

# HB0220S01

**inserted text** shows text that was not in HB0220S01 but was inserted into HB0220S02

1

**Public Safety Data Amendments**  
2026 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Ryan D. Wilcox**  
Senate Sponsor:

▶

## HB0220S01 compared with HB0220S02

removes a report required to be submitted by the Department of Corrections to the Law Enforcement and Criminal Justice Interim Committee regarding data of sexual assaults in correctional facilities and requires the report to be submitted to the commission to be included in the public safety portal;

▸ requires institutions of higher education to provide data of crime in student housing to the commission to be included in the public safety portal;

▸ requires the multi-agency strike force to combat violent and other major felony crimes to submit the strike force's annual report to the commission to be included in the public safety portal;

▸ requires the commission to include a report from the Board of Pardons and Parole regarding metrics of offenders in the public safety portal;

▸ requires the Prosecutor Conduct Commission to provide the Prosecutor Conduct Commission's annual report on prosecutorial complaints to the commission to be included in the public safety portal;

▸ requires the Department of Public Safety and the Bureau of Forensic Services to provide an annual report on sexual assault kits to the commission to be included in the public safety portal;

▸ adds requirements for the commission regarding the public safety portal;

▸ clarifies that the commission is not required to provide records in response to a record request under the Government Records Access and Management Act for records received by the commission for the public safety portal;and

▸ {~~requires entities involved in criminal justice to provide anonymized criminal justice information to researchers in certain circumstances; and~~}

▸ makes technical can conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

**53-5a-602** , as renumbered and amended by Laws of Utah 2025, Chapter 208

**53-10-910** , as last amended by Laws of Utah 2025, Chapter 271

**53H-7-603** , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

**63A-16-1002** , as last amended by Laws of Utah 2025, First Special Session, Chapter 17

## HB0220S01 compared with HB0220S02

51 **63G-2-201** , as last amended by Laws of Utah 2025, Chapters 299, 476

52 **63M-7-1106** , as enacted by Laws of Utah 2025, Chapter 360

53 **64-13-47** , as enacted by Laws of Utah 2021, Chapter 44

54 **67-5-22.7** , as last amended by Laws of Utah 2025, Chapter 173

55 **77-27-32** , as last amended by Laws of Utah 2024, Chapter 208

56 **80-5-202** , as last amended by Laws of Utah 2024, Chapter 256

57 REPEALS:

58 **63A-16-101** , as renumbered and amended by Laws of Utah 2021, Chapter 344

ENACTS:

60 ~~{63A-16-1301, Utah Code Annotated 1953}~~

61 ~~{63A-16-1302, Utah Code Annotated 1953}~~

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

61 Section 1. Section **53-5a-602** is amended to read:

62 **53-5a-602. Criminal background check before purchase of a firearm -- Fee -- Exemption for**  
**concealed firearm permit holders and law enforcement officers.**

69 (1)

(a) To establish personal identification and residence in this state for purposes of this part, a dealer shall require an individual receiving a firearm to present one photo identification on a form issued by a governmental agency of the state.

72 (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as proof of identification for the purpose of establishing personal identification and residence in this state as required under this Subsection (1).

75 (2)

(a) A criminal history background check is required for the sale of a firearm by a licensed firearm dealer in the state.

77 (b) Subsection (2)(a) does not apply to the sale of a firearm to a Federal Firearms Licensee.

79 (3)

(a) An individual purchasing a firearm from a dealer shall consent in writing to a criminal background check, on a form provided by the bureau.

81 (b) The form shall contain the following information:

## HB0220S01 compared with HB0220S02

- 82 (i) the dealer identification number;
- 83 (ii) the name and address of the individual receiving the firearm;
- 84 (iii) the date of birth, height, weight, eye color, and hair color of the individual receiving the firearm;  
and
- 86 (iv) the social security number or any other identification number of the individual receiving the  
firearm.
- 88 (4)
- (a) The dealer shall send the information required by Subsection (3) to the bureau immediately upon its  
receipt by the dealer.
- 90 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has provided the bureau  
with the information in Subsection (3) and has received approval from the bureau under Subsection  
(6).
- 93 (5) The dealer shall make a request for criminal history background information by telephone or other  
electronic means to the bureau and shall receive approval or denial of the inquiry by telephone or  
other electronic means.
- 96 (6) When the dealer calls for or requests a criminal history background check, the bureau shall:
- 98 (a) review the criminal history files, including juvenile court records, and the temporary restricted  
file created under Section 53-5a-504, to determine if the individual is prohibited from purchasing,  
possessing, or transferring a firearm by state or federal law;
- 102 (b) inform the dealer that:
- 103 (i) the records indicate the individual is prohibited; or
- 104 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;
- 105 (c) provide the dealer with a unique transaction number for that inquiry; and
- 106 (d) provide a response to the requesting dealer during the call for a criminal background check, or by  
return call, or other electronic means, without delay, except in case of electronic failure or other  
circumstances beyond the control of the bureau, the bureau shall advise the dealer of the reason for  
the delay and give the dealer an estimate of the length of the delay.
- 111 (7)
- (a) The bureau may not maintain any records of the criminal history background check longer than  
20 days from the date of the dealer's request, if the bureau determines that the individual receiving

## HB0220S01 compared with HB0220S02

the firearm is not prohibited from purchasing, possessing, or transferring the firearm under state or federal law.

(b) However, the bureau shall maintain a log of requests containing the dealer's federal firearms number, the transaction number, and the transaction date for a period of 12 months.

