

Revisor's Technical Corrections to Utah Code

2025 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Steve Eliason

LONG TITLE**General Description:**

This bill makes technical corrections to the Utah Code.

Highlighted Provisions:

This bill:

- modifies parts of the Utah Code to make technical corrections, including:
 - eliminating or correcting references involving repealed provisions;
 - eliminating redundant or obsolete language;
 - making minor word changes;
 - updating cross-references;
 - repealing codified titles; and
 - correcting numbering and other errors.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:**AMENDS:**

- 10-2-905**, as enacted by Laws of Utah 2025, Chapter 399
- 17-31-2**, as last amended by Laws of Utah 2025, Chapter 270
- 17B-1-414**, as last amended by Laws of Utah 2024, Chapters 342, 388
- 17B-1-416**, as last amended by Laws of Utah 2025, Chapter 161
- 17B-1-502**, as last amended by Laws of Utah 2024, Chapter 438
- 26A-1-114**, as last amended by Laws of Utah 2025, Chapters 109, 156
- 26B-2-801**, as renumbered and amended by Laws of Utah 2025, Chapter 439
- 53G-8-701.8**, as last amended by Laws of Utah 2025, Chapters 173, 208, 348, and 388
- 59-12-104.11**, as enacted by Laws of Utah 2025, Chapter 194
- 63G-2-305**, as last amended by Laws of Utah 2025, Chapter 360

31 **63H-9-101**, as last amended by Laws of Utah 2025, Chapter 93
32 **63M-7-506**, as last amended by Laws of Utah 2024, Chapter 506
33 **63M-7-509**, as last amended by Laws of Utah 2022, Chapter 148
34 **63M-7-517**, as last amended by Laws of Utah 2024, Chapter 506
35 **63M-7-529**, as enacted by Laws of Utah 2024, Chapter 156
36 **76-6-202**, as last amended by Laws of Utah 2023, Chapter 111
37 **77-37-3**, as last amended by Laws of Utah 2024, Chapters 96, 164
38 **78B-3-407.5**, as enacted by Laws of Utah 2025, Chapter 43
39 **78B-5-505**, as last amended by Laws of Utah 2025, Chapters 173, 208 and 310
40 **81-6-101**, as last amended by Laws of Utah 2025, Chapters 86, 479

41 REPEALS:

42 **59-1-1301**, as enacted by Laws of Utah 2006, Chapter 237
43 **59-1-1401**, as enacted by Laws of Utah 2009, Chapter 212
44 **59-1-1501**, as last amended by Laws of Utah 2012, Chapter 399
45 **59-1-1601**, as enacted by Laws of Utah 2014, Chapter 356
46 **59-1-1701**, as enacted by Laws of Utah 2016, Chapter 326
47 **59-2-101**, as enacted by Laws of Utah 1987, Chapter 4
48 **59-2-501**, as renumbered and amended by Laws of Utah 1987, Chapter 4
49 **59-2-1501**, as enacted by Laws of Utah 2004, Chapter 243
50 **59-2-1701**, as enacted by Laws of Utah 2012, Chapter 197
51 **59-3-101**, as renumbered and amended by Laws of Utah 1987, Chapter 2
52 **59-7-901**, as enacted by Laws of Utah 2014, Chapter 315
53 **59-10-101**, as renumbered and amended by Laws of Utah 1987, Chapter 2
54 **59-10-1001**, as enacted by Laws of Utah 2006, Chapter 223
55 **59-10-1101**, as enacted by Laws of Utah 2006, Chapter 223
56 **59-10-1301**, as enacted by Laws of Utah 2008, Chapter 389
57 **59-10-1401**, as last amended by Laws of Utah 2009, Chapter 312
58 **59-11-101**, as renumbered and amended by Laws of Utah 1987, Chapter 2
59 **59-12-101**, as renumbered and amended by Laws of Utah 1987, Chapter 5
60 **59-12-201**, as last amended by Laws of Utah 1999, Chapter 21
61 **59-12-400**, as enacted by Laws of Utah 2015, Chapter 182
62 **59-12-601.1**, as enacted by Laws of Utah 2008, Chapter 286
63 **59-12-1301**, as enacted by Laws of Utah 1998, Chapter 243
64 **59-12-1801**, as enacted by Laws of Utah 2007, Chapter 288

59-12-2001, as enacted by Laws of Utah 2008, Chapter 286
 59-12-2101, as enacted by Laws of Utah 2008, Chapter 323
 59-12-2201, as enacted by Laws of Utah 2010, Chapter 263
 59-13-101, as enacted by Laws of Utah 1987, Chapter 6
 59-14-101, as renumbered and amended by Laws of Utah 1987, Chapter 2
 59-14-701, as enacted by Laws of Utah 2013, Chapter 148
 59-14-801, as last amended by Laws of Utah 2020, Chapter 347
 59-18-101, as renumbered and amended by Laws of Utah 1987, Chapter 2
 59-23-1, as enacted by Laws of Utah 1997, Chapter 179
 59-24-101, as last amended by Laws of Utah 2003, Chapter 295
 59-26-101, as enacted by Laws of Utah 2004, Chapter 300
 59-27-101, as enacted by Laws of Utah 2004, Chapter 214
 59-28-101, as enacted by Laws of Utah 2017, Chapter 166

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

Section 1. Section **10-2-905** is amended to read:

10-2-905 . Municipal boundary adjustment effect on local districts and special service districts.

[(4)] Except as provided in Section 17B-1-416 and Subsection 17B-1-502(2), the adjustment of a boundary shared by municipalities does not affect the boundaries of:
 (1) a local district under Title 17B, Limited Purpose Local Government Entities -- Special Districts; or
 (2) a special service district under Title 17D, Chapter 1, Special Service District Act.

Section 2. Section **17-31-2** is amended to read:

17-31-2 . Purposes of transient room tax and expenditure of revenue -- Purchase or lease of facilities -- Mitigating impacts of recreation, tourism, or conventions -- Issuance of bonds.

(1) As used in this section:

- (a) "Airport" means the same as that term is defined in Section 72-10-102.
- (b) "Airport operator" means the same as that term is defined in Section 72-10-102.
- (c) "Establishing and promoting" means an activity or related expense to encourage, solicit, advertise, or market in order to attract or enhance transient guest spending in a county for a purpose described in Subsection (3)(a).
- (d) "Mitigation" means activity to address the direct impacts of tourism, recreation

related to tourism, or conventions in a county, specifically sanitation and solid waste disposal, emergency medical services, search and rescue services, law enforcement, road repair, and road upgrades.

(e) "Transient room tax" means a tax at a rate not to exceed the relevant rate authorized by Section 59-12-301.

(2) Subject to the requirements of this section, a county legislative body may impose the transient room tax for a purpose described in Subsection (3).

(3) A county legislative body may expend revenue generated by the transient room tax imposed under this section ~~[and any revenue the county receives from the State Tax Commission under Section 59-28-103]~~ only:

(a) for the purpose of establishing and promoting:

(i) tourism;

(ii) recreation;

(iii) film production; or

(iv) conventions;

(b) to pay for tourism- or recreation-related facilities in the county, including acquiring, leasing, constructing, furnishing, maintaining, or operating:

(i) convention meeting rooms;

(ii) exhibit halls;

(iii) visitor information centers;

(iv) museums;

(v) sports and recreation facilities including practice fields, stadiums, arenas, and trails;

(vi) the following on any route to a recreation destination within the county, as designated by the county legislative body:

(A) transit service, including shuttle service; and

(B) parking infrastructure; and

(vii) an airport, if the county is the airport operator of the airport;

(c) for the purpose of acquiring land, leasing land, or making payments for construction or infrastructure improvements required for or related to the facilities listed in Subsection (3)(b);

(d) to pay mitigation costs, specifically:

(i) solid waste disposal operations;

(ii) emergency medical services;

- (iii) search and rescue activities;
- (iv) law enforcement activities; and
- (v) road repair and upgrade of:
- (A) class B roads, as defined in Section 72-3-103;
 - (B) class C roads, as defined in Section 72-3-104; or
 - (C) class D roads, as defined in Section 72-3-105; and
- (e) to make the annual payment of principal, interest, premiums, and necessary reserves for any of the aggregate of bonds authorized under Subsection (4).
- (4) The county legislative body may issue bonds or cause bonds to be issued, as permitted by law, to pay all or part of any costs incurred for the purposes set forth in Subsections (3)(b) through (3)(d) that are permitted to be paid from bond proceeds.
- (5)(a) Activity described in Subsection (3)(a) is exclusive of activity described in Subsection (3)(b) or (c).
- (b) A county may not distribute revenue generated by the transient room tax imposed under this section to a large public transit district, as that term is defined in Section 17B-2a-802.
- (6) A county that generates \$1 million or more in revenue from a transient room tax imposed under this section in the preceding calendar year:
- (a) shall expend, at a minimum, the revenue the county generates from the first 2% of the tax rate of a transient room tax on a purpose described in Subsection (3)(a); and
 - (b) may expend the remainder of the revenue the county generates from a transient room tax on any purpose described in Subsection (3).
- (7) A county that generates \$500,000 or more but less than \$1 million in revenue from a transient room tax imposed under this section in the preceding calendar year:
- (a) shall expend, at a minimum, the revenue the county generates from the first 1% of the tax rate of a transient room tax on a purpose described in Subsection (3)(a); and
 - (b) may expend the remainder of the revenue the county generates from a transient room tax on any purpose described in Subsection (3).
- (8) A county that is not described in Subsection (6) or (7) may expend the revenue the county generates from a transient room tax on any purpose described in Subsection (3).
- (9) The legislative body of a county may cause revenue generated by a transient room tax to be expended by a municipality within the county if:
- (a) the revenue the county shares with the municipality is not required to be spent by the county for a purpose described in Subsection (3)(a);

- 167 (b) the county and municipality enter into an interlocal agreement:
168 (i) governing the use of the revenue; and
169 (ii) requiring the municipality to report the municipality's expenditures of the revenue
170 to the county; and
171 (c) the municipality receiving revenue generated by the county's transient room tax
172 agrees to and expends the revenue for a purpose described in Subsection (3).

