

HB0186S01 compared with HB0186

{Omitted text} shows text that was in HB0186 but was omitted in HB0186S01
inserted text shows text that was not in HB0186 but was inserted into HB0186S01

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2

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions relating to the Judicial Conduct Commission.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ provides that certain records of the Judicial Conduct Commission are protected;

9 ▶ requires a prosecutor to file a complaint with the Judicial Conduct Commission under certain circumstances;

11 ▶ requires the Administrative Office of the Courts to file a complaint with the Judicial Conduct Commission under certain circumstances;

13 ▶ requires the Judicial Conduct Commission to annually report certain information to the Legislature; and

15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

HB0186

HB0186 compared with HB0186S01

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **63G-2-305** , as last amended by Laws of Utah 2025, First Special Session, Chapter 17

23 **78A-11-106** , as last amended by Laws of Utah 2023, Chapter 394

24 ENACTS:

25 **77-2-10** , Utah Code Annotated 1953

26 **78A-11-114** , Utah Code Annotated 1953

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

29 Section 1. Section **63G-2-305** is amended to read:

30 **63G-2-305. Protected records.**

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

- 32 (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;
- 34 (2) commercial information or nonindividual financial information obtained from a person if:
 - 36 (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;
 - 39 (b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and
 - 41 (c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;
- 43 (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;
- 47 (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);

50

HB0186 compared with HB0186S01

- (5) test questions and answers to be used in future license, certification, registration, employment, or academic examinations;
- 52 (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:
- 57 (a) a bid, proposal, application, or other information submitted to or by a governmental entity in response to:
 - 59 (i) an invitation for bids;
 - 60 (ii) a request for proposals;
 - 61 (iii) a request for quotes;
 - 62 (iv) a grant; or
 - 63 (v) other similar document; or
- 64 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 65 (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:
 - 68 (a) a contract directly relating to the subject of the request for information has been awarded and signed by all parties; or
 - 70 (b)
 - (i) a final determination is made not to enter into a contract that relates to the subject of the request for information; and
 - 72 (ii) at least two years have passed after the day on which the request for information is issued;
- 74 (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:
 - 77 (a) public interest in obtaining access to the information is greater than or equal to the governmental entity's need to acquire the property on the best terms possible;
 - 79 (b) the information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

HB0186 compared with HB0186S01

- (c) in the case of records that would identify property, potential sellers of the described property have already learned of the governmental entity's plans to acquire the property;
- 84 (d) in the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the governmental entity's estimated value of the property; or
- 87 (e) the property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Section 78B-6-505;
- 90 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:
 - 94 (a) the public interest in access is greater than or equal to the interests in restricting access, including the governmental entity's interest in maximizing the financial benefit of the transaction; or
 - 97 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;
- 100 (10) records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:
 - 103 (a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;
 - 105 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
 - 107 (c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;
 - 109 (d) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or
- 113 (e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;
- 116 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 117

HB0186 compared with HB0186S01

- (12) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;
- 120 (13) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;
- 124 (14) records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Health and Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;
- 129 (15) records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections;
- 132 (16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;
- 134 (17) records that are subject to the attorney client privilege;
- 135 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;
- 138 (19)
- (a)
- (i) personal files of a state legislator, including personal correspondence to or from a member of the Legislature; and
- 140 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or policy may not be classified as protected under this section; and
- 143 (b)
- (i) an internal communication that is part of the deliberative process in connection with the preparation of legislation between:
- 145 (A) members of a legislative body;
- 146 (B) a member of a legislative body and a member of the legislative body's staff; or
- 147 (C) members of a legislative body's staff; and
- 148

HB0186 compared with HB0186S01

- (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or policy may not be classified as protected under this section;
- 150 (20)
 - (a) records in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public; and
 - 155 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;
- 160 (21) a research request from a legislator to a legislative staff member and research findings prepared in response to the request;
- 162 (22) drafts, unless otherwise classified as public;
- 163 (23) records concerning a governmental entity's strategy about:
 - 164 (a) collective bargaining; or
 - 165 (b) imminent or pending litigation;
- 166 (24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 169 (25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;
- 172 (26) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;
- 175 (27) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;
- 177 (28) records of an institution of higher education defined in Section 53H-1-101 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open

