

1

Protected Person Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

House Sponsor:

2

3

LONG TITLE

4

General Description:

5

6

This bill enacts provisions relating to the construction of a security improvement to real property belonging to an individual who is certified to be at risk of harm.

7

Highlighted Provisions:

8

This bill:

9

- defines terms;

10

- establishes a process for an individual at risk of harm to apply to the commissioner of public safety for certification to construct a security improvement on the individual's property;

12

13

- requires a land use authority to approve an individual's land use application to construct a certified security improvement on the individual's real property if the application complies with the state's construction and fire codes;

16

- exempts an individual's certified security improvement from county or municipal land use regulations;

18

- describes remedies available to an individual if a municipality or county unlawfully conditions, delays, or denies the individual's building permit for a certified security improvement; and

21

- provides for the confidentiality of records relating to certification of a security improvement or security improvement construction.

23

Money Appropriated in this Bill:

24

None

25

Other Special Clauses:

26

None

27

Utah Code Sections Affected:

28

AMENDS:

29

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

30

ENACTS:

31 **53-29-101**, Utah Code Annotated 1953

32 **53-29-201**, Utah Code Annotated 1953

33 **53-29-301**, Utah Code Annotated 1953

34

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

36 Section 1. Section **53-29-101** is enacted to read:

37 **CHAPTER 29. SECURITY IMPROVEMENTS ACT**

38 **Part 1. General Provisions**

39 **53-29-101 . Definitions.**

40 As used in this chapter:

41 (1) "Applicant" means an individual who submits an application for certification.

42 (2) "Application for certification" means an application described in Subsection
 43 53-29-201(1).

44 (3)(a) "Certified improvement" means an improvement that:

45 (i) is intended to provide protection for a protected person or a member of the
 46 protected person's immediate family from the risk of death of serious bodily injury
 47 caused by an individual who made a credible threat or caused physical harm to the
 48 protected person;

49 (ii) is constructed within or leading to the boundaries of protected property; and

50 (iii) does not interfere with a property right of another property owner.

51 (b) "Certified improvement" includes an improvement described in Subsection (3)(a)
 52 that provides safe egress from, or safety within, the protected property, including an
 53 underground improvement or an improvement that runs below an easement or other
 54 non-estate interest in land if the improvement does not interfere with the purpose of
 55 the easement or other non-estate interest in land.

56 (4) "Certifying officer" means the commissioner or an individual designated by the
 57 commissioner to certify an application for certification.

58 (5) "Credible threat" means a threat to cause death or serious bodily injury that a state or
 59 federal law enforcement agency has confirmed to be authentic.

60 (6) "Improvement" means the same as that term is defined in Section 78B-2-225.

61 (7) "Land use authority" means:

62 (a) with respect to protected property located within a municipality, the same as that
 63 term is defined in Section 10-9a-103; or

64 (b) with respect to protected property located within an unincorporated area of a county,
 65 the same as that term is defined in Section 17-27a-103.

66 (8) "Protected person" means an individual who:

67 (a) within the five years preceding the day on which the individual submits an
 68 application for certification:

69 (i) received a credible threat; or

70 (ii) was physically harmed; and

71 (b) is at risk of serious bodily injury or death caused by:

72 (i) the individual who made the credible threat described in Subsection (8)(a)(i) or
 73 caused the physical harm described in Subsection (8)(a)(ii); or

74 (ii) an individual affiliated with the individual who made the credible threat described
 75 in Subsection (8)(a)(i) or caused the physical harm described in Subsection
 76 (8)(a)(ii).

77 (9) "Protected property" means real property that is owned or occupied by a protected
 78 person.

79 (10) "Protection certificate" means a written determination described in Subsection
 80 53-29-201(4).

81 Section 2. Section **53-29-201** is enacted to read:

82 **Part 2. Certification**

83 **53-29-201 . Certification process.**

84 (1)(a) In accordance with the provisions of this section, an individual may submit an
 85 application to a certifying officer for a written determination that each improvement
 86 the applicant identifies in the application is a certified improvement.

87 (b) An applicant shall include in an application for certification:

88 (i) the applicant's name; and

89 (ii) evidence supporting the applicant's assertion that the applicant is a protected
 90 person and that each proposed improvement is a certified improvement, including:

91 (A) a legal description of the real property that the applicant asserts is protected
 92 property;

93 (B) building plans for each proposed improvement; and

94 (C) any other information the department requires.

95 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 96 department shall make rules establishing:

97 (a) a process for receiving and evaluating applications for certification; and

98 (b) the required contents of an application for certification.

99 (3) Within 45 days after the day on which a certifying officer receives an application for
100 certification, the certifying officer shall approve or deny the application for certification.

101 (4) If the certifying officer approves the application for certification, the certifying officer
102 shall provide the applicant with a protection certificate that identifies the protected
103 person, the protected property, and each certified improvement.

