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- 20 • data sharing; and
- 21 ▶ makes technical changes.

22 Money Appropriated in this Bill:

23 None

24 Other Special Clauses:

25 None

26 Utah Code Sections Affected:

27 AMENDS:

28 **53G-8-805** , as last amended by Laws of Utah 2025, Chapter 388

29 **63G-2-305** , as last amended by Laws of Utah 2025, First Special Session, Chapter 17

30 **72-1-212** , as last amended by Laws of Utah 2025, Chapter 452

31 ENACTS:

32 **77-23g-101** , Utah Code Annotated 1953

33 **77-23g-201** , Utah Code Annotated 1953

34 **77-23g-202** , Utah Code Annotated 1953

35 **77-23g-203** , Utah Code Annotated 1953

36 **77-23g-301** , Utah Code Annotated 1953

37 **77-23g-302** , Utah Code Annotated 1953

38 ~~**77-23g-303** , Utah Code Annotated 1953~~

38 **77-23g-401** , Utah Code Annotated 1953

39 **77-23g-402** , Utah Code Annotated 1953

41 ~~**77-23g-403** , Utah Code Annotated 1953~~

40 **77-23g-501** , Utah Code Annotated 1953

41 **77-23g-502** , Utah Code Annotated 1953

42 **77-23g-503** , Utah Code Annotated 1953

43 **77-23g-504** , Utah Code Annotated 1953

44 **77-23g-601** , Utah Code Annotated 1953

45 **77-23g-602** , Utah Code Annotated 1953

46 REPEALS:

47 **41-6a-2001** , as enacted by Laws of Utah 2013, Chapter 447

48 **41-6a-2002** , as last amended by Laws of Utah 2024, Chapter 251

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49 **41-6a-2003** , as last amended by Laws of Utah 2025, First Special Session, Chapter 9

50 **41-6a-2004** , as last amended by Laws of Utah 2023, Chapter 524

51 **41-6a-2005** , as last amended by Laws of Utah 2023, Chapter 524

52 **41-6a-2006** , as last amended by Laws of Utah 2023, Chapter 524

53

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

55 Section 1. Section **53G-8-805** is amended to read:

56 **53G-8-805. Panic alert device -- Security cameras -- Key box.**

58 (1) As used in this section:

59 (a) "Universal access key box" means a UL Standard 1037 compliant secure container designed to store
and protect emergency access keys and devices.

61 (b) "Emergency responder" means law enforcement, fire service, or emergency medical personnel
authorized by local authorities to respond to school emergencies.

63 (2) In accordance with the results of the school safety needs assessment described in Section
53G-8-701.5, an LEA shall provide the lead teacher in each classroom with a wearable panic alert
device that shall communicate directly with public safety answering points.

67 (3) An LEA shall ensure, before the school year begins, all school building personnel receive training
on the protocol and appropriate use of the panic alert device described in Subsection (2).

70 (4) An LEA shall:

71 (a) ensure all security cameras within a school building are accessible by:

72 (i) a local law enforcement agency; and

73 (ii) public safety answering points;

74 (b) coordinate with a local law enforcement agency to establish appropriate access protocols; and

76 (c) physically mark all hallways and doorways consistent with the incident response method or system
the state security chief creates.

78 (5) A school building shall include universal access key boxes that:

79 (a) are installed at main entry points;

80 (b) contain master keys and access devices providing complete access to all areas of the school;

82 (c) are accessible only to authorized emergency responders;

83 (d) are electronically monitored for tampering; and

84 (e) are weather-resistant and vandal-resistant.

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- 85 (6) An LEA shall:
- 86 (a) maintain universal access key boxes by:
- 87 (i) conducting quarterly inspections;
- 88 (ii) updating contents within 24 hours of any lock or access control changes;
- 89 (iii) maintaining current key and access device inventories;
- 90 (iv) documenting all inspections and updates; and
- 91 (v) immediately replacing any damaged or malfunctioning boxes;
- 92 (b) coordinate with local emergency responders to:
- 93 (i) determine optimal box placement;
- 94 (ii) establish access protocols;
- 95 (iii) maintain current emergency contact information; and
- 96 (iv) conduct annual reviews of box usage and effectiveness; and
- 97 (c) include universal access key box locations and protocols in:
- 98 (i) school emergency response plans;
- 99 (ii) building schematic diagrams provided to emergency responders; and
- 100 (iii) school safety and security training materials.
- 101 (7) The state board shall:
- 102 (a) establish standards for:
- 103 (i) box installation and placement;
- 104 (ii) access control and monitoring;
- 105 (iii) maintenance schedules; and
- 106 (iv) compliance verification;
- 107 (b) in direct coordination with the state security chief, ensure new construction or major remodeling of
a school building shall include the installation of automated external defibrillators in appropriate
locations as the state board determines; and
- 110 (c) provide technical assistance to LEAs implementing this section.
- 111 (8) Nothing in this section:
- 112 (a) affects requirements for fire department key boxes under applicable building or fire codes; or
- 114 (b) restricts additional security measures implemented by LEAs that exceed these requirements.
- 116 [~~9~~] This section is not subject to the restrictions in Section 41-6a-2003.]
- 116 Section 2. Section **63G-2-305** is amended to read:

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117 **63G-2-305. Protected records.**

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

- 120 (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;
- 122 (2) commercial information or nonindividual financial information obtained from a person if:
- 124 (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;
- 127 (b) the person submitting the information has a greater interest in prohibiting access than the public in
obtaining access; and
- 129 (c) the person submitting the information has provided the governmental entity with the information
specified in Section 63G-2-309;
- 131 (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;
- 135 (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);
- 138 (5) test questions and answers to be used in future license, certification, registration, employment, or
academic examinations;
- 140 (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:
- 145 (a) a bid, proposal, application, or other information submitted to or by a governmental entity in
response to:
- 147 (i) an invitation for bids;
- 148 (ii) a request for proposals;
- 149 (iii) a request for quotes;
- 150 (iv) a grant; or