(8)

(a) If the criminal history background check discloses information indicating that the individual attempting to purchase the firearm is prohibited from purchasing, possessing, or transferring a firearm, the bureau shall:

(i) within 24 hours after determining that the purchaser is prohibited from purchasing, possessing, or transferring a firearm, notify the law enforcement agency in the jurisdiction where the dealer is located; and

(ii) inform the law enforcement agency in the jurisdiction where the individual resides.

(b) Subsection (8)(a) does not apply to an individual prohibited from purchasing a firearm solely due to placement on the temporary restricted list under Section 53-5a-504.

(c) A law enforcement agency that receives information from the bureau under Subsection (8)(a) shall provide a report before August 1 of each year to the bureau that includes:

(i) based on the information the bureau provides to the law enforcement agency under Subsection (8)(a), the number of cases that involve an individual who is prohibited from purchasing, possessing, or transferring a firearm as a result of a conviction for an offense involving domestic violence; and

(ii) of the cases described in Subsection (8)(c)(i):

(A) the number of cases the law enforcement agency investigates; and

(B) the number of cases the law enforcement agency investigates that result in a criminal charge.

(d) The bureau shall:

(i) compile the information from the reports described in Subsection (8)(c);

(ii) omit or redact any identifying information in the compilation; and

(iii) submit the compilation to the ~~[Law Enforcement and Criminal Justice Interim Committee]~~ State Commission on Criminal and Juvenile Justice created in Section 63M-7-201 before November 1 of each year.

(9) If an individual is denied the right to purchase a firearm under this section, the individual may review the individual's criminal history information and may challenge or amend the information as provided in Section 53-10-108.

## HB0220S01 compared with HB0220S02

- 149 (10) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, to ensure the identity, confidentiality, and security of all records provided by the  
bureau under this part are in conformance with the requirements of the Brady Handgun Violence  
Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993).
- 154 (11)
- (a) A dealer shall collect a criminal history background check fee for the sale of a firearm under this  
section.
- 156 (b) The fee described under Subsection (11)(a) remains in effect until changed by the bureau through  
the process described in Section 63J-1-504.
- 158 (c)
- (i) The dealer shall forward at one time all fees collected for criminal history background checks  
performed during the month to the bureau by the last day of the month following the sale of a  
firearm.
- 161 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to cover the cost of  
administering and conducting the criminal history background check program.
- 164 (12)
- (a) An individual with a concealed firearm permit issued under Section 53-5a-303 or a provisional  
concealed firearm permit issued under Section 53-5a-304 is exempt from the background check and  
corresponding fee required in this section for the purchase of a firearm if:
- 168 (i) the individual presents the individual's concealed firearm permit to the dealer [~~prior to~~] before  
purchase of the firearm; and
- 170 (ii) the dealer verifies with the bureau that the individual's concealed firearm permit is valid.
- 172 (b) An individual with a temporary permit to carry a concealed firearm issued under Section 53-5a-305  
is not exempt from a background check and the corresponding fee required in this section for the  
purchase of a firearm.
- 175 (13)
- (a) A law enforcement officer, as defined in Section 53-13-103, is exempt from the background check  
fee required in this section for the purchase of a personal firearm to be carried while off-duty if the  
law enforcement officer verifies current employment by providing a letter of good standing from the  
officer's commanding officer and current law enforcement photo identification.

180

## HB0220S01 compared with HB0220S02

(b) Subsection (13)(a) may only be used by a law enforcement officer to purchase a personal firearm once in a 24-month period.

(14) A dealer engaged in the business of selling, leasing, or otherwise transferring a firearm shall:

(a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to a customer free of charge; and

(b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under Subsection 26B-5-211(3) to a customer purchasing a shotgun, short barreled shotgun, short barreled rifle, rifle, or another firearm that federal law does not require be accompanied by a gun lock at the time of purchase.

Section 2. Section **53-10-910** is amended to read:

### **53-10-910. Reporting requirement.**

The Department of Public Safety and the Utah Bureau of Forensic Services shall report by July 31 of each year to the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201, the Law Enforcement and Criminal Justice Interim Committee, and the Criminal Justice Appropriations Subcommittee regarding:

(1) the timelines set for testing all sexual assault kits submitted to the Utah Bureau of Forensic Services as provided in Subsection 53-10-903(2);

(2) the goals established in Section 53-10-909;

(3) the status of meeting those goals;

(4) the number of sexual assault kits that are sent to the Utah Bureau of Forensic Services for testing;

(5) the number of restricted kits held by law enforcement;

(6) the number of sexual assault kits that are not processed in accordance with the timelines established in this part; and

(7) future appropriations requests that will ensure that all DNA cases can be processed according to the timelines established by this part.

Section 3. Section **53H-7-603** is amended to read:

### **53H-7-603. Student housing crime reporting.**

(1) As used in this section:

(a) "Campus law enforcement" means an institution's police department.

(b) "Crime statistics" means the number of each of the crimes in 34 C.F.R. Sec. 668.46(c)(1) that are reported to a local police agency or campus law enforcement, listed by type of crime.

