

# HB0386S03 compared with HB0386

~~{Omitted text}~~ shows text that was in HB0386 but was omitted in HB0386S03

inserted text shows text that was not in HB0386 but was inserted into HB0386S03

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1

## Immigration Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor:

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### LONG TITLE

4

#### General Description:

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This bill amends provisions relating to immigration.

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#### Highlighted Provisions:

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This bill:

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▸ ~~{repeals:}~~

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▸ extends the effective date for the implementation of:

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• the Utah Pilot Sponsored Resident Immigrant Program Act;

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• the Guest Worker Program and related employee verification provisions; and

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• ~~{the Utah Pilot Sponsored Resident Immigrant Program Act;}~~

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▸ ~~{eliminates the repeal of the Private Employer Verification Act that is scheduled to occur on the Guest Worker Program start date;}~~

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▸ ~~{causes the Identity Theft Victims Restricted Account (account) to go into effect by removing the requirement that the account go into operation on the Guest Worker Program start date; and}~~

16

▸ makes technical and conforming changes.

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12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

23 ~~{13-2-11, as enacted by Laws of Utah 2024, Chapter 101}~~

24 ~~{13-47-102, as last amended by Laws of Utah 2014, Chapter 189}~~

25 ~~{17-72-802, as renumbered and amended by Laws of Utah 2025, First Special Session,  
Chapter 13}~~

27 ~~{34-50-102, as last amended by Laws of Utah 2023, Chapter 44}~~

28 ~~{52-4-205, as last amended by Laws of Utah 2025, Chapter 391}~~

29 ~~{53-13-106.13, as enacted by Laws of Utah 2024, Chapter 130}~~

30 ~~{63G-2-206, as last amended by Laws of Utah 2019, Chapter 334}~~

31 ~~{63G-2-305, as last amended by Laws of Utah 2025, First Special Session, Chapter 17}~~

32 ~~{63G-2-305.5, as last amended by Laws of Utah 2024, Chapter 135}~~

33 ~~{63G-12-102, as last amended by Laws of Utah 2025, First Special Session, Chapter 9}~~

34 ~~{63G-12-103, as last amended by Laws of Utah 2012, Chapter 369}~~

35 ~~{63G-12-106, as last amended by Laws of Utah 2025, Chapter 173}~~

18 **63G-12-202, as last amended by Laws of Utah 2016, Chapter 81**

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36 ~~{63G-12-401, as last amended by Laws of Utah 2011, Chapter 20 and renumbered and  
amended by Laws of Utah 2011, Chapter 18}~~

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19 **63G-14-201, as last amended by Laws of Utah 2016, Chapter 81**

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38 ~~{63I-2-213, as last amended by Laws of Utah 2025, Chapter 277}~~

39 ~~{63M-14-205, as last amended by Laws of Utah 2024, Chapter 135}~~

40 ~~{63N-16-201, as last amended by Laws of Utah 2024, Chapters 135, 400}~~

41 ~~{67-5-22.7, as last amended by Laws of Utah 2025, Chapter 173}~~

42 ~~{76-14-209, as renumbered and amended by Laws of Utah 2025, Chapter 173}~~

REPEALS:

44 ~~{63G-12-101, as enacted by Laws of Utah 2011, Chapter 18}~~

45 ~~{63G-12-201, as enacted by Laws of Utah 2011, Chapter 18}~~

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46 {63G-12-202, as last amended by Laws of Utah 2016, Chapter 81}  
47 {63G-12-203, as enacted by Laws of Utah 2011, Chapter 18}  
48 {63G-12-204, as enacted by Laws of Utah 2011, Chapter 18}  
49 {63G-12-205, as enacted by Laws of Utah 2011, Chapter 18}  
50 {63G-12-206, as enacted by Laws of Utah 2011, Chapter 18}  
51 {63G-12-207, as enacted by Laws of Utah 2011, Chapter 18}  
52 {63G-12-208, as enacted by Laws of Utah 2011, Chapter 18}  
53 {63G-12-209, as last amended by Laws of Utah 2016, Chapter 144}  
54 {63G-12-210, as enacted by Laws of Utah 2011, Chapter 18}  
55 {63G-12-211, as enacted by Laws of Utah 2011, Chapter 18}  
56 {63G-12-212, as enacted by Laws of Utah 2011, Chapter 18}  
57 {63G-12-301, as enacted by Laws of Utah 2011, Chapter 18}  
58 {63G-12-302, as renumbered and amended by Laws of Utah 2011, Chapter 18}  
59 {63G-12-303, as enacted by Laws of Utah 2011, Chapter 18}  
60 {63G-12-304, as enacted by Laws of Utah 2011, Chapter 18}  
61 {63G-12-305, as enacted by Laws of Utah 2011, Chapter 18}  
62 {63G-12-306, as last amended by Laws of Utah 2022, Chapter 447}  
63 {63G-14-101, as enacted by Laws of Utah 2011, Chapter 20}  
64 {63G-14-102, as enacted by Laws of Utah 2011, Chapter 20}  
65 {63G-14-201, as last amended by Laws of Utah 2016, Chapter 81}  
66 {63G-14-202, as enacted by Laws of Utah 2011, Chapter 20}  
67 {63G-14-203, as enacted by Laws of Utah 2011, Chapter 20}  
68 {63G-14-204, as enacted by Laws of Utah 2011, Chapter 20}  
69 {63G-14-205, as enacted by Laws of Utah 2011, Chapter 20}  
70 {63G-14-206, as enacted by Laws of Utah 2011, Chapter 20}  
71 {63G-14-301, as enacted by Laws of Utah 2011, Chapter 20}  
72 {63G-14-302, as enacted by Laws of Utah 2011, Chapter 20}