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- 151 (v) other similar document; or
- 152 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 153 (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:
- 156 (a) a contract directly relating to the subject of the request for information has been awarded and signed
by all parties; or
- 158 (b)
- (i) a final determination is made not to enter into a contract that relates to the subject of the request for
information; and
- 160 (ii) at least two years have passed after the day on which the request for information is issued;
- 162 (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:
- 165 (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;
- 167 (b) the information has already been disclosed to persons not employed by or under a duty of
confidentiality to the entity;
- 169 (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;
- 172 (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
- 175 (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;
- 178 (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:
- 182 (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

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- (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;
- 188 (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:
- 191 (a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline,
licensing, certification, or registration purposes;
- 193 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
- 195 (c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;
- 197 (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
- 201 (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;
- 204 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 205 (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;
- 208 (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;
- 212 (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;
- 217 (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;
- 220 (16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit
is released;

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- 222 (17) records that are subject to the attorney client privilege;
- 223 (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;
- 226 (19)
- (a)
- (i) personal files of a state legislator, including personal correspondence to or from a member of the
Legislature; and
- 228 (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
- 231 (b)
- (i) an internal communication that is part of the deliberative process in connection with the preparation
of legislation between:
- 233 (A) members of a legislative body;
- 234 (B) a member of a legislative body and a member of the legislative body's staff; or
- 235 (C) members of a legislative body's staff; and
- 236 (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;
- 238 (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
- 243 (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;
- 248 (21) a research request from a legislator to a legislative staff member and research findings prepared in
response to the request;
- 250 (22) drafts, unless otherwise classified as public;
- 251 (23) records concerning a governmental entity's strategy about:

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- 252 (a) collective bargaining; or
- 253 (b) imminent or pending litigation;
- 254 (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;
- 257 (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;
- 260 (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;
- 263 (27) records of independent state agencies if the disclosure of the records would conflict with the
fiduciary obligations of the agency;
- 265 (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
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;
- 271 (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;
- 275 (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;
- 278 (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;
- 282 (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;

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- 284 (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;
- 287 (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;
- 290 (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;
- 295 (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;
- 298 (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:
- 302 (a) the donor requests anonymity in writing;
- 303 (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
- 305 (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;
- 310 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 311 (39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;
- 313 (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:
- 317 (a) unpublished lecture notes;
- 318 (b) unpublished notes, data, and information:
- 319 (i) relating to research; and

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- 320 (ii) of:
- 321 (A) the institution of higher education defined in Section 53H-1-101; or
- 322 (B) a sponsor of sponsored research;
- 323 (c) unpublished manuscripts;
- 324 (d) creative works in process;
- 325 (e) scholarly correspondence; [~~and~~]
- 326 (f) confidential information contained in research proposals;
- 327 (g) this Subsection (40) may not be construed to prohibit disclosure of public information required
[~~pursuant to~~] in accordance with Subsection 53H-14-202(2)(a) or (b); and
- 330 (h) this Subsection (40) may not be construed to affect the ownership of a record;
- 331 (41)
- (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
- 334 (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
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;
- 340 (42) records that provide detail as to the location of an explosive, including a map or other document
that indicates the location of:
- 342 (a) a production facility; or
- 343 (b) a magazine;
- 344 (43) information contained in the statewide database of the Division of Aging and Adult Services
created by Section 26B-6-210;
- 346 (44) information contained in the Licensing Information System described in Title 80, Chapter 2, Child
Welfare Services;
- 348 (45) information regarding National Guard operations or activities in support of the National Guard's
federal mission;

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- (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;
- 353 (47) information regarding food security, risk, and vulnerability assessments performed by the
Department of Agriculture and Food;
- 355 (48) except to the extent that the record is exempt from this chapter ~~{f}~~ [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:
- 359 (a) the safety of the general public; or
- 360 (b) the security of:
- 361 (i) governmental property;
- 362 (ii) governmental programs; or
- 363 (iii) the property of a private person who provides the Division of Emergency Management
information;
- 365 (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;
- 369 (50) as provided in Section 26B-2-709:
- 370 (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
- 373 (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;
- 376 (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:
- 379 (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
- 381 (b) the subject of the record has a reasonable expectation that this information will be kept confidential
due to:
- 383 (i) the nature of the law, ordinance, rule, or order; and

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- 384 (ii) the individual complying with the law, ordinance, rule, or order;
- 385 (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:
- 388 (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;
- 391 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 392 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 393 (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:
- 395 (a) conducted within the state system of higher education, as described in Section 53H-1-102; and
- 397 (b) conducted using animals;
- 398 (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);
- 402 (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;
- 406 (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;
- 409 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 410 (58) in accordance with Section 73-10-33:
- 411 (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
- 413 (b) an outline of an emergency response plan in possession of the state or a county or municipality;
- 415 (59) the following records in the custody or control of the Office of Inspector General of Medicaid
Services, created in Section 63A-13-201:
- 417 (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

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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;

- 423 (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;
- 430 (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;
- 433 (d) records that would disclose an outline or part of any investigation, audit survey plan, or audit
program; or
- 435 (e) requests for an investigation or audit, if disclosure would risk circumvention of an investigation or
audit;
- 437 (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;
- 440 (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);
- 443 (62) a record described in Section 63G-12-210;
- 444 (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~~] Title 77, Chapter 23g, Automatic License
Plate Reader Act;
- 447 (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:
- 452 (a) depict the commission of an alleged crime;

