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JAIL PHOTO AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: Michael S. Kennedy

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

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 -- Victim access -- 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:

- 29 (i) for identification purposes; and
30 (ii) when the individual is booked into a county jail.
- 31 (b) "Publish-for-pay publication" or "publish-for-pay website" means a publication or
32 website that requires the payment of a fee or other consideration in order to remove
33 or delete a booking photograph from the publication or website.
- 34 (2) (a) A sheriff may not provide a copy of a booking photograph in any format to a
35 person requesting a copy of the booking photograph if:
- 36 [(a)] (i) the booking photograph will be placed in a publish-for-pay publication or
37 posted to a publish-for-pay website; or
38 [~~(b)~~] (ii) the booking photograph is a protected record under Subsection 63G-2-305
39 (81).
- 40 (b) (i) A sheriff shall display a copy of a booking photograph to a person requesting
41 to view the booking photograph if the person making the request:
- 42 (A) (I) is an alleged victim of a crime that resulted in the creation of the
43 booking photograph; and
44 (II) subject to Utah Rules of Evidence, Rule 617, the prosecuting agency with
45 jurisdiction consents; or
46 (B) if an alleged victim is deceased or incapacitated, is an immediate family
47 member, guardian, or conservator of an alleged victim of the crime that
48 resulted in the creation of the booking photograph.
- 49 (ii) A person entitled to view a booking photograph under Subsection (2)(b)(i) is not
50 permitted to:
- 51 (A) retain the booking photograph;
52 (B) make a copy, take a picture of, or otherwise reproduce the booking
53 photograph; or
54 (C) disseminate or distribute the booking photograph.
- 55 (3) (a) A person who requests a copy of a booking photograph from a sheriff shall, at the
56 time of making the request, submit a statement signed by the person affirming that
57 the booking photograph will not be placed in a publish-for-pay publication or posted
58 to a publish-for-pay website.
- 59 (b) A person who submits a false statement under Subsection (3)(a) is subject to criminal
60 liability as provided in Section 76-8-504.
- 61 (4) (a) Except as provided in Subsection (5), a publish-for-pay publication or a
62 publish-for-pay website shall remove and destroy a booking photograph of an

- 63 individual who submits a request for removal and destruction within 30 calendar days
64 after the day on which the individual makes the request.
- 65 (b) A publish-for-pay publication or publish-for-pay website described in Subsection
66 (4)(a) may not condition removal or destruction of the booking photograph on the
67 payment of a fee in an amount greater than \$50.
- 68 (c) If the publish-for-pay publication or publish-for-pay website described in Subsection
69 (4)(a) does not remove and destroy the booking photograph in accordance with
70 Subsection (4)(a), the publish-for-pay publication or publish-for-pay website is liable
71 for:
- 72 (i) all costs, including reasonable attorney fees, resulting from any legal action the
73 individual brings in relation to the failure of the publish-for-pay publication or
74 publish-for-pay website to remove and destroy the booking photograph; and
75 (ii) a civil penalty of \$50 per day for each day after the 30-day deadline described in
76 Subsection (4)(a) on which the booking photograph is visible or publicly
77 accessible in the publish-for-pay publication or on the publish-for-pay website.
- 78 (5) (a) A publish-for-pay publication or a publish-for-pay website shall remove and
79 destroy a booking photograph of an individual who submits a request for removal and
80 destruction within seven calendar days after the day on which the individual makes
81 the request if:
- 82 (i) the booking photograph relates to a criminal charge:
83 (A) on which the individual was acquitted or not prosecuted; or
84 (B) that was expunged, vacated, or pardoned; and
85 (ii) the individual submits, in relation to the request, evidence of a disposition
86 described in Subsection (5)(a)(i).
- 87 (b) If the publish-for-pay publication or publish-for-pay website described in Subsection
88 (5)(a) does not remove and destroy the booking photograph in accordance with
89 Subsection (5)(a), the publish-for-pay publication or publish-for-pay website is liable
90 for:
- 91 (i) all costs, including reasonable attorney fees, resulting from any legal action that
92 the individual brings in relation to the failure of the publish-for-pay publication or
93 publish-for-pay website to remove and destroy the booking photograph; and
94 (ii) a civil penalty of \$100 per day for each day after the seven-day deadline
95 described in Subsection (5)(a) on which the booking photograph is visible or
96 publicly accessible in the publish-for-pay publication or on the publish-for-pay

97 website.

