

SB0288S01 compared with SB0288

~~{Omitted text}~~ shows text that was in SB0288 but was omitted in SB0288S01

inserted text shows text that was not in SB0288 but was inserted into SB0288S01

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1 **Employment Investigation Records Amendments**
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Stephanie Pitcher
House Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill amends provisions relating to certain employment records of alleged misconduct.

5 **Highlighted Provisions:**

6 This bill:

- 7 ▶ **defines terms;**
- 8 ▶ ~~{establishes, as a public }~~ **makes a** record~~{, a final written decision on a matter }~~ of alleged
9 employment or workplace misconduct**(investigation record) a private record;**
- 10 ▶ ~~{establishes, as a private record, a record of alleged employment or workplace misconduct~~
~~that does not qualify as a final written decision, including reports, complaints, investigatory~~
~~records, and other records relating to alleged employee misconduct; }~~
- 11 ▶ **prohibits the disclosure of an investigation record while an investigation is proceeding;**
- 12 ▶ **describes the circumstances under which an investigation record must be released;**
- 13 ▶ ~~{exempts a private record described in }~~ **identifies** the ~~{preceding section }~~ **information that must**
be redacted from ~~{certain provisions that may result in releasing the record despite the private nature of~~
~~}~~ **an investigation record when** the record**is disclosed;** ~~{and }~~

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▸ places limitations on the length of time an investigation may proceed without an investigation record being subject to release; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

AMENDS:

~~{20A-11-1205 , as last amended by Laws of Utah 2020, Chapter 22 , as last amended by Laws of Utah 2020, Chapter 22}~~

~~{63G-2-103 , as last amended by Laws of Utah 2024, Chapters 18, 465, 509, and 522 , as last amended by Laws of Utah 2024, Chapters 18, 465, 509, and 522}~~

~~63G-2-301 , as last amended by Laws of Utah 2020, Chapters 255, 399 , as last amended by Laws of Utah 2020, Chapters 255, 399~~

~~63G-2-302 , as last amended by Laws of Utah 2024, Chapter 234 , as last amended by Laws of Utah 2024, Chapter 234~~

~~{77-27-5 , as last amended by Laws of Utah 2024, Chapters 145, 187 and 208 , as last amended by Laws of Utah 2024, Chapters 145, 187 and 208}~~

ENACTS:

63G-2-302.5 , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

~~{Section 1. Section 20A-11-1205 is amended to read: }~~

20A-11-1205. Use of public email for a political purpose.

(1) Except as provided in Subsection (5), a person may not send an email using the email of a public entity:

(a) for a political purpose;

(b) to advocate for or against a proposed initiative, initiative, proposed referendum, referendum, a proposed bond, a bond, or any ballot proposition; or

(c) to solicit a campaign contribution.

(2)

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- (a) The lieutenant governor shall, after giving the person and the complainant notice and an opportunity to be heard, impose a civil fine against a person who violates Subsection (1) as follows:
- (i) up to \$250 for a first violation; and
- (ii) except as provided in Subsection (3), for each subsequent violation committed after the lieutenant governor imposes a fine against the person for a first violation, \$1,000 multiplied by the number of violations committed by the person.
- (b) A person may, within 30 days after the day on which the lieutenant governor imposes a fine against the person under this Subsection (2), appeal the fine to a district court.
- (3) The lieutenant governor shall consider a violation of this section as a first violation if the violation is committed more than seven years after the day on which the person last committed a violation of this section.
- (4) For purposes of this section, one violation means one act of sending an email, regardless of the number of recipients of the email.
- (5) A person does not violate this section if:
- (a) the lieutenant governor finds that the email described in Subsection (1) was inadvertently sent by the person using the email of a public entity;
- (b) the person is directly providing information solely to another person or a group of people in response to a question asked by the other person or group of people;
- (c) the information the person emails is an argument or rebuttal argument prepared under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and rebuttal argument that:
- (i) relates to the same proposed initiative, initiative, proposed referendum, or referendum; and
- (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or
- (d) the person is engaging in:
- (i) an internal communication solely within the public entity;
- (ii) a communication solely with another public entity;
- (iii) a communication solely with legal counsel;
- (iv) a communication solely with the sponsors of an initiative or referendum;
- (v) a communication solely with a land developer for a project permitted by a local land use law that is challenged by a proposed referendum or a referendum; or

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(vi) a communication solely with a person involved in a business transaction directly relating to a project described in Subsection (5)(d)(v).

(6) A violation of this section does not invalidate an otherwise valid election.

(7) An email sent in violation of Subsection (1), as determined by the records officer, constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, notwithstanding any applicability of Subsection [63G-2-103(25)(b)(i)] 63G-2-103(26)(b)(i).

~~{Section 2. Section 63G-2-103 is amended to read: }~~

63G-2-103. Definitions.

As used in this chapter:

(1) "Audit" means:

(a) a systematic examination of financial, management, program, and related records for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws and regulations; or

(b) a systematic examination of program procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.

(2) "Chronological logs" mean the regular and customary summary records of law enforcement agencies and other public safety agencies that show:

(a) the time and general nature of police, fire, and paramedic calls made to the agency; and

(b) any arrests or jail bookings made by the agency.

(3) "Classification," "classify," and their derivative forms mean determining whether a record series, record, or information within a record is public, private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

(4)

(a) "Computer program" means:

(i) a series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system; and

(ii) any associated documentation and source material that explain how to operate the computer program.