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- 453 (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;
- 455 (c) record any encounter that is the subject of a complaint or a legal proceeding against a law
enforcement officer or law enforcement agency;
- 457 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or
- 459 (e) have been requested for reclassification as a public record by a subject or authorized agent of a
subject featured in the recording;
- 461 (65) a record pertaining to the search process for a president of an institution of higher education
described in Section 53H-3-302;
- 463 (66) an audio recording that is:
- 464 (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;
- 467 (b) produced during an emergency event when an individual employed to provide law enforcement, fire
protection, paramedic, emergency medical, or other first responder service:
- 470 (i) is responding to an individual needing resuscitation or with a life-threatening condition; and
- 472 (ii) uses a device or piece of equipment designed or intended for resuscitating an individual or for
treating an individual with a life-threatening condition; and
- 474 (c) intended and used for purposes of training emergency responders how to improve their response to
an emergency situation;
- 476 (67) records submitted by or prepared in relation to an applicant seeking a recommendation by the
Research and General Counsel Subcommittee, the Budget Subcommittee, or the Legislative Audit
Subcommittee, established under Section 36-12-8, for an employment position with the Legislature;
- 480 (68) work papers as defined in Section 31A-2-204;
- 481 (69) a record made available to Adult Protective Services or a law enforcement agency under Section
61-1-206;
- 483 (70) a record submitted to the Insurance Department in accordance with Section 31A-37-201;
- 485 (71) a record described in Section 31A-37-503;
- 486 (72) any record created by the Division of Professional Licensing as a result of Subsection
58-37f-304(5) or 58-37f-702(2)(a)(ii);

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- (73) a record described in Section 72-16-306 that relates to the reporting of an injury involving an amusement ride;
- 490 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a political petition, or on a request to withdraw a signature from a political petition, including a petition or request described in the following titles:
- 493 (a) Title 10, Utah Municipal Code;
- 494 (b) Title 17, Counties;
- 495 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 496 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 497 (e) Title 20A, Election Code;
- 498 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter registration record;
- 500 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described in Subsection (74) or (75), in the custody of the lieutenant governor or a local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 503 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims Guidelines for Prosecutors Act;
- 505 (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 506 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited under Section 63G-26-103;
- 508 (80) an image taken of an individual during the process of booking the individual into jail, unless:
- 510 (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;
- 512 (b) a law enforcement agency releases or disseminates the image:
- 513 (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
- 516 (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;

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- (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
- 522 (d) the image is displayed to a person who is permitted to view the image under Section 17-72-802;
- 524 (81) a record:
- 525 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 526 (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
- 529 (c) the disclosure of which would:
- 530 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River system;
- 532 (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
- 535 (iii) give an advantage to another state or to the federal government in negotiations regarding the use of water in the Colorado River system;
- 537 (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;
- 542 (83) the following records of a drinking water or wastewater facility:
- 543 (a) an engineering or architectural drawing of the drinking water or wastewater facility; and
- 545 (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);
- 548 (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:
- 551 (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
- 554 (b) provides the employee assurance that the statement cannot be used against the employee in any criminal proceeding;
- 556 (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;

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- 559 (86) a record:
- 560 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 561 (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
- 564 (c) the disclosure of which would:
- 565 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great Salt Lake;
- 567 (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
- 569 (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;
- 571 (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);
- 573 (88) a record of the Utah water agent, appointed under Section 73-10g-702:
- 574 (a) concerning a claim to the use of waters;
- 575 (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
- 579 (c) the disclosure of which would:
- 580 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 581 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions regarding the use
of water; or
- 583 (iii) give an advantage to another state, a tribe, the federal government, or other government entity in
negotiations regarding the use of water; and
- 585 (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:
- 588 (a) a complaint, or a document that is submitted or created for a complaint, received by the Prosecutor
Conduct Commission; or
- 590 (b) a finding by the Prosecutor Conduct Commission.
- 590 Section 3. Section **72-1-212** is amended to read:
- 591 **72-1-212. Special use permitting -- Rulemaking.**

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- 593 (1) As used in this section:
- 594 (a) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
- 596 (b) "Special use permit" means a permit issued:
- 597 (i) for a special use or a special event that takes place on a highway; or
- 598 (ii) to a law enforcement agency to install an automatic license plate reader on a state highway for
the purpose of capturing license plate data of vehicles traveling on a state highway, regardless of
whether the device is installed on property owned by the department or the law enforcement agency.
- 602 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in consultation
with representatives of the Utah League of Cities and Towns and the Utah Association of Counties,
the department shall make rules that are not inconsistent with this chapter or the constitution and
laws of this state or of the United States governing the issuance of a special use permit to maintain
public safety and serve the needs of the traveling public.
- 608 (3) The rules described in Subsection (2) may:
- 609 (a) establish the highways for which the highest number of special use permits are issued;
- 611 (b) develop, in consultation with municipalities, a limit on the number of special use permits that may
be issued in any calendar year on a particular highway;
- 613 (c) require a person to submit an application designated by the department before the department issues
a special use permit;
- 615 (d) limit the number of special use permits issued on any one day for any specified location based on a
first-come, first-served basis for completed applications;
- 617 (e) establish criteria for evaluating completed applications, such as historic use, potential economic
benefit, or other relevant factors;
- 619 (f) specify conditions that are required to be met before a special use permit may be issued;
- 621 (g) establish a penalty for failure to fulfill conditions required by the special use permit, including
suspension of the special use permit or suspension of a future special use permit;
- 624 (h) require an applicant to obtain insurance for certain special uses or special events; or
- 625 (i) provide other requirements to maintain public safety and serve the needs of the traveling public.
- 627 (4) The limit on the number of special use permits described in Subsection (3)(b) may not include:
- 629 (a) a special use permit issued for a municipality-sponsored special use or special event on a highway
within the jurisdiction of the municipality; or