## HB0220S01 compared with HB0220S02

- 214 (c)
- 215 (i) "Institution noncampus housing facility" means a building or property that:
- 216 (A) is used for housing students;
- 217 (B) is not part of the institution's campus; and
- 218 (C) the institution owns, manages, controls, or leases;
- 219 (ii) "Institution noncampus housing facility" includes real property that is adjacent to, and is used in
- 220 direct support of, the building or property described in Subsection (1)(c)(i).
- 221 (d) "Local law enforcement agency" means a state or local law enforcement agency other than campus
- 222 law enforcement.
- 223 (e)
- 224 (i) "On-campus housing facility" means a building or property that is:
- 225 (A) used for housing students; and
- 226 (B) part of the institution's campus.
- 227 (ii) "On-campus housing facility" includes real property that is:
- 228 (A) adjacent to the on-campus housing facility; and
- 229 (B) used in direct support of the on-campus housing facility.
- 230 (f) "Student housing" means:
- 231 (i) an institution noncampus housing facility;
- 232 (ii) an on-campus housing facility; or
- 233 (iii) a student organization noncampus housing facility.
- 234 (g) "Student organization" means the same as that term is defined in Section 53H-7-101.
- 235 (h) "Student organization noncampus housing facility" means a building or property that:
- 236 (i) is used for housing students;
- 237 (ii) is not part of the institution's campus; and
- 238 (iii)
- 239 (A) a student organization owns, manages, controls, or leases; or
- 240 (B) is real property that is adjacent to the student organization noncampus housing facility and is used
- 241 in direct support of the noncampus housing facility.
- 242 (2) An institution with the types of housing facilities described in this Subsection (2) shall:
- 243 (a) create a report of crime statistics aggregated by:

## HB0220S01 compared with HB0220S02

- (i) on-campus housing facility, identified and listed individually using the institution's system for inventorying institution facilities;
- (ii) institution noncampus housing facility, identified and listed individually using the institution's system for inventorying institution facilities; and
- (iii) student organization noncampus housing facilities, identified and listed individually using the institution's system for identifying student organization noncampus housing facilities;[-and]
- (b) report annually to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee, at or before the committee's November meetings, on crime statistics aggregated by housing facility as described in Subsection(2)(a)[-] ; and
- (c) on or before November 1 of each year, provide the crime statistics aggregated by housing facility as described in Subsection (2)(a) to the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
- (3) An institution that does not have the types of housing described in Subsection (2) shall report the crime statistics as required by 20 U.S.C. Section 1092(f), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, to the entities specified in Subsection (2).
- (4) Upon request from an institution, a local law enforcement agency shall provide to the institution crime statistics for each student housing facility over which the local law enforcement agency has jurisdiction.
- (5) Except as provided in Section 53H-7-503, when campus law enforcement receives a complaint or report of a crime that campus law enforcement reasonably determines occurred outside of campus law enforcement's jurisdiction, campus law enforcement shall share any record of the complaint or report with the local law enforcement agency with jurisdiction.

Section 4. Section **63A-16-1002** is amended to read:

### CHAPTER 16. Governance of Technology

#### **63A-16-1002. Public safety portal.**

- (1) The commission shall oversee the creation and management of a public safety portal for information and data required to be reported to the commission and accessible to all criminal justice agencies in the state.
- (2) The division shall assist with the development and management of the public safety portal.
- (3) The division, in collaboration with the commission, shall create:
  - (a) master standards and formats for information submitted to the public safety portal;

## HB0220S01 compared with HB0220S02

- 278 (b) a gateway, bridge, website, or other method for reporting entities to provide the information;  
280 (c) a master data management index or system to assist in the retrieval of information from the public  
safety portal;  
282 (d) a protocol for accessing information in the public safety portal that complies with state privacy  
regulations;[~~and~~]  
284 (e) a protocol for real-time audit capability of all data accessed from the public safety portal by  
participating data source, data use entities, and regulators[~~;~~] ;  
286 (f) a protocol for de-identifying the data described in Subsection (4) for public use;  
287 (g) a searchable { ~~website~~ } ~~portion of the public safety portal described in Subsection (4)~~ available to  
the public that displays the de-identified data as described in Subsection (3)(f); and  
289 (h) subject to the restrictions in this section, a policy concerning the use and dissemination of data  
obtained under this section.  
291 (4) The public safety portal shall be the repository for the statutorily required data, information, or  
reports described in:  
293 (a) Section 13-53-111, Recidivism reporting requirements;  
294 (b) Section 17-72-408, County jail reporting requirements;  
295 (c) Section 17E-2-201, Criminal Justice Coordinating Councils reporting;  
296 (d) Section 26B-1-427, Alcohol Abuse Tracking Committee;  
297 (e) Section 41-6a-511, Courts to collect and maintain data;  
298 (f) Section 53-5a-602, regarding data of attempted weapons purchases by restricted persons;  
300 [~~(f)~~] (g) Section 53-10-118, [Regarding] regarding driving under the influence data;  
301 (h) Section 53-10-910, regarding sexual assault kits;  
302 [~~(g)~~] (i) Section 53-25-301, Reporting requirements for reverse-location warrants;  
303 [~~(h)~~] (j) Section 53-25-202, Sexual assault offense reporting requirements for law enforcement  
agencies;  
305 [~~(i) Section 53E-3-516, School disciplinary and law enforcement action report;~~]  
306 [~~(j)~~] (k) Section 53-25-501, Reporting requirements for seized firearms;  
307 [~~(k)~~] (l) Section 53-25-502, Law enforcement agency reporting requirements for certain firearm data;  
309 (m) Section 53E-3-516, School disciplinary and law enforcement action report;  
310 (n) Section 53H-7-603, Student housing crime reporting;  
311 [~~(4)~~] (o) Section 63M-7-214, Law enforcement agency grant reporting;

