

**Law Enforcement Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matthew H. Gwynn**

**Senate Sponsor: Michael K. McKell**

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**LONG TITLE**

**General Description:**

This bill addresses due process rights for peace officers in certain circumstances.

**Highlighted Provisions:**

This bill:

- addresses the procedures a prosecution agency is required to follow when the prosecution agency creates a system for tracking past peace officer misconduct that the agency has to disclose to a defendant in certain circumstances; and

- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63I-2-253**, as last amended by Laws of Utah 2024, Third Special Session, Chapters 5, 5

ENACTS:

**53-25-601**, Utah Code Annotated 1953

**53-25-602**, Utah Code Annotated 1953

**53-25-603**, Utah Code Annotated 1953

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

Section 1. Section **53-25-601** is enacted to read:

**Part 6. Requirements Related to Brady Material**

**53-25-601 . Definitions.**

As used in this part:

- (1) "Brady identification system" means any type of system used by a prosecution agency to assist in tracking and disclosing Brady material to defendants being prosecuted by the prosecution agency.
- (2) "Brady material" means potential impeachment information that a prosecutor has disclosed or may disclose to a defendant being prosecuted for a criminal offense relating to conduct of a peace officer who was involved in the arrest or investigation of the defendant.
- (3) "Law enforcement agency" means a public agency having general police power and charged with making arrests in connection with enforcement of the criminal laws, statutes, or ordinances of this state or political subdivisions of this state.
- (4)(a) "Peace officer" means any officer certified in accordance with Chapter 13, Peace Officer Classifications.
- (b) "Peace officer" includes any employee of a law enforcement agency whose job duties include providing courtroom testimony in support of the enforcement of criminal laws, statutes, or ordinances.
- (5) "POST" means the Peace Officer Standards and Training Division created in Section 53-6-103.
- (6) "Prosecution agency" means a city attorney, county attorney, district attorney, the attorney general, or other prosecution agency.

Section 2. Section **53-25-602** is enacted to read:

**53-25-602 . Prosecution agency's requirements related to Brady material.**

- (1)(a) A prosecution agency may use a Brady identification system to fulfill the prosecution agency's discovery obligations regarding Brady material under federal law, state law, court order, or court rule.
- (b) A prosecution agency is not required to maintain a Brady identification system and may determine that the prosecution agency's discovery obligations regarding Brady material can be met through another procedure.
- (2) A prosecution agency that uses a Brady identification system may make disclosures of Brady material to a defendant in a prosecution even if the prosecution agency has not made a final decision regarding whether the peace officer who is the subject of the Brady material will be placed onto the prosecution agency's Brady identification system.
- (3)(a) Except as provided in Subsection (3)(b), before a prosecution agency may initially place a peace officer on the prosecution agency's Brady identification system, or add

62 additional information to the prosecution agency's Brady identification system  
63 regarding a peace officer already on the prosecution agency's Brady identification  
64 system for a reason unrelated to the initial placement, the prosecution agency shall:

65 (i) provide the peace officer with written notice that the prosecution agency intends  
66 to:

67 (A) place the peace officer onto the prosecution agency's Brady identification  
68 system; or

69 (B) if the peace officer is already on the prosecution agency's Brady identification  
70 system, add additional information about the peace officer onto the prosecution  
71 agency's Brady identification system;

72 (ii) provide the peace officer with copies of any documents, records, and other  
73 evidence relied upon by the prosecution agency that is seeking to place the peace  
74 officer, or add additional information regarding the peace officer, onto the Brady  
75 identification system; and

76 (iii) provide the peace officer with an opportunity to dispute the peace officer's  
77 placement, or addition of information regarding the peace officer, onto the Brady  
78 identification system.

79 (b) A prosecution agency is not required to provide the procedures described in  
80 Subsection (3)(a) if the Brady material underlying the peace officer's placement onto  
81 the Brady identification system relates to a criminal conviction.

82 (4)(a) If a peace officer is employed by a law enforcement agency and is placed onto a  
83 prosecution agency's Brady identification system in accordance with this section, the  
84 prosecution agency shall notify the peace officer's employer regarding the placement.

85 (b) A peace officer who is placed onto a prosecution agency's Brady identification  
86 system before May 7, 2025, may request within 180 calendar days after May 7, 2025,  
87 a review by the prosecution agency regarding the peace officer's placement and, if the  
88 prosecution agency receives the request, the prosecution agency shall undertake the  
89 review.