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- (b) a special use permit issued to a law enforcement agency to install a device as part of an automatic license plate reader system authorized by Section ~~[41-6a-2003]~~ 77-23g-301.
- 634 (5) The rules described in Subsection (2) shall consider:
- 635 (a) traveler safety and mobility;
- 636 (b) the safety of special use or special event participants;
- 637 (c) emergency access;
- 638 (d) the mobility of residents close to the event or use;
- 639 (e) access and economic impact to businesses affected by changes to the normal operation of highway traffic;
- 641 (f) past performance of an applicant's adherence to special use permit requirements; and
- 642 (g) whether a law enforcement agency applying for a special use permit has published a policy online as required by Section ~~[41-6a-2003]~~ 77-23g-302.
- 644 (6) Notwithstanding any other provision of this chapter, the department may also require a law enforcement agency applying for a special use permit described in this section to obtain an encroachment permit.
- 647 (7) The department shall adopt a fee schedule in accordance with Section 63J-1-504 that reflects the cost of services provided by the department associated with special use permits and with special uses or special events that take place on a highway.
- 650 (8) For a device installed in accordance with Section ~~[41-6a-2003]~~ 77-23g-301, the installation, maintenance, data collection, and removal are the responsibility of the law enforcement agency that obtains the special use permit.
- 653 (9)
- (a) The department shall preserve a record of special use permits issued to a law enforcement agency, including the stated purpose for each permit.
- 655 (b) The department shall preserve a record identified in Subsection (9)(a) for at least five years.
- 656 Section 4. Section 4 is enacted to read:
- 659 **77-23g-101. Definitions.**
- 23g. Automatic License Plate Reader Act
1. Automatic License Plate Reader Act
- As used in this chapter:
- 662 (1) "Aggregated license plate data" means de-identified license plate data created by:

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- 663 (a) combining multiple sets of license plate data; and
- 664 (b) removing any information that relates to an identified or identifiable individual.
- 665 (2) "Anonymized" means the same as that term is defined in Section 63A-19-101.
- 666 (3) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section
667 63M-7-201.
- 666 (3){(4)} "Department" means the Department of Transportation created in Section 72-1-201.
- 667 (4){(5)} "Facial recognition" means the process of comparing an individual's image to an image database
668 for the purpose of identifying an individual.
- 669 (5){(6)} "Fixed license plate reader" means a license plate reader that remains in a stationary location and
670 is only able to obtain license plate data that passes within view of the license plate reader.
- 672 (6){(7)} "Government website" means the same as that term is defined in Section 63A-19-101.
- 673 (7){(8)}
- 674 (a) "Governmental entity" means the same as that term is defined in Section 63G-2-103.
- 675 (b) "Governmental entity" includes:
- 676 (i) a law enforcement agency, unless otherwise specified; and
- 677 (ii) an individual or entity acting as an agent of a governmental entity or acting on behalf of a
678 governmental entity.
- 679 (8){(9)} "Historical license plate data" means license plate data retained by a license plate reader provider
680 as described in Section 77-23g-501.
- 681 (9){(10)} "Hotlist" means a list or database containing information related to a vehicle believed to be
682 involved in criminal activity that is compared to license plate data to generate an alert when the
683 vehicle is identified.
- 684 (10){(11)} "Identify" or "identifying" means to search and review data captured by a license plate reader
685 to determine potential vehicles of interest in connection with:
- 686 (a) an active criminal investigation; or
- 687 (b) an authorized law enforcement use described in Section 77-23g-301.
- 688 (11){(12)}
- 689 (a) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
- 690 (b) "Law enforcement agency" includes a law enforcement officer as defined in Section 53-13-103.
- 692 (12){(13)}
- 693 (a) "License plate data" means any information collected by a license plate reader.

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- 693 (b) "License plate data" includes:
- 694 (i) information displayed on a license plate;
- 695 (ii) images of a vehicle or a license plate;
- 696 (iii) the date and time the image was captured; and
- 697 (iv) the global positioning system coordinates for the vehicle's location when the image was captured.
- 699 (13)(14) "License plate reader" means a computerized system of:
- 700 (a) automated high-speed cameras used to capture license plate data; and
- 701 (b) optical character recognition software that converts the license plate data into computer-readable
data.
- 703 (14)(15) "License plate reader provider" means an individual or entity who:
- 704 (a) provides or sells license plate readers to a governmental entity; and
- 705 (b) processes license plate data on behalf of the governmental entity.
- 706 (15)(16) "Locate" or "locating" means to use captured plate data to determine the last known location of
a known vehicle in connection with:
- 708 (a) an active criminal investigation; or
- 709 (b) an authorized law enforcement use described in Section 77-23g-301.
- 710 (16)(17) "Mobile license plate reader" means a license plate reader attached to a vehicle which captures
license plate data while the vehicle is moving or stationary.
- 712 (17)(18) "Nongovernmental entity" means an individual or entity that is not a governmental entity.
- 714 ~~{(18) {"Office" means the Utah Office of Data Privacy created in Section 63A-19-301.}}~~
- 715 (19) "Parking enforcement entity" means a governmental entity that is primarily responsible for:
- 717 (a) enforcing state and local parking regulations; or
- 718 (b) regulating the use of a parking facility.
- 719 (20) "Process" means the same as that term is defined in Section 63A-19-101.
- 720 (21) "Public transit district" means the same as that term is defined in Section 17B-2a-802.
- 721 (22) "Secured area" means an area, enclosed by clear boundaries, to which access is limited and not
open to the public and entry is only obtainable through specific access-control points.
- 724 (23) "State cooperative contract" means the same as that term is defined in Section 63G-6a-103.
- 726 (24)