## HB0220S01 compared with HB0220S02

- 312 ~~[(m)]~~ (p) Section 63M-7-216, Prosecutorial data collection;
- 313 ~~[(n)]~~ (q) Section 63M-7-216.1, Prosecutorial data collection regarding certain prosecutions, dismissals,  
and declinations to prosecute;
- 315 ~~[(o)]~~ (r) Section 63M-7-220, Domestic violence data collection;
- 316 (s) Section 63M-7-1106, regarding annual reporting from the Prosecutor Conduct Commission;
- 318 (t) Section 64-13-47, regarding data of sexual assaults;
- 319 ~~[(p)]~~ (u) Section 64-14-204, Supervision of sentenced offenders placed in community;
- 320 ~~[(q)]~~ (v) Section 64-13-25, Standards for programs;
- 321 ~~[(r)]~~ (w) Section 64-13-45, Department reporting requirements;
- 322 ~~[(s)]~~ (x) Section 64-13e-104, County correctional facility reimbursement program for state probationary  
inmates and state parole inmates;
- 324 (y) Section 67-5-22.7, regarding data from the multi-agency strike force to combat violent and other  
major felony crimes;
- 326 ~~[(t)]~~ (z) Section 77-7-8.5, Use of tactical groups;
- 327 ~~[(u)]~~ (aa) Section 77-11b-404, Forfeiture reporting requirements;
- 328 ~~[(v)]~~ (bb) Section 77-20-103, Release data requirements;
- 329 ~~[(w)]~~ (cc) Section 77-22-2.5, Court orders for criminal investigations;
- 330 (dd) Section 77-27-32, regarding metrics from the Board of Pardons and Parole;
- 331 ~~[(x)]~~ (ee) Section 78A-2-109.5, Court data collection on criminal cases;
- 332 (ff) Section 80-5-202, regarding data of sexual assaults;
- 333 ~~[(y)]~~ (gg) Section 80-6-104, Data collection on offenses committed by minors; and
- 334 ~~[(z)]~~ (hh) any other statutes that require the collection of specific data and the reporting of that data to  
the commission.
- 336 ~~[(5) Before October 1, 2025, the commission shall report all data collected to the Law Enforcement and  
Criminal Justice Interim Committee.]~~
- 338 ~~[(6)]~~ (5) The commission may:
- 339 (a) enter into contracts with private or governmental entities to assist entities in complying with the data  
reporting requirements of Subsection (4); and
- 341 (b) make, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules to  
administer this section, including establishing requirements and procedures for collecting the data,  
information, or reports described in Subsection (4).

## HB0220S01 compared with HB0220S02

Section 5. Section 5 is enacted to read:

### Part 13. Researcher Access to Criminal Justice Information

#### **63A-16-1301. Definitions.**

As used in this part:

(1) "Covered entity" means:

(a) the Board of Pardons and Parole;

(b) a court;

(c) a law enforcement agency;

(d) a prosecution agency;

(e) a county jail;

(f) the Department of Corrections; or

(g) another private or public entity that performs an activity directly relating to:

(i) the detection or investigation of crime;

(ii) the apprehension, pretrial release, post-trial release, prosecution, correctional supervision, rehabilitation, evaluation, or treatment of individuals accused or convicted of committing criminal offenses;

(iii) criminal identification activities; or

(iv) the collection, storage, or dissemination of information regarding arrests or other criminal records.

(2)

(a) "Criminal justice information" means anonymized data or records collected, created, received, maintained, or disseminated by a covered entity relating to:

(i) a law enforcement stop, search, or seizure;

(ii) an issued warrant;

(iii) an arrest or citation;

(iv) an individual's participation in a diversion program, specialty court, or other alternative resolution program;

(v) a criminal charge, disposition, or sentence;

(vi) pretrial or post-trial release from custody, including any term or condition of release;

(vii) a grant, order, change in the terms of, or termination of, pretrial supervised release, probation, parole, or participation in a correctional or rehabilitative program; or

(viii) formal discipline, reclassification, or relocation of an individual who is incarcerated.

## HB0220S01 compared with HB0220S02

- 378 (b) "Criminal justice information" includes anonymized demographic information related to the  
information described in Subsection (2)(a).
- 380 (3) "Criminal justice researcher" means a person that:
- 381 (a) conducts research and statistical analysis regarding criminal justice information; and
- 382 (b) is employed by, volunteers for, or otherwise assists or works for an institution or organization that  
has an institutional review board.
- 384 (4) "Institutional review board" means a board, committee, or other group that:
- 385 (a) reviews, approves initiation of, and conducts periodic review of research; and
- 386 (b) has received a national accreditation for research in reviewing, approving, and conducting periodic  
review of research or is part of an accredited institution of higher education.
- 389 (5) "Law enforcement agency" means an entity or division:
- 390 (a)
- (i) of the state, or a political subdivision of the state;
- 391 (ii) of a state institution of higher education; or
- 392 (iii) of a private institution of higher education, if the entity or division is certified by the commissioner  
of public safety under Title 53, Chapter 19, Certification of Private Law Enforcement Agency; and
- 395 (b) that exists primarily to prevent and detect crime and enforce criminal laws, statutes, and ordinances.
- 397 (6) "Prosecution agency" means a city attorney, county attorney, district attorney, the attorney general,  
or other entity that undertakes the prosecution of criminal offenses.
- 399 (7)
- (a) "Record" means any information kept, held, filed, produced, or reproduced in physical or digital  
form.
- 401 (b) "Record" includes a report, statement, examination, memoranda, opinion, folder, file, book, manual,  
pamphlet, papers, design, drawing, map, photo, letter, microfilm, computer tape or disc, rule,  
regulation, or code.
- 404 Section 6. Section 6 is enacted to read:
- 405 **63A-16-1302. Criminal justice information sharing with researcher.**
- 406 (1) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, if  
a criminal justice researcher submits a written request to a covered entity for criminal justice  
information, the covered entity shall provide the requested criminal justice information to the  
criminal justice researcher if:

## HB0220S01 compared with HB0220S02

- 410 (a) the criminal justice researcher's request complies with the requirements described in Subsection (3);  
and
- 412 (b) the covered entity has determined that the release of the requested criminal justice information  
would not compromise an active criminal investigation.
- 414 (2) A release of criminal justice information under this section is not considered a release of data,  
records, or information to the public under Title 63G, Chapter 2, Government Records Access and  
Management Act, and the covered entity does not waive the right to assert that data, records, or  
information are private or controlled records under Title 63G, Chapter 2, Government Records  
Access and Management Act.
- 419 (3) Before a criminal justice researcher may gain access to criminal justice information under this  
section, the criminal justice researcher shall:
- 421 (a) agree that any personally identifiable information or confidential information inadvertently provided  
by a covered entity may not be used for any purpose; and
- 423 (b) certify that:
- 424 (i) the criminal justice researcher's institutional review board has approved the research or project that is  
the basis of the request;
- 426 (ii) the criminal justice researcher has security protocols and systems in place to prevent unauthorized  
access to criminal justice information in the criminal justice researcher's possession or criminal  
justice information to which the criminal justice researcher has access; and
- 430 (iii) the security protocols and systems described in Subsection (3)(b)(ii) have been approved by the  
criminal justice researcher's institutional review board.
- 432 (4) The attorney general shall issue guidance for covered entities regarding compliance with this part,  
including a process for:
- 434 (a) determining whether a criminal justice researcher meets the requirements of this part;
- 435 (b) sharing criminal justice information with criminal justice researchers; and
- 436 (c) determining if requested criminal justice information would compromise an active criminal  
investigation if released.
- 438 (5) A covered entity may assess reasonable fees, not to exceed actual costs, for the search, retrieval, and  
sharing of criminal justice information requested under this part.

339 Section 5. Section **63G-2-201** is amended to read:

340

## HB0220S01 compared with HB0220S02

**63G-2-201. Provisions relating to records -- Public records -- Private, controlled, protected, and other restricted records -- Disclosure and nondisclosure of records -- Certified copy of record -- Limits on obligation to respond to record request.**

- 444 (1)
- (a) Except as provided in Subsection (1)(b), a person has the right to inspect a public record free of charge, and the right to take a copy of a public record during normal working hours, subject to Sections 63G-2-203 and 63G-2-204.
- 447 (b) A right under Subsection (1)(a) does not apply with respect to a record:
- 448 (i) a copy of which the governmental entity has already provided to the person;
- 449 (ii) that is the subject of a records request that the governmental entity is not required to fill under Subsection (7)(a)(v); or
- 451 (iii)
- (A) that is accessible only by a computer or other electronic device owned or controlled by the governmental entity;
- 453 (B) that is part of an electronic file that also contains a record that is private, controlled, or protected; and
- 455 (C) that the governmental entity cannot readily segregate from the part of the electronic file that contains a private, controlled, or protected record.
- 457 (2) A record is public unless otherwise expressly provided by statute.
- 458 (3) The following records are not public:
- 459 (a) a record that is private, controlled, or protected under Sections 63G-2-302, 63G-2-303, 63G-2-304, and 63G-2-305; and
- 461 (b) a record to which access is restricted [~~pursuant to~~] in accordance with court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds.
- 465 (4) Only a record specified in Section 63G-2-302, 63G-2-303, 63G-2-304, or 63G-2-305 may be classified private, controlled, or protected.
- 467 (5)

## HB0220S01 compared with HB0220S02

(a) A governmental entity may not disclose a record that is private, controlled, or protected to any person except as provided in Subsection (5)(b), Subsection (5)(c), Section 63G-2-202, 63G-2-206, or 63G-2-303.

(b) A governmental entity may disclose a record that is private under Subsection 63G-2-302(2) or protected under Section 63G-2-305 to persons other than those specified in Section 63G-2-202 or 63G-2-206 if the head of a governmental entity, or a designee, determines that:

(i) there is no interest in restricting access to the record; or

(ii) the interests favoring access are greater than or equal to the interest favoring restriction of access.

(c) In addition to the disclosure under Subsection (5)(b), a governmental entity may disclose a record that is protected under Subsection 63G-2-305(51) if:

(i) the head of the governmental entity, or a designee, determines that the disclosure:

(A) is mutually beneficial to:

(I) the subject of the record;

(II) the governmental entity; and

(III) the public; and

(B) serves a public purpose related to:

(I) public safety; or

(II) consumer protection; and

(ii) the person who receives the record from the governmental entity agrees not to use or allow the use of the record for advertising or solicitation purposes.

(6) A governmental entity shall provide a person with a certified copy of a record if:

(a) the person requesting the record has a right to inspect it;

(b) the person identifies the record with reasonable specificity; and

(c) the person pays the lawful fees.

(7)

(a) In response to a request, a governmental entity is not required to:

(i) create a record;

(ii) compile, format, manipulate, package, summarize, or tailor information;

(iii) provide a record in a particular format, medium, or program not currently maintained by the governmental entity;

## HB0220S01 compared with HB0220S02

(iv) fulfill a person's records request if the request unreasonably duplicates prior records requests from that person;

500 (v) fill a person's records request if:

501 (A) the record requested is:

502 (I) publicly accessible online; or

503 (II) included in a public publication or product produced by the governmental entity receiving the request; and

505 (B) the governmental entity:

506 (I) specifies to the person requesting the record where the record is accessible online; or

508 (II) provides the person requesting the record with the public publication or product and specifies where the record can be found in the public publication or product; or

511 (vi) fulfill a person's records request if:

512 (A) the person has been determined under Section 63G-2-209 to be a vexatious requester;

514 (B) the order of the director of the Government Records Office determining the person to be a vexatious requester provides that the governmental entity is not required to fulfill a request from the person for a period of time; and

517 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.

518 (b) A governmental entity shall conduct a reasonable search for a requested record.

519 (8)

(a) Although not required to do so, a governmental entity may, upon request from the person who submitted the records request, compile, format, manipulate, package, summarize, or tailor information or provide a record in a format, medium, or program not currently maintained by the governmental entity.