98 (c) An act of a publish-for-pay publication or publish-for-pay website described in
99 Subsection (5)(a) that seeks to condition removal or destruction of the booking
100 photograph on the payment of any fee or amount constitutes theft by extortion under
101 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 has
106 provided the governmental entity with the information specified in Section 63G-2-309;
- 107 (2) commercial information or nonindividual financial information obtained from a person
108 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
111 ability of the governmental entity to obtain necessary information in the future;
- 112 (b) the person submitting the information has a greater interest in prohibiting access than
113 the public in obtaining access; and
- 114 (c) the person submitting the information has provided the governmental entity with the
115 information specified in Section 63G-2-309;
- 116 (3) commercial or financial information acquired or prepared by a governmental entity to
117 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
119 cause 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
122 entity as 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 proceedings
126 or give an unfair advantage to any person proposing to enter into a contract or agreement
127 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
129 or 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
- 140 restrict 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
- 146 is issued;
- 147 (8) records that would identify real property or the appraisal or estimated value of real or
- 148 personal property, including intellectual property, under consideration for public
- 149 acquisition 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
- 156 property;
- 157 (d) in the case of records that would identify the appraisal or estimated value of
- 158 property, the potential sellers have already learned of the governmental entity's
- 159 estimated value of the property; or
- 160 (e) the property under consideration for public acquisition is a single family residence
- 161 and the governmental entity seeking to acquire the property has initiated negotiations
- 162 to acquire the property as required under Section 78B-6-505;
- 163 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated
- 164 transaction of real or personal property including intellectual property, which, if

- 165 disclosed prior to completion of the transaction, would reveal the appraisal or estimated
166 value of the subject property, unless:
- 167 (a) the public interest in access is greater than or equal to the interests in restricting
168 access, including the governmental entity's interest in maximizing the financial
169 benefit of the transaction; or
- 170 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
171 the value of the subject property have already been disclosed to persons not
172 employed by or under a duty of confidentiality to the entity;
- 173 (10) records created or maintained for civil, criminal, or administrative enforcement
174 purposes or audit purposes, or for discipline, licensing, certification, or registration
175 purposes, if release of the records:
- 176 (a) reasonably could be expected to interfere with investigations undertaken for
177 enforcement, discipline, licensing, certification, or registration purposes;
- 178 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
179 proceedings;
- 180 (c) would create a danger of depriving a person of a right to a fair trial or impartial
181 hearing;
- 182 (d) reasonably could be expected to disclose the identity of a source who is not generally
183 known outside of government and, in the case of a record compiled in the course of
184 an investigation, disclose information furnished by a source not generally known
185 outside of government if disclosure would compromise the source; or
- 186 (e) reasonably could be expected to disclose investigative or audit techniques,
187 procedures, policies, or orders not generally known outside of government if
188 disclosure would interfere with enforcement or audit efforts;
- 189 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 190 (12) records the disclosure of which would jeopardize the security of governmental
191 property, governmental programs, or governmental recordkeeping systems from
192 damage, theft, 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
195 interfere with the control and supervision of an offender's incarceration, treatment,
196 probation, or parole;
- 197 (14) records that, if disclosed, would reveal recommendations made to the Board of
198 Pardons and Parole by an employee of or contractor for the Department of Corrections,

- 199 the Board of Pardons and Parole, or the Department of Health and Human Services that
200 are based on the employee's or contractor's supervision, diagnosis, or treatment of any
201 person within the board's jurisdiction;
- 202 (15) records and audit workpapers that identify audit, collection, and operational procedures
203 and methods used by the State Tax Commission, if disclosure would interfere with
204 audits or collections;
- 205 (16) records of a governmental audit agency relating to an ongoing or planned audit until
206 the final audit is released;
- 207 (17) records that are subject to the attorney client privilege;
- 208 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
209 employee, or agent of a governmental entity for, or in anticipation of, litigation or a
210 judicial, quasi-judicial, or administrative proceeding;
- 211 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
212 from a member of the Legislature; and
- 213 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
214 legislative action or policy may not be classified as protected under this section;
215 and
- 216 (b) (i) an internal communication that is part of the deliberative process in connection
217 with the preparation of legislation between:
- 218 (A) members of a legislative body;
- 219 (B) a member of a legislative body and a member of the legislative body's staff; or
- 220 (C) members of a legislative body's staff; and
- 221 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
222 legislative action or policy may not be classified as protected under this section;
- 223 (20) (a) records in the custody or control of the Office of Legislative Research and
224 General Counsel, that, if disclosed, would reveal a particular legislator's
225 contemplated legislation or contemplated course of action before the legislator has
226 elected to support the legislation or course of action, or made the legislation or course
227 of action public; and
- 228 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
229 Office of Legislative Research and General Counsel is a public document unless a
230 legislator asks that the records requesting the legislation be maintained as protected
231 records until such time as the legislator elects to make the legislation or course of
232 action public;