173 Section 3. Section **17B-1-414** is amended to read:

174 **17B-1-414 . Resolution approving an annexation -- Filing of notice and plat with**
175 **lieutenant governor -- Recording requirements -- Effective date.**

- 176 (1)(a) Subject to Subsection (1)(b), the special district board shall adopt a resolution
177 approving the annexation of the area proposed to be annexed or rejecting the
178 proposed annexation within 90 days after:
179 (i) expiration of the protest period under Subsection 17B-1-412(2), if sufficient
180 protests to require an election are not filed;
181 (ii) for a petition that meets the requirements of Subsection 17B-1-413(1):
182 (A) a public hearing under Section 17B-1-409 is held, if the board chooses or is
183 required to hold a public hearing under Subsection 17B-1-413(2)(a)(ii); or
184 (B) expiration of the time for submitting a request for public hearing under
185 Subsection 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board
186 chooses not to hold a public hearing; or
187 (iii) for a proposed annexation to an infrastructure financing district, the board's
188 certification of the annexation petition under Section 17B-1-405.
189 (b) If the special district has entered into an agreement with the United States that
190 requires the consent of the United States for an annexation of territory to the district,
191 a resolution approving annexation under this part may not be adopted until the
192 written consent of the United States is obtained and filed with the board of trustees.
193 (2)(a)(i) Within the time specified under Subsection (2)(a)(ii), the board shall file
194 with the lieutenant governor:
195 (A) a copy of a notice of an impending boundary action, as defined in Section
196 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3) and, if
197 applicable, Subsection (2)(b); and
198 (B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.
199 (ii) The board shall file the documents listed in Subsection (2)(a)(i) with the
200 lieutenant governor:

- (A) within 30 days after adoption of a resolution under Subsection (1), Subsection 17B-1-412(3)(c)(i), or Section 17B-1-415; and
- (B) as soon as practicable after receiving the notice under Subsection 10-2-425(3) of a municipal annexation that causes an automatic annexation to a special district under Section 17B-1-416.
- (b) For an automatic annexation to a special district under Section 17B-1-416, the notice of an impending boundary action required under Subsection (2)(a) shall state that an area outside the boundaries of the special district is being automatically annexed to the special district under Section 17B-1-416 because of a municipal annexation under [~~Title 10, Chapter 2, Part 4, Annexation~~] Title 10, Chapter 2, Part 8, Annexation, or a boundary adjustment under Title 10, Chapter 2, Part 9, Municipal Boundary Adjustments.
- (c) Upon the lieutenant governor's issuance of a certificate of annexation under Section 67-1a-6.5, the board shall:
- (i) if the annexed area is located within the boundary of a single county, submit to the recorder of that county:
- (A) the original:
- (I) notice of an impending boundary action;
- (II) certificate of annexation; and
- (III) approved final local entity plat; and
- (B) a certified copy of the annexation resolution; or
- (ii) if the annexed area is located within the boundaries of more than a single county:
- (A) submit to the recorder of one of those counties:
- (I) the original of the documents listed in Subsections (2)(c)(i)(A)(I), (II), and (III); and
- (II) a certified copy of the annexation resolution; and
- (B) submit to the recorder of each other county:
- (I) a certified copy of the documents listed in Subsection (2)(c)(i)(A)(I), (II), and (III); and
- (II) a certified copy of the annexation resolution.
- (3)(a) As used in this Subsection (3), "fire district annexation" means an annexation under this part of an area located in a county of the first class to a special district:
- (i) created to provide fire protection, paramedic, and emergency services; and
- (ii) in the creation of which an election was not required because of Subsection

17B-1-214(3)(d).

(b) An annexation under this part is complete and becomes effective:

(i)(A) on July 1 for a fire district annexation, if the lieutenant governor issues the certificate of annexation under Section 67-1a-6.5 from January 1 through June 30; or

(B) on January 1 for a fire district annexation, if the lieutenant governor issues the certificate of annexation under Section 67-1a-6.5 from July 1 through December 31; or

(ii) upon the lieutenant governor's issuance of the certificate of annexation under Section 67-1a-6.5, for any other annexation.

(c)(i) The effective date of a special district annexation for purposes of assessing property within the annexed area is governed by Section 59-2-305.5.

(ii) Until the documents listed in Subsection (2)(c) are recorded in the office of the recorder of each county in which the property is located, a special district may not:

(A) levy or collect a property tax on property within the annexed area;

(B) levy or collect an assessment on property within the annexed area; or

(C) charge or collect a fee for service provided to property within the annexed area.

(iii) Subsection (3)(c)(ii)(C):

(A) may not be construed to limit a special district's ability before annexation to charge and collect a fee for service provided to property that is outside the special district's boundary; and

(B) does not apply until 60 days after the effective date, under Subsection (3)(b), of the special district's annexation, with respect to a fee that the special district was charging for service provided to property within the annexed area immediately before the area was annexed to the special district.

Section 4. Section **17B-1-416** is amended to read:

17B-1-416 . Automatic annexation to a district providing fire protection, paramedic, and emergency services or law enforcement service.

(1) An area outside the boundaries of a special district that is annexed to a municipality under Title 10, Chapter 2, Part 8, Annexation, or added to a municipality by a boundary adjustment under [~~Title 10, Chapter 2, Part 4, Annexation~~] Title 10, Chapter 2, Part 9, Municipal Boundary Adjustments, is automatically annexed to the special district if:

(a) the special district provides:

- (i) fire protection, paramedic, and emergency services; or
- (ii) law enforcement service;
- (b) the special district is located in a county of the first class, but not otherwise, an election for the creation of the special district was not required because of Subsection 17B-1-214(3)(d); and
- (c) before the municipal annexation or boundary adjustment, the entire municipality that is annexing the area or adding the area by boundary adjustment was included within the special district.

(2) The effective date of an annexation under this section is governed by Subsection 17B-1-414(3)(b).

Section 5. Section **17B-1-502** is amended to read:

17B-1-502 . Withdrawal of area from special district -- Automatic withdrawal in certain circumstances.

- (1)(a) An area within the boundaries of a special district may be withdrawn from the special district only as provided in this part or, if applicable, as provided in Chapter 2a, Part 11, Municipal Services District Act.
- (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a special district within a municipality because of a municipal incorporation under Title 10, Chapter 2a, Municipal Incorporation, ~~[or] a municipal annexation under Title 10, Chapter 2, Part 8, Annexation, or a boundary adjustment under [Title 10, Chapter 2, Part 4, Annexation]~~ Title 10, Chapter 2, Part 9, Municipal Boundary Adjustments, does not affect the requirements under this part for the process of withdrawing that area from the special district.
- (2)(a) An area within the boundaries of a special district is automatically withdrawn from the special district by the annexation of the area to a municipality under Title 10, Chapter 2, Part 8, Annexation, or the adding of the area to a municipality by boundary adjustment under ~~[Title 10, Chapter 2, Part 4, Annexation]~~ Title 10, Chapter 2, Part 9, Municipal Boundary Adjustments, if:
- (i) the special district provides:
- (A) fire protection, paramedic, and emergency services; or
- (B) law enforcement service;
- (ii) an election for the creation of the special district was not required because of Subsection 17B-1-214(3)(d) or (g); and
- (iii) before annexation or boundary adjustment, the boundaries of the special district

- do not include any of the annexing municipality.
- (b) The effective date of a withdrawal under this Subsection (2) is governed by Subsection 17B-1-512(2)(b).
- (3)(a) Except as provided in Subsection (3)(c) or (d), an area within the boundaries of a special district located in a county of the first class is automatically withdrawn from the special district by the incorporation of a municipality whose boundaries include the area if:
- (i) the special district provides municipal services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services;
 - (ii) an election for the creation of the special district was not required because of Subsection [~~17B-1-214(3)-(g)~~] 17B-1-214(3)(g); and
 - (iii) the legislative body of the newly incorporated municipality:
 - (A) adopts a resolution no later than 180 days after the effective date of incorporation approving the withdrawal that includes the legal description of the area to be withdrawn; and
 - (B) delivers a copy of the resolution to the board of trustees of the special district.
- (b) The effective date of a withdrawal under this Subsection (3) is governed by Subsection 17B-1-512(2)(a).
- (c) Section 17B-1-505 governs the withdrawal of an incorporated area within a county of the first class if:
- (i) the special district from which the area is withdrawn provides:
 - (A) fire protection, paramedic, and emergency services;
 - (B) law enforcement service; or
 - (C) municipal services, as defined in Section 17B-2a-1102;
 - (ii) an election for the creation of the special district was not required under Subsection 17B-1-214(3)(d) or (g); and
 - (iii) for a special district that provides municipal services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services, the 180-day period described in Subsection (3)(a)(iii)(A) is expired.
- (d) An area may not be withdrawn from a special district that provides municipal services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services, if the area is within a converted municipality, as defined in Section 10-1-201.5.

Section 6. Section **26A-1-114** is amended to read:

26A-1-114 . Powers and duties of departments.

(1) Subject to Subsections (7), (8), and (10), a local health department may:

- (a) subject to the provisions in Section 26A-1-108, enforce state laws, local ordinances, department rules, and local health department standards and regulations relating to public health and sanitation, including the plumbing code administered by the Division of Professional Licensing under Title 15A, Chapter 1, Part 2, State Construction Code Administration Act, and under Title 26B, Chapter 7, Part 4, General Sanitation and Food Safety, in all incorporated and unincorporated areas served by the local health department;
- (b) establish, maintain, and enforce isolation and quarantine, over an individual in accordance with an order of restriction issued under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable Diseases;
- (c) establish and maintain medical, environmental, occupational, and other laboratory services considered necessary or proper for the protection of the public health;
- (d) establish and operate reasonable health programs or measures not in conflict with state law which:
 - (i) are necessary or desirable for the promotion or protection of the public health and the control of disease; or
 - (ii) may be necessary to ameliorate the major risk factors associated with the major causes of injury, sickness, death, and disability in the state;
- (e) close theaters, schools, and other public places and prohibit gatherings of people when necessary to protect the public health;
- (f) exercise physical control of property to abate nuisances or eliminate sources of filth and infectious and communicable diseases affecting the public health and bill the owner or other person in charge of the premises upon which this nuisance occurs for the cost of abatement;
- (g) make necessary sanitary and health investigations and inspections on the local health department's own initiative or in cooperation with the Department of Health and Human Services or the Department of Environmental Quality, or both, as to any matters affecting the public health;
- (h) pursuant to county ordinance or interlocal agreement:
 - (i) establish and collect appropriate fees for the performance of services and operation of authorized or required programs and duties;

- 371 (ii) accept, use, and administer all federal, state, or private donations or grants of
372 funds, property, services, or materials for public health purposes; and
373 (iii) make agreements not in conflict with state law which are conditional to receiving
374 a donation or grant;
- 375 (i) prepare, publish, and disseminate information necessary to inform and advise the
376 public concerning:
- 377 (i) the health and wellness of the population, specific hazards, and risk factors that
378 may adversely affect the health and wellness of the population; and
379 (ii) specific activities individuals and institutions can engage in to promote and
380 protect the health and wellness of the population;
- 381 (j) investigate the causes of morbidity and mortality;
- 382 (k) issue notices and orders necessary to carry out this part;
- 383 (l) conduct studies to identify injury problems, establish injury control systems, develop
384 standards for the correction and prevention of future occurrences, and provide public
385 information and instruction to special high risk groups;
- 386 (m) cooperate with boards created under Section 19-1-106 to enforce laws and rules
387 within the jurisdiction of the boards;
- 388 (n) cooperate with the state health department, the Department of Corrections, the
389 Administrative Office of the Courts, the Division of Juvenile Justice and Youth
390 Services, and the ~~[Crime-Victim-Reparations-Board]~~ Utah Office for Victims of Crime
391 to conduct testing for HIV infection of alleged sexual offenders, convicted sexual
392 offenders, and any victims of a sexual offense;
- 393 (o) investigate suspected bioterrorism and disease pursuant to Section 26B-7-321;
- 394 (p) provide public health assistance in response to a national, state, or local emergency, a
395 public health emergency as defined in Section 26B-7-301, or a declaration by the
396 President of the United States or other federal official requesting public health-related
397 activities; and
- 398 (q) when conducting routine inspections of businesses regulated by the local health
399 department, notify the Department of Agriculture and Food of a potential violation of
400 Title 4, Chapter 41, Hemp and Cannabinoid Act.
- 401 (2) The local health department shall:
- 402 (a) establish programs or measures to promote and protect the health and general
403 wellness of the people within the boundaries of the local health department;
- 404 (b) investigate infectious and other diseases of public health importance and implement