(b) "Computer program" does not mean:

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- 103 (i) the original data, including numbers, text, voice, graphics, and images;
104 (ii) analysis, compilation, and other manipulated forms of the original data produced by use of the
program; or
106 (iii) the mathematical or statistical formulas, excluding the underlying mathematical algorithms
contained in the program, that would be used if the manipulated forms of the original data were to
be produced manually.
- 109 (5)
(a) "Contractor" means:
110 (i) any person who contracts with a governmental entity to provide goods or services directly to a
governmental entity; or
112 (ii) any private, nonprofit organization that receives funds from a governmental entity.
113 (b) "Contractor" does not mean a private provider.
- 114 (6) "Controlled record" means a record containing data on individuals that is controlled as provided by
Section 63G-2-304.
- 116 (7) "Designation," "designate," and their derivative forms mean indicating, based on a governmental
entity's familiarity with a record series or based on a governmental entity's review of a reasonable
sample of a record series, the primary classification that a majority of records in a record series
would be given if classified and the classification that other records typically present in the record
series would be given if classified.
- 121 (8) "Elected official" means each person elected to a state office, county office, municipal office, school
board or school district office, special district office, or special service district office, but does not
include judges.
- 124 (9) "Explosive" means a chemical compound, device, or mixture:
125 (a) commonly used or intended for the purpose of producing an explosion; and
126 (b) that contains oxidizing or combustive units or other ingredients in proportions, quantities, or
packing so that:
128 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or
mixture may cause a sudden generation of highly heated gases; and
130 (ii) the resultant gaseous pressures are capable of:
131 (A) producing destructive effects on contiguous objects; or
132 (B) causing death or serious bodily injury.

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(10) "Final written decision on a matter of alleged employment or workplace misconduct" means a final, written, administrative decision following investigation into, and final resolution of, a matter of alleged unlawful harassment, unlawful discriminatory conduct, discriminatory conduct in violation of a policy, or related retaliation.

~~[(10)]~~ (11) "Government audit agency" means any governmental entity that conducts an audit.

~~[(11)]~~ (12)

(a) "Governmental entity" means:

- (i) executive department agencies of the state, the offices of the governor, lieutenant governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole, the Board of Examiners, the National Guard, the Career Service Review Office, the State Board of Education, the Utah Board of Higher Education, and the State Archives;
- (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative committees, except any political party, group, caucus, or rules or sifting committee of the Legislature;
- (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar administrative units in the judicial branch;
- (iv) any state-funded institution of higher education or public education; or
- (v) any political subdivision of the state, but, if a political subdivision has adopted an ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or as specified in any other section of this chapter that specifically refers to political subdivisions.

(b) "Governmental entity" ~~[also means]~~ includes:

- (i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed in Subsection ~~[(11)(a)]~~ (12)(a) that is funded or established by the government to carry out the public's business;
- (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative undertaking, except for the Water District Water Development Council created pursuant to Section 11-13-228;
- (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;
- (iv) an association as defined in Section 53G-7-1101;
- (v) the Utah Independent Redistricting Commission; and

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(vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or more law enforcement officers, as defined in Section 53-13-103.

(c) "Governmental entity" does not include the Utah Educational Savings Plan created in Section 53B-8a-103.

~~[(12)]~~ (13) "Gross compensation" means every form of remuneration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

~~[(13)]~~ (14) "Individual" means a human being.

~~[(14)]~~ (15)

(a) "Initial contact report" means an initial written or recorded report, however titled, prepared by peace officers engaged in public patrol or response duties describing official actions initially taken in response to either a public complaint about or the discovery of an apparent violation of law, which report may describe:

(i) the date, time, location, and nature of the complaint, the incident, or offense;

(ii) names of victims;

(iii) the nature or general scope of the agency's initial actions taken in response to the incident;

(iv) the general nature of any injuries or estimate of damages sustained in the incident;

(v) the name, address, and other identifying information about any person arrested or charged in connection with the incident; or

(vi) the identity of the public safety personnel, except undercover personnel, or prosecuting attorney involved in responding to the initial incident.

(b) Initial contact reports do not include follow-up or investigative reports prepared after the initial contact report. However, if the information specified in Subsection ~~[(14)(a)]~~ (15)(a) appears in follow-up or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

(c) Initial contact reports do not include accident reports, as that term is described in Title 41, Chapter 6a, Part 4, Accident Responsibilities.

~~[(15)]~~ (16) "Legislative body" means the Legislature.

~~[(16)]~~ (17) "Notice of compliance" means a statement confirming that a governmental entity has complied with an order of the State Records Committee.