90 (5) A prosecution agency that uses a Brady identification system shall adopt a policy,  
91 accessible to any peace officer in the prosecution agency's jurisdiction, that includes:

92 (a) the criteria used by the prosecution agency to place an officer on the prosecution  
93 agency's Brady identification system including:

94 (i) a description of what conduct qualifies as Brady material; and

95 (ii) a description of other conduct not defined in this part that the prosecution agency

- 106 determines will get a peace officer placed on the prosecution agency's Brady  
107 identification system; and
- 108 (b) the rights, procedures, and limitations described in Subsection (3).
- 109 (6) If a peace officer is placed onto a prosecution agency's Brady identification system and  
110 then is placed on another prosecution agency's Brady identification system, the other  
111 prosecution agency:
- 112 (a) does not have to provide the peace officer with the rights and procedures described in  
113 Subsection (3)(a), if the peace officer's placement is based on the same conduct that  
114 led to the peace officer being placed on the initial prosecution agency's Brady  
115 identification system and the peace officer was provided the rights and procedures  
116 described in Subsection (3)(a) by the initial prosecution agency; and
- 117 (b) shall:
- 118 (i) provide the peace officer with written notice that the prosecution agency has  
119 added the peace officer to the prosecution agency's Brady identification system;
- 120 (ii) provide the peace officer with an opportunity to respond in writing to the peace  
121 officer's placement on the prosecution agency's Brady identification system; and
- 122 (iii) review the peace officer's response described in Subsection (6)(b)(ii).
- 123 (7) A peace officer may not seek judicial review of a prosecution agency's determination to  
124 place an officer on a Brady identification system in accordance with this section.
- 125 (8) Any information or record maintained by a prosecution agency in a Brady identification  
126 system is not subject to disclosure under Title 63G, Chapter 2, Government Records  
127 Access and Management Act.
- 128 (9) This section does not:
- 129 (a) create a private cause of action by a peace officer or by a law enforcement agency  
130 against a prosecution agency or the prosecution agency's employees for the  
131 procedures and determination related to the placement of a peace officer onto a Brady  
132 identification system; or
- 133 (b) restrict or limit a prosecution agency from fulfilling the prosecution agency's  
134 discovery obligations.

135 Section 3. Section **53-25-603** is enacted to read:

136 **53-25-603 . Peace officer and employing law enforcement agency requirements**  
137 **related to Brady material.**

- 138 (1)(a) If a peace officer has been placed onto a prosecution agency's Brady identification  
139 system after being provided the rights and procedures described in Subsection

53-25-603(3) and the peace officer is subpoenaed by a different prosecution agency to testify in court, the peace officer shall disclose that placement to the prosecution agency that issued the subpoena as soon as practicable after receiving the subpoena.

(b) If a peace officer fails to disclose the peace officer's placement on a Brady identification system as described in Subsection (1)(a), the peace officer's employing law enforcement agency may take disciplinary action against the peace officer.

(2)(a) A law enforcement agency may not use the placement of a peace officer onto a Brady identification system as described in Section 53-25-603 as the sole reason for taking or denying any of the following employment actions against the peace officer:

(i) demotion;

(ii) suspension;

(iii) termination; or

(iv) any other disciplinary action.

(b) Notwithstanding Subsection (2)(a), a law enforcement agency may use the underlying facts of the Brady material that were the basis for the peace officer's placement onto a Brady identification system for taking a disciplinary action against the peace officer in accordance with the law enforcement agency's adopted policies and procedures and governing law.

(3) A chief, sheriff, or administrative officer of a law enforcement agency who knows of an allegation against a peace officer employed by the chief's, sheriff's, or administrative officer's law enforcement agency involving Brady material shall conduct an administrative or internal investigation into the allegation and, if after the law enforcement agency's adopted policies and procedures are followed and the allegation is substantiated, report the findings of the investigation to:

(a) if the law enforcement agency is a private law enforcement agency or a city, county, or other local law enforcement agency, the county attorney of the jurisdiction where the law enforcement agency is located; or

(b) if the law enforcement agency is a state law enforcement agency, to the attorney general.

Section 4. Section **63I-2-253** is amended to read:

**63I-2-253 . Repeal dates: Titles 53 through 53G.**

(1) Subsection 53-1-104(1)(b), regarding the Air Ambulance Committee, is repealed July 1, 2024.