- 405 measures to control the causes of epidemic and communicable diseases and other
406 conditions significantly affecting the public health which may include involuntary
407 testing of alleged sexual offenders for the HIV infection pursuant to Section
408 53-10-802 and voluntary testing of victims of sexual offenses for HIV infection
409 pursuant to Section 53-10-803;
- 410 (c) cooperate with the department in matters pertaining to the public health and in the
411 administration of state health laws;
- 412 (d) enter into a cooperative agreement with the Department of Environmental Quality as
413 described in Subsection 19-1-201(1)(c); and
- 414 (e) investigate a report made in accordance with Section 59-14-811 to determine
415 whether a product is sold in violation of law.
- 416 (3) The local health department has the following duties regarding public and private
417 schools within the local health department's boundaries:
- 418 (a) enforce all ordinances, standards, and regulations pertaining to the public health of
419 persons attending public and private schools;
- 420 (b) exclude from school attendance any person, including teachers, who is suffering
421 from any communicable or infectious disease, whether acute or chronic, if the person
422 is likely to convey the disease to those in attendance; and
- 423 (c)(i) make regular inspections of the health-related condition of all school buildings
424 and premises;
- 425 (ii) report the inspections on forms furnished by the department to those responsible
426 for the condition and provide instructions for correction of any conditions that
427 impair or endanger the health or life of those attending the schools; and
- 428 (iii) provide a copy of the report to the department at the time the report is made.
- 429 (4) If those responsible for the health-related condition of the school buildings and premises
430 do not carry out any instructions for corrections provided in a report in Subsection (3)(c),
431 the local health board shall cause the conditions to be corrected at the expense of the
432 persons responsible.
- 433 (5) The local health department may exercise incidental authority as necessary to carry out
434 the provisions and purposes of this part.
- 435 (6) This part does not authorize a local health department to:
- 436 (a) require the installation or maintenance of a carbon monoxide detector in a residential
437 dwelling against anyone other than the occupant of the dwelling; or
- 438 (b) control the production, processing, distribution, or sale price of local food in

response to a public health emergency.

(7)(a) Except as provided in Subsection (7)(c), a local health department may not declare a public health emergency until the local health department has provided notice of the proposed action to the chief executive officer of the relevant county no later than 24 hours before the local health department issues the order or declaration.

(b) The local health department:

- (i) shall provide the notice required by Subsection (7)(a) using the best available method under the circumstances as determined by the local health department;
- (ii) may provide the notice required by Subsection (7)(a) in electronic format; and
- (iii) shall provide the notice in written form, if practicable.

(c)(i) Notwithstanding Subsection (7)(a), a local health department may declare a public health emergency without approval of the chief executive officer of the relevant county if the passage of time necessary to obtain approval of the chief executive officer of the relevant county as required in Subsection (7)(a) would substantially increase the likelihood of loss of life due to an imminent threat.

(ii) If a local health department declares a public health emergency as described in Subsection (7)(c)(i), the local health department shall notify the chief executive officer of the relevant county before declaring a public health emergency.

(iii) The chief executive officer of the relevant county may terminate a declaration of a public health emergency as described in Subsection (7)(c)(i) within 72 hours of declaration of the public health emergency.

(d)(i) The relevant county governing body may at any time terminate a public health emergency issued by the local health department by majority vote of the county governing body.

- (ii) A vote by the relevant county governing body to terminate a public health emergency as described in Subsection (7)(d)(i) is not subject to veto by the relevant chief executive officer.

(8)(a) Except as provided in Subsection (8)(b), a public health emergency declared by a local health department expires at the earliest of:

- (i) the local health department or the chief executive officer of the relevant county finding that the threat or danger has passed or the public health emergency reduced to the extent that emergency conditions no longer exist;
- (ii) 30 days after the date on which the local health department declared the public health emergency; or

- 473 (iii) the day on which the public health emergency is terminated by majority vote of
474 the county governing body.
- 475 (b)(i) The relevant county legislative body, by majority vote, may extend a public
476 health emergency for a time period designated by the county legislative body.
- 477 (ii) If the county legislative body extends a public health emergency as described in
478 Subsection (8)(b)(i), the public health emergency expires on the date designated
479 by the county legislative body.
- 480 (c) Except as provided in Subsection (8)(d), if a public health emergency declared by a
481 local health department expires as described in Subsection (8)(a), the local health
482 department may not declare a public health emergency for the same illness or
483 occurrence that precipitated the previous public health emergency declaration.
- 484 (d)(i) Notwithstanding Subsection (8)(c), subject to Subsection (8)(f), if the local
485 health department finds that exigent circumstances exist, after providing notice to
486 the county legislative body, the department may declare a new public health
487 emergency for the same illness or occurrence that precipitated a previous public
488 health emergency declaration.
- 489 (ii) A public health emergency declared as described in Subsection (8)(d)(i) expires
490 in accordance with Subsection (8)(a) or (b).
- 491 (e) For a public health emergency declared by a local health department under this
492 chapter or under Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine
493 Procedures for Communicable Diseases, the Legislature may terminate by joint
494 resolution a public health emergency that was declared based on exigent
495 circumstances or that has been in effect for more than 30 days.
- 496 (f) If the Legislature or county legislative body terminates a public health emergency
497 declared due to exigent circumstances as described in Subsection (8)(d)(i), the local
498 health department may not declare a new public health emergency for the same
499 illness, occurrence, or exigent circumstances.
- 500 (9)(a) During a public health emergency declared as described in this title, the
501 department or a local health department may not issue a public health order or
502 impose or implement a regulation that substantially burdens an individual's exercise
503 of religion unless the department or local health department demonstrates that the
504 application of the burden to the individual:
- 505 (i) is in furtherance of a compelling government interest; and
506 (ii) is the least restrictive means of furthering that compelling government interest.

(b) Notwithstanding Subsection (9)(a), the department or a local health department shall allow reasonable accommodations for an individual to perform or participate in a religious practice or rite.

(10) A local health department may not:

- (a) require a person to obtain an inspection, license, or permit from the local health department to engage in a practice described in Subsection 58-11a-304(5);
- (b) prevent or limit a person's ability to engage in a practice described in Subsection 58-11a-304(5) by:
 - (i) requiring the person to engage in the practice at a specific location or at a particular type of facility or location; or
 - (ii) enforcing a regulation applicable to a facility or location where the person chooses to engage in the practice; or
- (c) issue an order of constraint under any circumstance.

Section 7. Section **26B-2-801** is amended to read:

26B-2-801 . Definitions for part.

As used in this [chapter] part:

- (1) "Adult" means an individual who is:
 - (a) at least 18 years old; or
 - (b) under 18 years old and is emancipated.
- (2) "APRN" means an individual who is:
 - (a) certified or licensed as an advance practice registered nurse under Subsection 58-31b-301(2)(e);
 - (b) an independent practitioner; and
 - (c) acting within the scope of practice for that individual, as provided by law, rule, and specialized certification and training in that individual's area of practice.
- (3) "Capacity" means the same as that term is defined in Section 75A-9-101.
- (4) "Emergency medical services provider" means a person that is licensed, designated, or certified under Title 53, Chapter 2d, Emergency Medical Services Act.
- (5) "Health care" means the same as that term is defined in Section 75A-9-101.
- (6) "Health care provider" means the same as that term is defined in Section 78B-3-403, except that "health care provider" does not include an emergency medical services provider.
- (7)(a) "Life sustaining care" means any medical intervention, including procedures, administration of medication, or use of a medical device, that maintains life by

sustaining, restoring, or supplanting a vital function.

(b) "Life sustaining care" does not include care provided for the purpose of keeping an individual comfortable.

(8) "Minor" means an individual who:

(a) is under 18 years old; and

(b) is not emancipated.

(9) "Order for life sustaining treatment" means an order related to life sustaining treatment, on a form designated by the Department of Health and Human Services under Section 26B-2-802, that gives direction to health care providers, health care facilities, and emergency medical services providers regarding the specific health care decisions of the individual to whom the order relates.

(10) "Parent" means the same as that term is defined in Section 75-1-201.

(11) "Physician" means a physician and surgeon or osteopathic surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical Practice Act.

(12) "Physician assistant" means an individual licensed as a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

(13) "Sign" means the same as that term is defined in Section 75-1-201.

(14) "Substituted judgment" means the standard to be applied by a surrogate when making a health care decision for an adult who previously had the capacity to make health care decisions, which requires the surrogate to consider:

(a) specific preferences expressed by the adult:

(i) when the adult had the capacity to make health care decisions; and

(ii) at the time the decision is being made;

(b) the surrogate's understanding of the adult's health care preferences;

(c) the surrogate's understanding of what the adult would have wanted under the circumstances; and

(d) to the extent that the preferences described in Subsections (14)(a) through (c) are unknown, the best interest of the adult.

(15) "Surrogate" means the same as that term is defined in Section 75A-9-101.[;]

Section 8. Section **53G-8-701.8** is amended to read:

53G-8-701.8 . School safety and security director.

(1) Except as provided in Subsection 53G-8-701.5(3), an LEA shall designate a school safety and security director as the LEA point of contact for the county security chief,

575 local law enforcement, and the state security chief.

576 (2) A school safety and security director shall:

577 (a) participate in and satisfy the training requirements as follows:

578 (i) only once, the training requirements described in Section 53-22-105 for school
579 guardians; and

580 (ii) the school resource officer and administrator training the state security chief
581 approves in consultation with the School Safety Center; [~~and~~]

582 (b) if serving as a backup school guardian, satisfy all requirements described in
583 53-22-105;

584 (c) if the designee is an employee of an LEA, participate on the multidisciplinary team
585 the LEA establishes;

586 (d) coordinate security responses among, if applicable, the following individuals in the
587 LEA that employs the school safety and security director:

588 (i) school safety and security specialists;

589 (ii) school resource officers;

590 (iii) armed school security guards; and

591 (iv) school guardians; and

592 (e) collaborate and maintain effective communications with local law enforcement, a
593 county security chief, the LEA, and school-based behavioral and mental health
594 professionals to ensure adherence with all policies, procedures, protocols, rules, and
595 regulations relating to school safety and security.

596 (3) A school safety and security director:

597 (a) does not have authority to act in a law enforcement capacity; and

598 (b) may, at the LEA that employs the director:

599 (i) take actions necessary to prevent or abate an active threat; and

600 (ii) temporarily detain an individual when the school safety and security director has
601 reasonable cause to believe the individual has committed or is about to commit a
602 forcible felony.

603 (4) Notwithstanding Subsection 76-11-205(4), if a school safety and security director is
604 carrying a firearm, the school safety and security director shall carry the school safety
605 and security director's firearm in a concealed manner and may not, unless during an
606 active threat, display or open carry a firearm while on school grounds.

607 (5) A school may use the services of the school safety and security director on a temporary
608 basis to satisfy the school safety personnel requirement of Subsection 53G-8-701.5(2).

