatory sandbox.

959 (3) (a) An applicant for the regulatory sandbox may contact the regulatory relief office
960 to request a consultation regarding the regulatory sandbox before submitting an
961 application.

962 (b) The regulatory relief office shall provide relevant information regarding the
963 regulatory sandbox program.

964 (c) The regulatory relief office may provide assistance to an applicant in preparing an
965 application for submission.

966 (4) An applicant for the regulatory sandbox shall provide to the regulatory relief office an
967 application in a form prescribed by the regulatory relief office that:

968 (a) confirms the applicant is subject to the jurisdiction of the state;

969 (b) confirms the applicant has established a physical or virtual location in the state, from
970 which the demonstration of an offering will be developed and performed and where
971 all required records, documents, and data will be maintained;

972 (c) contains relevant personal and contact information for the applicant, including legal
973 names, addresses, telephone numbers, email addresses, website addresses, and other
974 information required by the regulatory relief office;

975 (d) discloses criminal convictions of the applicant or other participating personnel, if any;

976 (e) contains a description of the offering to be demonstrated, including statements
977 regarding:

978 (i) how the offering is subject to licensing, legal prohibition, or other authorization
979 requirements outside of the regulatory sandbox;

- 980 (ii) each law or regulation that the applicant seeks to have waived or suspended while
981 participating in the regulatory sandbox program;
- 982 (iii) how the offering would benefit consumers;
- 983 (iv) how the offering is different from other offerings available in the state;
- 984 (v) what risks might exist for consumers who use or purchase the offering;
- 985 (vi) how participating in the regulatory sandbox would enable a successful
986 demonstration of the offering;
- 987 (vii) a description of the proposed demonstration plan, including estimated time
988 periods for beginning and ending the demonstration;
- 989 (viii) recognition that the applicant will be subject to all laws and regulations
990 pertaining to the applicant's offering after conclusion of the demonstration; and
- 991 (ix) how the applicant will end the demonstration and protect consumers if the
992 demonstration fails;
- 993 (f) lists each government agency, if any, that the applicant knows regulates the
994 applicant's business; and
- 995 (g) provides any other required information as determined by the regulatory relief office.
- 996 (5) The regulatory relief office may collect an application fee from an applicant that is set in
997 accordance with Section 63J-1-504.
- 998 (6) An applicant shall file a separate application for each offering that the applicant wishes
999 to demonstrate.
- 1000 (7) After an application is filed, the regulatory relief office shall:
- 1001 (a) classify, as a protected record, any part of the application that the office determines is
1002 nonpublic, confidential information that if disclosed would result in actual economic
1003 harm to the applicant in accordance with Subsection 63G-2-305[~~(83)~~] (82);
- 1004 (b) consult with each applicable government agency that regulates the applicant's
1005 business regarding whether more information is needed from the applicant; and
- 1006 (c) seek additional information from the applicant that the regulatory relief office
1007 determines is necessary.
- 1008 (8) No later than five business days after the day on which a complete application is
1009 received by the regulatory relief office, the regulatory relief office shall:
- 1010 (a) review the application and refer the application to each applicable government
1011 agency that regulates the applicant's business;
- 1012 (b) provide to the applicant:
- 1013 (i) an acknowledgment of receipt of the application; and

- 1014 (ii) the identity and contact information of each regulatory agency to which the
1015 application has been referred for review; and
- 1016 (c) provide public notice, on the office's website and through other appropriate means, of
1017 each law or regulation that the office is considering to suspend or waive under the
1018 application.
- 1019 (9) (a) Subject to Subsections (9)(c) and (9)(g), no later than 30 days after the day on
1020 which an applicable agency receives a complete application for review, the applicable
1021 agency shall provide a written report to the director of the applicable agency's
1022 findings.
- 1023 (b) The report shall:
- 1024 (i) describe any identifiable, likely, and significant harm to the health, safety, or
1025 financial well-being of consumers that the relevant law or regulation protects
1026 against; and
- 1027 (ii) make a recommendation to the regulatory relief office that the applicant either be
1028 admitted or denied entrance into the regulatory sandbox.
- 1029 (c) (i) The applicable agency may request an additional five business days to deliver
1030 the written report by providing notice to the director, which request shall
1031 automatically be granted.
- 1032 (ii) The applicable agency may only request one extension per application.
- 1033 (d) If the applicable agency recommends an applicant under this section be denied
1034 entrance into the regulatory sandbox, the written report shall include a description of
1035 the reasons for the recommendation, including why a temporary waiver or suspension
1036 of the relevant laws or regulations would potentially significantly harm the health,
1037 safety, or financial well-being of consumers or the public and the likelihood of such
1038 harm occurring.
- 1039 (e) If the agency determines that the consumer's or public's health, safety, or financial
1040 well-being can be protected through less restrictive means than the existing relevant
1041 laws or regulations, then the applicable agency shall provide a recommendation of
1042 how that can be achieved.
- 1043 (f) If an applicable agency fails to deliver a written report as described in this Subsection
1044 (9), the director shall assume that the applicable agency does not object to the
1045 temporary waiver or suspension of the relevant laws or regulations for an applicant
1046 seeking to participate in the regulatory sandbox.
- 1047 (g) Notwithstanding any other provision of this section, an applicable agency may by