- 233 (21) research requests from legislators to the Office of Legislative Research and General
234 Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in
235 response to these requests;
- 236 (22) drafts, unless otherwise classified as public;
- 237 (23) records concerning a governmental entity's strategy about:
238 (a) collective bargaining; or
239 (b) imminent or pending litigation;
- 240 (24) records of investigations of loss occurrences and analyses of loss occurrences that may
241 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
242 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 243 (25) records, other than personnel evaluations, that contain a personal recommendation
244 concerning an individual if disclosure would constitute a clearly unwarranted invasion
245 of personal privacy, or disclosure is not in the public interest;
- 246 (26) records that reveal the location of historic, prehistoric, paleontological, or biological
247 resources that if known would jeopardize the security of those resources or of valuable
248 historic, scientific, educational, or cultural information;
- 249 (27) records of independent state agencies if the disclosure of the records would conflict
250 with the fiduciary obligations of the agency;
- 251 (28) records of an institution within the state system of higher education defined in Section
252 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
253 retention decisions, and promotions, which could be properly discussed in a meeting
254 closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided
255 that records of the final decisions about tenure, appointments, retention, promotions, or
256 those students admitted, may not be classified as protected under this section;
- 257 (29) records of the governor's office, including budget recommendations, legislative
258 proposals, and policy statements, that if disclosed would reveal the governor's
259 contemplated policies or contemplated courses of action before the governor has
260 implemented or rejected those policies or courses of action or made them public;
- 261 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
262 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
263 recommendations in these areas;
- 264 (31) records provided by the United States or by a government entity outside the state that
265 are given to the governmental entity with a requirement that they be managed as
266 protected records if the providing entity certifies that the record would not be subject to

- 267 public disclosure if retained by it;
- 268 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
269 public body except as provided in Section 52-4-206;
- 270 (33) records that would reveal the contents of settlement negotiations but not including final
271 settlements or empirical data to the extent that they are not otherwise exempt from
272 disclosure;
- 273 (34) memoranda prepared by staff and used in the decision-making process by an
274 administrative law judge, a member of the Board of Pardons and Parole, or a member of
275 any other body charged by law with performing a quasi-judicial function;
- 276 (35) records that would reveal negotiations regarding assistance or incentives offered by or
277 requested from a governmental entity for the purpose of encouraging a person to expand
278 or locate a business in Utah, but only if disclosure would result in actual economic harm
279 to the person or place the governmental entity at a competitive disadvantage, but this
280 section may not be used to restrict access to a record evidencing a final contract;
- 281 (36) materials to which access must be limited for purposes of securing or maintaining the
282 governmental entity's proprietary protection of intellectual property rights including
283 patents, copyrights, and trade secrets;
- 284 (37) the name of a donor or a prospective donor to a governmental entity, including an
285 institution within the state system of higher education defined in Section 53B-1-102, and
286 other information concerning the donation that could reasonably be expected to reveal
287 the identity of the donor, provided that:
- 288 (a) the donor requests anonymity in writing;
- 289 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
290 classified protected by the governmental entity under this Subsection (37); and
- 291 (c) except for an institution within the state system of higher education defined in
292 Section 53B-1-102, the governmental unit to which the donation is made is primarily
293 engaged in educational, charitable, or artistic endeavors, and has no regulatory or
294 legislative authority over the donor, a member of the donor's immediate family, or
295 any entity owned or controlled by the donor or the donor's immediate family;
- 296 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 297 (39) a notification of workers' compensation insurance coverage described in Section
298 34A-2-205;
- 299 (40) (a) the following records of an institution within the state system of higher
300 education defined in Section 53B-1-102, which have been developed, discovered,

