

HB0273S01 compared with HB0273

~~{Omitted text}~~ shows text that was in HB0273 but was omitted in HB0273S01

inserted text shows text that was not in HB0273 but was inserted into HB0273S01

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Law Enforcement Investigation Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

LONG TITLE

General Description:

This bill ~~{concerns procedures and requirements related to}~~ prohibits law enforcement ~~{investigations}~~ access to and use of reverse-keyword information.

Highlighted Provisions:

This bill:

- ▶ defines ~~{and modifies}~~ terms;
- ▶ prohibits certain entities from seeking or granting a reverse-keyword court order;
- ▶ ~~{places restrictions on and establishes procedures for law enforcement access to}~~ prohibits certain entities from requesting reverse-keyword information;
- ▶ ~~{requires, with a sunset provision, a specified notice for certain warrant applications; and}~~
- ▶ prohibits certain entities from using evidence derived from reverse-keyword information;
- ▶ includes a five-year repeal; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

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16 None

19 AMENDS:

20 **63I-2-277** , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last
amended by Laws of Utah 2024, Third Special Session, Chapter 5

19 ~~{77-23f-101 , as enacted by Laws of Utah 2023, Chapter 382 , as enacted by Laws of Utah
2023, Chapter 382}~~

20 ~~{77-23f-102 , as enacted by Laws of Utah 2023, Chapter 382 , as enacted by Laws of Utah
2023, Chapter 382}~~

21 ~~{77-23f-104 , as enacted by Laws of Utah 2023, Chapter 382 , as enacted by Laws of Utah
2023, Chapter 382}~~

22 ~~{77-23f-105 , as enacted by Laws of Utah 2023, Chapter 382 , as enacted by Laws of Utah
2023, Chapter 382}~~

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

24 ~~{77-23f-107 , as enacted by Laws of Utah 2023, Chapter 382 , as enacted by Laws of Utah
2023, Chapter 382}~~

25 ~~{77-23f-109 , as enacted by Laws of Utah 2023, Chapter 382 , as enacted by Laws of Utah
2023, Chapter 382}~~

21 ENACTS:

22 **77-23g-101 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

23 **77-23g-102 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

24 **77-23g-103 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

25 **77-23g-104 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

26 **77-23g-105 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

27 **77-23g-106 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

28

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

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

31 **63I-2-277. Repeal dates: Title 77.**

31

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(1) ~~{Subsection 77-23f-102(2)(a)(ii)}~~ ~~Subsections 77-23f-102(2)(a)(i)(B) and 77-23f-102(2)(b)(i)~~, regarding a notice for certain ~~{reverse-location }~~ search warrant applications, is repealed January 1, 2033.

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

37 (3) Title 77, Chapter 23g, Prohibition on Reverse-keyword Information, is repealed July 1, 2030.

36 ~~{Section 2. Section 77-23f-101 is amended to read: }~~

37

CHAPTER 23f. ACCESS TO REVERSE-LOCATION

AND REVERSE-KEYWORD INFORMATION

39 **77-23f-101. Definitions.**

As used in this chapter:

41 (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.

45 (2) "Cell site" means transmission or reception equipment, including a base-station antenna, that connects an electronic device to a network.

47 (3) "Cell site record" means the cell site location information of an electronic device that corresponds to a specific cell site and time frame.

49 (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.

52 (5) "Geofence" means a specified geographic area defined by a virtual perimeter or geographic coordinates.