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- 199 ~~[(17)]~~ (18) "Person" means:
- 200 (a) an individual;
- 201 (b) a nonprofit or profit corporation;
- 202 (c) a partnership;
- 203 (d) a sole proprietorship;
- 204 (e) other type of business organization; or
- 205 (f) any combination acting in concert with one another.
- 206 ~~[(18)]~~ (19) "Personal identifying information" means the same as that term is defined in Section
63A-12-100.5.
- 208 ~~[(19)]~~ (20) "Privacy annotation" means the same as that term is defined in Section 63A-12-100.5.
- 210 ~~[(20)]~~ (21) "Private provider" means any person who contracts with a governmental entity to provide
services directly to the public.
- 212 ~~[(21)]~~ (22) "Private record" means a record containing data on individuals that is private as provided by
Section 63G-2-302.
- 214 ~~[(22)]~~ (23) "Protected record" means a record that is classified protected as provided by Section
63G-2-305.
- 216 ~~[(23)]~~ (24) "Public record" means a record that is not private, controlled, or protected and that is not
exempt from disclosure as provided in Subsection 63G-2-201(3)(b).
- 218 ~~[(24)]~~ (25) "Reasonable search" means a search that is:
- 219 (a) reasonable in scope and intensity; and
- 220 (b) not unreasonably burdensome for the government entity.
- 221 ~~[(25)]~~ (26)
- 224 (a) "Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording,
electronic data, or other documentary material regardless of physical form or characteristics:
- 226 (i) that is prepared, owned, received, or retained by a governmental entity or political subdivision;
and
- 228 (ii) where all of the information in the original is reproducible by photocopy or other mechanical or
electronic means.
- 228 (b) "Record" does not include:
- 229 (i) a personal note or personal communication prepared or received by an employee or officer of a
governmental entity:

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- 231 (A) in a capacity other than the employee's or officer's governmental capacity; or
232 (B) that is unrelated to the conduct of the public's business;
- 233 (ii) a temporary draft or similar material prepared for the originator's personal use or prepared by the
originator for the personal use of an individual for whom the originator is working;
- 236 (iii) material that is legally owned by an individual in the individual's private capacity;
- 237 (iv) material to which access is limited by the laws of copyright or patent unless the copyright or patent
is owned by a governmental entity or political subdivision;
- 239 (v) proprietary software;
- 240 (vi) junk mail or a commercial publication received by a governmental entity or an official or employee
of a governmental entity;
- 242 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections of a library open
to the public;
- 244 (viii) material that is cataloged, indexed, or inventoried and contained in the collections of a library
open to the public, regardless of physical form or characteristics of the material;
- 247 (ix) a daily calendar ;
- 248 (x) a note prepared by the originator for the originator's own use or for the sole use of an individual for
whom the originator is working;
- 250 (xi) a computer program that is developed or purchased by or for any governmental entity for its own
use;
- 252 (xii) a note or internal memorandum prepared as part of the deliberative process by:
- 253 (A) a member of the judiciary;
- 254 (B) an administrative law judge;
- 255 (C) a member of the Board of Pardons and Parole; or
- 256 (D) a member of any other body, other than an association or appeals panel as defined in Section
53G-7-1101, charged by law with performing a quasi-judicial function;
- 259 (xiii) a telephone number or similar code used to access a mobile communication device that is used
by an employee or officer of a governmental entity, provided that the employee or officer of the
governmental entity has designated at least one business telephone number that is a public record as
provided in Section 63G-2-301;

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(xiv) information provided by the Public Employees' Benefit and Insurance Program, created in Section 49-20-103, to a county to enable the county to calculate the amount to be paid to a health care provider under Subsection 17-50-319(2)(e)(ii);

(xv) information that an owner of unimproved property provides to a local entity as provided in Section 11-42-205;

(xvi) a video or audio recording of an interview, or a transcript of the video or audio recording, that is conducted at a Children's Justice Center established under Section 67-5b-102;

(xvii) child sexual abuse material, as defined by Section 76-5b-103;

(xviii) before final disposition of an ethics complaint occurs, a video or audio recording of the closed portion of a meeting or hearing of:

(A) a Senate or House Ethics Committee;

(B) the Independent Legislative Ethics Commission;

(C) the Independent Executive Branch Ethics Commission, created in Section 63A-14-202; or

(D) the Political Subdivisions Ethics Review Commission established in Section 63A-15-201;

(xix) confidential communication described in Section 58-60-102, 58-61-102, or 58-61-702;

(xx) any item described in Subsection [(25)(a)] (26)(a) that is:

(A) described in Subsection [63G-2-305(17), (18), or (23)(b)] 63G-2-305(18), (19), or (24)(b); and

(B) shared between any of the following entities:

(I) the Division of Risk Management;

(II) the Office of the Attorney General;

(III) the governor's office; or

(IV) the Legislature; or

(xxi) the email address that a candidate for elective office provides to a filing officer under Subsection 20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv).

(27)

(a) "Record of alleged employment or workplace misconduct" means a record that relates in any way to information, a report, an inquiry, an assertion, an allegation, a rumor, or a complaint that:

(i) an elected official or other government employee, agent, or volunteer is a perpetrator of, a witness of, or a victim of unlawful harassment, unlawful discriminatory conduct, discriminatory conduct in violation of a policy, or related retaliation; or

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(ii) an incident of unlawful harassment, other unlawful discriminatory conduct, discriminatory conduct in violation of a policy, or related retaliation occurred at the workplace of an elected official or other government employee, agent, or volunteer.

(b) "Record of alleged employment or workplace misconduct" includes:

(i) an investigatory record;

(ii) evidence;

(iii) notes;

(iv) written or recorded statements;

(v) testimony;

(vi) a formal or informal report or complaint; or

(vii) a record that would reveal anything regarding a matter described in Subsection (27)(a) or the investigation, findings, or resolution of a matter described in Subsection (27)(a).

(c) "Record of alleged employment or workplace misconduct" does not include a final written decision on a matter of alleged employment or workplace misconduct.

~~[(26)]~~ (28) "Record series" means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

~~[(27)]~~ (29) "Records officer" means the individual appointed by the chief administrative officer of each governmental entity, or the political subdivision to work with state archives in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.