- 301 disclosed to, or received by or on behalf of faculty, staff, employees, or students of
302 the institution:
- 303 (i) unpublished lecture notes;
 - 304 (ii) unpublished notes, data, and information:
 - 305 (A) relating to research; and
 - 306 (B) of:
 - 307 (I) the institution within the state system of higher education defined in Section
 - 308 53B-1-102; or
 - 309 (II) a sponsor of sponsored research;
 - 310 (iii) unpublished manuscripts;
 - 311 (iv) creative works in process;
 - 312 (v) scholarly correspondence; and
 - 313 (vi) confidential information contained in research proposals;
 - 314 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information
 - 315 required pursuant to Subsection 53B-16-302(2)(a) or (b); and
 - 316 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 317 (41) (a) records in the custody or control of the Office of the Legislative Auditor
318 General that would reveal the name of a particular legislator who requests a
319 legislative audit prior to the date that audit is completed and made public; and
- 320 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
 - 321 Office of the Legislative Auditor General is a public document unless the legislator
 - 322 asks that the records in the custody or control of the Office of the Legislative Auditor
 - 323 General that would reveal the name of a particular legislator who requests a
 - 324 legislative audit be maintained as protected records until the audit is completed and
 - 325 made public;
- 326 (42) records that provide detail as to the location of an explosive, including a map or other
327 document that indicates the location of:
- 328 (a) a production facility; or
 - 329 (b) a magazine;
- 330 (43) information contained in the statewide database of the Division of Aging and Adult
331 Services created by Section 26B-6-210;
- 332 (44) information contained in the Licensing Information System described in Title 80,
333 Chapter 2, Child Welfare Services;
- 334 (45) information regarding National Guard operations or activities in support of the

- 335 National Guard's federal mission;
- 336 (46) records provided by any pawn or secondhand business to a law enforcement agency or
337 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand
338 Merchandise, and Catalytic Converter Transaction Information Act;
- 339 (47) information regarding food security, risk, and vulnerability assessments performed by
340 the Department of Agriculture and Food;
- 341 (48) except to the extent that the record is exempt from this chapter pursuant to Section
342 63G-2-106, records related to an emergency plan or program, a copy of which is
343 provided to or prepared or maintained by the Division of Emergency Management, and
344 the disclosure of which would jeopardize:
- 345 (a) the safety of the general public; or
346 (b) the security of:
- 347 (i) governmental property;
348 (ii) governmental programs; or
349 (iii) the property of a private person who provides the Division of Emergency
350 Management information;
- 351 (49) records of the Department of Agriculture and Food that provides for the identification,
352 tracing, or control of livestock diseases, including any program established under Title
353 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
354 of Animal Disease;
- 355 (50) as provided in Section 26B-2-408:
- 356 (a) information or records held by the Department of Health and Human Services related
357 to a complaint regarding a child care program or residential child care which the
358 department is unable to substantiate; and
359 (b) information or records related to a complaint received by the Department of Health
360 and Human Services from an anonymous complainant regarding a child care program
361 or residential child care;
- 362 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided
363 under Section 41-1a-116, an individual's home address, home telephone number, or
364 personal mobile phone number, if:
- 365 (a) the individual is required to provide the information in order to comply with a law,
366 ordinance, rule, or order of a government entity; and
367 (b) the subject of the record has a reasonable expectation that this information will be
368 kept confidential due to:

- 369 (i) the nature of the law, ordinance, rule, or order; and
370 (ii) the individual complying with the law, ordinance, rule, or order;
- 371 (52) the portion of the following documents that contains a candidate's residential or
372 mailing address, if the candidate provides to the filing officer another address or phone
373 number where the candidate may be contacted:
- 374 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
375 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,
376 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- 377 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
378 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 379 (53) the name, home address, work addresses, and telephone numbers of an individual that
380 is engaged in, or that provides goods or services for, medical or scientific research that is:
- 381 (a) conducted within the state system of higher education, as defined in Section
382 53B-1-102; and
383 (b) conducted using animals;
- 384 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
385 Evaluation Commission concerning an individual commissioner's vote, in relation to
386 whether a judge meets or exceeds minimum performance standards under Subsection
387 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 388 (55) information collected and a report prepared by the Judicial Performance Evaluation
389 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,
390 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes
391 public, the information or report;
- 392 (56) records provided or received by the Public Lands Policy Coordinating Office in
393 furtherance of any contract or other agreement made in accordance with Section
394 63L-11-202;
- 395 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 396 (58) in accordance with Section 73-10-33:
- 397 (a) a management plan for a water conveyance facility in the possession of the Division
398 of Water Resources or the Board of Water Resources; or
399 (b) an outline of an emergency response plan in possession of the state or a county or
400 municipality;
- 401 (59) the following records in the custody or control of the Office of Inspector General of
402 Medicaid Services, created in Section 63A-13-201:

- 403 (a) records that would disclose information relating to allegations of personal
404 misconduct, gross mismanagement, or illegal activity of a person if the information
405 or allegation cannot be corroborated by the Office of Inspector General of Medicaid
406 Services through other documents or evidence, and the records relating to the
407 allegation are not relied upon by the Office of Inspector General of Medicaid
408 Services in preparing a final investigation report or final audit report;
- 409 (b) records and audit workpapers to the extent they would disclose the identity of a
410 person who, during the course of an investigation or audit, communicated the
411 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected
412 violation of a law, rule, or regulation adopted under the laws of this state, a political
413 subdivision of the state, or any recognized entity of the United States, if the
414 information was disclosed on the condition that the identity of the person be
415 protected;
- 416 (c) before the time that an investigation or audit is completed and the final investigation
417 or final audit report is released, records or drafts circulated to a person who is not an
418 employee or head of a governmental entity for the person's response or information;
- 419 (d) records that would disclose an outline or part of any investigation, audit survey plan,
420 or audit program; or
- 421 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
422 investigation or audit;
- 423 (60) records that reveal methods used by the Office of Inspector General of Medicaid
424 Services, the fraud unit, or the Department of Health and Human Services, to discover
425 Medicaid fraud, waste, or abuse;
- 426 (61) information provided to the Department of Health and Human Services or the Division
427 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
428 58-68-304(3) and (4);
- 429 (62) a record described in Section 63G-12-210;
- 430 (63) captured plate data that is obtained through an automatic license plate reader system
431 used by a governmental entity as authorized in Section 41-6a-2003;
- 432 (64) any record in the custody of the Utah Office for Victims of Crime relating to a victim,
433 including:
- 434 (a) a victim's application or request for benefits;
- 435 (b) a victim's receipt or denial of benefits; and
- 436 (c) any administrative notes or records made or created for the purpose of, or used to,

- 437 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime
438 Victim Reparations Fund;
- 439 (65) an audio or video recording created by a body-worn camera, as that term is defined in
440 Section 77-7a-103, that records sound or images inside a hospital or health care facility
441 as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider,
442 as that term is defined in Section 78B-3-403, or inside a human service program as that
443 term is defined in Section 26B-2-101, except for recordings that:
- 444 (a) depict the commission of an alleged crime;
 - 445 (b) record any encounter between a law enforcement officer and a person that results in
446 death or bodily injury, or includes an instance when an officer fires a weapon;
 - 447 (c) record any encounter that is the subject of a complaint or a legal proceeding against a
448 law enforcement officer or law enforcement agency;
 - 449 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);
450 or
 - 451 (e) have been requested for reclassification as a public record by a subject or authorized
452 agent of a subject featured in the recording;
- 453 (66) a record pertaining to the search process for a president of an institution of higher
454 education described in Section 53B-2-102, except for application materials for a publicly
455 announced finalist;
- 456 (67) an audio recording that is:
- 457 (a) produced by an audio recording device that is used in conjunction with a device or
458 piece of equipment designed or intended for resuscitating an individual or for treating
459 an individual with a life-threatening condition;
 - 460 (b) produced during an emergency event when an individual employed to provide law
461 enforcement, fire protection, paramedic, emergency medical, or other first responder
462 service:
 - 463 (i) is responding to an individual needing resuscitation or with a life-threatening
464 condition; and
 - 465 (ii) uses a device or piece of equipment designed or intended for resuscitating an
466 individual or for treating an individual with a life-threatening condition; and
 - 467 (c) intended and used for purposes of training emergency responders how to improve
468 their response to an emergency situation;
- 469 (68) records submitted by or prepared in relation to an applicant seeking a recommendation
470 by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the

