

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 Government Records Management and Access provisions.

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:



28 **17-22-30. Prohibition on providing copy of booking photograph -- Statement**
29 **required -- Criminal liability for false statement -- Remedy for failure to remove or**
30 **delete.**

31 (1) As used in this section:

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

34 (i) for identification purposes; and

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

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

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

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

43 ~~(b)~~ (ii) the booking photograph is a protected record under Subsection
44 [63G-2-305](#)(81).

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

47 (A) is an alleged victim of a crime that resulted in the creation of the booking
48 photograph; or

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

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

54 (A) retain the booking photograph;

55 (B) make a copy, take a picture of, or otherwise reproduce the booking photograph; or

56 (C) disseminate or distribute the booking photograph.

57 (3) (a) A person who requests a copy of a booking photograph from a sheriff shall, at
58 the time of making the request, submit a statement signed by the person affirming that the

59 booking photograph will not be placed in a publish-for-pay publication or posted to a
60 publish-for-pay website.

61 (b) A person who submits a false statement under Subsection (3)(a) is subject to
62 criminal liability as provided in Section [76-8-504](#).

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

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

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

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

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

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

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

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

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

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

88 (b) If the publish-for-pay publication or publish-for-pay website described in
89 Subsection (5)(a) does not remove and destroy the booking photograph in accordance with

90 Subsection (5)(a), the publish-for-pay publication or publish-for-pay website is liable for:

91 (i) all costs, including reasonable attorney fees, resulting from any legal action that the
92 individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay
93 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 described
95 in Subsection (5)(a) on which the booking photograph is visible or publicly accessible in the
96 publish-for-pay publication or on the publish-for-pay website.

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

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

101 **63G-2-305. Protected records.**

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

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

105 (2) commercial information or nonindividual financial information obtained from a
106 person if:

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

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

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

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

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

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

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

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

130 (i) an invitation for bids;

131 (ii) a request for proposals;

132 (iii) a request for quotes;

133 (iv) a grant; or

134 (v) other similar document; or

135 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

210 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
211 legislative action or policy may not be classified as protected under this section; and

212 (b) (i) an internal communication that is part of the deliberative process in connection
213 with the preparation of legislation between:

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

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

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

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

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

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

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

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

270 (35) records that would reveal negotiations regarding assistance or incentives offered
271 by or requested from a governmental entity for the purpose of encouraging a person to expand
272 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
273 person or place the governmental entity at a competitive disadvantage, but this section may not
274 be used to restrict access to a record evidencing a final contract;

275 (36) materials to which access must be limited for purposes of securing or maintaining

276 the governmental entity's proprietary protection of intellectual property rights including patents,
277 copyrights, and trade secrets;

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

282 (a) the donor requests anonymity in writing;

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

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

290 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
291 73-18-13;

292 (39) a notification of workers' compensation insurance coverage described in Section
293 34A-2-205;

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

297 (i) unpublished lecture notes;

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

299 (A) relating to research; and

300 (B) of:

301 (I) the institution within the state system of higher education defined in Section
302 53B-1-102; or

303 (II) a sponsor of sponsored research;

304 (iii) unpublished manuscripts;

305 (iv) creative works in process;

306 (v) scholarly correspondence; and

307 (vi) confidential information contained in research proposals;

308 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
309 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

310 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

311 (41) (a) records in the custody or control of the Office of the Legislative Auditor
312 General that would reveal the name of a particular legislator who requests a legislative audit
313 prior to the date that audit is completed and made public; and

314 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
315 Office of the Legislative Auditor General is a public document unless the legislator asks that
316 the records in the custody or control of the Office of the Legislative Auditor General that would
317 reveal the name of a particular legislator who requests a legislative audit be maintained as
318 protected records until the audit is completed and made public;

319 (42) records that provide detail as to the location of an explosive, including a map or
320 other document that indicates the location of:

321 (a) a production facility; or

322 (b) a magazine;

323 (43) information contained in the statewide database of the Division of Aging and
324 Adult Services created by Section 26B-6-210;

325 (44) information contained in the Licensing Information System described in Title 80,
326 Chapter 2, Child Welfare Services;

327 (45) information regarding National Guard operations or activities in support of the
328 National Guard's federal mission;

329 (46) records provided by any pawn or secondhand business to a law enforcement
330 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,
331 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

332 (47) information regarding food security, risk, and vulnerability assessments performed
333 by the Department of Agriculture and Food;

334 (48) except to the extent that the record is exempt from this chapter pursuant to Section
335 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or
336 prepared or maintained by the Division of Emergency Management, and the disclosure of
337 which would jeopardize:

- 338 (a) the safety of the general public; or
- 339 (b) the security of:
 - 340 (i) governmental property;
 - 341 (ii) governmental programs; or
 - 342 (iii) the property of a private person who provides the Division of Emergency
 - 343 Management information;
- 344 (49) records of the Department of Agriculture and Food that provides for the
- 345 identification, tracing, or control of livestock diseases, including any program established under
- 346 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
- 347 of Animal Disease;
- 348 (50) as provided in Section [26B-2-408](#):
 - 349 (a) information or records held by the Department of Health and Human Services
 - 350 related to a complaint regarding a child care program or residential child care which the
 - 351 department is unable to substantiate; and
 - 352 (b) information or records related to a complaint received by the Department of Health
 - 353 and Human Services from an anonymous complainant regarding a child care program or
 - 354 residential child care;
- 355 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as
- 356 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or
- 357 personal mobile phone number, if:
 - 358 (a) the individual is required to provide the information in order to comply with a law,
 - 359 ordinance, rule, or order of a government entity; and
 - 360 (b) the subject of the record has a reasonable expectation that this information will be
 - 361 kept confidential due to:
 - 362 (i) the nature of the law, ordinance, rule, or order; and
 - 363 (ii) the individual complying with the law, ordinance, rule, or order;
- 364 (52) the portion of the following documents that contains a candidate's residential or
- 365 mailing address, if the candidate provides to the filing officer another address or phone number
- 366 where the candidate may be contacted:
 - 367 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
 - 368 described in Section [20A-9-201](#), [20A-9-202](#), [20A-9-203](#), [20A-9-404](#), [20A-9-405](#), [20A-9-408](#),

369 20A-9-408.5, 20A-9-502, or 20A-9-601;

370 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

371 (c) a notice of intent to gather signatures for candidacy, described in Section

372 20A-9-408;

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

375 (a) conducted within the state system of higher education, as defined in Section

376 53B-1-102; and

377 (b) conducted using animals;

378 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance

379 Evaluation Commission concerning an individual commissioner's vote, in relation to whether a

380 judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and

381 information disclosed under Subsection 78A-12-203(5)(e);

382 (55) information collected and a report prepared by the Judicial Performance

383 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter

384 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,

385 the information or report;

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

388 (57) information requested by and provided to the 911 Division under Section

389 63H-7a-302;

390 (58) in accordance with Section 73-10-33:

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

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

395 (59) the following records in the custody or control of the Office of Inspector General
396 of Medicaid Services, created in Section 63A-13-201:

397 (a) records that would disclose information relating to allegations of personal

398 misconduct, gross mismanagement, or illegal activity of a person if the information or

399 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services

400 through other documents or evidence, and the records relating to the allegation are not relied
401 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
402 report or final audit report;

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

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

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

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

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

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

422 (62) a record described in Section 63G-12-210;

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

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

427 (a) a victim's application or request for benefits;

428 (b) a victim's receipt or denial of benefits; and

429 (c) any administrative notes or records made or created for the purpose of, or used to,
430 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim

431 Reparatons Fund;

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

437 (a) depict the commission of an alleged crime;

438 (b) record any encounter between a law enforcement officer and a person that results in
439 death or bodily injury, or includes an instance when an officer fires a weapon;

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

442 (d) contain an officer involved critical incident as defined in Subsection

443 76-2-408(1)(f); or

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

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

449 (67) an audio recording that is:

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

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

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

457 (ii) uses a device or piece of equipment designed or intended for resuscitating an
458 individual or for treating an individual with a life-threatening condition; and

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

461 (68) records submitted by or prepared in relation to an applicant seeking a

462 recommendation by the Research and General Counsel Subcommittee, the Budget
463 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
464 employment position with the Legislature;

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

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

468 (71) a record submitted to the Insurance Department in accordance with Section
469 31A-37-201;

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

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

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

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

478 (a) Title 10, Utah Municipal Code;

479 (b) Title 17, Counties;

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

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

482 (e) Title 20A, Election Code;

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

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

488 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
489 5, Victims Guidelines for Prosecutors Act;

490 (79) a record submitted to the Insurance Department under Section 31A-48-103;

491 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is
492 prohibited under Section 63G-26-103;

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

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

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

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

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

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

506 (d) the image is displayed to a person who is permitted to view the image under
507 Section 17-22-30.

508 (82) a record:

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

510 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
511 representative from another state or the federal government as provided in Section
512 63M-14-205; and

513 (c) the disclosure of which would:

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

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

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

521 (83) any part of an application described in Section 63N-16-201 that the Governor's
522 Office of Economic Opportunity determines is nonpublic, confidential information that if
523 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may

524 not be used to restrict access to a record evidencing a final contract or approval decision;

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

526 (a) an engineering or architectural drawing of the drinking water or wastewater facility;

527 and

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

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

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

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

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

541 (87) a record:

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

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

546 (c) the disclosure of which would:

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

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

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

553 Section 3. **Effective date.**

554 This bill takes effect on May 1, 2024.