- 1048 written notice to the regulatory relief office:
- 1049 (i) within the 30 days after the day on which the applicable agency receives a
- 1050 complete application for review, or within 35 days if an extension has been
- 1051 requested by the applicable agency, reject an application if the applicable agency
- 1052 determines, in the applicable agency's sole discretion, that the applicant's offering
- 1053 fails to comply with standards or specifications:
- 1054 (A) required by federal law or regulation; or
- 1055 (B) previously approved for use by a federal agency; or
- 1056 (ii) reject an application preliminarily approved by the regulatory relief office, if the
- 1057 applicable agency:
- 1058 (A) recommended rejection of the application in accordance with Subsection
- 1059 (9)(d) in the agency's written report; and
- 1060 (B) provides in the written notice under this Subsection (9)(g), a description of the
- 1061 applicable agency's reasons why approval of the application would create a
- 1062 substantial risk of harm to the health or safety of the public, or create
- 1063 unreasonable expenses for taxpayers in the state.
- 1064 (h) If an applicable agency rejects an application under Subsection (9)(g), the regulatory
- 1065 relief office may not approve the application.
- 1066 (10) (a) Upon receiving a written report described in Subsection (9), the director shall
- 1067 provide the application and the written report to the advisory committee.
- 1068 (b) The director may call the advisory committee to meet as needed, but not less than
- 1069 once per quarter if applications are available for review.
- 1070 (c) After receiving and reviewing the application and each written report, the advisory
- 1071 committee shall provide to the director the advisory committee's recommendation as
- 1072 to whether or not the applicant should be admitted as a sandbox participant under this
- 1073 chapter.
- 1074 (d) As part of the advisory committee's review of each written report, the advisory
- 1075 committee shall use the criteria required for an applicable agency as described in
- 1076 Subsection (9).
- 1077 (11) (a) In reviewing an application and each applicable agency's written report, the
- 1078 regulatory relief office shall consult with each applicable agency and the advisory
- 1079 committee before admitting an applicant into the regulatory sandbox.
- 1080 (b) The consultation with each applicable agency and the consultation with the advisory
- 1081 committee may include seeking information about whether:

1082 (i) the applicable agency has previously issued a license or other authorization to the
1083 applicant; and

1084 (ii) the applicable agency has previously investigated, sanctioned, or pursued legal
1085 action against the applicant.

1086 (12) In reviewing an application under this section, the regulatory relief office and each
1087 applicable agency shall consider whether a competitor to the applicant is or has been a
1088 sandbox participant and, if so, weigh that as a factor in favor of allowing the applicant to
1089 also become a sandbox participant.

1090 (13) In reviewing an application under this section, the regulatory relief office shall
1091 consider whether:

1092 (a) the applicant's plan will adequately protect consumers from potential harm identified
1093 by an applicable agency in the applicable agency's written report;

1094 (b) the risk of harm to consumers is outweighed by the potential benefits to consumers
1095 from the applicant's participation in the regulatory sandbox; and

1096 (c) certain state laws or regulations that regulate an offering should not be waived or
1097 suspended even if the applicant is approved as a sandbox participant, including
1098 applicable antifraud or disclosure provisions.

1099 (14) (a) An applicant becomes a sandbox participant if the regulatory relief office
1100 approves the application for the regulatory sandbox and enters into a written
1101 agreement with the applicant describing the specific laws and regulations that are
1102 waived or suspended as part of participation in the regulatory sandbox.

1103 (b) Notwithstanding any other provision of this chapter, the regulatory relief office may
1104 not enter into a written agreement with an applicant that waives or suspends a tax,
1105 fee, or charge that is administered by the State Tax Commission or that is described
1106 in Title 59, Revenue and Taxation.

1107 (15) (a) The director may deny at the director's sole discretion any application submitted
1108 under this section for any reason, including if the director determines that the
1109 preponderance of evidence demonstrates that suspending or waiving enforcement of
1110 a law or regulation would cause a significant risk of harm to consumers or residents
1111 of the state.

1112 (b) If the director denies an application submitted under this section, the regulatory relief
1113 office shall provide to the applicant a written description of the reasons for not
1114 allowing the applicant to be a sandbox participant.

1115 (c) The denial of an application submitted under this section is not subject to:

- 1116 (i) agency or judicial review; or
1117 (ii) the provisions of Title 63G, Chapter 4, Administrative Procedures Act.
- 1118 (16) The director shall deny an application for participation in the regulatory sandbox
1119 described by this section if the applicant or any person who seeks to participate with the
1120 applicant in demonstrating an offering has been convicted, entered a plea of nolo
1121 contendere, or entered a plea of guilty or nolo contendere held in abeyance, for any
1122 crime involving significant theft, fraud, or dishonesty if the crime bears a significant
1123 relationship to the applicant's or other participant's ability to safely and competently
1124 participate in the regulatory sandbox program.
- 1125 (17) (a) When an applicant is approved for participation in the regulatory sandbox, the
1126 director shall provide public notice of the approval on the office's website and
1127 through other appropriate means.
- 1128 (b) The public notice described in Subsection (17)(a) shall state:
- 1129 (i) the name of the sandbox participant;
1130 (ii) the industries the sandbox participant represents; and
1131 (iii) each law or regulation that is suspended or waived for the sandbox participant as
1132 allowed by the regulatory sandbox.
- 1133 (18) In addition to the information described in Subsection (17), the office shall make the
1134 following information available on the office's website and through other appropriate
1135 means:
- 1136 (a) documentation regarding the office's determination and grounds for approving each
1137 sandbox participant; and
1138 (b) public notice regarding any sandbox participant's revocation to participate in the
1139 regulatory sandbox.
- 1140 **Section 9. Effective date.**
1141 This bill takes effect on May 1, 2024.