- 471 Audit Subcommittee, established under Section 36-12-8, for an employment position
472 with the Legislature;
- 473 (69) work papers as defined in Section 31A-2-204;
- 474 (70) a record made available to Adult Protective Services or a law enforcement agency
475 under Section 61-1-206;
- 476 (71) a record submitted to the Insurance Department in accordance with Section
477 31A-37-201;
- 478 (72) a record described in Section 31A-37-503;
- 479 (73) any record created by the Division of Professional Licensing as a result of Subsection
480 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 481 (74) a record described in Section 72-16-306 that relates to the reporting of an injury
482 involving an amusement ride;
- 483 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a
484 political petition, or on a request to withdraw a signature from a political petition,
485 including a petition or request described in the following titles:
- 486 (a) Title 10, Utah Municipal Code;
- 487 (b) Title 17, Counties;
- 488 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 489 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 490 (e) Title 20A, Election Code;
- 491 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a
492 voter registration record;
- 493 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature
494 described in Subsection (75) or (76), in the custody of the lieutenant governor or a local
495 political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 496 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5,
497 Victims Guidelines for Prosecutors Act;
- 498 (79) a record submitted to the Insurance Department under Section 31A-48-103;
- 499 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is
500 prohibited under Section 63G-26-103;
- 501 (81) an image taken of an individual during the process of booking the individual into jail,
502 unless:
- 503 (a) the individual is convicted of a criminal offense based upon the conduct for which
504 the individual was incarcerated at the time the image was taken;

- 505 (b) a law enforcement agency releases or disseminates the image:
- 506 (i) after determining that the individual is a fugitive or an imminent threat to an
- 507 individual or to public safety and releasing or disseminating the image will assist
- 508 in apprehending the individual or reducing or eliminating the threat; or
- 509 (ii) to a potential witness or other individual with direct knowledge of events relevant
- 510 to a criminal investigation or criminal proceeding for the purpose of identifying or
- 511 locating an individual in connection with the criminal investigation or criminal
- 512 proceeding;~~[-or]~~
- 513 (c) a judge orders the release or dissemination of the image based on a finding that the
- 514 release or dissemination is in furtherance of a legitimate law enforcement interest; or
- 515 (d) the image is displayed to a person who is permitted to view the image under Section
- 516 17-22-30.
- 517 (82) a record:
- 518 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 519 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
- 520 representative from another state or the federal government as provided in Section
- 521 63M-14-205; and
- 522 (c) the disclosure of which would:
- 523 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
- 524 Colorado River system;
- 525 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
- 526 negotiate the best terms and conditions regarding the use of water in the Colorado
- 527 River system; or
- 528 (iii) give an advantage to another state or to the federal government in negotiations
- 529 regarding the use of water in the Colorado River system;
- 530 (83) any part of an application described in Section 63N-16-201 that the Governor's Office
- 531 of Economic Opportunity determines is nonpublic, confidential information that if
- 532 disclosed would result in actual economic harm to the applicant, but this Subsection (83)
- 533 may not be used to restrict access to a record evidencing a final contract or approval
- 534 decision;
- 535 (84) the following records of a drinking water or wastewater facility:
- 536 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
- 537 and
- 538 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the

- 539 drinking water or wastewater facility uses to secure, or prohibit access to, the records
540 described in Subsection (84)(a);
- 541 (85) a statement that an employee of a governmental entity provides to the governmental
542 entity as part of the governmental entity's personnel or administrative investigation into
543 potential misconduct involving the employee if the governmental entity:
- 544 (a) requires the statement under threat of employment disciplinary action, including
545 possible termination of employment, for the employee's refusal to provide the
546 statement; and
- 547 (b) provides the employee assurance that the statement cannot be used against the
548 employee in any criminal proceeding;
- 549 (86) any part of an application for a Utah Fits All Scholarship account described in Section
550 53F-6-402 or other information identifying a scholarship student as defined in Section
551 53F-6-401; and
- 552 (87) a record:
- 553 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 554 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
555 person concerning the claim, including a representative from another state or the
556 federal government; and
- 557 (c) the disclosure of which would:
- 558 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
559 Great Salt Lake;
- 560 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
561 and conditions regarding the use of water in the Great Salt Lake; or
- 562 (iii) give an advantage to another person including another state or to the federal
563 government in negotiations regarding the use of water in the Great Salt Lake.

564 Section 3. **Effective date.**

565 This bill takes effect on May 1, 2024.