104 Section 3. Section **53-29-301** is enacted to read:

105 **Part 3. Security Improvements**

106 **53-29-301 . Improvements -- Legal remedies.**

107 (1) No later than three years after the day on which a certifying officer issues a protection
108 certificate, the protected person may submit to the applicable land use authority a copy
109 of the protection certificate, together with a building permit application, for the
110 construction of one or more certified improvements identified in the protection
111 certificate.

112 (2) Upon receipt of a building permit application for the construction of a certified
113 improvement, the land use authority shall:

114 (a) review the building permit application for the sole purpose of determining
115 compliance with Title 15A, State Construction and Fire Codes Act; and

116 (b) issue a building permit authorizing the construction if the application complies with
117 Title 15A, State Construction and Fire Codes Act.

118 (3) A certified improvement is not subject to county or municipal land use regulations.

119 (4)(a) If a municipality or county unlawfully conditions, delays, or denies a building
120 permit for a certified improvement, the protected person may challenge the
121 municipality's or county's action in court.

122 (b) If the protected person prevails in an action filed under this Subsection (4), the court
123 shall:

124 (i) award reasonable attorney fees and court costs to the protected person; and

125 (ii) require the municipality or county to pay the protected person damages of \$250
126 per day, beginning on the day on which the unlawful condition, delay, or denial
127 occurs, and ending the day on which the municipality or county allows
128 construction of the certified improvement to begin or proceed.

129 (c) In an action under this Subsection (4), the court shall allow a party to file documents
130 under seal to preserve the confidentiality of the certified improvement.

131 Section 4. Section **63G-2-302** is amended to read:

132 **63G-2-302 . Private records.**

- 133 (1) The following records are private:
- 134 (a) records concerning an individual's eligibility for unemployment insurance benefits,
135 social services, welfare benefits, or the determination of benefit levels;
- 136 (b) records containing data on individuals describing medical history, diagnosis,
137 condition, treatment, evaluation, or similar medical data;
- 138 (c) records of publicly funded libraries that when examined alone or with other records
139 identify a patron;
- 140 (d) records received by or generated by or for:
- 141 (i) the Independent Legislative Ethics Commission, except for:
- 142 (A) the commission's summary data report that is required under legislative rule;
143 and
- 144 (B) any other document that is classified as public under legislative rule; or
- 145 (ii) a Senate or House Ethics Committee in relation to the review of ethics
146 complaints, unless the record is classified as public under legislative rule;
- 147 (e) records received by, or generated by or for, the Independent Executive Branch Ethics
148 Commission, except as otherwise expressly provided in Title 63A, Chapter 14,
149 Review of Executive Branch Ethics Complaints;
- 150 (f) records received or generated for a Senate confirmation committee concerning
151 character, professional competence, or physical or mental health of an individual:
- 152 (i) if, prior to the meeting, the chair of the committee determines release of the
153 records:
- 154 (A) reasonably could be expected to interfere with the investigation undertaken by
155 the committee; or
- 156 (B) would create a danger of depriving a person of a right to a fair proceeding or
157 impartial hearing; and
- 158 (ii) after the meeting, if the meeting was closed to the public;
- 159 (g) employment records concerning a current or former employee of, or applicant for
160 employment with, a governmental entity that would disclose that individual's home
161 address, home telephone number, social security number, insurance coverage, marital
162 status, or payroll deductions;
- 163 (h) records or parts of records under Section 63G-2-303 that a current or former
164 employee identifies as private according to the requirements of that section;
- 165 (i) that part of a record indicating a person's social security number or federal employer

- 166 identification number if provided under Section 31A-23a-104, 31A-25-202,
167 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 168 (j) that part of a voter registration record identifying a voter's:
169 (i) driver license or identification card number;
170 (ii) social security number, or last four digits of the social security number;
171 (iii) email address;
172 (iv) date of birth; or
173 (v) phone number;
- 174 (k) a voter registration record that is classified as a private record by the lieutenant
175 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
176 20A-2-204(4)(b);
- 177 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 178 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
179 verification submitted in support of the form;
- 180 (n) a record that:
181 (i) contains information about an individual;
182 (ii) is voluntarily provided by the individual; and
183 (iii) goes into an electronic database that:
184 (A) is designated by and administered under the authority of the Chief Information
185 Officer; and
186 (B) acts as a repository of information about the individual that can be
187 electronically retrieved and used to facilitate the individual's online interaction
188 with a state agency;
- 189 (o) information provided to the Commissioner of Insurance under:
190 (i) Subsection 31A-23a-115(3)(a);
191 (ii) Subsection 31A-23a-302(4); or
192 (iii) Subsection 31A-26-210(4);
- 193 (p) information obtained through a criminal background check under Title 11, Chapter
194 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 195 (q) information provided by an offender that is:
196 (i) required by the registration requirements of Title 77, Chapter 41, Sex, Kidnap, and
197 Child Abuse Offender Registry; and
198 (ii) not required to be made available to the public under Subsection 77-41-110(4);
- 199 (r) a statement and any supporting documentation filed with the attorney general in