HB0186 compared with HB0186S01

and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;

- 183 (29) records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;
- 187 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;
- 190 (31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;
- 194 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-206;
- 196 (33) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;
- 199 (34) memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;
- 202 (35) records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;
- 207 (36) materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;
- 210 (37) the name of a donor or a prospective donor to a governmental entity, including an institution of higher education defined in Section 53H-1-101, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:

HB0186 compared with HB0186S01

- 214 (a) the donor requests anonymity in writing;
- 215 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified
protected by the governmental entity under this Subsection (37); and
- 217 (c) except for an institution of higher education defined in Section 53H-1-101, the governmental unit
to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors,
and has no regulatory or legislative authority over the donor, a member of the donor's immediate
family, or any entity owned or controlled by the donor or the donor's immediate family;
- 222 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 223 (39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;
- 225 (40) subject to Subsections (40)(g) and (h), the following records of an institution of higher education
defined in Section 53H-1-101, which have been developed, discovered, disclosed to, or received by
or on behalf of faculty, staff, employees, or students of the institution:
- 229 (a) unpublished lecture notes;
- 230 (b) unpublished notes, data, and information:
- 231 (i) relating to research; and
- 232 (ii) of:
- 233 (A) the institution of higher education defined in Section 53H-1-101; or
- 234 (B) a sponsor of sponsored research;
- 235 (c) unpublished manuscripts;
- 236 (d) creative works in process;
- 237 (e) scholarly correspondence;[~~and~~]
- 238 (f) confidential information contained in research proposals;
- 239 (g) this Subsection (40) may not be construed to prohibit disclosure of public information required
[pursuant to] {under} in accordance with Subsection 53H-14-202(2)(a) or (b); and
- 241 (h) this Subsection (40) may not be construed to affect the ownership of a record;
- 242 (41)
- 245 (a) records in the custody or control of the Office of the Legislative Auditor General that would reveal
the name of a particular legislator who requests a legislative audit prior to the date that audit is
completed and made public; and
- (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the
Legislative Auditor General is a public document unless the legislator asks that the records in the

HB0186 compared with HB0186S01

custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;

- 251 (42) records that provide detail as to the location of an explosive, including a map or other document
that indicates the location of:
- 253 (a) a production facility; or
- 254 (b) a magazine;
- 255 (43) information contained in the statewide database of the Division of Aging and Adult Services
created by Section 26B-6-210;
- 257 (44) information contained in the Licensing Information System described in Title 80, Chapter 2, Child
Welfare Services;
- 259 (45) information regarding National Guard operations or activities in support of the National Guard's
federal mission;
- 261 (46) records provided by any pawn or secondhand business to a law enforcement agency or to the
central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand Merchandise,
and Catalytic Converter Transaction Information Act;
- 264 (47) information regarding food security, risk, and vulnerability assessments performed by the
Department of Agriculture and Food;
- 266 (48) except to the extent that the record is exempt from this chapter [pursuant to] in accordance with
Section 63G-2-106, records related to an emergency plan or program, a copy of which is provided to
or prepared or maintained by the Division of Emergency Management, and the disclosure of which
would jeopardize:
- 270 (a) the safety of the general public; or
- 271 (b) the security of:
- 272 (i) governmental property;
- 273 (ii) governmental programs; or
- 274 (iii) the property of a private person who provides the Division of Emergency Management
information;
- 276 (49) records of the Department of Agriculture and Food that provides for the identification, tracing, or
control of livestock diseases, including any program established under Title 4, Chapter 24, Utah
Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control of Animal Disease;

HB0186 compared with HB0186S01

- 280 (50) as provided in Section 26B-2-709:
- 281 (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
- 284 (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;
- 287 (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:
- 290 (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
- 292 (b) the subject of the record has a reasonable expectation that this information will be kept confidential
due to:
- 294 (i) the nature of the law, ordinance, rule, or order; and
- 295 (ii) the individual complying with the law, ordinance, rule, or order;
- 296 (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:
- 299 (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;
- 302 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 303 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 304 (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:
- 306 (a) conducted within the state system of higher education, as described in Section 53H-1-102; and
- 308 (b) conducted using animals;
- 309 (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);