54 (6) "Identifying information" means information tied to an electronic device that identifies the user's or owner's:

56 (a) name;

57 (b) address;

58 (c) phone number;

59 (d) email; or

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

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- 62 (7) "Law enforcement agency" means the same as that term is defined in Section 77-23c-101.2.
- 64 (8) "Location information" means the same as that term is defined in Section 77-23c-101.2.
- 65 (9)
- . (a) "Reverse-keyword information" means information that:
- 66 (i) identifies an unnamed individual, by name or other unique identifier, who:
- 67 (A) electronically searched for a particular word, phrase, character string, or website; or
- 69 (B) visited a particular website through a link generated by an electronic search for a particular word,
phrase, character string, or website; and
- 71 (ii) is or is not limited to a specific geographic area or time frame.
- 72 (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.
- 75 ~~[(9)]~~ (10) "Reverse-location information" means historical location information for:
- 76 (a) a defined time period;
- 77 (b) a defined or undefined area; and
- 78 (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.
- 80 ~~{Section 3. Section 77-23f-102 is amended to read: }~~
- 81 **77-23f-102. Obtaining reverse-keyword information or reverse-location information within a
geofence -- Warrant required for disclosure -- Procedure.**
- 83 (1) Except as provided in Section 77-23f-106, for a criminal investigation or prosecution, a law
enforcement agency may not obtain reverse-location information for electronic devices within a
geofence or reverse-keyword information for electronic devices unless:
- 86 (a) the law enforcement agency obtains a search warrant as provided under this section; and
- 88 (b)
- . (i) the investigation or prosecution involves:
- 89 (A) a felony;
- 90 (B) a class A misdemeanor that involves harm or a risk of harm to a person, a violation of Title
23A, Wildlife Resources Act, or is part of a pattern of criminal activity; or
- 93 (C) a class B misdemeanor that involves harm or a risk of harm to a person, the unlawful taking of
protected wildlife, or is part of a pattern of criminal activity; or

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96 (ii) the law enforcement agency can demonstrate an imminent, ongoing threat to public safety.

98 (2)

. (a) To obtain reverse-location information inside of a geofence, a law enforcement agency shall:

100 [~~(a)~~] (i) include with the sworn warrant application:

101 [~~(+)~~] (A) a map or other visual depiction that represents the geofence for which the warrant is seeking information; and

103 [~~(+)~~] (B) the following language at the beginning of the application in a legible font no smaller than other text appearing in the application:

105 "NOTICE: This warrant application seeks judicial authorization for the disclosure of reverse-location information of electronic devices near a crime at or near the time of the crime. If authorized, the warrant allows law enforcement to obtain historical location information of all devices within the area described in the warrant during the specified time 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-location information."; and

113 [~~(b)~~] (ii) establish probable cause to believe that evidence of a crime will be found within the geofence and within a specified period of time.

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

116 (i) 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

128 (ii) 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.

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131 (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-
135 location information is released to the law enforcement agency.

134 ~~{Section 4. Section 77-23f-104 is amended to read: }~~

135 **77-23f-104. Obtaining additional reverse-location or reverse-keyword information --
Warrant required for disclosure -- Procedure.**

137 (1) If, after executing a warrant described in Section 77-23f-102 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 or 77-23f-103, the law enforcement
agency shall:

141 (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;

144 (b) establish probable cause to believe that evidence of a crime will be found within a specified period
of time; and

146 (c) affirm that the crime described in Subsection (1)(b) is:

147 (i) the same crime or directly related to the crime that was the subject of the warrant obtained under
Section 77-23f-102 or 77-23f-103; or

149 (ii) a crime subject to the judicially recognized plain view exception to the warrant requirement.

151 (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.

154 ~~{Section 5. Section 77-23f-105 is amended to read: }~~

155 **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-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.

163 ~~{Section 6. Section 77-23f-106 is amended to read: }~~

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- 164 **77-23f-106. Exceptions to reverse-location and reverse-keyword warrant requirements.**
- 166 (1) Notwithstanding any other provision in this chapter, a law enforcement agency may obtain reverse-
location information or reverse-keyword information without a warrant:
- 168 (a) in accordance with Section 53-10-104.5; or
- 169 (b) in accordance with a judicially recognized exception to warrant requirements.
- 170 (2) Nothing in this chapter:
- 171 (a) limits or affects the disclosure of public records under Title 63G, Chapter 2, Government Records
Access and Management Act;
- 173 (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
- 175 (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.
- 178 ~~{Section 7. Section 77-23f-107 is amended to read: }~~
- 179 **77-23f-107. Use, disclosure, and destruction of reverse-location information or reverse-
keyword information -- Anonymization.**
- 181 (1)
- 182 (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-103, or 77-23f-104 that:
- 184 (i) is not related to the crime that is the subject of the warrant; and
- 185 (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-103, or 77-23f-104.
- 189 (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.
- 193 (2)
- 194 (a) Reverse-location information obtained under Section 77-23f-102, 77-23f-103, or 77-23f-104 may
not be:

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- 195 (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
- 199 (ii) used in any other criminal investigation or prosecution.
- 200 (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.
- 203 (3) A person or entity that provides reverse-location information or reverse-keyword information under
this chapter shall ensure that the reverse-location information or reverse-keyword information is
anonymized before the reverse-location information or reverse-keyword information is provided to a
law enforcement agency.

207 ~~{Section 8. Section 77-23f-109 is amended to read: }~~

208 **77-23f-109. Exclusion of records.**

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

39 Section 2. Section 2 is enacted to read:

40 **CHAPTER 23g. PROHIBITION ON REVERSE-KEYWORD INFORMATION**

41 **77-23g-101. Definitions.**

- 42 (1) "Law enforcement agency" means the same as that term is defined in Section 77-23c-101.2.
- 44 (2) "Reverse-keyword court order" means a court order, including a search warrant, that compels the
disclosure of reverse-keyword information.
- 46 (3)
- . (a) "Reverse-keyword information" means information that:
- 47 (i) identifies an unnamed individual, by name or other unique identifier, who:
- 48 (A) electronically searched for a particular word, phrase, character string, or website; or
- 50 (B) visited a particular website through a link generated by an electronic search for a particular word,
phrase, character string, or website; and
- 52 (ii) is or is not limited to a specific geographic area or time frame.
- 53

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(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.

56 (4) "Reverse-keyword request" means a request by a law enforcement agency, in the absence of a court order, that seeks the voluntary provision of reverse-keyword information.

59 Section 3. Section **3** is enacted to read:

60 **77-23g-102. Prohibition on reverse-keyword court orders.**

61 (1) A law enforcement agency may not seek, from any court, a reverse-keyword court order.

62 (2) A court may not issue a reverse-keyword court order.

63 (3) A law enforcement agency may not seek, secure, obtain, borrow, purchase, or review any information obtained through a reverse-keyword court order.

65 Section 4. Section **4** is enacted to read:

66 **77-23g-103. Prohibition on reverse-keyword requests.**

67 (1) A law enforcement agency may not make a reverse-keyword request.

68 (2) A law enforcement agency may not seek, secure, obtain, borrow, purchase, or review any information obtained through a reverse-keyword request.

70 Section 5. Section **5** is enacted to read:

71 **77-23g-104. Assistance prohibited.**

A law enforcement agency may not seek the assistance of another person to obtain reverse-keyword information, including any information obtained from a reverse-keyword court order or a reverse-keyword request.

75 Section 6. Section **6** is enacted to read:

76 **77-23g-105. Exceptions to reverse-keyword prohibitions.**

Nothing in this chapter:

78 (1) limits or affects the disclosure of public records under Title 63G, Chapter 2, Government Records Access and Management Act;

80 (2) affects the rights of an employer under Subsection 34-48-202(1)(e) or an administrative rule adopted under Section 63A-16-205; or

82 (3) limits the ability of a law enforcement agency to receive or use information from the National Center for Missing and Exploited Children under 18 U.S.C. Sec. 2258A.

84 Section 7. Section **7** is enacted to read:

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77-23g-106. Exclusion of reverse-keyword information.

Reverse-keyword information obtained in violation of this chapter shall be subject to the rules governing exclusion as if the information was obtained in violation of the Fourth Amendment to the United States Constitution or Utah Constitution, Article I, Section 14.

89

Section 8. **Effective date.**

This bill takes effect on May 7, 2025.

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