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- (a) "Track" means the monitoring of geolocation information sufficient to determine the continuous movements of a vehicle of interest over a period greater than 72 hours after the vehicle was identified as a vehicle of interest.
- 729 (b) "Track" does not include the use of a hotlist alert to locate a vehicle of interest in order to take immediate enforcement action upon receipt of the alert or a search of historic license plate reader data.
- 732 (25) "Utah Inland Port Authority" means the Utah Inland Port Authority created in Section 11-58-201.
- 734 Section 5. Section 5 is enacted to read:
- 736 **77-23g-201. Governmental entity requirements -- Restrictions.**
2. Requirements for Automatic License Plate Readers and Providers
- 737 (1) A governmental entity may only use a license plate reader or process license plate data for a purpose described Section 77-23g-301 or Section 77-23g-401.
- 739 (2) A governmental entity authorized to use a license plate reader or process license plate data under this chapter shall:
- 741 (a) process the minimum amount of license plate data reasonably necessary to effectuate a purpose described in Section 77-23g-301 or Section 77-23g-401;
- 743 (b) require all employees of the governmental entity who use a license plate reader or process license plate data to receive training on:
- 745 (i) the requirements of this chapter; and
- 746 (ii) the governmental entity's policies regarding the use of a license plate reader or processing of license plate data;
- 748 (c) annually conduct an internal audit to ensure compliance with this chapter; and
- 749 (d) prominently post, on the governmental entity's government website, a public notice that describes:
- 751 (i) the governmental entity's purpose for using a license plate reader or processing license plate data;
- 753 (ii) a citation to this chapter and a description of the {~~legal authority that authorizes~~} authorization for the governmental entity to use a license plate reader or process license plate data; and
- 755 (iii) the retention period for the license plate data.
- 756 (3) A governmental entity may not use a license plate reader or process license plate data to:
- 757 (a) conduct facial recognition;
- 758 (b) target an individual based on the individual's exercise of rights protected by the First Amendment of the United States Constitution; or

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760 (c) discriminate against an individual based on the individual's race, color, religion, sex, national origin,
761 age, disability, or genetic information.

762 Section 6. Section 6 is enacted to read:

763 **77-23g-202. License plate reader provider requirements -- Restrictions.**

764 (1) A license plate reader provider shall:

765 (a) act with a duty of loyalty and care with respect to license plate data processed on behalf of the state
766 or a governmental entity, including an obligation to act in the best interests of the state and the
767 individuals whose data is processed;

768 (b) ensure that all license plate data is encrypted or otherwise rendered unusable, unreadable, or
769 indecipherable to an unauthorized individual through a security technology or methodology
770 generally accepted in the field of information security;

771 (c) on or before May 31, 2027, for a license plate reader provider that begins operation or is already
772 operational for a state or governmental entity, obtain {a yearly} an evaluation, conducted by
773 an independent third party, regarding the accuracy of the license plate reader that evaluates, at a
774 minimum:

775 (i) character-level accuracy;

776 (ii) full-plate accuracy;

777 (iii) false positive rate for hotlist and alert matching; and

778 (iv) error rates, disaggregated by plate type, plate jurisdiction, and video and imaging conditions;

779 (d) obtain a new or updated evaluation, conducted by an independent third party, whenever the license
780 plate reader provider implements a material change to the license plate reader system that may
781 reasonably be expected to impact accuracy, including changes to:

782 (i) hardware components or camera specifications;

783 (ii) optical character recognition, machine learning, or other recognition algorithms;

784 (iii) data processing, filtering, confidence scoring, or matching logic;

785 (iv) environmental or operational configurations that materially affect capture or recognition
786 performance; or

787 (v) any other system modification identified by the provider or evaluator as affecting accuracy;

788 (e) ensure that license plate provider systems sold to governmental entities in this state obtain and
789 maintain, at a minimum, across video and image conditions:

790 (i) {99} 90% character-level accuracy;

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- 792 (ii) ~~{99}~~ 90% full-plate accuracy;
- 793 (iii) ~~{1%-}~~ 10% or lower false positive rate for hotlist and alert matching;
- 794 (iv) ~~{1%-}~~ 10% or lower error rate for license plate type identification; and
- 795 (v) ~~{1%-}~~ 10% or lower error rate for license plate jurisdiction identification;
- 796 (f) provide the evaluation described in Subsection (1)(c) or (1)(d) to:
- 797 (i) the Division of Purchasing and General Services created in Section 63A-2-101, if the license plate reader provider has entered into a state cooperative contract to provide license plate readers to or process license plate data on behalf of a governmental entity; {and} or
- 801 (ii) a governmental entity that has directly entered into a contract with a license plate reader provider that is not based upon a state cooperative contract to provide license plate readers or process license plate data; and
- 804 (g) dispose of license plate reader data in accordance with the appropriate retention schedule.
- 806 (2) A license plate reader provider may only:
- 807 (a) process license plate data captured by a license plate reader owned or operated by a governmental entity for a purpose described in Section 77-23g-301 or Section 77-23g-401; {and}
- 812 (b) process license plate data from within the United States; and
- 810 (b){(c)} share license plate data captured by a license plate reader owned or operated by a governmental entity:
- 812 (i) in accordance with the requirements in Section 77-23g-502; and
- 813 (ii) if authorized by the governmental entity.
- 814 (3) A license plate reader provider may not sell or profit from license plate data captured by a license plate reader owned or operated by a governmental entity.
- 816 (4) A license plate reader provider shall ensure that the license plate reader system automatically collects, maintains, and is capable of generating an annual report containing, at a minimum, the following information for each law enforcement agency and government entity using the system during the reporting period:
- 820 (a) the number of license plate readers used, including:
- 821 (i) fixed license plate readers, organized by zip code; and
- 822 (ii) mobile license plate readers;
- 823 (b) the specific location of fixed position license plate readers used by latitude and longitude coordinates;

