

Ryan D. Wilcox proposes the following substitute bill:

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
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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.**

32

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34 for certain [~~reverse-location~~]search warrant applications, is repealed January 1, 2033.

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36 warrant applications, is repealed January 1, 2033.

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

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

39

INFORMATION

40 **77-23f-101 . Definitions.**

41 As used in this chapter:

42 (1) "Anonymized" means that the identifying information connected to an electronic device
43 has been rendered anonymous in a manner such that the subject, including an individual,
44 household, device, or Internet protocol address, is not identifiable to a law enforcement
45 agency.

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

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

50 (4) "Electronic device" means [~~a device that enables access to or use of a location~~
51 ~~information service or can otherwise create or provide location information~~] the same as
52 that term is defined in Section 77-23c-101.2.

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

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

57 (a) name;

58 (b) address;

59 (c) phone number;

60 (d) email; or

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

63 (7) "Law enforcement agency" means the same as that term is defined in Section
64 77-23c-101.2.

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

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

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

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

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

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

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

76 [~~9~~] (10) "Reverse-location information" means historical location information for:

77 (a) a defined time period;

78 (b) a defined or undefined area; and

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

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

82 **77-23f-102.2 . Obtaining reverse-keyword information -- Warrant required for**
83 **disclosure -- Procedure.**

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

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

89 (b)(i) the investigation or prosecution involves an offense listed in Subsection (4); or

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

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

93 (a) include with the sworn warrant application the following language at the beginning
94 of the application in a legible font no smaller than other text appearing in the

- 95 application: "NOTICE: This warrant application seeks judicial authorization for the
96 disclosure of reverse-keyword information of electronic devices. If authorized, the
97 warrant allows law enforcement to obtain historical information of all devices that
98 searched for specific terms or visited a particular website through a link generated by
99 an electronic search during the specified time described in the warrant from entities
100 in possession of the relevant data. The electronic devices captured in the warrant may
101 be owned or used by both alleged criminal perpetrators and individuals not involved
102 in the commission of a crime. For this reason, any warrant issued must require the
103 anonymization of all devices associated with the reverse-keyword information."; and
104 (b) establish probable cause to believe that evidence of a crime will be found based on
105 the reverse-keyword information sought to be searched and within the specified
106 period of time.
- 107 (3) If a court grants a warrant under Subsection (2), the court shall require that all electronic
108 device data provided pursuant to the warrant be anonymized before the reverse-keyword
109 information or reverse-location information is released to the law enforcement agency.
- 110 (4) The offenses referred to in Subsection (1)(b)(i) are:
- 111 (a) a felony offense under Title 76, Chapter 5, Offenses Against the Individual;
112 (b) a first or second degree felony offense under Title 76, Chapter 6, Part 1, Property
113 Destruction;
114 (c) a first or second degree felony offense under Title 76, Chapter 6, Part 2, Burglary
115 and Criminal Trespass;
116 (d) a first or second degree felony offense under Title 76, Chapter 6, Part 3, Robbery;
117 (e) a first or second degree felony offense under Title 76, Chapter 8, Part 3, Obstructing
118 Governmental Operations;
119 (f) a first or second degree felony offense under Title 76, Chapter 10, Part 3, Explosives;
120 (g) a first or second degree felony offense under Title 76, Chapter 10, Part 4, Weapons
121 of Mass Destruction;
122 (h) a first or second degree felony offense under Title 76, Chapter 10, Part 13,
123 Prostitution; and
124 (i) a first or second degree felony offense under Title 76, Chapter 10, Part 15, Bus
125 Passenger Safety Act.

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

127 **77-23f-104 . Obtaining additional reverse-location or reverse-keyword**
128 **information -- Warrant required for disclosure -- Procedure.**

- 129 (1) If, after executing a warrant described in Section 77-23f-102, ~~77-23f-102.2~~, or
 130 77-23f-103, a law enforcement agency seeks to obtain reverse-keyword information or
 131 reverse-location information beyond the parameters of the warrant obtained under
 132 Section 77-23f-102, ~~77-23f-102.2~~, or 77-23f-103, the law enforcement agency shall:
- 133 (a) include in the sworn warrant application the specific electronic devices identified in
 134 the anonymized data for which the law enforcement agency seeks additional
 135 reverse-location information or reverse-keyword information;
- 136 (b) establish probable cause to believe that evidence of a crime will be found within a
 137 specified period of time; and
- 138 (c) affirm that the crime described in Subsection (1)(b) is:
- 139 (i) the same crime or directly related to the crime that was the subject of the warrant
 140 obtained under Section 77-23f-102, ~~77-23f-102.2~~, or 77-23f-103; or
- 141 (ii) a crime subject to the judicially recognized plain view exception to the warrant
 142 requirement.
- 143 (2) If a court grants a warrant under Subsection (1), the court shall require that all electronic
 144 device data provided pursuant to the warrant be anonymized before the reverse-location
 145 information or reverse-keyword information is released to the law enforcement agency.

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

147 **77-23f-105 . Obtaining identifying information connected to reverse-location**
 148 **information or reverse-keyword information -- Warrant required for disclosure --**
 149 **Procedure.**

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

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

156 **77-23f-106 . Exceptions to reverse-location and reverse-keyword warrant**
 157 **requirements.**

- 158 (1) Notwithstanding any other provision in this chapter, a law enforcement agency may
 159 obtain reverse-location information or reverse-keyword information without a warrant:
- 160 (a) in accordance with Section 53-10-104.5; or
- 161 (b) in accordance with a judicially recognized exception to warrant requirements.
- 162 (2) Nothing in this chapter:

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

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

171 **77-23f-107 . Use, disclosure, and destruction of reverse-location information or**
172 **reverse-keyword information -- Anonymization.**

- 173 (1)(a) A law enforcement agency may not use, copy, or disclose, for any purpose,
174 reverse-location information or reverse-keyword information obtained under a
175 warrant under Section 77-23f-102, 77-23f-102.2, 77-23f-103, or 77-23f-104 that:
- 176 (i) is not related to the crime that is the subject of the warrant; and
- 177 (ii) is collected as part of an effort to obtain the reverse-location information or
178 reverse-keyword information of an electronic device that is related to the crime
179 that is the subject of the warrant obtained under Section 77-23f-102, 77-23f-102.2,
180 77-23f-103, or 77-23f-104.
- 181 (b) The law enforcement agency shall destroy in an unrecoverable manner the
182 reverse-location information or reverse-keyword information described in Subsection
183 (1)(a) as soon as reasonably possible after the criminal case is declined for
184 prosecution or, if criminal charges are filed, the final disposition of the criminal case.
- 185 (2)(a) Reverse-location information obtained under Section 77-23f-102, 77-23f-103, or
186 77-23f-104 may not be:
- 187 (i) compared with, merged with, linked to, or in any way electronically or otherwise
188 connected to a source of electronic data, including a database or file, containing
189 one or more points of data that includes the location information provided by an
190 electronic device; or
- 191 (ii) used in any other criminal investigation or prosecution.
- 192 (b) Subsection (2)(a)(i) does not apply if all the electronic data, including the
193 reverse-location information, is obtained for the purpose of investigating the same
194 criminal incident.
- 195 (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.