(6) The state security chief shall:

- (a) for each school safety and security director, track each school safety and security director by collecting the photograph and the name and contact information for each school safety and security director; and
- (b) make the information described in Subsection (6)(a) readily available to each law enforcement agency in the state categorized by LEA.

Section 9. Section **59-12-104.11** is amended to read:

59-12-104.11 . Sales tax due for motor vehicle with adaptive driving equipment.

- (1) An owner of a motor vehicle with adaptive driving equipment installed may claim the sales tax exemption described in Subsection [~~59-12-104(99)~~] 59-12-104(100) at the time of purchase if the owner purchases the motor vehicle from a vehicle dealer.
- (2) A vehicle dealer shall collect sales tax required by this chapter on the purchase price of the vehicle after subtracting the amount of the purchase price attributed to the adaptive driving equipment.
- (3)(a) A vehicle dealer shall state the purchase price attributed to the adaptive driving equipment on the contract of sale.
- (b) The vehicle dealer shall retain the contract of sale described in Subsection (3)(a) for the same period of time a vehicle dealer is required to keep books and records under Section 59-1-1406.

Section 10. Section **63G-2-305** is amended to read:

63G-2-305 . Protected records.

The following records are protected if properly classified by a governmental entity:

- (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-309;
- (2) commercial information or nonindividual financial information obtained from a person if:
 - (a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;
 - (b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and
 - (c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;
- (3) commercial or financial information acquired or prepared by a governmental entity to

the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;

(4) records, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4);

(5) test questions and answers to be used in future license, certification, registration, employment, or academic examinations;

(6) records, the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except, subject to Subsections (1) and (2), that this Subsection (6) does not restrict the right of a person to have access to, after the contract or grant has been awarded and signed by all parties:

(a) a bid, proposal, application, or other information submitted to or by a governmental entity in response to:

(i) an invitation for bids;

(ii) a request for proposals;

(iii) a request for quotes;

(iv) a grant; or

(v) other similar document; or

(b) an unsolicited proposal, as defined in Section 63G-6a-712;

(7) information submitted to or by a governmental entity in response to a request for information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict the right of a person to have access to the information, after:

(a) a contract directly relating to the subject of the request for information has been awarded and signed by all parties; or

(b)(i) a final determination is made not to enter into a contract that relates to the subject of the request for information; and

(ii) at least two years have passed after the day on which the request for information is issued;

(8) records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:

(a) public interest in obtaining access to the information is greater than or equal to the

- 677 governmental entity's need to acquire the property on the best terms possible;
- 678 (b) the information has already been disclosed to persons not employed by or under a
679 duty of confidentiality to the entity;
- 680 (c) in the case of records that would identify property, potential sellers of the described
681 property have already learned of the governmental entity's plans to acquire the
682 property;
- 683 (d) in the case of records that would identify the appraisal or estimated value of
684 property, the potential sellers have already learned of the governmental entity's
685 estimated value of the property; or
- 686 (e) the property under consideration for public acquisition is a single family residence
687 and the governmental entity seeking to acquire the property has initiated negotiations
688 to acquire the property as required under Section 78B-6-505;
- 689 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated
690 transaction of real or personal property including intellectual property, which, if
691 disclosed prior to completion of the transaction, would reveal the appraisal or estimated
692 value of the subject property, unless:
- 693 (a) the public interest in access is greater than or equal to the interests in restricting
694 access, including the governmental entity's interest in maximizing the financial
695 benefit of the transaction; or
- 696 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
697 the value of the subject property have already been disclosed to persons not
698 employed by or under a duty of confidentiality to the entity;
- 699 (10) records created or maintained for civil, criminal, or administrative enforcement
700 purposes or audit purposes, or for discipline, licensing, certification, or registration
701 purposes, if release of the records:
- 702 (a) reasonably could be expected to interfere with investigations undertaken for
703 enforcement, discipline, licensing, certification, or registration purposes;
- 704 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
705 proceedings;
- 706 (c) would create a danger of depriving a person of a right to a fair trial or impartial
707 hearing;
- 708 (d) reasonably could be expected to disclose the identity of a source who is not generally
709 known outside of government and, in the case of a record compiled in the course of
710 an investigation, disclose information furnished by a source not generally known

- 711 outside of government if disclosure would compromise the source; or
- 712 (e) reasonably could be expected to disclose investigative or audit techniques,
- 713 procedures, policies, or orders not generally known outside of government if
- 714 disclosure would interfere with enforcement or audit efforts;
- 715 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 716 (12) records the disclosure of which would jeopardize the security of governmental
- 717 property, governmental programs, or governmental recordkeeping systems from
- 718 damage, theft, or other appropriation or use contrary to law or public policy;
- 719 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
- 720 facility, or records relating to incarceration, treatment, probation, or parole, that would
- 721 interfere with the control and supervision of an offender's incarceration, treatment,
- 722 probation, or parole;
- 723 (14) records that, if disclosed, would reveal recommendations made to the Board of
- 724 Pardons and Parole by an employee of or contractor for the Department of Corrections,
- 725 the Board of Pardons and Parole, or the Department of Health and Human Services that
- 726 are based on the employee's or contractor's supervision, diagnosis, or treatment of any
- 727 person within the board's jurisdiction;
- 728 (15) records and audit workpapers that identify audit, collection, and operational procedures
- 729 and methods used by the State Tax Commission, if disclosure would interfere with
- 730 audits or collections;
- 731 (16) records of a governmental audit agency relating to an ongoing or planned audit until
- 732 the final audit is released;
- 733 (17) records that are subject to the attorney client privilege;
- 734 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
- 735 employee, or agent of a governmental entity for, or in anticipation of, litigation or a
- 736 judicial, quasi-judicial, or administrative proceeding;
- 737 (19)(a)(i) personal files of a state legislator, including personal correspondence to or
- 738 from a member of the Legislature; and
- 739 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
- 740 legislative action or policy may not be classified as protected under this section;
- 741 and
- 742 (b)(i) an internal communication that is part of the deliberative process in connection
- 743 with the preparation of legislation between:
- 744 (A) members of a legislative body;

- 745 (B) a member of a legislative body and a member of the legislative body's staff; or
746 (C) members of a legislative body's staff; and
747 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
748 legislative action or policy may not be classified as protected under this section;
- 749 (20)(a) records in the custody or control of the Office of Legislative Research and
750 General Counsel, that, if disclosed, would reveal a particular legislator's
751 contemplated legislation or contemplated course of action before the legislator has
752 elected to support the legislation or course of action, or made the legislation or course
753 of action public; and
754 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
755 Office of Legislative Research and General Counsel is a public document unless a
756 legislator asks that the records requesting the legislation be maintained as protected
757 records until such time as the legislator elects to make the legislation or course of
758 action public;
- 759 (21) a research request from a legislator to a legislative staff member and research findings
760 prepared in response to the request;
- 761 (22) drafts, unless otherwise classified as public;
- 762 (23) records concerning a governmental entity's strategy about:
763 (a) collective bargaining; or
764 (b) imminent or pending litigation;
- 765 (24) records of investigations of loss occurrences and analyses of loss occurrences that may
766 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
767 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 768 (25) records, other than personnel evaluations, that contain a personal recommendation
769 concerning an individual if disclosure would constitute a clearly unwarranted invasion
770 of personal privacy, or disclosure is not in the public interest;
- 771 (26) records that reveal the location of historic, prehistoric, paleontological, or biological
772 resources that if known would jeopardize the security of those resources or of valuable
773 historic, scientific, educational, or cultural information;
- 774 (27) records of independent state agencies if the disclosure of the records would conflict
775 with the fiduciary obligations of the agency;
- 776 (28) records of an institution within the state system of higher education defined in Section
777 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
778 retention decisions, and promotions, which could be properly discussed in a meeting

779 closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided
780 that records of the final decisions about tenure, appointments, retention, promotions, or
781 those students admitted, may not be classified as protected under this section;

782 (29) records of the governor's office, including budget recommendations, legislative
783 proposals, and policy statements, that if disclosed would reveal the governor's
784 contemplated policies or contemplated courses of action before the governor has
785 implemented or rejected those policies or courses of action or made them public;

786 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
787 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
788 recommendations in these areas;

789 (31) records provided by the United States or by a government entity outside the state that
790 are given to the governmental entity with a requirement that they be managed as
791 protected records if the providing entity certifies that the record would not be subject to
792 public disclosure if retained by it;

793 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
794 public body except as provided in Section 52-4-206;

795 (33) records that would reveal the contents of settlement negotiations but not including final
796 settlements or empirical data to the extent that they are not otherwise exempt from
797 disclosure;

798 (34) memoranda prepared by staff and used in the decision-making process by an
799 administrative law judge, a member of the Board of Pardons and Parole, or a member of
800 any other body charged by law with performing a quasi-judicial function;

801 (35) records that would reveal negotiations regarding assistance or incentives offered by or
802 requested from a governmental entity for the purpose of encouraging a person to expand
803 or locate a business in Utah, but only if disclosure would result in actual economic harm
804 to the person or place the governmental entity at a competitive disadvantage, but this
805 section may not be used to restrict access to a record evidencing a final contract;

806 (36) materials to which access must be limited for purposes of securing or maintaining the
807 governmental entity's proprietary protection of intellectual property rights including
808 patents, copyrights, and trade secrets;

809 (37) the name of a donor or a prospective donor to a governmental entity, including an
810 institution within the state system of higher education defined in Section 53B-1-102, and
811 other information concerning the donation that could reasonably be expected to reveal
812 the identity of the donor, provided that:

- 813 (a) the donor requests anonymity in writing;
- 814 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
- 815 classified protected by the governmental entity under this Subsection (37); and
- 816 (c) except for an institution within the state system of higher education defined in
- 817 Section 53B-1-102, the governmental unit to which the donation is made is primarily
- 818 engaged in educational, charitable, or artistic endeavors, and has no regulatory or
- 819 legislative authority over the donor, a member of the donor's immediate family, or
- 820 any entity owned or controlled by the donor or the donor's immediate family;
- 821 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 822 (39) a notification of workers' compensation insurance coverage described in Section
- 823 34A-2-205;
- 824 (40)(a) the following records of an institution within the state system of higher education
- 825 defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
- 826 or received by or on behalf of faculty, staff, employees, or students of the institution:
- 827 (i) unpublished lecture notes;
- 828 (ii) unpublished notes, data, and information:
- 829 (A) relating to research; and
- 830 (B) of:
- 831 (I) the institution within the state system of higher education defined in Section
- 832 53B-1-102; or
- 833 (II) a sponsor of sponsored research;
- 834 (iii) unpublished manuscripts;
- 835 (iv) creative works in process;
- 836 (v) scholarly correspondence; and
- 837 (vi) confidential information contained in research proposals;
- 838 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information
- 839 required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 840 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 841 (41)(a) records in the custody or control of the Office of the Legislative Auditor General
- 842 that would reveal the name of a particular legislator who requests a legislative audit
- 843 prior to the date that audit is completed and made public; and
- 844 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
- 845 Office of the Legislative Auditor General is a public document unless the legislator
- 846 asks that the records in the custody or control of the Office of the Legislative Auditor