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- 825 (c) the number of vehicles from which license plate data was obtained;
826 (d) the number of alerts generated by a hotlist;
827 (e) the number of searches conducted on license plate data, including for each search:
828 (i) the date and time of the search;
829 (ii) the stated purpose of the search;
830 (iii) the associated case number, if applicable; and
831 (iv) the identifier of the user performing the search; and
832 (f) for a law enforcement agency, the number of warrants obtained and provided to the license plate reader provided for license plate data originating from a nongovernmental entity.

838 (5) A license plate reader provider shall:

835 (5){(a)} ~~{A license plate reader provider shall}~~ provide a standardized query, export, or dashboard capability that allows the law enforcement agency or governmental entity to generate the report without manual data entry{-}; and

842 (b) provide the report described in Subsection (4) to the commission as described in Section 77-23g-503.

844 Section 7. Section 7 is enacted to read:

845 **77-23g-203. Hotlist requirements.**

840 (1) A governmental entity may:

841 (a) compare license plate data to a hotlist to generate a real-time alert only:

842 (i) for a purpose described in Section 77-23g-301 or Section 77-23g-401; and

843 (ii) if the hotlist used to generate an alert is updated at least once every 24 hours; and

844 (b) add vehicle or license plate information to a hotlist only if:

845 (i) the vehicle or license plate information relates to an authorized purpose described in Section 77-23g-301 or Section 77-23g-401; and

847 (ii) the governmental entity has {a-} adopted the policy of the Utah Criminal Justice Information System or the governmental entity's own policy that describes the criteria and procedure for adding vehicle or license plate information to a hotlist.

849 (2) A law enforcement agency may stop a vehicle or engage an occupant of a vehicle based on a hotlist alert only if:

851 (a) the hotlist alert is related to an authorized law enforcement purpose described in Section 77-23g-301; and

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853 (b) the law enforcement agency {confirms} reasonably attempts to confirm, before stopping the vehicle
or engaging the occupant, that the vehicle or occupant matches the information described in the
hotlist.

863 Section 8. Section 8 is enacted to read:

865 **77-23g-301. Authorized law enforcement purposes.**

3. Law Enforcement Use of Automatic License Plate Readers

859 (1) A law enforcement agency may only use a license plate reader or process license plate data as
authorized in this section.

861 (2) If a law enforcement agency has developed reasonable articulable suspicion that criminal activity is
occurring or has occurred, the law enforcement agency may conduct a historical search of license
plate data or use a hotlist to generate an alert for the purpose of:

865 (a) identifying a vehicle that may have been involved in the criminal activity; or

866 (b) determining where a vehicle believed to be involved in the criminal activity previously traveled.

868 (3) Notwithstanding the requirements of Subsection (2), a law enforcement agency may conduct a
historical search of license plate data or use a hotlist to generate an alert for the purpose of:

871 (a) locating:

872 (i) a stolen vehicle; or

873 (ii) a missing or endangered individual; or

874 (b) apprehending an individual with an outstanding {felony} criminal warrant.

882 (4) In addition to the uses authorized in Subsection (2), a law enforcement agency may use a mobile
license plate reader to:

884 (a) verify valid vehicle registration information; or

885 (b) verify vehicle insurance information.

886 Section 9. Section 9 is enacted to read:

887 **77-23g-302. Law enforcement restrictions.**

877 (1) A law enforcement agency may not use a license plate reader or process license plate data to:

879 (a) track a vehicle's continuous movements, unless the law enforcement agency has obtained a state or
federal warrant based upon a showing of probable cause that the vehicle, the driver, or the registered
owner are relevant and material to an existing open and active criminal investigation; or

883 {~~(b) {initiate an investigation; or}~~}

884 (c){(b)} establish reasonable suspicion that a crime has occurred or is occurring.

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- 885 (2) A law enforcement agency may only process license plate data captured by a license plate reader
886 owned or operated by a nongovernmental entity {if} :
- 887 (a) if the law enforcement agency:
- 888 (i) processes the nongovernmental entity's license plate data for an authorized purpose described in
889 Section 77-23g-301; and
- 890 (ii) has obtained a state or federal warrant authorizing the use of the nongovernmental entity's license
891 plate data; or
- 902 (b) without a warrant, if:
- 892 (b){(i)} in an exigent circumstance:
- 893 (i){(A)} the law enforcement agency believes processing the nongovernmental entity's license plate
894 data is necessary to prevent serious harm to an individual; and
- 895 (ii){(B)} the nongovernmental entity consents to the law enforcement agency's processing of the
896 nongovernmental entity's license plate data{:} ; or
- 908 (ii) in a circumstance that is not an exigent circumstance:
- 909 (A) the license plate data was captured by a license plate reader not owned by a governmental entity;
- 910 (B) the data relates to a specific criminal incident that occurred in a location observable from or on the
911 premises where the license plate reader is located;
- 912 (C) the nongovernmental entity voluntarily consents, on a per-incident basis, to provide only the
913 specific footage or data reasonably related to that incident; and
- 914 (D) the disclosure does not provide the law enforcement agency with ongoing access to the
915 nongovernmental entity's license plate reader system or historical database beyond the specific
916 incident.
- 897 (3) A fixed license plate reader may only be placed on a state highway if:
- 898 (a) a law enforcement agency has obtained a special use permit as described in Section 72-1-212 from
899 the department; and
- 900 (b) the special use permit is prominently posted on the law enforcement agency's government website.
- 902 Section 10. Section 10 is enacted to read:
- 903 **77-23g-303. Reporting requirements for law enforcement agencies.**
- 904 (1) On or before December 31 of each year, a law enforcement agency that uses a license plate reader
905 shall:

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(a) generate and review the annual license plate reader report created pursuant to Subsection 77-23g-202(6); and

908 (b) verify the accuracy of the report.