~~[(28)]~~ (30) "Schedule," "scheduling," and their derivative forms mean the process of specifying the length of time each record series should be retained by a governmental entity for administrative, legal, fiscal, or historical purposes and when each record series should be transferred to the state archives or destroyed.

~~[(29)]~~ (31) "Sponsored research" means research, training, and other sponsored activities as defined by the federal Executive Office of the President, Office of Management and Budget:

(a) conducted:

(i) by an institution within the state system of higher education defined in Section 53B-1-102; and

(ii) through an office responsible for sponsored projects or programs; and

(b) funded or otherwise supported by an external:

(i) person that is not created or controlled by the institution within the state system of higher education; or

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- 336 (ii) federal, state, or local governmental entity.
- 337 [(30)] (32) "State archives" means the Division of Archives and Records Service created in Section
63A-12-101.
- 339 [(31)] (33) "State archivist" means the director of the state archives.
- 340 [(32)] (34) "State Records Committee" means the State Records Committee created in Section
63G-2-501.
- 342 [(33)] (35) "Summary data" means statistical records and compilations that contain data derived from
private, controlled, or protected information but that do not disclose private, controlled, or protected
information.

30 Section 1. Section **63G-2-301** is amended to read:

31 **63G-2-301. Public records.** <compare mode="add">(Compare Error)</compare>

- 347 (1) As used in this section:
- 348 (a) "Business address" means a single address of a governmental agency designated for the public to
contact an employee or officer of the governmental agency.
- 350 (b) "Business email address" means a single email address of a governmental agency designated for the
public to contact an employee or officer of the governmental agency.
- 353 (c) "Business telephone number" means a single telephone number of a governmental agency
designated for the public to contact an employee or officer of the governmental agency.
- 356 (d) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
- 357 (2) The following records are public except to the extent they contain information expressly permitted
to be treated confidentially under the provisions of Subsections 63G-2-201(3)(b) and (6)(a):
- 360 (a) laws;
- 361 (b) the name, gender, gross compensation, job title, job description, business address, business email
address, business telephone number, number of hours worked per pay period, dates of employment,
and relevant education, previous employment, and similar job qualifications of a current or former
employee or officer of the governmental entity, excluding:
- 366 (i) undercover law enforcement personnel; and
- 367 (ii) investigative personnel if disclosure could reasonably be expected to impair the effectiveness of
investigations or endanger any individual's safety;
- 369 (c) final opinions, including concurring and dissenting opinions, and orders that are made by a
governmental entity in an administrative, adjudicative, or judicial proceeding except that if the

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proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, controlled, or protected;

- 374 (d) final interpretations of statutes or rules by a governmental entity unless classified as protected as
provided in Subsection 63G-2-305(17) or (18);
- 376 (e) information contained in or compiled from a transcript, minutes, or report of the open portions of a
meeting of a governmental entity as provided by Title 52, Chapter 4, Open and Public Meetings Act,
including the records of all votes of each member of the governmental entity;
- 380 (f) judicial records unless a court orders the records to be restricted under the rules of civil or criminal
procedure or unless the records are private under this chapter;
- 382 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of records filed with
or maintained by county recorders, clerks, treasurers, surveyors, zoning commissions, the Division
of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, the
Division of Oil, Gas, and Mining, the Division of Water Rights, or other governmental entities that
give public notice of:
 - 387 (i) titles or encumbrances to real property;
 - 388 (ii) restrictions on the use of real property;
 - 389 (iii) the capacity of persons to take or convey title to real property; or
 - 390 (iv) tax status for real and personal property;
- 391 (h) records of the Department of Commerce that evidence incorporations, mergers, name changes, and
uniform commercial code filings;
- 393 (i) data on individuals that would otherwise be private under this chapter if the individual who is the
subject of the record has given the governmental entity written permission to make the records
available to the public;
- 396 (j) documentation of the compensation that a governmental entity pays to a contractor or private
provider;
- 398 (k) summary data;
- 399 (l) voter registration records, including an individual's voting history, except for a voter registration
record or those parts of a voter registration record that are classified as private under Subsections
63G-2-302(1)(j) through (m) or withheld under Subsection 20A-2-104(7);

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- (m) for an elected official, as defined in Section 11-47-102, a telephone number, if available, and email address, if available, where that elected official may be reached as required in Title 11, Chapter 47, Access to Elected Officials;
- 406 (n) for a school community council member, a telephone number, if available, and email address, if available, where that elected official may be reached directly as required in Section 53G-7-1203;
- 409 (o) annual audited financial statements of the Utah Educational Savings Plan described in Section 53B-8a-111; and
- 411 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 413 (3) The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b), Section 63G-2-302, 63G-2-304, or 63G-2-305:
 - 416 (a) administrative staff manuals, instructions to staff, and statements of policy;
 - 417 (b) records documenting a contractor's or private provider's compliance with the terms of a contract with a governmental entity;
 - 419 (c) records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the governmental entity;
 - 421 (d) contracts entered into by a governmental entity;
 - 422 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds by a governmental entity;
 - 424 (f) records relating to government assistance or incentives publicly disclosed, contracted for, or given by a governmental entity, encouraging a person to expand or relocate a business in Utah, except as provided in Subsection 63G-2-305(35);
 - 427 (g) chronological logs and initial contact reports;
 - 428 (h) correspondence by and with a governmental entity in which the governmental entity determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;
 - 431 (i) empirical data contained in drafts if:
 - 432 (i) the empirical data is not reasonably available to the requester elsewhere in similar form; and
 - 434 (ii) the governmental entity is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;
 - 436 (j) drafts that are circulated to anyone other than:

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- 437 (i) a governmental entity;
- 438 (ii) a political subdivision;
- 439 (iii) a federal agency if the governmental entity and the federal agency are jointly responsible for
implementation of a program or project that has been legislatively approved;
- 442 (iv) a government-managed corporation; or
- 443 (v) a contractor or private provider;
- 444 (k) drafts that have never been finalized but were relied upon by the governmental entity in carrying out
action or policy;
- 446 (l) original data in a computer program if the governmental entity chooses not to disclose the program;
- 448 (m) arrest warrants after issuance, except that, for good cause, a court may order restricted access to
arrest warrants prior to service;
- 450 (n) search warrants after execution and filing of the return, except that a court, for good cause, may
order restricted access to search warrants prior to trial;
- 452 ~~[(e) maintained by the Division of Forestry, Fire, and State Lands, the School and Institutional Trust
Lands Administration, or the Division of Oil, Gas, and Mining that evidence mineral production on
government lands;]~~
- 454 ~~[(i) the disciplinary action has been completed and all time periods for administrative appeal have
expired; and]~~
- 456 ~~[(ii) the charges on which the disciplinary action was based were sustained;]~~
- 457 { ~~(e) a final written decision on a matter of alleged employment or workplace misconduct;~~ }
- 458 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and Institutional
Trust Lands Administration, or the Division of Oil, Gas, and Mining that evidence mineral
production on government lands;
- 461 (q) final audit reports;
- 462 (r) occupational and professional licenses;
- 463 (s) business licenses;
- 464 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar records used to
initiate proceedings for discipline or sanctions against persons regulated by a governmental entity,
but not including records that initiate employee discipline; and
- 468 (u)

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(i) records that disclose a standard, regulation, policy, guideline, or rule regarding the operation of a correctional facility or the care and control of inmates committed to the custody of a correctional facility; and

(ii) records that disclose the results of an audit or other inspection assessing a correctional facility's compliance with a standard, regulation, policy, guideline, or rule described in Subsection (3)(u)(i).

(4) The list of public records in this section is not exhaustive and should not be used to limit access to records.

Section 2. Section **63G-2-302** is amended to read:

63G-2-302. Private records. <compare mode="add">(Text Out Of Order)</compare>

(1) The following records are private:

(a) records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;

(b) records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;

(c) records of publicly funded libraries that when examined alone or with other records identify a patron;

(d) records received by or generated by or for:

(i) the Independent Legislative Ethics Commission, except for:

(A) the commission's summary data report that is required under legislative rule; and

(B) any other document that is classified as public under legislative rule; or

(ii) a Senate or House Ethics Committee in relation to the review of ethics complaints, unless the record is classified as public under legislative rule;

(e) records received by, or generated by or for, the Independent Executive Branch Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review of Executive Branch Ethics Complaints;

(f) records received or generated for a Senate confirmation committee concerning character, professional competence, or physical or mental health of an individual:

(i) if, prior to the meeting, the chair of the committee determines release of the records:

(A) reasonably could be expected to interfere with the investigation undertaken by the committee; or

(B) would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and

(ii) after the meeting, if the meeting was closed to the public;

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- 504 (g) employment records concerning a current or former employee of, or applicant for employment with,
a governmental entity that would disclose that individual's home address, home telephone number,
social security number, insurance coverage, marital status, or payroll deductions;
- 508 (h) records or parts of records under Section 63G-2-303 that a current or former employee identifies as
private according to the requirements of that section;
- 510 (i) that part of a record indicating a person's social security number or federal employer identification
number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 58-55-302,
61-1-4, or 61-2f-203;
- 513 (j) that part of a voter registration record identifying a voter's:
- 514 (i) driver license or identification card number;
- 515 (ii) social security number, or last four digits of the social security number;
- 516 (iii) email address;
- 517 (iv) date of birth; or
- 518 (v) phone number;
- 519 (k) a voter registration record that is classified as a private record by the lieutenant governor or a county
clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or 20A-2-204(4)(b);
- 522 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 523 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification
submitted in support of the form;
- 525 (n) a record that:
- 526 (i) contains information about an individual;
- 527 (ii) is voluntarily provided by the individual; and
- 528 (iii) goes into an electronic database that:
- 529 (A) is designated by and administered under the authority of the Chief Information Officer; and
- 531 (B) acts as a repository of information about the individual that can be electronically retrieved and used
to facilitate the individual's online interaction with a state agency;
- 534 (o) information provided to the Commissioner of Insurance under:
- 535 (i) Subsection 31A-23a-115(3)(a);
- 536 (ii) Subsection 31A-23a-302(4); or
- 537 (iii) Subsection 31A-26-210(4);
- 538