- 847 General that would reveal the name of a particular legislator who requests a
848 legislative audit be maintained as protected records until the audit is completed and
849 made public;
- 850 (42) records that provide detail as to the location of an explosive, including a map or other
851 document that indicates the location of:
- 852 (a) a production facility; or
853 (b) a magazine;
- 854 (43) information contained in the statewide database of the Division of Aging and Adult
855 Services created by Section 26B-6-210;
- 856 (44) information contained in the Licensing Information System described in Title 80,
857 Chapter 2, Child Welfare Services;
- 858 (45) information regarding National Guard operations or activities in support of the
859 National Guard's federal mission;
- 860 (46) records provided by any pawn or secondhand business to a law enforcement agency or
861 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand
862 Merchandise, and Catalytic Converter Transaction Information Act;
- 863 (47) information regarding food security, risk, and vulnerability assessments performed by
864 the Department of Agriculture and Food;
- 865 (48) except to the extent that the record is exempt from this chapter pursuant to Section
866 63G-2-106, records related to an emergency plan or program, a copy of which is
867 provided to or prepared or maintained by the Division of Emergency Management, and
868 the disclosure of which would jeopardize:
- 869 (a) the safety of the general public; or
870 (b) the security of:
- 871 (i) governmental property;
872 (ii) governmental programs; or
873 (iii) the property of a private person who provides the Division of Emergency
874 Management information;
- 875 (49) records of the Department of Agriculture and Food that provides for the identification,
876 tracing, or control of livestock diseases, including any program established under Title
877 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
878 of Animal Disease;
- 879 (50) as provided in Section 26B-2-709:
- 880 (a) information or records held by the Department of Health and Human Services related

to a complaint regarding a provider, program, or facility which the department is unable to substantiate; and

(b) information or records related to a complaint received by the Department of Health and Human Services from an anonymous complainant regarding a provider, program, or facility;

(51) unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or personal mobile phone number, if:

(a) the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and

(b) the subject of the record has a reasonable expectation that this information will be kept confidential due to:

(i) the nature of the law, ordinance, rule, or order; and

(ii) the individual complying with the law, ordinance, rule, or order;

(52) the portion of the following documents that contains a candidate's residential or mailing address, if the candidate provides to the filing officer another address or phone number where the candidate may be contacted:

(a) a declaration of candidacy, a nomination petition, or a certificate of nomination, described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;

(b) an affidavit of impecuniosity, described in Section 20A-9-201; or

(c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;

(53) the name, home address, work addresses, and telephone numbers of an individual that is engaged in, or that provides goods or services for, medical or scientific research that is:

(a) conducted within the state system of higher education, as defined in Section 53B-1-102; and

(b) conducted using animals;

(54) in accordance with Section 78A-12-203, any record of the Judicial Performance Evaluation Commission concerning an individual commissioner's vote, in relation to whether a judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);

(55) information collected and a report prepared by the Judicial Performance Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes

- 915 public, the information or report;
- 916 (56) records provided or received by the Public Lands Policy Coordinating Office in
- 917 furtherance of any contract or other agreement made in accordance with Section
- 918 63L-11-202;
- 919 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 920 (58) in accordance with Section 73-10-33:
- 921 (a) a management plan for a water conveyance facility in the possession of the Division
- 922 of Water Resources or the Board of Water Resources; or
- 923 (b) an outline of an emergency response plan in possession of the state or a county or
- 924 municipality;
- 925 (59) the following records in the custody or control of the Office of Inspector General of
- 926 Medicaid Services, created in Section 63A-13-201:
- 927 (a) records that would disclose information relating to allegations of personal
- 928 misconduct, gross mismanagement, or illegal activity of a person if the information
- 929 or allegation cannot be corroborated by the Office of Inspector General of Medicaid
- 930 Services through other documents or evidence, and the records relating to the
- 931 allegation are not relied upon by the Office of Inspector General of Medicaid
- 932 Services in preparing a final investigation report or final audit report;
- 933 (b) records and audit workpapers to the extent they would disclose the identity of a
- 934 person who, during the course of an investigation or audit, communicated the
- 935 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected
- 936 violation of a law, rule, or regulation adopted under the laws of this state, a political
- 937 subdivision of the state, or any recognized entity of the United States, if the
- 938 information was disclosed on the condition that the identity of the person be
- 939 protected;
- 940 (c) before the time that an investigation or audit is completed and the final investigation
- 941 or final audit report is released, records or drafts circulated to a person who is not an
- 942 employee or head of a governmental entity for the person's response or information;
- 943 (d) records that would disclose an outline or part of any investigation, audit survey plan,
- 944 or audit program; or
- 945 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
- 946 investigation or audit;
- 947 (60) records that reveal methods used by the Office of Inspector General of Medicaid
- 948 Services, the fraud unit, or the Department of Health and Human Services, to discover

Medicaid fraud, waste, or abuse;

(61) information provided to the Department of Health and Human Services or the Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections 58-68-304(3) and (4);

(62) a record described in Section 63G-12-210;

(63) captured plate data that is obtained through an automatic license plate reader system used by a governmental entity as authorized in Section 41-6a-2003;

(64) an audio or video recording created by a body-worn camera, as that term is defined in Section 77-7a-103, that records sound or images inside a hospital or health care facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider, as that term is defined in Section 78B-3-403, or inside a human service program as that term is defined in Section 26B-2-101, except for recordings that:

(a) depict the commission of an alleged crime;

(b) 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;

(c) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;

(d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or

(e) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording;

(65) a record pertaining to the search process for a president of an institution of higher education described in Section 53B-2-102;

(66) an audio recording that is:

(a) produced by an audio recording device that is used in conjunction with a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition;

(b) produced during an emergency event when an individual employed to provide law enforcement, fire protection, paramedic, emergency medical, or other first responder service:

(i) is responding to an individual needing resuscitation or with a life-threatening condition; and

(ii) uses a device or piece of equipment designed or intended for resuscitating an individual or for treating an individual with a life-threatening condition; and

- (c) intended and used for purposes of training emergency responders how to improve their response to an emergency situation;
- (67) records submitted by or prepared in relation to an applicant seeking a recommendation by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an employment position with the Legislature;
- (68) work papers as defined in Section 31A-2-204;
- (69) a record made available to Adult Protective Services or a law enforcement agency under Section 61-1-206;
- (70) a record submitted to the Insurance Department in accordance with Section 31A-37-201;
- (71) a record described in Section 31A-37-503;
- (72) any record created by the Division of Professional Licensing as a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- (73) a record described in Section 72-16-306 that relates to the reporting of an injury involving an amusement ride;
- (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a political petition, or on a request to withdraw a signature from a political petition, including a petition or request described in the following titles:
- (a) Title 10, Utah Municipal Code;
- (b) Title 17, Counties;
- (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- (e) Title 20A, Election Code;
- (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter registration record;
- (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described in Subsection (74) or (75), in the custody of the lieutenant governor or a local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims Guidelines for Prosecutors Act;
- (78) a record submitted to the Insurance Department under Section 31A-48-103;
- (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited under Section 63G-26-103;

- (80) an image taken of an individual during the process of booking the individual into jail, unless:
- (a) the individual is convicted of a criminal offense based upon the conduct for which the individual was incarcerated at the time the image was taken;
 - (b) a law enforcement agency releases or disseminates the image:
 - (i) after determining that the individual is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the image will assist in apprehending the individual or reducing or eliminating the threat; or
 - (ii) to a potential witness or other individual with direct knowledge of events relevant to a criminal investigation or criminal proceeding for the purpose of identifying or locating an individual in connection with the criminal investigation or criminal proceeding;
 - (c) a judge orders the release or dissemination of the image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest; or
 - (d) the image is displayed to a person who is permitted to view the image under Section 17-22-30;
- (81) a record:
- (a) concerning an interstate claim to the use of waters in the Colorado River system;
 - (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative from another state or the federal government as provided in Section 63M-14-205; and
 - (c) the disclosure of which would:
 - (i) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River system;
 - (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best terms and conditions regarding the use of water in the Colorado River system; or
 - (iii) give an advantage to another state or to the federal government in negotiations regarding the use of water in the Colorado River system;
- (82) any part of an application described in Section 63N-16-201 that the Governor's Office of Economic Opportunity determines is nonpublic, confidential information that if disclosed would result in actual economic harm to the applicant, but this Subsection (82) may not be used to restrict access to a record evidencing a final contract or approval decision;

- (83) the following records of a drinking water or wastewater facility:
- (a) an engineering or architectural drawing of the drinking water or wastewater facility; and
 - (b) except as provided in Section 63G-2-106, a record detailing tools or processes the drinking water or wastewater facility uses to secure, or prohibit access to, the records described in Subsection (83)(a);
- (84) a statement that an employee of a governmental entity provides to the governmental entity as part of the governmental entity's personnel or administrative investigation into potential misconduct involving the employee if the governmental entity:
- (a) requires the statement under threat of employment disciplinary action, including possible termination of employment, for the employee's refusal to provide the statement; and
 - (b) provides the employee assurance that the statement cannot be used against the employee in any criminal proceeding;
- (85) any part of an application for a Utah Fits All Scholarship account described in Section 53F-6-402 or other information identifying a scholarship student as defined in Section 53F-6-401;
- (86) a record:
- (a) concerning a claim to the use of waters in the Great Salt Lake;
 - (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a person concerning the claim, including a representative from another state or the federal government; and
 - (c) the disclosure of which would:
 - (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great Salt Lake;
 - (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms and conditions regarding the use of water in the Great Salt Lake; or
 - (iii) give an advantage to another person including another state or to the federal government in negotiations regarding the use of water in the Great Salt Lake;
- (87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is reclassified as public as described in Subsection 13-2-11(4); [and]
- (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- (a) concerning a claim to the use of waters;
 - (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a

representative from another state, a tribe, the federal government, or other government entity as provided in Title ~~[73, Chapter 10g, Part 6]~~ 73, Chapter 10g, Part 7, Utah Water Agent; and

(c) the disclosure of which would:

- (i) reveal a legal strategy relating to the state's claim to the use of the water;
- (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions regarding the use of water; or
- (iii) give an advantage to another state, a tribe, the federal government, or other government entity in negotiations regarding the use of water; and

- (89) a record created or maintained for an investigation of the Prosecutor Conduct Commission, created in Section 63M-7-1102, that contains any personal identifying information of a prosecuting attorney, including:
- (a) a complaint, or a document that is submitted or created for a complaint, received by the Prosecutor Conduct Commission; or
 - (b) a finding by the Prosecutor Conduct Commission.

Section 11. Section **63H-9-101** is amended to read:

63H-9-101 . Definitions.