523 (b) In determining whether to fulfill a request described in Subsection (8)(a), a governmental entity may consider whether the governmental entity is able to fulfill the request without unreasonably interfering with the governmental entity's duties and responsibilities.

527 (c) A governmental entity may require a person who makes a request under Subsection (8)(a) to pay the governmental entity, in accordance with Section 63G-2-203, for providing the information or record as requested.

530 (9)

## HB0220S01 compared with HB0220S02

(a) Notwithstanding any other provision of this chapter, and subject to Subsection (9)(b), a governmental entity is not required to respond to, or provide a record in response to, a record request if the request is submitted by or in behalf of an individual who is on parole or confined in a jail or other correctional facility following the individual's conviction.

(b) Subsection (9)(a) does not apply to:

(i) the first five record requests submitted to the governmental entity by or in behalf of an individual described in Subsection (9)(a) during any calendar year requesting only a record that contains a specific reference to the individual; or

(ii) a record request that is submitted by an attorney of an individual described in Subsection (9)(a).  
(10)

(a) A governmental entity may allow a person requesting more than 50 pages of records to copy the records if:

(i) the records are contained in files that do not contain records that are exempt from disclosure, or the records may be segregated to remove private, protected, or controlled information from disclosure; and

(ii) the governmental entity provides reasonable safeguards to protect the public from the potential for loss of a public record.

(b) If the requirements of Subsection (10)(a) are met, the governmental entity may:

(i) provide the requester with the facilities for copying the requested records and require that the requester make the copies; or

(ii) allow the requester to provide the requester's own copying facilities and personnel to make the copies at the governmental entity's offices and waive the fees for copying the records.

(11)

(a) A governmental entity that owns an intellectual property right and that offers the intellectual property right for sale or license may control by ordinance or policy the duplication and distribution of the material based on terms the governmental entity considers to be in the public interest.

(b) Nothing in this chapter shall be construed to limit or impair the rights or protections granted to the governmental entity under federal copyright or patent law as a result of its ownership of the intellectual property right.

## HB0220S01 compared with HB0220S02

(12) A governmental entity may not use the physical form, electronic or otherwise, in which a record is stored to deny, or unreasonably hinder the rights of a person to inspect and receive a copy of a record under this chapter.

(13) Subject to the requirements of Subsection (7), a governmental entity shall provide access to an electronic copy of a record in lieu of providing access to its paper equivalent if:

(a) the person making the request requests or states a preference for an electronic copy;

(b) the governmental entity currently maintains the record in an electronic format that is reproducible and may be provided without reformatting or conversion; and

(c) the electronic copy of the record:

(i) does not disclose other records that are exempt from disclosure; or

(ii) may be segregated to protect private, protected, or controlled information from disclosure without the undue expenditure of public resources or funds.

(14) In determining whether a record is properly classified as private under Subsection 63G-2-302(2)

(d), the governmental entity, the director of the Government Records Office, local appeals board, or court shall consider and weigh:

(a) any personal privacy interests, including those in images, that would be affected by disclosure of the records in question; and

(b) any public interests served by disclosure.

(15) Notwithstanding any other provision of this chapter, the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201:

(a) is not required to provide a record in response to a record request that requests records received by the State Commission on Criminal and Juvenile Justice under Section 63A-16-1002; and

(b) shall inform the person making a record request for a record described in Subsection (15)(a) of the governmental entity from which the State Commission on Criminal and Juvenile Justice received the record.

Section 6. Section **63M-7-1106** is amended to read:

**63M-7-1106. Annual reporting requirement to Legislature.**

(1) Before November 1 of each year, the commission shall report to the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201, the Law Enforcement and Criminal Justice Interim Committee, and the Judiciary Interim Committee on:

(a) the number of complaints received;

## HB0220S01 compared with HB0220S02

- 594 (b) the general nature of the complaints;  
595 (c) the number of complaints dismissed without an investigation;  
596 (d) the number of complaints investigated;  
597 (e) the general findings and outcomes of investigations; and  
598 (f) the name of any prosecuting agency that refused, without reasonable cause, to cooperate in an  
investigation by the commission.
- 600 (2) The commission may not include any personal identifying information regarding a prosecuting  
attorney in a report described in Subsection (1).
- 501 Section 7. Section **64-13-47** is amended to read:  
502 **64-13-47. Prison Sexual Assault Prevention Program.**
- 604 (1) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
Act, make rules establishing policies and procedures regarding sexual assaults that occur in  
correctional facilities.
- 607 (2) The rules described in Subsection (1) shall:  
608 (a) require education and training, including:  
609 (i) providing to inmates, at intake and periodically, department-approved, easy-to-understand  
information developed by the department on sexual assault prevention, treatment, reporting, and  
counseling in consultation with community groups with expertise in sexual assault prevention,  
treatment, reporting, and counseling; and  
614 (ii) providing sexual-assault-specific training to department mental health professionals and all  
employees who have direct contact with inmates regarding treatment and methods of prevention and  
investigation;
- 617 (b) require reporting of sexual assault, including:  
618 (i) ensuring the confidentiality of inmate sexual assault complaints and the protection of inmates who  
make complaints of sexual assault; and  
620 (ii) prohibiting retaliation and disincentives for reporting sexual assault;
- 621 (c) require safety and care for victims, including:  
622 (i) providing, in situations in which there is reason to believe that a sexual assault has occurred,  
reasonable and appropriate measures to ensure the victim's safety by separating the victim from the  
assailant, if known;

