

Law Enforcement Investigation Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill concerns procedures and requirements related to law enforcement investigations.

Highlighted Provisions:

This bill:

- defines and modifies terms;
- places restrictions on and establishes procedures for law enforcement access to reverse-keyword information;
- requires, with a sunset provision, a specified notice for certain warrant applications; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-2-277, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

77-23f-101, as enacted by Laws of Utah 2023, Chapter 382

77-23f-104, as enacted by Laws of Utah 2023, Chapter 382

77-23f-105, as enacted by Laws of Utah 2023, Chapter 382

77-23f-106, as enacted by Laws of Utah 2023, Chapter 382

77-23f-107, as enacted by Laws of Utah 2023, Chapter 382

77-23f-109, as enacted by Laws of Utah 2023, Chapter 382

ENACTS:

77-23f-102.2, Utah Code Annotated 1953

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

Section 1. Section **63I-2-277** is amended to read:

63I-2-277 . Repeal dates: Title 77.

(1) ~~[Subsection]~~ Subsections 77-23f-102(2)(a)(ii) and 77-23f-102.1(2)(a), regarding a notice for certain ~~[reverse-location]~~ search warrant applications, is repealed January 1, 2033.

(2) Subsection 77-23f-103(2)(a)(ii), regarding a notice for certain reverse-location search warrant applications, is repealed January 1, 2033.

Section 2. Section **77-23f-101** is amended to read:

CHAPTER 23f. ACCESS TO REVERSE-LOCATION AND REVERSE-KEYWORD

INFORMATION

77-23f-101 . Definitions.

As used in this chapter:

- (1) "Anonymized" means that the identifying information connected to an electronic device has been rendered anonymous in a manner such that the subject, including an individual, household, device, or Internet protocol address, is not identifiable to a law enforcement agency.
- (2) "Cell site" means transmission or reception equipment, including a base-station antenna, that connects an electronic device to a network.
- (3) "Cell site record" means the cell site location information of an electronic device that corresponds to a specific cell site and time frame.
- (4) "Electronic device" means ~~[a device that enables access to or use of a location information service or can otherwise create or provide location information]~~ the same as that term is defined in Section 77-23c-101.2.
- (5) "Geofence" means a specified geographic area defined by a virtual perimeter or geographic coordinates.
- (6) "Identifying information" means information tied to an electronic device that identifies the user's or owner's:
 - (a) name;
 - (b) address;
 - (c) phone number;

(d) email; or

(e) other identifying information that would identify the owner or user of the electronic device.

(7) "Law enforcement agency" means the same as that term is defined in Section 77-23c-101.2.

(8) "Location information" means the same as that term is defined in Section 77-23c-101.2.

(9)(a) "Reverse-keyword information" means information that:

(i) identifies an unnamed individual, by name or other unique identifier, who:

(A) electronically searched for a particular word, phrase, character string, or website; or

(B) visited a particular website through a link generated by an electronic search for a particular word, phrase, character string, or website; and

(ii) is or is not limited to a specific geographic area or time frame.

(b) "Reverse-keyword information" does not include keyword information concerning a known individual or a specified electronic device that may be obtained pursuant to Chapter 23c, Electronic Information Privacy Act.

[~~(9)~~] (10) "Reverse-location information" means historical location information for:

(a) a defined time period;

(b) a defined or undefined area; and

(c) a defined or undefined number of electronic devices, for which the identities of the owners or users of the electronic devices are unknown to law enforcement.

Section 3. Section **77-23f-102.2** is enacted to read:

77-23f-102.2 . Obtaining reverse-keyword information -- Warrant required for disclosure -- Procedure.

(1) Except as provided in Section 77-23f-106, for a criminal investigation or prosecution, a law enforcement agency may not obtain reverse-keyword information for electronic devices unless:

(a) the law enforcement agency obtains a search warrant as provided under this section; and

(b)(i) the investigation or prosecution involves an offense listed in Subsection (4); or
(ii) the law enforcement agency can demonstrate an imminent, ongoing threat to public safety.

(2) To obtain reverse-keyword information, a law enforcement agency shall:

(a) include with the sworn warrant application the following language at the beginning

of the application in a legible font no smaller than other text appearing in the application: "NOTICE: This warrant application seeks judicial authorization for the disclosure of reverse-keyword information of electronic devices. If authorized, the warrant allows law enforcement to obtain historical information of all devices that searched for specific terms or visited a particular website through a link generated by an electronic search during the specified time described in the warrant from entities in possession of the relevant data. The electronic devices captured in the warrant may be owned or used by both alleged criminal perpetrators and individuals not involved in the commission of a crime. For this reason, any warrant issued must require the anonymization of all devices associated with the reverse-keyword information."; and

(b) establish probable cause to believe that evidence of a crime will be found based on the reverse-keyword information sought to be searched and within the specified period of time.

(3) If a court grants a warrant under Subsection (2), the court shall require that all electronic device data provided pursuant to the warrant be anonymized before the reverse-keyword information or reverse-location information is released to the law enforcement agency.