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- (p) information obtained through a criminal background check under Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 540 (q) information provided by an offender that is:
 - 541 (i) required by the registration requirements of Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry; and
 - 543 (ii) not required to be made available to the public under Subsection 77-41-110(4);
- 544 (r) a statement and any supporting documentation filed with the attorney general in accordance with Section 34-45-107, if the federal law or action supporting the filing involves homeland security;
- 547 (s) electronic toll collection customer account information received or collected under Section 72-6-118 and customer information described in Section 17B-2a-815 received or collected by a public transit district, including contact and payment information and customer travel data;
- 551 (t) an email address provided by a military or overseas voter under Section 20A-16-501;
- 552 (u) a completed military-overseas ballot that is electronically transmitted under Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 554 (v) records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, except for:
 - 556 (i) the commission's summary data report that is required in Section 63A-15-202; and
 - 557 (ii) any other document that is classified as public in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission;
- 559 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of an incident or threat;
- 561 (x) a criminal background check or credit history report conducted in accordance with Section 63A-3-201;
- 563 (y) a record described in Subsection 53-5a-104(7);
- 564 (z) on a record maintained by a county for the purpose of administering property taxes, an individual's:
 - 566 (i) email address;
 - 567 (ii) phone number; or
 - 568 (iii) personal financial information related to a person's payment method;
- 569 (aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an exemption, deferral, abatement, or relief under:
 - 571 (i) Title 59, Chapter 2, Part 11, Exemptions;

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- 572 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
- 573 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or
- 574 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;
- 575 (bb) a record provided by the State Tax Commission in response to a request under Subsection
59-1-403(4)(y)(iii);
- 577 (cc) a record of the Child Welfare Legislative Oversight Panel regarding an individual child welfare
case, as described in Subsection 36-33-103(3);~~[-and]~~
- 579 (dd) a record relating to drug or alcohol testing of a state employee under Section 63A-17-1004;
- 581 (ee) a record relating to a request by a state elected official or state employee who has been threatened
to the Division of Technology Services to remove personal identifying information from the open
web under Section 63A-16-109;{~~[and]~~}
- 584 (ff) a record including confidential information as that term is defined in Section
[67-27-105.] 67-27-106; and
- 586 (gg) {~~subject to Subsection (3).~~} a record of alleged employment or workplace misconduct, {~~other than~~
~~a final written decision on a matter of alleged employment or workplace misconduct~~} as defined in
Section 63G-3-302.5.
- 589 (2) The following records are private if properly classified by a governmental entity:
- 590 (a) [~~records~~] a record concerning a current or former employee of, or applicant for employment
with a governmental entity, including performance evaluations and personal status information
such as race, religion, or disabilities, but not including records that are public under Subsection
63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b) or (1)(gg);
- 595 (b) records describing an individual's finances, except that the following are public:
- 596 (i) records described in Subsection 63G-2-301(2);
- 597 (ii) information provided to the governmental entity for the purpose of complying with a financial
assurance requirement; or
- 599 (iii) records that must be disclosed in accordance with another statute;
- 600 (c) records of independent state agencies if the disclosure of those records would conflict with the
fiduciary obligations of the agency;
- 602 (d) other records containing data on individuals the disclosure of which constitutes a clearly
unwarranted invasion of personal privacy;
- 604

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- (e) records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it;
- 608 (f) any portion of a record in the custody of the Division of Aging and Adult Services, created in Section 26B-6-102, that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and
- 612 (g) audio and video recordings created by a body-worn camera, as defined in Section 77-7a-103, that record sound or images inside a home or residence except for recordings that:
- 615 (i) depict the commission of an alleged crime;
- 616 (ii) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;
- 618 (iii) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;
- 620 (iv) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or
- 622 (v) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording.
- 624 ~~{(3) To encourage an individual who is a victim of unlawful discrimination, including unlawful harassment, to report the unlawful discrimination or unlawful harassment, the following provisions do not apply to a private record described in Subsection (1)(gg), and may not be used as a basis for disclosing the private record or information in the private record: }~~
- 629 ~~{(a) Subsection 63G-2-102(3); }~~
- 630 ~~{(b) Subsections 63G-2-201(5) and (14); }~~
- 631 ~~{(c) Subsections 63G-2-202(7)(c)(iii) and (d); }~~
- 632 ~~{(d) Subsection 63G-2-401(6); }~~
- 633 ~~{(e) Subsection 63G-2-403(11)(b); and }~~
- 634 ~~{(f) Subsection 63G-2-404(7). }~~
- 635 ~~{(3){1} {(4)} }~~
- (a) As used in this Subsection ~~{(3){1} (4)}~~, "medical records" means medical reports, records, statements, history, diagnosis, condition, treatment, and evaluation.

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(b) Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or controlled records under Section 63G-2-304 when the records are sought:

(i) in connection with any legal or administrative proceeding in which the patient's physical, mental, or emotional condition is an element of any claim or defense; or

(ii) after a patient's death, in any legal or administrative proceeding in which any party relies upon the condition as an element of the claim or defense.

(c) Medical records are subject to production in a legal or administrative proceeding according to state or federal statutes or rules of procedure and evidence as if the medical records were in the possession of a nongovernmental medical care provider.

Section 3. Section 3 is enacted to read:

63G-2-302.5. Record of alleged employment or workplace misconduct -- When disclosure is required -- Redaction.

(1) As used in this section:

(a) "Final written decision on a matter of alleged employment or workplace misconduct" means a final written administrative decision, following an investigation, that pertains to a matter of alleged unlawful harassment, unlawful discriminatory conduct, or related retaliation.

(b) "Identifying information" means:

(i) an individual's name;

(ii) an individual's contact information, including:

(A) the individual's residential address, mailing address, work address; or

(B) any phone number or email address relating to the individual; or

(iii) other information that could, under the circumstances, lead to the discovery of the individual's identity.