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

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{Section 1. Section 13-2-11 is amended to read: }

76

**13-2-11. Publication of consumer complaints.**

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- 77 (1) As used in this section:
- 78 (a) "Consumer complaint" means a complaint that:
- 79 (i) is provided to the division;
- 80 (ii) alleges facts relating to conduct that the division regulates under Section 13-2-1; and
- 82 (iii) may contain:
- 83 (A) information that identifies a respondent; and
- 84 (B) a narrative description of and information relevant to the conduct described in Subsection (1)(a)(ii).
- 86 (b) "Consumer narrative" means the narrative description contained in a consumer complaint as described in Subsection (1)(a)(iii)(B).
- 88 (c) "Filer" means a person who files a consumer complaint.
- 89 (d) "Respondent" means a person against whom a filer files a consumer complaint.
- 90 (2)
- (a) A consumer complaint is a protected record as provided in Subsection  
[63G-2-305(87)] 63G-2-305(86).
- 92 (b) In carrying out the division's duties, the division may not publicly disclose the identity of a person the division investigates unless:
- 94 (i) the person's identity becomes a matter of public record in an enforcement proceeding; or
- 96 (ii) the person consents to public disclosure.
- 97 (3) Notwithstanding Subsection (2):
- 98 (a) the division may reclassify a consumer complaint as public if:
- 99 (i)
- (A) the consumer complaint is one of at least 10 consumer complaints filed with the division against the same person, alleging the same or similar conduct, and during the 12-month period immediately preceding the day on which the filer files the consumer complaint;
- 103 (B) the consumer complaint does not contain information that an agreement with another state or federal agency or a condition of participation in an investigation or litigation requires the division keep confidential;
- 106 (C) the consumer complaint is not classified as controlled, private, or protected as described in Sections 63G-2-302 through 63G-2-305, for a reason other than that identified by Subsection [63G-2-305(87)] 63G-2-305(86); and
- 109 (D) access to the record is not restricted as described by Subsection 63G-2-201(3)(b); or

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- 111 (ii) the division takes public enforcement action against a respondent as a result of the consumer  
complaint; and
- 113 (b) the division may disclose a consumer complaint to the respondent.
- 114 (4) In determining the number of complaints against the same person in accordance with Subsection  
(3)(a)(i)(A), the division may consider consumer complaints that are filed against multiple entities  
under common ownership as consumer complaints against the same person.
- 118 (5) A respondent's initial, written response to a consumer complaint that is public under Subsection (3)  
is a public record.
- 120 (6) Before making a consumer complaint that is reclassified as public under Subsection (3), or a  
response described in Subsection (5), available to the public, the division:
- 122 (a) shall redact from the consumer complaint or the response any information that would disclose:
- 124 (i) the filer's:
- 125 (A) address;
- 126 (B) social security number;
- 127 (C) bank account information;
- 128 (D) email address; or
- 129 (E) telephone number; or
- 130 (ii) information similar in nature to the information described in Subsection (6)(a)(i); and
- 132 (b) may redact the filer's name and any other information that could, in the division's judgment, disclose  
the filer's identity.
- 134 (7) If the division discloses the consumer complaint to the respondent as described in Subsection (3)(b),  
the division may redact the filer's:
- 136 (a) bank account information;
- 137 (b) social security number;
- 138 (c) name and any other information that could, in the division's judgment, disclose the filer's identity, if  
the filer requests anonymity; and
- 140 (d) other information the disclosure of which constitutes a clearly unwarranted invasion of personal  
privacy.
- 142 (8) Nothing in this section precludes the division from disclosing a consumer complaint in accordance  
with Section 63G-2-201.

144 ~~{Section 2. Section 13-47-102 is amended to read: }~~

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145 **13-47-102. Definitions.**

As used in this chapter:

147 (1) "Department" means the Department of Commerce.

148 (2) "Employee" means an individual:

149 (a) who is hired to perform services in Utah; and

150 (b) to whom a private employer provides a federal form required for federal taxation purposes to report income paid to the individual for the services performed.