625

## HB0220S01 compared with HB0220S02

- (ii) providing acute trauma care for sexual assault victims, including treatment of injuries, HIV prophylaxis measures, and testing for sexually transmitted infections;
- 627 (iii) providing confidential mental health counseling for victims of sexual assault, including access to outside community groups or victim advocates that have expertise in sexual assault counseling, and enable confidential communication between inmates and those organizations and advocates; and
- 631 (iv) monitoring victims of sexual assault for suicidal impulses, post-traumatic stress disorder, depression, and other mental health consequences resulting from the sexual assault;
- 634 (d) require investigations and staff discipline, including:
- 635 (i) requiring all employees to report any knowledge, suspicion, or information regarding an incident of sexual assault to the executive director or designee, and require disciplinary action for employees who fail to report as required;
- 638 (ii) requiring investigations described in Subsection (3);
- 639 (iii) requiring corrections investigators to submit all completed sexual assault allegations to the executive director or the executive director's designee, who ~~[must]~~ shall then submit any substantiated findings that may constitute a crime under state law to the district attorney with jurisdiction over the facility in which the alleged sexual assault occurred; and
- 644 (iv) requiring employees to be subject to disciplinary sanctions up to and including termination for violating agency sexual assault policies, with termination the presumptive disciplinary sanction for employees who have engaged in sexual assault, consistent with constitutional due process protections and state personnel laws and rules; and
- 649 (e) require data collection and reporting, including as provided in Subsection (4).
- 650 (3)
- (a) An investigator trained in the investigation of sex crimes shall conduct the investigation of a sexual assault involving an inmate.
- 652 (b) The investigation shall include:
- 653 (i) using a forensic rape kit, if appropriate;
- 654 (ii) questioning suspects and witnesses; and
- 655 (iii) gathering and preserving relevant evidence.
- 656 (4) The department shall:
- 657 (a) collect and report data regarding all allegations of sexual assault from each correctional facility in accordance with the federal Prison Rape Elimination Act of 2003, Pub. L 108-79, as amended; and

## HB0220S01 compared with HB0220S02

- 660 (b) annually report the data described in Subsection (4)(a) to the [~~Law Enforcement and Criminal~~  
Justice Interim Committee] the State Commission on Criminal and Juvenile Justice created in  
661 Section 63M-7-201.
- 562 Section 8. Section **67-5-22.7** is amended to read:
- 563 **67-5-22.7. Multi-agency strike force to combat violent and other major felony crimes**  
**associated with illegal immigration and human trafficking -- Fraudulent Documents Identification**  
**Unit.**
- 667 (1) The Office of the Attorney General is authorized to administer and coordinate the operation of a  
multi-agency strike force to combat violent and other major felony crimes committed within the  
state that are associated with illegal immigration and human trafficking.
- 671 (2) The office shall invite officers of the [~~U.S.~~] United States Immigration and Customs Enforcement  
and state and local law enforcement personnel to participate in this mutually supportive, multi-  
agency strike force to more effectively utilize their combined skills, expertise, and resources.
- 675 (3) The strike force shall focus its efforts on detecting, investigating, deterring, and eradicating violent  
and other major felony criminal activity related to illegal immigration and human trafficking.
- 678 (4) In conjunction with the strike force and subject to available funding, the Office of the Attorney  
General shall establish a Fraudulent Documents Identification Unit:
- 680 (a) for the primary purpose of investigating, apprehending, and prosecuting individuals or entities that  
participate in the sale or distribution of fraudulent documents used for identification purposes;
- 683 (b) to specialize in fraudulent identification documents created and prepared for individuals who are  
unlawfully residing within the state; and
- 685 (c) to administer the Identity Theft Victims Restricted Account created under Subsection (5).
- 687 (5)
- (a) There is created a restricted account in the General Fund known as the "Identity Theft Victims  
Restricted Account."
- 689 (b) The Identity Theft Victims Restricted Account shall consist of money appropriated to the Identity  
Theft Victims Restricted Account by the Legislature.
- 691 (c) Subject to appropriations from the Legislature, beginning on the program start date, as defined in  
Section 63G-12-102, the Fraudulent Documents Identification Unit may expend the money in the  
Identity Theft Victims Restricted Account to pay a claim as provided in this Subsection (5) to a  
person who is a victim of identity theft prosecuted under Section 76-11-215 or 76-6-1102.

## HB0220S01 compared with HB0220S02

- 696 (d) To obtain payment from the Identity Theft Victims Restricted Account, a person shall file a claim  
with the Fraudulent Documents Identification Unit by no later than one year after the day on which  
an individual is convicted, pleads guilty to, pleads no contest to, pleads guilty in a similar manner to,  
or resolved by diversion or its equivalent an offense under Section 76-11-215 or 76-6-1102 for the  
theft of the identity of the person filing the claim.
- 702 (e) A claim filed under this Subsection (5) shall include evidence satisfactory to the Fraudulent  
Documents Identification Unit:
- 704 (i) that the person is the victim of identity theft described in Subsection (5)(d); and
- 705 (ii) of the actual damages experienced by the person as a result of the identity theft that are not  
recovered from a public or private source.
- 707 (f) The Fraudulent Documents Identification Unit shall pay a claim from the Identity Theft Victims  
Restricted Account:
- 709 (i) if the Fraudulent Documents Identification Unit determines that the person has provided sufficient  
evidence to meet the requirements of Subsection (5)(e);
- 711 (ii) in the order that claims are filed with the Fraudulent Documents Identification Unit; and
- 713 (iii) to the extent that it there is money in the Identity Theft Victims Restricted Account.
- 715 (g) If there is insufficient money in the Identity Theft Victims Restrict Account when a claim is filed  
under this Subsection (5) to pay the claim in full, the Fraudulent Documents Identification Unit  
may pay a claim when there is sufficient money in the account to pay the claim in the order that the  
claims are filed.
- 719 (6) The strike force shall make an annual report on [its] the strike force's activities to the governor[  
and] , the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201, and the  
[Legislature's] Law Enforcement and Criminal Justice Interim Committee by December 1, together  
with any proposed recommendations for modifications to this section.
- 623 Section 9. Section **77-27-32** is amended to read:
- 624 **77-27-32. Reporting requirements.**
- 726 (1) The board shall publicly display metrics on the board's website, including:
- 727 (a) a measure of recidivism;
- 728 (b) a measure of time under board jurisdiction;
- 729 (c) a measure of prison releases by category;
- 730 (d) a measure of parole revocations;