(c)

(i) "Record of alleged employment or workplace misconduct" means a record that relates in any way to information, a report, an inquiry, an assertion, an allegation, a rumor, or a complaint that:

(A) an elected official or other government employee, agent, or volunteer is a perpetrator of, a witness of, or a victim of unlawful harassment, unlawful discriminatory conduct, or related retaliation; or

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(B) an incident of unlawful harassment, other unlawful discriminatory conduct, or related retaliation occurred at the workplace of an elected official or other government employee, agent, or volunteer.

(ii) "Record of alleged employment or workplace misconduct" includes:

(A) an investigatory record;

(B) evidence;

(C) notes;

(D) written or recorded statements;

(E) testimony;

(F) a formal or informal report or complaint; or

(G) a record that would reveal anything regarding a matter described in Subsection (1)(a) or the investigation, findings, or resolution of a matter described in Subsection (1)(a).

(2)

(a) To encourage an individual who is a victim of unlawful discrimination, including unlawful harassment, to report the unlawful discrimination or unlawful harassment, except as provided in Subsection (2)(b), the following provisions do not apply to a private record described in Subsection (1)(gg), and may not be used as a basis for disclosing the private record or information in the private record:

(i) Subsection 63G-2-102(3);

(ii) Subsections 63G-2-201(5) and (14);

(iii) Subsections 63G-2-202(7)(c)(iii) and (d);

(iv) Subsection 63G-2-401(6);

(v) Subsection 63G-2-403(11)(b); and

(vi) Subsection 63G-2-404(7).

(b) The provisions described in Subsection (2)(a)(i) through (vi) apply to:

(i) under the circumstances described in Subsection (3), the information described in Subsections (3)(c) and (d);

(ii) under the circumstances described in Subsection (5)(a), the information described in Subsections (5)(a)(iii) and (iv);

(iii) under the circumstances described in Subsection (5)(b), the information described in Subsections (5)(b)(iii) and (iv); or

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- 373 (iv) under the circumstances described in Subsection (6)(b), the information described in Subsections
375 (6)(b)(iii) and (iv).
- 375 (3) A record of alleged employment or workplace misconduct that relates to alleged misconduct that
is not, and never has been, under active investigation is subject to disclosure, with the following
information redacted:
- 378 (a) identifying information of a victim or witness, other than the alleged perpetrator;
379 (b) if a victim's or witness's identity is publicly known, information that would be embarrassing or
demeaning to the victim or witness;
- 381 (c) information that is otherwise classified as private, protected, or controlled; or
382 (d) information described in Subsection 63G-2-201(3)(b) to which access is restricted.
- 383 (4) Except as provided in Subsection (6), a record of alleged employment or workplace misconduct may
not be released:
- 385 (a) while the alleged misconduct to which the record relates is under active investigation; or
387 (b) before the earlier of:
- 388 (i) 30 days after the day on which the investigation is completed or closed; or
389 (ii) the day on which a final written decision on a matter of alleged employment or workplace
misconduct is publicly released.
- 391 (5) A record of alleged employment or workplace misconduct that relates to alleged misconduct that
was under active investigation, but is no longer under active investigation, is subject to disclosure in
response to a records request as follows:
- 394 (a) if the investigation results in a determination that misconduct occurred, the following information
shall be redacted:
- 396 (i) identifying information of a victim or witness;
397 (ii) if a victim's or witness's identity is publicly known, information that would be embarrassing or
demeaning to the victim or witness;
- 399 (iii) information that is otherwise classified as private, protected, or controlled; or
400 (iv) information described in Subsection 63G-2-201(3)(b) to which access is restricted; or
402 (b) if the investigation results in a determination that no alleged misconduct occurred or that a
determination is inconclusive, the record is subject to disclosure in response to a records request,
except that the following information shall be redacted:
- 405 (i) identifying information of an alleged victim, alleged witness, or alleged perpetrator;

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- 407 (ii) if an alleged victim's, alleged witness's or alleged perpetrator's identity is publicly known,
information that is not already public knowledge and that would be embarrassing or demeaning to
the alleged victim, alleged witness, or alleged perpetrator;
- 411 (iii) information that is otherwise classified as private, protected, or controlled; and
- 412 (iv) information described in Subsection 63G-2-201(3)(b) to which access is restricted.
- 414 (6)
- (a) The prohibition on release of a record of alleged employment or workplace misconduct described
in Subsection (4) does not apply if more than 180 days have passed after the day on which the
allegation of misconduct is made to the employer.
- 417 (b) If an investigation described in Subsection (4) is not completed or closed within 180 days after the
day on which the allegation of misconduct is made to the employer, a record of employment or
workplace misconduct relating to the matter under investigation is subject to disclosure in response
to a records request, with the following information redacted:
- 422 (i) identifying information of a victim or witness, other than the alleged perpetrator;
- 423 (ii) if a victim's or witness's identity is publicly known, information that would be embarrassing or
demeaning to the victim or witness;
- 425 (iii) information that is otherwise classified as private, protected, or controlled; or
- 426 (iv) information described in Subsection 63G-2-201(3)(b) to which access is restricted.
- 647 ~~{Section 5. Section 77-27-5 is amended to read: }~~
- 648 **77-27-5. Board of Pardons and Parole authority.**
- 649 (1)
- (a) Subject to this chapter and other laws of the state, and except for a conviction for treason or
impeachment, the board shall determine by majority decision when and under what conditions an
offender's conviction may be pardoned or commuted.
- 652 (b) The board shall determine by majority decision when and under what conditions an offender
committed to serve a sentence at a penal or correctional facility, which is under the jurisdiction of
the department, may:
- 655 (i) be released upon parole;
- 656 (ii) have a fine or forfeiture remitted;
- 657 (iii) have the offender's criminal accounts receivable remitted in accordance with Section 77-32b-105 or
77-32b-106;