As used in this chapter:

- (1) "Best practices toolbox" means the collection of resources for governmental entities provided on the website of the Office of the Legislative Auditor General that includes a best practice self-assessment and other resources, tools, surveys, and reports designed to help government organizations better serve the citizens of the state.
- (2) "Consensus group" means the Office of Legislative Research and General Counsel, the Office of the Legislative Auditor General, and the Office of the Legislative Fiscal Analyst.
- (3)(a) "Independent entity" means an entity that:
 - (i) has a public purpose relating to the state or its citizens;
 - (ii) is individually created by the state;
 - (iii) is separate from the judicial and legislative branches of state government; and
 - (iv) is not under the direct supervisory control of the governor.
- (b) "Independent entity" does not include an entity that is:
 - (i) a county;
 - (ii) a municipality as defined in Section 10-1-104;
 - (iii) an institution of higher education as defined in Section 53B-2-102;

- (iv) a public school as defined in Section 53G-8-701;
- (v) a special district as defined in Section 17B-1-102;
- (vi) a special service district as defined in Section 17D-1-102;
- (vii) created by an interlocal agreement as described in Section 11-13-203; or
- (viii) an elective constitutional office, including the state auditor, the state treasurer, and the attorney general.

(c) Independent entities that are subject to the provisions of this chapter include the:

- (i) Career Service Review Office created in Section 67-19a-201;
- (ii) Capitol Preservation Board created in Section 63C-9-201;
- (iii) Heber Valley Historic Railroad Authority created in Section 63H-4-102;
- (iv) Military Installation Development Authority created in Section 63H-1-201;
- (v) Office of Inspector General of Medicaid Services created in Section 63A-13-201;
- (vi) Point of the Mountain State Land Authority created in Section 11-59-201;
- (vii) Public Service Commission created in Section 54-1-1;
- (viii) School and Institutional Trust Fund Office created in Section 53C-1-201;
- (ix) School and Institutional Trust Lands Administration created in Section 53D-1-201;
- (x) Utah Beef Council created in Section 4-21-103;
- (xi) Utah Capital Investment Corporation created in Section 63N-6-301;
- (xii) Utah Communications Authority created in Section 63H-7a-201;
- (xiii) Utah Dairy Commission created in Section 4-22-103;
- (xiv) Utah Education and Telehealth Network created in Section 53B-17-105;
- (xv) Utah Housing Corporation created in Section 63H-8-201;
- (xvi) Utah Inland Port Authority created in Section 11-58-201;
- ~~[(xvii) Utah Innovation Lab created in Section 63N-20-201;]~~
- ~~[(xviii)]~~ (xvii) Utah Lake Authority created in Section 11-65-201;
- ~~[(xix)]~~ (xviii) Utah Retirement Systems created in Section 49-11-201; and
- ~~[(xx)]~~ (xix) Utah State Fair Park Authority created in Section 11-68-201.

Section 12. Section **63M-7-506** is amended to read:

63M-7-506 . Duties of the office.

- (1) The office shall:
 - (a) prescribe policy for the office;
 - (b) under the direction of the executive director of the Commission on Criminal and Juvenile Justice, adopt rules to implement and administer this part in accordance with

Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which may include setting of ceilings on reparations, defining of terms not specifically stated in this part, and establishing of rules governing attorney fees;

- (c) prescribe forms for applications for reparations;
- (d) render an annual report to the governor and the Legislature regarding the staff's~~[-and the board's]~~ activities;
- (e) formulate standards for the uniform application of Section 63M-7-509, taking into consideration the rates and amounts of reparation payable for injuries and death under other laws of this state and the United States;
- (f) allocate money available in the fund to victims of criminally injurious conduct for reparations claims;
- (g) allocate money available to other victim services as provided by administrative rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, once a sufficient reserve has been established for reparation claims; and
- (h) as authorized by the Commission on Criminal and Juvenile Justice, allocate and disburse funds made available to the office by the United States, the state, foundations, corporations, or other entities or individuals to subgrantees from private, non-profit, and governmental entities operating qualified statewide assistance programs.

- (2) All rules, or other statements of policy, along with application forms specified by the office, are binding upon the director, the reparations officers, assistance officers, and other staff.

Section 13. Section **63M-7-509** is amended to read:

63M-7-509 . Grounds for eligibility.

- (1) A victim is eligible for a reparations award under this part if:
 - (a) the claimant is:
 - (i) a victim of criminally injurious conduct;
 - (ii) a dependent of a deceased victim of criminally injurious conduct; or
 - (iii) a representative acting on behalf of one of the above;
 - (b)(i) the criminally injurious conduct occurred in Utah; or
 - (ii) the victim is a Utah resident who suffers injury or death as a result of criminally injurious conduct inflicted in a state, territory, or country that does not provide a crime victims' compensation program;
 - (c) the application is made in writing in a form that conforms substantially to that

prescribed by the [board] office;

(d) the criminally injurious conduct is reported to a law enforcement officer, in the law enforcement officer's capacity as a law enforcement officer, or another federal or state investigative agency;

(e) the claimant or victim cooperates with the appropriate law enforcement agencies and prosecuting attorneys in efforts to apprehend or convict the perpetrator of the alleged offense; and

(f) the criminally injurious conduct occurred after December 31, 1986.

(2) A reparations award may be made to a victim regardless of whether any individual is arrested, prosecuted, or convicted of the criminally injurious conduct giving rise to a reparations claim.

(3)(a) Notwithstanding the requirements of Subsections (1)(d) and (e), a victim of sexual assault is not required to report the sexual assault to a law enforcement officer or another federal or state investigative agency or cooperate with the appropriate law enforcement agencies and prosecuting attorneys to be eligible for a reparations award under this section if:

(i) the victim seeks assistance from an advocacy services provider, a criminal justice system victim advocate, or a nongovernment organization victim advocate; and

(ii) the advocacy services provider, the criminal justice system victim advocate, or the nongovernment organization victim advocate completes a questionnaire, provided by the office, regarding the sexual assault.

(b) Notwithstanding the requirement of Subsection (1)(e), a victim who has suffered strangulation in the course of interpersonal violence is not required to cooperate with the appropriate law enforcement agencies and prosecuting attorneys to be eligible for a reparations award under this section if the victim:

(i) reports the strangulation to a law enforcement officer or another federal or state investigative agency after the strangulation occurs; or

(ii) seeks medical care for the strangulation immediately after the strangulation occurs.

Section 14. Section **63M-7-517** is amended to read:

63M-7-517 . Additional testing.

(1) If the mental, physical, or emotional condition of a victim is material to a reparations claim, the reparations officer, director, or the assistant director reparations program manager~~[, or chair of the board]~~ who hears the reparations claim or the appeal may

order the claimant to submit to a mental or physical examination by a physician or psychologist and may recommend to the court to order an autopsy of a deceased victim.

(2) The court may order an additional examination for good cause shown and shall provide notice to the individual to be examined and the individual's representative.

(3) All reports from additional examinations shall set out findings, including results of all tests made, diagnoses, prognoses, other conclusions, and reports of earlier examinations of the same conditions.

(4) A copy of the report shall be made available to the victim or the representative of the victim unless dissemination of that copy is prohibited by law.

Section 15. Section **63M-7-529** is amended to read:

63M-7-529 . Determination of eligibility for victim reparations -- Law enforcement agency to provide investigative reports -- Restrictions on usage -- Criminal penalty.

(1)(a) Notwithstanding Section 63G-2-206, and subject to Subsection (1)(c), a law enforcement agency shall provide a copy of an investigative report that describes the facts and circumstances of a criminal episode within 10 business days of the date the law enforcement agency receives a request for that information from the office.

(b) Before releasing an investigative report, the law enforcement agency may redact the following information:

(i) the name of:

(A) an undercover officer; or

(B) a confidential informant; and

(ii) any information that would:

(A) jeopardize the investigation; or

(B) disclose law enforcement techniques not generally known to the public.

(c) If a criminal episode remains under investigation when the office requests an investigative report and the law enforcement agency determines that release of an investigative report at that time would jeopardize the investigation, a law enforcement agency may provide a detailed description of the following information, instead of providing an investigative report, within 10 [~~business~~] business days of the date the law enforcement agency received the original request from the office:

(i) the law enforcement agency's case number;

(ii) the location where the criminal episode occurred;

(iii) the criminal conduct under investigation;

- 1255 (iv) a summary of the criminal episode;
- 1256 (v) verification that the claimant is a victim of the criminal conduct;
- 1257 (vi) any information regarding whether the claimant's conduct may have contributed
- 1258 to the criminal conduct; and
- 1259 (vii) whether the claimant was and continues to be cooperative with law enforcement.
- 1260 (d) An investigative report provided under Subsection (1)(a), or information provided
- 1261 under Subsection (1)(c), shall contain sufficient information for the office to
- 1262 determine whether a claimant is eligible for a reparations award under Sections
- 1263 63M-7-509 and 63M-7-510.
- 1264 (e) If an investigative report or information provided to the office by a law enforcement
- 1265 agency is not sufficient for the office to determine whether a claimant is eligible for a
- 1266 reparations award, the office may contact the law enforcement agency for additional
- 1267 information.
- 1268 (f)(i) A law enforcement agency may give written notice that a request may take up
- 1269 to an additional 10 [-]business days to process if exigent circumstances exist,
- 1270 which include:
- 1271 (A) a circumstance where another agency is using relevant documents;
- 1272 (B) the request requires review of a voluminous amount of documents;
- 1273 (C) the request requires legal review;
- 1274 (D) the request requires extensive redaction;
- 1275 (E) the law enforcement agency is currently processing multiple requests; or
- 1276 (F) other exigent circumstances.
- 1277 (ii) Notice of an extended response time shall include the type of exigent
- 1278 circumstances involved and the new due date for the response.
- 1279 (2)(a) An investigative report provided under this section may only be used for the
- 1280 purpose of carrying out the provisions of this part.
- 1281 (b) An investigative report received under this section:
- 1282 (i) may only be viewed by the office~~[-, the board,]~~ and legal counsel for the office; and
- 1283 (ii) may not be further disclosed or disseminated for any reason.
- 1284 (3) The office shall dispose of or retain an investigative report received under this section in
- 1285 a secure manner.
- 1286 (4) An investigative report provided to the office under this section is not subject to the
- 1287 provisions of Title 63G, Chapter 2, Government Records Access and Management Act.
- 1288 (5) A public employee or other person who knowingly or intentionally uses or distributes

an investigative report, or information received from an investigative report, in violation of the requirements of Subsection (2) is guilty of a class B misdemeanor.

Section 16. Section **76-6-202** is amended to read:

76-6-202 . Burglary.

- (1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
- (2) An actor commits burglary if the actor enters or remains unlawfully in a building or any portion of a building with intent to commit:
 - (a) a felony;
 - (b) theft;
 - (c) an assault on any person;
 - (d) lewdness, in violation of Section 76-5-419;
 - (e) sexual battery, in violation of Section 76-5-418;
 - (f) lewdness involving a child, in violation of Section 76-5-420;[~~or~~]
 - (g) voyeurism, in violation of Section [~~76-9-702.7.~~] 76-12-306;
 - (h) recorded or photographed voyeurism, in violation of Section 76-12-307; or
 - (i) distribution of images obtained through voyeurism, in violation of Section 76-12-308.
- (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
- (b) A violation of Subsection (2) is a second degree felony if the violation is committed in a dwelling.
- (4) A violation of this section is a separate offense from any of the offenses listed in Subsections (2)(a) through [~~(g)~~] (i), and which may be committed by the actor while in the building.

Section 17. Section **77-37-3** is amended to read:

77-37-3 . Bill of rights.

