

1 **Defendant Access to Evidence Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Pitcher**

House Sponsor:

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3 **LONG TITLE**

4 **General Description:**

5 This bill addresses a criminal defendant's access to evidence in a county jail.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ requires the county sheriff to ensure that a jail inmate awaiting trial, sentencing, or  
9 disposition of criminal charge has:

10 • a space to review discovery and other evidence or documents in the jail inmate's  
11 criminal case with the jail inmate's counsel; and

12 • the means to access and review discovery and other evidence or documents in the jail  
13 inmate's criminal case;

14 ▶ addresses how the jail inmate may access or review discovery, evidence, or other  
15 documents in jail; and

16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **17-22-2**, as last amended by Laws of Utah 2024, Chapter 21

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

26 Section 1. Section **17-22-2** is amended to read:

27 **17-22-2 . Sheriff -- General duties.**

28 (1) The sheriff shall:

29 (a) preserve the peace;

30 (b) make all lawful arrests;

- 31 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when  
32 required or when the court is held within [his] the sheriff's county, all courts of record,  
33 and court commissioner and referee sessions held within [his] the sheriff's county,  
34 obey their lawful orders and directions, and comply with the court security rule, Rule  
35 3-414, of the Utah Code of Judicial Administration;
- 36 (d) upon request of the juvenile court, aid the court in maintaining order during hearings  
37 and transport a minor to and from youth corrections facilities, other institutions, or  
38 other designated places;
- 39 (e) attend county justice courts if the judge finds that the matter before the court requires  
40 the sheriff's attendance for security, transportation, and escort of jail [~~prisoners in his~~  
41 inmates in the sheriff's custody, or for the custody of jurors;
- 42 (f) command the aid of as many inhabitants of the sheriff's county as the sheriff  
43 considers necessary in the execution of these duties;
- 44 (g) take charge of and keep the county jail and the jail [~~prisoners~~] inmates;
- 45 (h) receive and safely keep all persons committed to the sheriff's custody, file and  
46 preserve the commitments of those persons in custody, and record the name, age,  
47 place of birth, and description of each person committed;
- 48 (i) release on the record all attachments of real property when the attachment the sheriff  
49 receives has been released or discharged;
- 50 (j) endorse on all process and notices the year, month, day, hour, and minute of  
51 reception, and, upon payment of fees, issue a certificate to the person delivering  
52 process or notice showing the names of the parties, title of paper, and the time of  
53 receipt;
- 54 (k) serve all process and notices as prescribed by law;
- 55 (l) if the sheriff makes service of process or notice, certify on the process or notices the  
56 manner, time, and place of service, or, if the sheriff fails to make service, certify the  
57 reason upon the process or notice, and return them without delay;
- 58 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public  
59 land within [his] the sheriff's county;
- 60 (n) perform as required by any contracts between the county and private contractors for  
61 management, maintenance, operation, and construction of county jails entered into  
62 under the authority of Section 17-53-311;
- 63 (o) for the sheriff of a county of the second through sixth class that enters into an  
64 interlocal agreement for law enforcement service under Title 11, Chapter 13,

- 65 Interlocal Cooperation Act, provide law enforcement service as provided in the  
 66 interlocal agreement;
- 67 (p) manage and direct search and rescue services in [~~his~~] the sheriff's county, including  
 68 emergency medical responders and other related incident response activities;
- 69 (q) obtain saliva DNA specimens as required under Section 53-10-404;
- 70 (r) on or before January 1, 2003, adopt a written policy that prohibits the stopping,  
 71 detention, or search of any person when the action is solely motivated by  
 72 considerations of race, color, ethnicity, age, or gender;
- 73 (s) as applicable, select a representative of law enforcement to serve as a member of a  
 74 child protection team, as defined in Section 80-1-102;
- 75 (t) appoint a county security chief in accordance with Section 53-22-103 and ensure the  
 76 county security chief fulfills the county security chief's duties; [~~and~~]
- 77 (u) ensure that a jail inmate who is awaiting trial, sentencing, or disposition of criminal  
 78 charges has:
- 79 (i) a private and confidential space to review discovery and other evidence or  
 80 documents related to the jail inmate's criminal case with the jail inmate's counsel;  
 81 and
- 82 (ii) the means to access and review discovery and other evidence or documents  
 83 related to the jail inmate's criminal case, with or without the jail inmate's counsel,  
 84 including the means to access and review digital, audio, video, or other  
 85 technological evidence or documents; and
- 86 [~~(u)~~] (v) perform any other duties that are required by law.
- 87 (2)(a) Violation of Subsection (1)(j) is a class C misdemeanor.
- 88 (b) Violation of any other subsection under Subsection (1) is a class A misdemeanor.
- 89 (3)(a) As used in this Subsection (3):
- 90 (i) "Police interlocal entity" means the same as that term is defined in Sections  
 91 17-30-3 and 17-30a-102.
- 92 (ii) "Police special district" means the same as that term is defined in Section 17-30-3.
- 93 (b) Except as provided in Subsections (3)(c) and 11-13-202(4), a sheriff in a county  
 94 which includes within its boundary a police special district or police interlocal entity,  
 95 or both:
- 96 (i) serves as the chief executive officer of each police special district and police  
 97 interlocal entity within the county with respect to the provision of law  
 98 enforcement service within the boundary of the police special district or police

- 99 interlocal entity, respectively; and
- 100 (ii) is subject to the direction of the police special district board of trustees or police  
101 interlocal entity governing body, as the case may be, as and to the extent provided  
102 by agreement between the police special district or police interlocal entity,  
103 respectively, and the sheriff.
- 104 (c) Notwithstanding Subsection (3)(b), and except as provided in Subsection 11-13-202  
105 (4), if a police interlocal entity or police special district enters an interlocal agreement  
106 with a public agency, as defined in Section 11-13-103, for the provision of law  
107 enforcement service, the sheriff:
- 108 (i) does not serve as the chief executive officer of any interlocal entity created under  
109 that interlocal agreement, unless the agreement provides for the sheriff to serve as  
110 the chief executive officer; and
- 111 (ii) shall provide law enforcement service under that interlocal agreement as provided  
112 in the agreement.
- 113 (4) A jail inmate may access or review discovery, evidence, or other documents under  
114 Subsection (1)(u) with:
- 115 (a) technology provided by the jail; or
- 116 (b) technology, or a computer, that is approved by the jail and is provided by the jail  
117 inmate's counsel.
- 118 Section 2. **Effective Date.**
- 119 This bill takes effect on May 7, 2025.