313

HB0186 compared with HB0186S01

- (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 public, the information or report;
- 317 (56) records provided or received by the Public Lands Policy Coordinating Office in furtherance of any contract or other agreement made in accordance with Section 63L-11-202;
- 320 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 321 (58) in accordance with Section 73-10-33:
- 322 (a) a management plan for a water conveyance facility in the possession of the Division of Water Resources or the Board of Water Resources; or
- 324 (b) an outline of an emergency response plan in possession of the state or a county or municipality;
- 326 (59) the following records in the custody or control of the Office of Inspector General of Medicaid Services, created in Section 63A-13-201:
- 328 (a) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a person if the information or allegation cannot be corroborated by the Office of Inspector General of Medicaid Services through other documents or evidence, and the records relating to the allegation are not relied upon by the Office of Inspector General of Medicaid Services in preparing a final investigation report or final audit report;
- 334 (b) records and audit workpapers to the extent they would disclose the identity of a person who, during the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected;
- 341 (c) before the time that an investigation or audit is completed and the final investigation or final audit report is released, records or drafts circulated to a person who is not an employee or head of a governmental entity for the person's response or information;
- 344 (d) records that would disclose an outline or part of any investigation, audit survey plan, or audit program; or
- 346 (e) requests for an investigation or audit, if disclosure would risk circumvention of an investigation or audit;
- 348

HB0186 compared with HB0186S01

- (60) records that reveal methods used by the Office of Inspector General of Medicaid Services, the fraud unit, or the Department of Health and Human Services, to discover Medicaid fraud, waste, or abuse;
- 351 (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);
- 354 (62) a record described in Section 63G-12-210;
- 355 (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;
- 357 (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:
- 362 (a) depict the commission of an alleged crime;
- 363 (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;
- 365 (c) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;
- 367 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or
- 369 (e) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording;
- 371 (65) a record pertaining to the search process for a president of an institution of higher education described in Section 53H-3-302;
- 373 (66) an audio recording that is:
- 374 (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;
- 377 (b) produced during an emergency event when an individual employed to provide law enforcement, fire protection, paramedic, emergency medical, or other first responder service:
- 380 (i) is responding to an individual needing resuscitation or with a life-threatening condition; and

HB0186 compared with HB0186S01

- 382 (ii) uses a device or piece of equipment designed or intended for resuscitating an individual or for
383 treating an individual with a life-threatening condition; and
- 384 (c) intended and used for purposes of training emergency responders how to improve their response to
385 an emergency situation;
- 386 (67) records submitted by or prepared in relation to an applicant seeking a recommendation by the
387 Research and General Counsel Subcommittee, the Budget Subcommittee, or the Legislative Audit
388 Subcommittee, established under Section 36-12-8, for an employment position with the Legislature;
- 389 (68) work papers as defined in Section 31A-2-204;
- 390 (69) a record made available to Adult Protective Services or a law enforcement agency under Section
391 61-1-206;
- 392 (70) a record submitted to the Insurance Department in accordance with Section 31A-37-201;
- 393 (71) a record described in Section 31A-37-503;
- 394 (72) any record created by the Division of Professional Licensing as a result of Subsection
395 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 396 (73) a record described in Section 72-16-306 that relates to the reporting of an injury involving an
397 amusement ride;
- 398 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a political
399 petition, or on a request to withdraw a signature from a political petition, including a petition or
400 request described in the following titles:
- 401 (a) Title 10, Utah Municipal Code;
- 402 (b) Title 17, Counties;
- 403 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 404 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 405 (e) Title 20A, Election Code;
- 406 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter
407 registration record;
- 408 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described
409 in Subsection (74) or (75), in the custody of the lieutenant governor or a local political subdivision
410 collected or held under, or in relation to, Title 20A, Election Code;
- 411 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims
412 Guidelines for Prosecutors Act;