909 (2) The law enforcement agency shall:

910 (a) maintain the report described in Subsection (1) as a protected record;

911 (b) file the report as part of the law enforcement agency's annual privacy program report described in Section 63A-19-401.3; and

913 (c) retain the report for a minimum of five years.

923 Section 10. Section **10** is enacted to read:

925 **77-23g-401. Authorized governmental entity purposes.**

4. Governmental Entity Use of Automatic License Plate Readers

917 (1) A governmental entity that is not a law enforcement agency may only use a license plate reader or process license plate data as described in this section.

919 (2) A parking enforcement entity may only use a license plate reader or process license plate data for the purpose of:

921 (a) enforcing state and local parking regulations; or

922 (b) regulating a parking facility.

923 (3) A government entity that maintains a secured area may only use a license plate reader or process license plate data for the purpose of controlling access to the secured area.

925 (4) The department may only use a license plate reader or process license plate data for the purpose of:

927 (a) collecting an electronic toll on a highway as described in Section 72-6-118; or

928 (b) enforcing motor carrier laws.

929 (5) A public transit district may only use a license plate reader or process license plate data for the purpose of assessing parking needs or conducting a travel pattern analysis.

931 (6) An educational institution within the Utah System of Higher Education described in Section 53B-1-102 may only use a license plate reader or process license plate data if the license plate data:

934 (a) is anonymized; and

935 (b) is used for research and educational purposes.

936 (7) The Utah Inland Port Authority, or a contractor of the Utah Inland Port Authority, may only use a license plate reader or process license plate data for the purpose of improving supply chain

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efficiency or the efficiency of the movement of goods and analyzing and researching data related to commercial vehicle traffic if:

- 940 (a) the Utah Inland Port Authority's board has approved the use of a license plate reader;
941 (b) the license plate reader is only used within a project area of the Utah Inland Port Authority; and
943 (c) the license plate data is anonymized.
944 (8) An international airport may only use a license plate reader or process license plate data for the purpose of promoting efficient regulation and implementation of traffic control and direction, parking, security, and other similar operational objectives on the airport campus.

957 Section 11. Section 11 is enacted to read:

958 **77-23g-402. Governmental entity restrictions.**

A governmental entity that is not a law enforcement agency may not process license plate data captured by a license plate reader owned or operated by a nongovernmental entity.

952 Section 13. Section 13 is enacted to read:

953 **77-23g-403. Reporting requirements for governmental entities.**

- 954 (1) On or before December 31 of each year, a governmental entity that is not a law enforcement agency shall:
956 (a) generate and review the annual license plate reader report created pursuant to Subsection 77-23g-202(6); and
958 (b) verify the accuracy of the report.
959 (2) The governmental entity shall:
960 (a) maintain the report as a protected record;
961 (b) file the report as part of the governmental entity's annual privacy program report described in Section 63A-19-401.3; and
963 (c) retain the report for a minimum of five years.

961 Section 12. Section 12 is enacted to read:

963 **77-23g-501. License plate data -- Retention.**

5. Disclosure of License Plate Data

- 967 (1) Except as provided in this section, a governmental entity that uses a license plate reader shall delete or destroy, in a manner that makes the data unrecoverable, the license plate data within {90} 150 days from the date on which the license plate data was captured.
970 (2) A governmental entity may retain license plate data beyond {90} 150 days:

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- 971 (a) for criminal matters, if the license plate data:
972 (i) is intended to be used as evidence in an ongoing criminal investigation or prosecution; and
974 (ii) is retained in accordance with Title 77, Chapter 11c, Retention of Evidence; or
975 (b) for civil matters, if the license plate data is:
976 (i) related to an ongoing civil enforcement action; and
977 (ii) retained in accordance with the Utah Rules of Civil Procedure.
978 (3) For license plate data used by the department for the purposes described in Section 72-6-118, the
department:
980 (a) is exempt from the {90-day} 150-day preservation requirement described in Subsection (1); and
981 (b) shall delete or destroy the license plate data, in a manner that makes the data unrecoverable, as soon
as reasonably possible.
983 (4) A governmental entity may retain aggregated license plate data beyond {90-} 150 days for planning
and statistical purposes.
982 Section 13. Section 13 is enacted to read:
983 **77-23g-502. Disclosure of license plate data.**
987 (1) License plate data captured by a license plate reader owned or operated by a governmental entity:
989 {(a) {is the property of the state as described in Section 63A-12-105;}}
990 (b)(a) is a protected record in accordance with Section 63G-2-305; and
991 (c)(b) may not be shared with or disclosed to a nongovernmental entity.
992 (2) A governmental entity may only share license plate data captured by a license plate reader owned or
operated by the governmental entity:
994 (a) in accordance with the sharing provisions in Section 63G-2-206;
995 (b) for an authorized purpose described in Section 77-23g-301 or Section 77-23g-401;
996 (c) if the receiving entity performs the same or similar duties as the sharing entity; and
997 (d) the sharing entity enters into a data sharing agreement with the receiving entity whereby the
receiving entity agrees to:
999 (i) comply with the requirements in this chapter; and
1000 (ii) only use the license plate data for an authorized purpose described in Section 77-23g-301 or Section
77-23g-401.