(2) Section 53-1-118, Public Safety Honoring Heroes Restricted Account -- Creation --

- 164 Funding -- Distribution of funds by the commissioner, is repealed July 1, 2024.
- 165 (3) Section 53-1-120, Utah Law Enforcement Memorial Support Restricted Account --
- 166 Creation -- Funding -- Distribution of funds by the commissioner, is repealed July 1,
- 167 2024.
- 168 (4) Section 53-2a-303, Statewide mutual aid committee, is repealed October 1, 2024.
- 169 (5) Title 53, Chapter 2c, COVID-19 Health and Economic Response Act, is repealed July 1,
- 170 2026.
- 171 (6) Section 53-2d-101.1, Contracting authority -- Rulemaking authority, is repealed July 1,
- 172 2024.
- 173 (7) Section 53-2d-107, Air Ambulance Committee -- Membership -- Duties, is repealed
- 174 July 1, 2024.
- 175 (8) Section 53-2d-302, Trauma system advisory committee, is repealed October 1, 2024.
- 176 (9) Section 53-7-109, Firefighter Support Restricted Account, is repealed July 1, 2024.
- 177 (10) Section 53-9-104, Board -- Creation-- Qualifications -- Appointments -- Terms --
- 178 Immunity, is repealed October 1, 2024.
- 179 (11) Section 53-9-105, Powers and duties of the board, is repealed October 1, 2024.
- 180 (12) Section 53-9-106, Meetings -- Hearings, is repealed October 1, 2024.
- 181 (13) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem
- 182 -- Report -- Expiration, is repealed December 31, 2025.
- 183 (14) Section 53-22-104.2, The School Security Task Force -- Education Advisory Board, is
- 184 repealed December 31, 2025.
- 185 (15) Section 53-25-103, Airport dangerous weapon possession reporting requirements, is
- 186 repealed December 31, 2031.
- 187 (16) Subsection 53-25-602(4)(b), regarding the rights of a peace officer placed onto a
- 188 prosecution agency's Brady identification system before May 7, 2025, is repealed
- 189 December 1, 2025.
- 190 ~~[(16)]~~ (17) Section 53B-8-114, Continuation of previously authorized scholarships, is
- 191 repealed July 1, 2024.
- 192 ~~[(17)]~~ (18) Section 53B-10-101, Terrel H. Bell Teaching Incentive Loans program --
- 193 Eligible students -- Cancellation of incentive loans -- Repayment by recipient who fails
- 194 to meet requirements -- Duration of incentive loans, is repealed July 1, 2027.
- 195 ~~[(18)]~~ (19) Subsection 53F-2-504(6), regarding a report on the Salary Supplement for
- 196 Highly Needed Educators, is repealed July 1, 2026.
- 197 ~~[(19)]~~ (20) Section 53F-2-524, Teacher bonuses for extra assignments, is repealed July 1,

198        2024.

199    [(20)] (21) Section 53F-5-221, Management of energy and water use pilot program, is  
200        repealed July 1, 2028.

201    [(21)] (22) Section 53F-5-222, Mentoring and Supporting Teacher Excellence and  
202        Refinement Pilot Program, is repealed July 1, 2028.

203    [(22)] (23) Section 53F-5-223, Stipends for Future Educators Grant Program, is repealed  
204        July 1, 2028.

205    [(23)] (24) Section 53F-9-401, Autism Awareness Restricted Account, is repealed July 1,  
206        2024.

207    [(24)] (25) Section 53F-9-403, Kiwanis Education Support Fund, is repealed July 1, 2024.

208    [(25)] (26) Subsection 53G-11-502(1), regarding implementation of the educator evaluation  
209        process, is repealed July 1, 2029.

210    [(26)] (27) Section 53G-11-506, Establishment of educator evaluation program -- Joint  
211        committee, is repealed July 1, 2029.

212    [(27)] (28) Section 53G-11-507, Components of educator evaluation program, is repealed  
213        July 1, 2029.

214    [(28)] (29) Section 53G-11-508, Summative evaluation timelines -- Review of summative  
215        evaluations, is repealed July 1, 2029.

216    [(29)] (30) Section 53G-11-509, Mentor for provisional educator, is repealed July 1, 2029.

217    [(30)] (31) Section 53G-11-510, State board to describe a framework for the evaluation of  
218        educators, is repealed July 1, 2029.

219    [(31)] (32) Section 53G-11-511, Rulemaking for privacy protection, is repealed July 1, 2029.

220    [(32)] (33) Subsection 53G-11-520(1), regarding optional alternative educator evaluation  
221        processes, is repealed July 1, 2029.

222    [(33)] (34) Subsection 53G-11-520(2), regarding an exception from educator evaluation  
223        process requirements, is repealed July 1, 2029.

224        Section 5. **Effective date.**

225    This bill takes effect on May 7, 2025.