HB0186 compared with HB0186S01

- 415 (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 416 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited
under Section 63G-26-103;
- 418 (80) an image taken of an individual during the process of booking the individual into jail, unless:
- 420 (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;
- 422 (b) a law enforcement agency releases or disseminates the image;
- 423 (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
- 426 (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;
- 430 (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
- 432 (d) the image is displayed to a person who is permitted to view the image under Section 17-72-802;
- 434 (81) a record:
- 435 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 436 (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
- 439 (c) the disclosure of which would:
- 440 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River
system;
- 442 (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
- 445 (iii) give an advantage to another state or to the federal government in negotiations regarding the use of
water in the Colorado River system;
- 447 (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;

HB0186 compared with HB0186S01

- 452 (83) the following records of a drinking water or wastewater facility:
- 453 (a) an engineering or architectural drawing of the drinking water or wastewater facility; and
- 455 (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);
- 458 (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:
- 461 (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
- 464 (b) provides the employee assurance that the statement cannot be used against the employee in any criminal proceeding;
- 466 (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;
- 469 (86) a record:
- 470 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 471 (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
- 474 (c) the disclosure of which would:
- 475 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great Salt Lake;
- 477 (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
- 479 (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;
- 481 (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);
- 483 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 484 (a) concerning a claim to the use of waters;
- 485 (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 7, Utah Water Agent; and
- 489 (c) the disclosure of which would:

HB0186 compared with HB0186S01

- 490 (i) reveal a legal strategy relating to the state's claim to the use of the water;
491 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions regarding the use
of water; or
493 (iii) give an advantage to another state, a tribe, the federal government, or other government entity in
negotiations regarding the use of water; ~~and~~
495 (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:
498 (a) a complaint, or a document that is submitted or created for a complaint, received by the Prosecutor
Conduct Commission; or
500 (b) a finding by the Prosecutor Conduct Commission~~;~~ and
501 (90) a record created, submitted, or maintained for an investigation by the Judicial Conduct
Commission, created in Section 78A-11-101.

504 Section 2. Section 2 is enacted to read:

505 **77-2-10. Prosecution of a judge.**

- 505 (1) As used in this section:
506 (a) "Complaint" means the same as that term is defined in Section 78A-11-102.
507 (b) "Judge" means the same as that term is defined in Section 78A-11-102.
508 (2) A prosecuting attorney who files an information or indictment against an individual who is a judge
shall immediately file a complaint against the judge with the Judicial Conduct Commission created
in Section 78A-11-101.

512 Section 3. Section **78A-11-106** is amended to read:

513 **78A-11-106. Criminal investigation of a judge -- Administrative leave.**

- 513 (1)
(a)

~~[If] Except as provided in Subsection (5), if the commission, during the course of [its] the~~
~~commission's investigation into an allegation of judicial misconduct, receives information upon~~
~~which a reasonable [person] individual might conclude that a misdemeanor or felony under~~
~~state or federal law has been committed by a judge other than the chief justice of the Supreme~~
~~Court, the commission shall immediately refer the allegation and any information relevant to the~~
~~potential criminal violation to the chief justice of the Supreme Court.~~

HB0186 compared with HB0186S01

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(b)

[~~(ii)~~] (i)

[(A) Unless] Except as provided in Subsection (5) and unless the allegation is plainly frivolous, the commission shall also immediately refer the allegation of criminal misconduct and any information relevant to the potential criminal violation to the local prosecuting attorney having jurisdiction to investigate and prosecute the crime.

525

[(B)] (ii) If the local prosecuting attorney receiving the allegation of criminal misconduct of a judge practices before that judge on a regular basis, or has a conflict of interest in investigating the crime, the local prosecuting attorney shall refer the allegation of criminal misconduct to another local or state prosecutor who would not have the same disability or conflict.

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[(C)] (iii) The commission may [~~eoncurrently~~] proceed [with its investigation of] to investigate the complaint without waiting for the resolution of the criminal investigation by the prosecuting attorney.

533

[(b)] (c) The chief justice of the Supreme Court may place a judge on administrative leave with or without pay if the chief justice has a reasonable basis to believe that the alleged crime occurred, that the judge committed the crime, and that the crime was either a felony or a misdemeanor which conduct may be prejudicial to the administration of justice or which brings a judicial office into disrepute.