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(3) A court may order the disclosure of license plate data in a criminal or civil matter if the court finds that the license plate data is relevant and material to an ongoing investigation, prosecution, or enforcement action.

1001 Section 14. Section 14 is enacted to read:

1002 **77-23g-503. Report on the disclosure of license plate data.**

1007 (1) ~~{On-}~~ Beginning on or before ~~{February 1}~~ December 31, 2027, and on or before December 31 of each subsequent year, the ~~{office-}~~ commission shall ~~{request-}~~ receive from ~~{law enforcement agencies and governmental entities copies of}~~ each license plate reader provider the ~~{report-}~~ reports described in ~~{Subsections 77-23g-303(2) and 77-23g-403(2)}~~ Subsection 77-23g 202(4).

1010 (2) The ~~{office-}~~ commission shall ~~{, in coordination with the Utah Privacy Commission}~~ :

1011 (a) review and analyze reports received from {law enforcement agencies and governmental entities} license plate reader providers;

1013 (b) evaluate the geographic concentration, placement, and density of license plate reader cameras;

1015 (c) assess the minimum accuracy standards that license plate reader systems must meet to be used for law enforcement and governmental entity purposes;

1012 (d) recommend to the Legislature:

1017 (d){(i)} ~~{recommend to the Legislature}~~ adjustments to minimum accuracy thresholds and camera concentration limits to be codified in statute; and

1015 (ii) adjustments for authorizing access to nongovernmental entity license plate reader data to be codified in statute; and

1019 (e) develop recommendations to improve license plate reader data collection, processing, retention, and access practices in order to appropriately balance public safety objectives with individual privacy and transparency interests.

1020 (3) The report described in Subsection (1) is a protected record under Section 63G-2-305.

1021 Section 15. Section 15 is enacted to read:

1022 **77-23g-504. Annual report from State Commission on Criminal and Juvenile Justice.**

1024 (1) On or before November 30 of each year, the commission shall provide a report as described in this section to the Law Enforcement and Criminal Justice Interim Committee.

1027 (2) The commission shall include in the report:

1028 (a) an evaluation of license plate reader technology and accuracy;

1029 (b) data regarding retention practices and frequency of access of retained data over time;

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- 1030 (c) data regarding sharing of license plate data among governmental entities and from private entities;
1032 (d) an evaluation of administrative burdens and costs with regard to data retention; and
1033 (e) any other information the commission determines relevant.
1034 (3) The commission may include in the report recommendations for legislation.

1035 Section 16. Section 16 is enacted to read:

1037 **77-23g-601. Penalties.**

6. Penalties and ~~{Private Right}~~ Enforcement Powers of ~~{Action}~~ the Attorney General
- 1025 (1) An individual who knowingly or intentionally uses, or discloses a license plate reader or processes
license plate data in violation of this chapter is guilty of a class B misdemeanor.
- 1028 (2) A governmental entity may take disciplinary action, which may include suspension or discharge,
against any employee of the governmental entity who intentionally violates any provision of this
chapter.

1044 Section 17. Section 17 is enacted to read:

1045 **77-23g-602. ~~{Private right}~~ Enforcement powers of ~~{action}~~ the attorney general.**

- 1046 (1) Notwithstanding Subsection 77-23g-601(2), the attorney general has the exclusive authority to
enforce this chapter.
- 1033 (1){(2)} ~~{A}~~ The attorney general may initiate an enforcement action against a license plate reader
provider ~~{is subject to a private right of action}~~ for ~~{failing to comply with the requirements}~~ a
violation of this chapter ~~{and may be liable for:}~~ .
- 1050 (3)
- (a) At least 30 days before the day on which the attorney general initiates an enforcement action against
a license plate reader provider, the attorney general shall provide the provider:
- 1053 (i) written notice identifying each provision of this chapter the attorney general alleges the
controller or processor has violated or is violating; and
- 1055 (ii) an explanation of the basis for each allegation.
- 1056 (b) The attorney general may not initiate an action if the provider:
- 1057 (i) cures the noticed violation within 30 days after the day on which the controller or processor receives
the written notice described in Subsection (3)(a); and
- 1059 (ii) provides the attorney general an express written statement that:
- 1060 (A) the violation has been cured; and
- 1061 (B) no further violation of the cured violation will occur.

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- 1062 (c) The attorney general may initiate an action against a provider who:
1063 (i) fails to cure a violation after receiving the notice described in Subsection (3)(a); or
1064 (ii) after curing a noticed violation and providing a written statement in accordance with Subsection (3)
(b), continues to violate this chapter.
1066 (d) In an action described in Subsection (3)(c), the attorney general may recover:
1035 (a){(i) {~~economic, non-economic, or punitive~~} actual damages to the consumer; and
1036 {(b) {~~attorney fees and costs.~~}}
1037 {(2) {~~An individual may obtain equitable remedies, including an injunction, a writ of mandamus, or a~~
declaratory judgment for any violation of this chapter.}}
1068 (ii) for each violation described in Subsection (3)(c), an amount not to exceed \$2,500.

1069 Section 18. **Repealer.**

This Bill Repeals:

- 1070 This bill repeals:
1071 Section **41-6a-2001, Title.**
1072 Section **41-6a-2002, Definitions.**
1073 Section **41-6a-2003, Automatic license plate reader systems -- Restrictions.**
1074 Section **41-6a-2004, Captured plate data -- Preservation and disclosure.**
1075 Section **41-6a-2005, Preservation request.**
1076 Section **41-6a-2006, Penalties.**
1077 Section 19. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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