(4) The offenses referred to in Subsection (1)(b)(i) are:

(a) a felony offense under Title 76, Chapter 5, Offenses Against the Individual;

(b) a first or second degree felony offense under Title 76, Chapter 6, Part 1, Property Destruction;

(c) a first or second degree felony offense under Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass;

(d) a first or second degree felony offense under Title 76, Chapter 6, Part 3, Robbery;

(e) a first or second degree felony offense under Title 76, Chapter 8, Part 3, Obstructing Governmental Operations;

(f) a first or second degree felony offense under Title 76, Chapter 10, Part 3, Explosives;

(g) a first or second degree felony offense under Title 76, Chapter 10, Part 4, Weapons of Mass Destruction;

(h) a first or second degree felony offense under Title 76, Chapter 10, Part 13, Prostitution; and

(i) a first or second degree felony offense under Title 76, Chapter 10, Part 15, Bus Passenger Safety Act.

Section 4. Section **77-23f-104** is amended to read:

77-23f-104 . Obtaining additional reverse-location or reverse-keyword

information -- Warrant required for disclosure -- Procedure.

- (1) If, after executing a warrant described in Section 77-23f-102, 77-23f-102.2, or 77-23f-103, a law enforcement agency seeks to obtain reverse-keyword information or reverse-location information beyond the parameters of the warrant obtained under Section 77-23f-102, 77-23f-102.2, or 77-23f-103, the law enforcement agency shall:
- (a) include in the sworn warrant application the specific electronic devices identified in the anonymized data for which the law enforcement agency seeks additional reverse-location information or reverse-keyword information;
 - (b) establish probable cause to believe that evidence of a crime will be found within a specified period of time; and
 - (c) affirm that the crime described in Subsection (1)(b) is:
 - (i) the same crime or directly related to the crime that was the subject of the warrant obtained under Section 77-23f-102, 77-23f-102.2, or 77-23f-103; or
 - (ii) a crime subject to the judicially recognized plain view exception to the warrant requirement.
- (2) If a court grants a warrant under Subsection (1), the court shall require that all electronic device data provided pursuant to the warrant be anonymized before the reverse-location information or reverse-keyword information is released to the law enforcement agency.

Section 5. Section **77-23f-105** is amended to read:

77-23f-105 . Obtaining identifying information connected to reverse-location information or reverse-keyword information -- Warrant required for disclosure -- Procedure.

To obtain identifying information for an electronic device identified pursuant to a warrant concerning reverse-location information or reverse-keyword information obtained under Section 77-23f-102, 77-23f-102.2, 77-23f-103, or 77-23f-104, a law enforcement agency shall establish in the sworn warrant application probable cause to believe that the electronic device was used or otherwise implicated in a crime.

Section 6. Section **77-23f-106** is amended to read:

77-23f-106 . Exceptions to reverse-location and reverse-keyword warrant requirements.

- (1) Notwithstanding any other provision in this chapter, a law enforcement agency may obtain reverse-location information or reverse-keyword information without a warrant:
- (a) in accordance with Section 53-10-104.5; or
 - (b) in accordance with a judicially recognized exception to warrant requirements.

(2) Nothing in this chapter:

- (a) limits or affects the disclosure of public records under Title 63G, Chapter 2, Government Records Access and Management Act;
- (b) affects the rights of an employer under Subsection 34-48-202(1)(e) or an administrative rule adopted under Section 63A-16-205; or
- (c) limits the ability of a law enforcement agency to receive or use information, without a warrant or subpoena, from the National Center for Missing and Exploited Children under 18 U.S.C. Sec. 2258A.

Section 7. Section **77-23f-107** is amended to read:

77-23f-107 . Use, disclosure, and destruction of reverse-location information or reverse-keyword information -- Anonymization.

- (1)(a) A law enforcement agency may not use, copy, or disclose, for any purpose, reverse-location information or reverse-keyword information obtained under a warrant under Section 77-23f-102, 77-23f-102.2, 77-23f-103, or 77-23f-104 that:
 - (i) is not related to the crime that is the subject of the warrant; and
 - (ii) is collected as part of an effort to obtain the reverse-location information or reverse-keyword information of an electronic device that is related to the crime that is the subject of the warrant obtained under Section 77-23f-102, 77-23f-102.2, 77-23f-103, or 77-23f-104.
- (b) The law enforcement agency shall destroy in an unrecoverable manner the reverse-location information or reverse-keyword information described in Subsection (1)(a) as soon as reasonably possible after the criminal case is declined for prosecution or, if criminal charges are filed, the final disposition of the criminal case.
- (2)(a) Reverse-location information obtained under Section 77-23f-102, 77-23f-103, or 77-23f-104 may not be:
 - (i) compared with, merged with, linked to, or in any way electronically or otherwise connected to a source of electronic data, including a database or file, containing one or more points of data that includes the location information provided by an electronic device; or
 - (ii) used in any other criminal investigation or prosecution.
- (b) Subsection (2)(a)(i) does not apply if all the electronic data, including the reverse-location information, is obtained for the purpose of investigating the same criminal incident.
- (3) A person or entity that provides reverse-location information or reverse-keyword

196 information under this chapter shall ensure that the reverse-location information or
197 reverse-keyword information is anonymized before the reverse-location information or
198 reverse-keyword information is provided to a law enforcement agency.

199 Section 8. Section **77-23f-109** is amended to read:

200 **77-23f-109 . Exclusion of records.**

201 Reverse-location information, reverse-keyword information, or identifying information
202 obtained in violation of the provisions of this chapter shall be subject to the rules governing
203 exclusion as if the ~~[records were]~~ information was obtained in violation of the Fourth
204 Amendment to the United States Constitution ~~[and]~~ or Utah Constitution, Article I, Section 14.

205 Section 9. **Effective Date.**

206 This bill takes effect on May 7, 2025.