- 200 accordance with Section 34-45-107, if the federal law or action supporting the filing
 201 involves homeland security;
- 202 (s) electronic toll collection customer account information received or collected under
 203 Section 72-6-118 and customer information described in Section 17B-2a-815
 204 received or collected by a public transit district, including contact and payment
 205 information and customer travel data;
- 206 (t) an email address provided by a military or overseas voter under Section 20A-16-501;
- 207 (u) a completed military-overseas ballot that is electronically transmitted under Title
 208 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 209 (v) records received by or generated by or for the Political Subdivisions Ethics Review
 210 Commission established in Section 63A-15-201, except for:
- 211 (i) the commission's summary data report that is required in Section 63A-15-202; and
 212 (ii) any other document that is classified as public in accordance with Title 63A,
 213 Chapter 15, Political Subdivisions Ethics Review Commission;
- 214 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of an
 215 incident or threat;
- 216 (x) a criminal background check or credit history report conducted in accordance with
 217 Section 63A-3-201;
- 218 (y) a record described in Subsection 53-5a-104(7);
- 219 (z) on a record maintained by a county for the purpose of administering property taxes,
 220 an individual's:
- 221 (i) email address;
- 222 (ii) phone number; or
- 223 (iii) personal financial information related to a person's payment method;
- 224 (aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an
 225 exemption, deferral, abatement, or relief under:
- 226 (i) Title 59, Chapter 2, Part 11, Exemptions;
- 227 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
- 228 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or
- 229 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;
- 230 (bb) a record provided by the State Tax Commission in response to a request under
 231 Subsection 59-1-403(4)(y)(iii);
- 232 (cc) a record of the Child Welfare Legislative Oversight Panel regarding an individual
 233 child welfare case, as described in Subsection 36-33-103(3);~~and~~

- 234 (dd) a record relating to drug or alcohol testing of a state employee under Section
235 63A-17-1004;
- 236 (ee) a record relating to a request by a state elected official or state employee who has
237 been threatened to the Division of Technology Services to remove personal
238 identifying information from the open web under Section 63A-16-109;[~~and~~]
- 239 (ff) a record including confidential information as that term is defined in Section [
240 ~~67-27-105.~~] 67-27-106; and
- 241 (gg) a record received or generated under Title 53, Chapter 29, Security Improvements
242 Act, relating to:
- 243 (i) an application for certification described in Section 53-29-201; or
244 (ii) a certified improvement, including a building permit application or building
245 permit for a certified improvement, described in Section 53-29-301.
- 246 (2) The following records are private if properly classified by a governmental entity:
- 247 (a) records concerning a current or former employee of, or applicant for employment
248 with a governmental entity, including performance evaluations and personal status
249 information such as race, religion, or disabilities, but not including records that are
250 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under
251 Subsection (1)(b);
- 252 (b) records describing an individual's finances, except that the following are public:
- 253 (i) records described in Subsection 63G-2-301(2);
254 (ii) information provided to the governmental entity for the purpose of complying
255 with a financial assurance requirement; or
256 (iii) records that must be disclosed in accordance with another statute;
- 257 (c) records of independent state agencies if the disclosure of those records would
258 conflict with the fiduciary obligations of the agency;
- 259 (d) other records containing data on individuals the disclosure of which constitutes a
260 clearly unwarranted invasion of personal privacy;
- 261 (e) records provided by the United States or by a government entity outside the state that
262 are given with the requirement that the records be managed as private records, if the
263 providing entity states in writing that the record would not be subject to public
264 disclosure if retained by it;
- 265 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
266 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
267 identity of a person who made a report of alleged abuse, neglect, or exploitation of a

- 268 vulnerable adult; and
- 269 (g) audio and video recordings created by a body-worn camera, as defined in Section
- 270 77-7a-103, that record sound or images inside a home or residence except for
- 271 recordings that:
- 272 (i) depict the commission of an alleged crime;
- 273 (ii) record any encounter between a law enforcement officer and a person that results
- 274 in death or bodily injury, or includes an instance when an officer fires a weapon;
- 275 (iii) record any encounter that is the subject of a complaint or a legal proceeding
- 276 against a law enforcement officer or law enforcement agency;
- 277 (iv) contain an officer[-] involved critical incident as defined in Subsection 76-2-408
- 278 (1)(f); or
- 279 (v) have been requested for reclassification as a public record by a subject or
- 280 authorized agent of a subject featured in the recording.
- 281 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
- 282 statements, history, diagnosis, condition, treatment, and evaluation.
- 283 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
- 284 doctors, or affiliated entities are not private records or controlled records under
- 285 Section 63G-2-304 when the records are sought:
- 286 (i) in connection with any legal or administrative proceeding in which the patient's
- 287 physical, mental, or emotional condition is an element of any claim or defense; or
- 288 (ii) after a patient's death, in any legal or administrative proceeding in which any
- 289 party relies upon the condition as an element of the claim or defense.
- 290 (c) Medical records are subject to production in a legal or administrative proceeding
- 291 according to state or federal statutes or rules of procedure and evidence as if the
- 292 medical records were in the possession of a nongovernmental medical care provider.

293 **Section 5. Effective Date.**

294 This bill takes effect on May 7, 2025.