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- 659 (iv) have the offender's payment schedule modified in accordance with Section 77-32b-103; or
661 (v) have the offender's sentence terminated.
- 662 (c) The board shall prioritize public safety when making a determination under Subsection (1)(a) or (1)
664 (b).
- 664 (d)
- 665 (i) The board may sit together or in panels to conduct hearings.
- 665 (ii) The chair shall appoint members to the panels in any combination and in accordance with rules
made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 668 (iii) The chair may participate on any panel and when doing so is chair of the panel.
- 669 (iv) The chair of the board may designate the chair for any other panel.
- 670 (e)
- (i) Except after a hearing before the board, or the board's appointed examiner, in an open session, the
board may not:
- 672 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts receivable;
- 674 (B) release the offender on parole; or
- 675 (C) commute, pardon, or terminate an offender's sentence.
- 676 (ii) An action taken under this Subsection (1) other than by a majority of the board shall be affirmed by
a majority of the board.
- 678 (f) A commutation or pardon may be granted only after a full hearing before the board.
- 679 (2)
- (a) In the case of a hearing, timely prior notice of the time and location of the hearing shall be given to
the offender.
- 681 (b) The county or district attorney's office responsible for prosecution of the case, the sentencing court,
and law enforcement officials responsible for the defendant's arrest and conviction shall be notified
of any board hearings through the board's website.
- 684 (c) Whenever possible, the victim or the victim's representative, if designated, shall be notified
of original hearings and any hearing after that if notification is requested and current contact
information has been provided to the board.
- 687 (d)
- (i) Notice to the victim or the victim's representative shall include information provided in Section
77-27-9.5, and any related rules made by the board under that section.

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- 690 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are reasonable for the lay
person to understand.
- 692 (3)
- (a) A decision by the board is final and not subject for judicial review if the decision is regarding:
- 694 (i) a pardon, parole, commutation, or termination of an offender's sentence;
- 695 (ii) the modification of an offender's payment schedule for restitution; or
- 696 (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
- 697 (b) Deliberative processes are not public and the board is exempt from Title 52, Chapter 4, Open and
Public Meetings Act, when the board is engaged in the board's deliberative process.
- 700 (c) Pursuant to Subsection [~~63G-2-103(25)(b)(xi)~~] 63G-2-103(26)(b)(xii), records of the deliberative
process are exempt from Title 63G, Chapter 2, Government Records Access and Management Act.
- 703 (d) Unless it will interfere with a constitutional right, deliberative processes are not subject to
disclosure, including discovery.
- 705 (e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.
- 706 (4)
- (a) This chapter may not be construed as a denial of or limitation of the governor's power to grant
respite or reprieves in all cases of convictions for offenses against the state, except treason or
conviction on impeachment.
- 709 (b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the next session of
the board.
- 711 (c) At the next session of the board, the board:
- 712 (i) shall continue or terminate the respite or reprieve; or
- 713 (ii) may commute the punishment or pardon the offense as provided.
- 714 (d) In the case of conviction for treason, the governor may suspend execution of the sentence until the
case is reported to the Legislature at the Legislature's next session.
- 716 (e) The Legislature shall pardon or commute the sentence or direct the sentence's execution.
- 718 (5)
- (a) In determining when, where, and under what conditions an offender serving a sentence may be
paroled or pardoned, have a fine or forfeiture remitted, have the offender's criminal accounts
receivable remitted, or have the offender's sentence commuted or terminated, the board shall:

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- (i) consider whether the offender has made restitution ordered by the court under Section 77-38b-205, or is prepared to pay restitution as a condition of any parole, pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a commutation or termination of the offender's sentence;
 - (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for making determinations under this Subsection (5);
 - (iii) consider information provided by the department regarding an offender's individual case action plan; and
 - (iv) review an offender's status within 60 days after the day on which the board receives notice from the department that the offender has completed all of the offender's case action plan components that relate to activities that can be accomplished while the offender is imprisoned.
- (b) The board shall determine whether to remit an offender's criminal accounts receivable under this Subsection (5) in accordance with Section 77-32b-105 or 77-32b-106.
- (6) In determining whether parole may be terminated, the board shall consider:
- (a) the offense committed by the parolee; and
 - (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.
- (7) For an offender placed on parole after December 31, 2018, the board shall terminate parole in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the requirements of the law.
- (8) The board may not rely solely on an algorithm or a risk assessment tool score in determining whether parole should be granted or terminated for an offender.
- (9) The board may intervene as a limited-purpose party in a judicial or administrative proceeding, including a criminal action, to seek:
- (a) correction of an order that has or will impact the board's jurisdiction; or
 - (b) clarification regarding an order that may impact the board's jurisdiction.
- (10) A motion to intervene brought under Subsection (8)(a) shall be raised within 60 days after the day on which a court enters the order that impacts the board's jurisdiction.

Section 4. **Effective date.**

This bill takes effect on May 7, 2025.

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