## HB0220S01 compared with HB0220S02

- 731 (e) a measure of alignment of board decisions with the adult sentencing and supervision length  
guidelines, as defined in Section 63M-7-401.1; and
- 733 (f) a measure of the aggregate reasons for departing from the guidelines described in Subsection (1)(e).
- 735 (2) On or before September 30 of each year, the board shall submit to ~~[the commission and]~~ the Law  
Enforcement and Criminal Justice Interim Committee a report for the previous fiscal year that  
summarizes the metrics in Subsection (1).
- 738 (3) On or before November 1 of each year, the board shall submit the metrics described in Subsection  
(1) to the commission.
- 639 Section 10. Section **80-5-202** is amended to read:
- 640 **80-5-202. Division rulemaking authority -- Reports on sexual assault.**
- 742 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall  
make rules to:
- 744 (a) establish standards for the admission of a minor to detention;
- 745 (b) describe good behavior for which credit may be earned under Subsection 80-6-704(5);
- 747 (c) establish a formula, in consultation with the Office of the Legislative Fiscal Analyst, to calculate  
savings from General Fund appropriations under 2017 Laws of Utah,
- 749 Chapter 330, resulting from the reduction in out-of-home placements for juvenile offenders with the  
division;
- 751 (d) establish policies and procedures regarding sexual assaults that occur in detention and secure care  
facilities; and
- 753 (e) establish the qualifications and conditions for services provided by the division under Section  
80-6-809.
- 755 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may  
make rules:
- 757 (a) that govern the operation of prevention and early intervention programs, youth service programs,  
juvenile receiving centers, and other programs described in Section 80-5-401; and
- 760 (b) that govern the operation of detention and secure care facilities.
- 761 (3) A rule made by the division under Subsection (1)(a):
- 762 (a) may not permit secure detention based solely on the existence of multiple status offenses,  
misdemeanors, or infractions arising out of a single criminal episode; and
- 764 (b) shall prioritize use of home detention for a minor who might otherwise be held in secure detention.

## HB0220S01 compared with HB0220S02

- 766 (4) The rules described in Subsection (1)(d) shall:
- 767 (a) require education and training, including:
- 768 (i) providing to minors detained in secure care and detention facilities, at intake and periodically, easy-  
to-understand information, which is developed and approved by the division, on sexual assault  
prevention, treatment, reporting, and counseling in consultation with community groups with  
expertise in sexual assault prevention, treatment, reporting, and counseling; and
- 773 (ii) providing training specific to sexual assault to division mental health professionals and all division  
employees who have direct contact with minors regarding treatment and methods of prevention and  
investigation;
- 776 (b) require reporting of any incident of sexual assault, including:
- 777 (i) ensuring the confidentiality of sexual assault reports from minors and the protection of minors who  
report sexual assault; and
- 779 (ii) prohibiting retaliation and disincentives for reporting sexual assault;
- 780 (c) require safety and care for minors who report sexual assault, including:
- 781 (i) providing, in situations in which there is reason to believe that a sexual assault has occurred,  
reasonable and appropriate measures to ensure the minor's safety by separating the minor from the  
minor's assailant, if known;
- 784 (ii) providing acute trauma care for minors who report sexual assault, including treatment of injuries,  
HIV prophylaxis measures, and testing for sexually transmitted infections;
- 787 (iii) providing confidential mental health counseling for minors who report sexual assault, including:
- 789 (A) access to outside community groups or victim advocates that have expertise in sexual assault  
counseling; and
- 791 (B) enabling confidential communication between minors and community groups and victim advocates;  
and
- 793 (iv) monitoring minors who report sexual assault for suicidal impulses, post-traumatic stress disorder,  
depression, and other mental health consequences resulting from the sexual assault;
- 796 (d) require staff reporting of sexual assault and staff discipline for failure to report or for violating  
sexual assault policies, including:
- 798 (i) requiring all division employees to report any knowledge, suspicion, or information regarding an  
incident of sexual assault to the director or the director's designee;
- 801 (ii) requiring disciplinary action for a division employee who fails to report as required; and

## HB0220S01 compared with HB0220S02

- 803 (iii) requiring division employees to be subject to disciplinary sanctions up to and including termination  
for violating agency sexual assault policies, with termination the presumptive disciplinary sanction  
for division employees who have engaged in sexual assault, consistent with constitutional due  
process protections and state personnel laws and rules;
- 808 (e) require that any report of an incident of sexual assault be referred to the Division of Child and  
Family Services or a law enforcement agency with jurisdiction over the detention or secure care  
facility in which the alleged sexual assault occurred; and
- 811 (f) require data collection and reporting of all incidents of sexual assault from each detention and secure  
care facility.
- 813 (5) The division shall annually report the data described in [~~Section~~] Subsection (4)(f) to the [~~Law  
Enforcement and Criminal Justice Interim Committee~~] State Commission on Criminal and Juvenile  
Justice created in Section 63M-7-201.

715 Section 11. **Repealer.**

This Bill Repeals:

716 This bill repeals:

717 Section **63A-16-101, Title.**

718 Section 12. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-2-26 12:51 PM