- (1) The bill of rights for victims and witnesses is:
 - (a) Victims and witnesses have a right to be informed as to the level of protection from intimidation and harm available to them, and from what sources, as they participate in criminal justice proceedings as designated by Section 76-8-508, regarding tampering with a witness, and Section 76-8-509, regarding extortion or bribery to dismiss a criminal proceeding. Law enforcement, prosecution, and corrections personnel have the duty to timely provide this information in a form which is useful to the victim.
 - (b) Victims and witnesses, including children and their guardians, have a right to be

- 1323 informed and assisted as to their role in the criminal justice process. All criminal
1324 justice agencies have the duty to provide this information and assistance.
- 1325 (c) Victims and witnesses have a right to clear explanations regarding relevant legal
1326 proceedings; these explanations shall be appropriate to the age of child victims and
1327 witnesses. All criminal justice agencies have the duty to provide these explanations.
- 1328 (d) Victims and witnesses should have a secure waiting area that does not require them
1329 to be in close proximity to defendants or the family and friends of defendants.
1330 Agencies controlling facilities shall, whenever possible, provide this area.
- 1331 (e) Victims may seek restitution or reparations, including medical costs, as provided in
1332 Title 63M, Chapter 7, Criminal Justice and Substance Abuse, Title 77, Chapter 38b,
1333 Crime Victims Restitution Act, and Section 80-6-710. State and local government
1334 agencies that serve victims have the duty to have a functional knowledge of the
1335 procedures established by the [~~Crime-Victim-Reparations-Board~~] Utah Office for
1336 Victims of Crime and to inform victims of these procedures.
- 1337 (f) Victims and witnesses have a right to have any personal property returned as
1338 provided in Chapter 11a, Seizure of Property and Contraband, and Chapter 11d, Lost
1339 or Mislaid Property. Criminal justice agencies shall expeditiously return the property
1340 when it is no longer needed for court law enforcement or prosecution purposes.
- 1341 (g) Victims and witnesses have the right to reasonable employer intercession services,
1342 including pursuing employer cooperation in minimizing employees' loss of pay and
1343 other benefits resulting from their participation in the criminal justice process.
1344 Officers of the court shall provide these services and shall consider victims' and
1345 witnesses' schedules so that activities which conflict can be avoided. Where conflicts
1346 cannot be avoided, the victim may request that the responsible agency intercede with
1347 employers or other parties.
- 1348 (h) Victims and witnesses, particularly children, should have a speedy disposition of the
1349 entire criminal justice process. All involved public agencies shall establish policies
1350 and procedures to encourage speedy disposition of criminal cases.
- 1351 (i) Victims and witnesses have the right to timely notice of judicial proceedings they are
1352 to attend and timely notice of cancellation of any proceedings. Criminal justice
1353 agencies have the duty to provide these notifications. Defense counsel and others
1354 have the duty to provide timely notice to prosecution of any continuances or other
1355 changes that may be required.
- 1356 (2) In addition to the rights of a victim described in Subsection (1), a victim of a sexual

offense has the right to:

- (a) request voluntary testing for themselves for HIV infection as described in Section 53-10-803;
- (b) request mandatory testing of the alleged sexual offender for HIV infection as described in Section 53-10-802;
- (c) not to be prevented from, or charged for, a medical forensic examination;
- (d) have the evidence from a sexual assault kit, or the contents of the sexual assault kit, preserved for the time periods described in ~~[Title 77, Chapter 11e]~~ Chapter 11c, Retention of Evidence, without any charge to the victim;
- (e) be informed whether a DNA profile was obtained from the testing of the evidence in a sexual assault kit or from other crime scene evidence;
- (f) be informed whether a DNA profile developed from the evidence in a sexual assault kit, or from other crime scene evidence, has been entered into the Utah Combined DNA Index System;
- (g) be informed of any result from a sexual assault kit or from other crime scene evidence if that disclosure would not impede or compromise an ongoing investigation, including:
 - (i) whether there is a match between a DNA profile developed from the evidence in a sexual assault kit, or from other crime scene evidence, and a DNA profile contained in the Utah Combined DNA Index System; and
 - (ii) a toxicology result or other information that is collected from a sexual assault kit as part of a medical forensic examination of the victim;
- (h) be informed in writing of policies governing the collection and preservation of a sexual assault kit;
- (i) be informed of the status and location of a sexual assault kit;
- (j) upon written request by the victim, receive a notice of intent from an agency, as defined in Section 53-10-905, if the agency intends to destroy or dispose of evidence from a sexual assault kit;
- (k) be granted further preservation of the sexual assault kit if the agency, as defined in Section 53-10-905, intends to destroy or dispose of evidence from a sexual assault kit and the victim submits a written request as described in Section 53-10-905;
- (l) designate a person of the victim's choosing to act as a recipient of the information provided under this Subsection (2) or Subsections (3) and (4); and
- (m) be informed of all the enumerated rights in this Subsection (2).

- 1391 (3) Subsections (2)(e) through (g) do not require that the law enforcement agency
1392 communicate with the victim or the victim's designee regarding the status of DNA
1393 testing, absent a specific request received from the victim or the victim's designee.
- 1394 (4) A law enforcement agency investigating a sexual offense may:
1395 (a) release the information indicated in Subsections (2)(e) through (g) upon the request
1396 of the victim of the sexual offense, or the victim's designee and is the designated
1397 agency to provide that information to the victim or the victim's designee;
1398 (b) require that the victim's request be in writing; and
1399 (c) respond to the victim's request with verbal communication, written communication,
1400 or by email if an email address is available.
- 1401 (5) A law enforcement agency investigating a sexual offense shall:
1402 (a) notify the victim of the sexual offense, or the victim's designee, if the law
1403 enforcement agency determines that DNA evidence will not be analyzed in a case
1404 where the identity of the perpetrator has not be confirmed;
1405 (b) provide the information described in this section in a timely manner; and
1406 (c) upon request of the victim or the victim's designee, advise the victim or the victim's
1407 designee of any significant changes in the information of which the law enforcement
1408 agency is aware.
- 1409 (6) The law enforcement agency investigating the sexual offense is responsible for
1410 informing the victim of the sexual offense, or the victim's designee, of the rights
1411 established under this section.
- 1412 (7) Informational rights of the victim under this chapter are based upon the victim
1413 providing the current name, address, telephone number, and email address, if an email
1414 address is available, of the person to whom the information should be provided to the
1415 criminal justice agencies involved in the case.

1416 Section 18. Section **78B-3-407.5** is amended to read:

1417 **78B-3-407.5 . Requirements for written agreement or consent for egg retrieval.**

- 1418 (1) As used in this section:
1419 (a) "Assisted reproduction" means the same as that term is defined in Section [
1420 ~~78B-15-102~~] 81-5-102.
1421 (b) "Donor" means an individual who provides the individual's egg for use in assisted
1422 reproduction that is to be performed on a recipient other than the individual or the
1423 individual's regular sexual partner.
1424 (c) "Egg retrieval" means a procedure by which an egg is collected from an individual's

1425 ovarian follicles.

1426 (d) "Reproductive tissue facility" means the facility that performs an egg retrieval.

1427 (2) A written agreement or consent between a reproductive tissue facility and a donor for an
1428 egg retrieval shall contain a clause that discloses any reasonably foreseeable
1429 complication associated with the egg retrieval.

1430 (3) A clause in a written agreement or consent between a reproductive tissue facility and a
1431 donor for an egg retrieval is against public policy and is void and unenforceable if the
1432 clause requires the donor to release the reproductive tissue facility from liability for any
1433 complication associated with the egg retrieval that arises within 90 days after the day on
1434 which the egg retrieval occurs.

1435 Section 19. Section **78B-5-505** is amended to read:

1436 **78B-5-505 . Property exempt from execution.**

1437 (1)(a) An individual is entitled to exemption of the following property:

1438 (i) a burial plot for the individual and the individual's family;

1439 (ii) health aids reasonably necessary to enable the individual or a dependent to work
1440 or sustain health;

1441 (iii) benefits that the individual or the individual's dependent have received or are
1442 entitled to receive from any source because of:

1443 (A) disability;

1444 (B) illness; or

1445 (C) unemployment;

1446 (iv) benefits paid or payable for medical, surgical, or hospital care to the extent that
1447 the benefits are used by an individual or the individual's dependent to pay for that
1448 care;

1449 (v) veterans benefits;

1450 (vi) money or property received, and rights to receive money or property for child
1451 support;

1452 (vii) money or property received, and rights to receive money or property for alimony
1453 or separate maintenance, to the extent reasonably necessary for the support of the
1454 individual and the individual's dependents;

1455 (viii)(A) one:

1456 (I) clothes washer and dryer;

1457 (II) refrigerator;

1458 (III) freezer;

1459 (IV) stove;

1460 (V) microwave oven; and

1461 (VI) sewing machine;

1462 (B) all carpets in use;

1463 (C) provisions sufficient for 12 months actually provided for individual or family
1464 use;

1465 (D) all wearing apparel of every individual and dependent, not including jewelry
1466 or furs; and

1467 (E) all beds and bedding for every individual or dependent;

1468 (ix) except for works of art held by the debtor as part of a trade or business, works of
1469 art:

1470 (A) depicting the debtor or the debtor and the debtor's resident family; or

1471 (B) produced by the debtor or the debtor and the debtor's resident family;

1472 (x) proceeds of insurance, a judgment, or a settlement, or other rights accruing as a
1473 result of bodily injury of the individual or of the wrongful death or bodily injury
1474 of another individual of whom the individual was or is a dependent to the extent
1475 that those proceeds are compensatory;

1476 (xi) the proceeds or benefits of any life insurance contracts or policies paid or
1477 payable to the debtor or any trust of which the debtor is a beneficiary upon the
1478 death of the spouse or children of the debtor, provided that the contract or policy
1479 has been owned by the debtor for a continuous unexpired period of one year;

1480 (xii) the proceeds or benefits of any life insurance contracts or policies paid or
1481 payable to the spouse or children of the debtor or any trust of which the spouse or
1482 children are beneficiaries upon the death of the debtor, provided that the contract
1483 or policy has been in existence for a continuous unexpired period of one year;

1484 (xiii) proceeds and avails of any unmatured life insurance contracts owned by the
1485 debtor or any revocable grantor trust created by the debtor, excluding any
1486 payments made on the contract during the one year immediately preceding a
1487 creditor's levy or execution;

1488 (xiv) except as provided in Subsection (1)(b), and except for a judgment described in
1489 Subsection 75B-2-503(2)(c), any money or other assets held for or payable to the
1490 individual as an owner, participant, or beneficiary from or an interest of the
1491 individual as an owner, participant, or beneficiary in a fund or account, including
1492 an inherited fund or account, in a retirement plan or arrangement that is described

in Section 401(a), 401(h), 401(k), 403(a), 403(b), 408, 408A, 409, 414(d), 414(e), or 457, Internal Revenue Code, including an owner's, a participant's, or a beneficiary's interest that arises by inheritance, designation, appointment, or otherwise;

(xv) the interest of or any money or other assets payable to an alternate payee under a qualified domestic relations order as those terms are defined in Section 414(p), Internal Revenue Code;

(xvi) unpaid earnings of the household of the filing individual due as of the date of the filing of a bankruptcy petition in the amount of 1/24 of the Utah State annual median family income for the household size of the filing individual as determined by the Utah State Annual Median Family Income reported by the United States Census Bureau and as adjusted based upon the Consumer Price Index for All Urban Consumers for an individual whose unpaid earnings are paid more often than once a month or, if unpaid earnings are not paid more often than once a month, then in the amount of 1/12 of the Utah State annual median family income for the household size of the individual as determined by the Utah State Annual Median Family Income reported by the United States Census Bureau and as adjusted based upon the Consumer Price Index for All Urban Consumers;

(xvii) except for curio or relic firearms, any three of the following:

(A) one handgun and ammunition for the handgun not exceeding 1,000 rounds;

(B) one shotgun and ammunition for the shotgun not exceeding 1,000 rounds; and

(C) one shoulder arm and ammunition for the shoulder arm not exceeding 1,000 rounds; and

(xviii) money, not exceeding \$200,000, in the aggregate, that an individual deposits, more than 18 months before the day on which the individual files a petition for bankruptcy or an action is filed by a creditor against the individual, as applicable, in all tax-advantaged accounts for saving for higher education costs on behalf of a particular individual that meets the requirements of Section 529, Internal Revenue Code.