538

(d) If the chief justice of the Supreme Court places a judge on administrative leave under Subsection (1)(c) without having received a referral from the commission as described in Subsection (1)(a), the Administrative Office of the Courts shall immediately file a complaint against the judge with the commission.

542

(2)

(a) [~~If~~] Except as provided in Subsection (5), if the commission, during the course of [~~its~~] the commission's investigation into an allegation of judicial misconduct, receives information upon which a reasonable [person] individual might conclude that a misdemeanor or felony under state or federal law has been committed by the chief justice of the Supreme Court, the commission shall immediately refer the allegation and any information relevant to the potential criminal violation to two justices of the Supreme Court and the local prosecuting attorney in accordance with Subsection [(1)(a)(ii)] (1)(b)(i).

550

HB0186 compared with HB0186S01

- (b) Two justices of the Supreme Court may place the chief justice of the Supreme Court on administrative leave with or without pay if the two justices have a reasonable basis to believe that the alleged crime occurred, that the chief justice committed the crime, and that the crime was either a felony or a misdemeanor which conduct may be prejudicial to the administration of justice or which brings a judicial office into disrepute.
- 556 (c) If two justices of the Supreme Court place the chief justice of the Supreme Court on administrative leave under Subsection (2)(b) without having received a referral from the commission as described in Subsection (2)(a), the Administrative Office of the Courts shall immediately file a complaint against the chief justice with the commission.
- 561 (3)
- (a) If a judge is or has been criminally charged or indicted for a class A misdemeanor or any felony under state or federal law and if the Supreme Court has not already acted under Subsection (1) or (2), the appropriate member or members of the Supreme Court as provided in Subsection (1) or (2), shall place the judge on administrative leave with or without pay pending the outcome of the criminal proceeding.
- 567 (b) The state court administrator shall, for the duration of the administrative leave, withhold all employer and employee contributions required under Sections 49-17-301 and 49-18-301.
- 570 (c) If the judge is not convicted of the criminal charge, and if after an investigation and final disposition of the case by the Judicial Conduct Commission, the judge is reinstated by the Supreme Court as provided in Subsection (4), then the judge shall be paid the salary or compensation for the period of administrative leave, and all contributions withheld under Subsection (3)(b) shall be deposited in accordance with Sections 49-17-301 and 49-18-301.
- 576 (4) The chief justice of the Supreme Court or two justices of the Supreme Court who ordered the judge on administrative leave shall order the reinstatement of the judge:
- 578 (a) if the prosecutor to whom the allegations are referred by the commission determines no charge or indictment should be filed; or
- 580 (b) after final disposition of the criminal case, if the judge is not convicted of a criminal charge and if the commission has not ordered the removal of the judge.
- 582 (5) The commission is not required to refer an allegation of criminal misconduct to:
- 583 (a) the chief justice of the Supreme Court as described in Subsection (1)(a) if the Administrative Office of the Courts filed the complaint giving rise to the allegation as described in Subsection (1)(d);

HB0186 compared with HB0186S01

- 586 (b) two justices of the Supreme Court as described in Subsection (2)(a) if the Administrative Office of
the Courts filed the complaint giving rise to the allegation as described in Subsection (2)(c); or
589 (c) a prosecuting attorney as described in Subsection (1)(b) or (2)(a) if a prosecuting attorney filed the
complaint giving rise to the allegation as described in Section 77-2-10.

593 Section 4. Section 4 is enacted to read:

594 **78A-11-114. Annual reporting requirement to Legislature.**

- 594 (1) Before November 1 of each year, the commission shall report to the Judiciary Interim Committee on
the following matters from the previous fiscal year:
596 (a) the number of complaints received;
597 (b) the number of complaints resolved;
598 (c) a brief description of each of the commission's informal resolutions;
599 (d) a brief description of each final order issued by the Supreme Court under Subsection
78A-11-105(1); and
601 (e) the publication of an annual report of commission activities.
602 (2) The commission may not include any personal identifying information regarding a judge in a report
described in Subsection (1), except for information that is available in a final order issued by the
Supreme Court under Subsection 78A-11-105(1).

606 Section 5. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

1-23-26 11:02 AM