(b)(i) Any money, asset, or other interest in a fund or account that is exempt from a claim of a creditor of the owner, beneficiary, or participant under Subsection (1)(a)(xiv) does not cease to be exempt after the owner's, participant's, or beneficiary's death by reason of a direct transfer or eligible rollover to an inherited individual retirement account as defined in Section 408(d)(3), Internal Revenue

Code.

(ii) Subsections (1)(a)(xiv) and (1)(b)(i) apply to all inherited individual retirement accounts without regard to the date on which the account was created.

(c)(i) The exemption granted by Subsection (1)(a)(xiv) does not apply to:

(A) an alternate payee under a qualified domestic relations order, as those terms are defined in Section 414(p), Internal Revenue Code; or

(B) amounts contributed or benefits accrued by or on behalf of a debtor within one year before the debtor files for bankruptcy, except amounts directly rolled over from other funds that are exempt from attachment under this section.

(ii) The exemptions in Subsections (1)(a)(xi), (xii), and (xiii) do not apply to the secured creditor's interest in proceeds and avails of any matured or unmatured life insurance contract assigned or pledged as collateral for repayment of a loan or other legal obligation.

(2)(a) Disability benefits, as described in Subsection (1)(a)(iii)(A), and veterans benefits, as described in Subsection (1)(a)(v), may be garnished on behalf of a victim who is a child if the person receiving the benefits has been convicted of a felony sex offense against the victim and ordered by the sentencing court to pay restitution to the victim.

(b) The exemption from execution under this Subsection (2) shall be reinstated upon payment of the restitution in full.

(3) The exemptions under this section do not limit items that may be claimed as exempt under Section 78B-5-506.

(4)(a) The exemptions described in Subsections (1)(a)(iii), (iv), (vi), (vii), (x), (xii), (xiii), (xiv), (xv), (xvii), and (xviii) do not apply to a civil accounts receivable or a civil judgment of restitution for an individual who is found in contempt under Section 78B-6-317.

(b) Subsection (4)(a) does not apply to the benefits described in Subsection (1)(a)(iii) if the individual's dependent received, or is entitled to receive, the benefits.

Section 20. Section **81-6-101** is amended to read:

81-6-101 . Definitions for chapter.

As used in this chapter:

(1) "Administrative agency" means the Office of Recovery Services or the Department of Health and Human Services.

(2) "Administrative order" means the same as that term is defined in Section 26B-9-201.

(3) "Alimony" means the same as that term is defined in Section 81-4-101.

- (4) "Base child support award" means the award that may be ordered and is calculated using the child support guidelines before additions for medical expenses and work-related child care costs.
- (5) "Base combined child support obligation" means the presumed amount of child support that the parents should provide for their child as described in Subsection 81-6-204(1).
- (6) "Base combined child support obligation table" means the ~~[appropriate table described in Sections 81-6-302 and]~~ table described in Section 81-6-304.
- (7) "Child" means:
- (a) a son or daughter who is under 18 years old and who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States;
 - (b) a son or daughter who is 18 years old or older while enrolled in high school during the normal and expected year of graduation and not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States; or
 - (c) a son or daughter of any age who is incapacitated from earning a living and, if able to provide some financial resources to the family, is not able to support self by own means.
- (8)(a) "Child support" means a base child support award, or a monthly financial award for uninsured medical expenses, ordered by a tribunal for the support of a child.
- (b) "Child support" includes current periodic payments, arrearages that accrue under an order for current periodic payments, and sum certain judgments awarded for arrearages, medical expenses, and child care costs.
- (9) "Child support guidelines" means the calculation and application of child support as described in Part 2, Calculation and Adjustment of Child Support.
- (10) "Child support order" means a judgment, decree, or order issued by a tribunal whether temporary, final, or subject to modification, that:
- (a) establishes or modifies child support;
 - (b) reduces child support arrearages to judgment; or
 - (c) establishes child support or registers a child support order under ~~[Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act]~~ Chapter 8, Uniform Interstate Family Support Act.
- (11) "Child support tables" means the tables described in Part 3, Child Support Tables.
- (12) "Child support services" means the same as that term is defined in Section 26B-9-101.
- (13) "Gross income" means the amount of income calculated for a parent as described in Section 81-6-203.

- 1595 (14) "Health care coverage" means coverage under which medical services are provided to
1596 a child through:
- 1597 (a) fee for service;
 - 1598 (b) a health maintenance organization;
 - 1599 (c) a preferred provider organization;
 - 1600 (d) any other type of private health insurance; or
 - 1601 (e) public health care coverage.
- 1602 (15)(a) "Incarceration" means the placement of an obligor who has been ordered to pay
1603 child support into a carceral setting in which the obligor is not permitted to earn
1604 wages from employment outside of the carceral setting.
- 1605 (b) "Incarceration" does not include being placed on probation, parole, or work release.
- 1606 (16)(a) "Income" means earnings, compensation, or other payment due to an individual,
1607 regardless of source, whether denominated as wages, salary, commission, bonus, pay,
1608 allowances, contract payment, or otherwise, including severance pay, sick pay, and
1609 incentive pay.
- 1610 (b) "Income" includes:
- 1611 (i) all gain derived from capital assets, labor, or both, including profit gained through
1612 sale or conversion of capital assets;
 - 1613 (ii) interest and dividends;
 - 1614 (iii) periodic payments made under pension or retirement programs or insurance
1615 policies of any type;
 - 1616 (iv) unemployment compensation benefits;
 - 1617 (v) workers' compensation benefits; and
 - 1618 (vi) disability benefits.
- 1619 (17) "Joint physical custody" means the same as that term is defined in Section 81-9-101.
- 1620 (18) "Low income table" means the ~~[appropriate table under Section 81-6-303 or]~~ table
1621 described in Section 81-6-305.
- 1622 (19) "Medical expenses" means health and dental expenses and related insurance costs.
- 1623 (20) "Minor child" means a child who is younger than 18 years old.
- 1624 (21) "Obligee" means an individual, this state, another state, or another comparable
1625 jurisdiction to whom child support is owed or who is entitled to reimbursement of child
1626 support or public assistance.
- 1627 (22) "Obligor" means a person owing a duty of support.
- 1628 (23) "Office" means the Office of Recovery Services within the Department of Health and

Human Services.

(24) "Ongoing expense for child care" means a periodic payment that an administrative agency or court orders an obligor parent to pay to assist with the child care expenses of the obligor parent's child.

(25) "Pregnancy expenses" means an amount equal to:

(a) the sum of a pregnant mother's:

(i) health insurance premiums while pregnant that are not paid by an employer or government program; and

(ii) medical costs related to the pregnancy, incurred after the date of conception and before the pregnancy ends; and

(b) minus any portion of the amount described in Subsection (25)(a) that a court determines is equitable based on the totality of the circumstances, not including any amount paid by the mother or father of the child.

(26) "Split custody" means that each parent has physical custody of at least one of the children.

(27) "State" means a state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other comparable domestic or foreign jurisdiction.

(28) "Support" means past-due, present, and future obligations to provide for the financial support, maintenance, or medical expenses of a child.

(29) "Support order" means:

(a) a child support order; or

(b) a judgment, decree, or order by a tribunal, whether temporary, final, or subject to modification, for alimony.

(30) "Suspension" means adjusting a child support order to zero dollars during the period of an obligor's incarceration.

(31) "Temporary" means a period of time that is projected to be less than 12 months in duration.

(32) "Third party" means an agency or a person other than a parent or a child who provides care, maintenance, and support to a child.

(33) "Tribunal" means the district court, the Department of Health and Human Services, Office of Recovery Services, or court or administrative agency of a state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Native American tribe, or other comparable domestic or foreign jurisdiction.

- 1663 (34) "Work-related child care expenses" means reasonable child care costs for up to a
1664 full-time work week or training schedule as necessitated by the employment or training
1665 of a parent.
- 1666 (35) "Worksheet" means a form used to aid in calculating the base child support award.
1667 Section 21. **Repealer.**
1668 This bill repeals:
1669 Section **59-1-1301, Title.**
1670 Section **59-1-1401, Title.**
1671 Section **59-1-1501, Title.**
1672 Section **59-1-1601, Title.**
1673 Section **59-1-1701, Title.**
1674 Section **59-2-101, Short title.**
1675 Section **59-2-501, Short title.**
1676 Section **59-2-1501, Title.**
1677 Section **59-2-1701, Title.**
1678 Section **59-3-101, Short title.**
1679 Section **59-7-901, Title.**
1680 Section **59-10-101, Short title.**
1681 Section **59-10-1001, Title.**
1682 Section **59-10-1101, Title.**
1683 Section **59-10-1301, Title.**
1684 Section **59-10-1401, Title.**
1685 Section **59-11-101, Short title.**
1686 Section **59-12-101, Short title.**
1687 Section **59-12-201, Title.**
1688 Section **59-12-400, Title.**
1689 Section **59-12-601.1, Title.**
1690 Section **59-12-1301, Title.**
1691 Section **59-12-1801, Title.**
1692 Section **59-12-2001, Title.**
1693 Section **59-12-2101, Title.**
1694 Section **59-12-2201, Title.**
1695 Section **59-13-101, Short title.**
1696 Section **59-14-101, Short title.**

- 1697 Section **59-14-701, Title.**
- 1698 Section **59-14-801, Title.**
- 1699 Section **59-18-101, Short title.**
- 1700 Section **59-23-1, Title.**
- 1701 Section **59-24-101, Title.**
- 1702 Section **59-26-101, Title.**
- 1703 Section **59-27-101, Title.**
- 1704 Section **59-28-101, Title.**
- 1705 Section 22. **Effective Date.**
- 1706 This bill takes effect:
- 1707 (1) except as provided in Subsection (2), December 6, 2025; or
- 1708 (2) if approved by two-thirds of all members elected to each house:
- 1709 (a) upon approval by the governor;
- 1710 (b) without the governor's signature, the day following the constitutional time limit of
- 1711 Utah Constitution, Article VII, Section 8; or
- 1712 (c) in the case of a veto, the date of veto override.