152 (3)

[~~(a) Except as provided in Subsection (3)(b), "private~~] "Private employer" means a person who for federal taxation purposes is required to provide a federal form:

154 [~~(i)~~] (a) to an individual who performs services for the person in Utah; and

155 [~~(ii)~~] (b) to report income paid to the individual who performs the services.

156 [~~(b) "Private employer" does not mean a public employer as defined in Section 63G-12-102.~~]

158 (4)

(a) "Status verification system" means an electronic system operated by the federal government, through which an employer may inquire to verify the federal legal working status of an individual who is a newly hired employee.

161 (b) "Status verification system" includes:

162 (i) the electronic verification of the work authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. Sec. 1324a;

165 (ii) a federal program equivalent to the program described in Subsection (4)(b)(i) that is designated by the United States Department of Homeland Security or other federal agency authorized to verify the employment eligibility status of a newly hired employee [~~pursuant to~~] in accordance with the Immigration Reform and Control Act of 1986;

170 (iii) the Social Security Number Verification Service or similar online verification process implemented by the United States Social Security Administration; or

172 (iv) an independent third-party system with an equal or higher degree of reliability as the programs, systems, or processes described in Subsection (4)(b)(i), (ii), or (iii).

174 ~~{Section 3. Section 17-72-802 is amended to read: }~~

175 **17-72-802. Prohibition on providing copy of booking photograph -- Statement required -- Victim access -- Criminal liability for false statement -- Remedy for failure to remove or delete.**

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- 178 (1) As used in this section:
- 179 (a) "Booking photograph" means a photograph or image of an individual that is generated:
- 181 (i) for identification purposes; and
- 182 (ii) when the individual is booked into a county jail.
- 183 (b) "Publish-for-pay publication" or "publish-for-pay website" means a publication or website that  
requires the payment of a fee or other consideration in order to remove or delete a booking  
photograph from the publication or website.
- 186 (2)
- (a) A sheriff may not provide a copy of a booking photograph in any format to a person requesting a  
copy of the booking photograph if:
- 188 (i) the booking photograph will be placed in a publish-for-pay publication or posted to a publish-  
for-pay website; or
- 190 (ii) the booking photograph is a protected record under Subsection  
[~~63G-2-305(80)~~] 63G-2-305(79).
- 192 (b)
- (i) A sheriff shall display a copy of a booking photograph to a person requesting to view the booking  
photograph if:
- 194 (A)
- (I) the person making the request is an alleged victim of a crime that resulted in the creation of the  
booking photograph; and
- 196 (II) subject to Utah Rules of Evidence, Rule 617, the prosecuting agency with jurisdiction consents to  
the request; or
- 198 (B) if an alleged victim is deceased or incapacitated, the person making the request is an immediate  
family member, guardian, or conservator of an alleged victim of the crime that resulted in the  
creation of the booking photograph.
- 201 (ii) A person entitled to view a booking photograph under Subsection (2)(b)(i) is not permitted to:
- 203 (A) retain the booking photograph;
- 204 (B) make a copy, take a picture of, or otherwise reproduce the booking photograph; or
- 206 (C) disseminate or distribute the booking photograph.
- 207 (3)

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- 211 (a) A person who requests a copy of a booking photograph from a sheriff shall, at the time of making  
the request, submit a statement signed by the person affirming that the booking photograph will not  
be placed in a publish-for-pay publication or posted to a publish-for-pay website.
- 213 (b) A person who submits a false statement under Subsection (3)(a) is subject to criminal liability as  
provided in Section 76-8-504.
- 217 (4)
- 220 (a) Except as provided in Subsection (5), a publish-for-pay publication or a publish-for-pay website  
shall remove and destroy a booking photograph of an individual who submits a request for removal  
and destruction within 30 calendar days after the day on which the individual makes the request.
- 224 (b) A publish-for-pay publication or publish-for-pay website described in Subsection (4)(a) may not  
condition removal or destruction of the booking photograph on the payment of a fee in an amount  
greater than \$50.
- 227 (c) If the publish-for-pay publication or publish-for-pay website described in Subsection (4)(a) does not  
remove and destroy the booking photograph in accordance with Subsection (4)(a), the publish-for-  
pay publication or publish-for-pay website is liable for:
- 230 (i) all costs, including reasonable attorney fees, resulting from any legal action the individual brings in  
relation to the failure of the publish-for-pay publication or publish-for-pay website to remove and  
destroy the booking photograph; and
- 234 (ii) a civil penalty of \$50 per day for each day after the 30-day deadline described in Subsection (4)(a)  
on which the booking photograph is visible or publicly accessible in the publish-for-pay publication  
or on the publish-for-pay website.
- 235 (5)
- 236 (a) A publish-for-pay publication or a publish-for-pay website shall remove and destroy a booking  
photograph of an individual who submits a request for removal and destruction within seven  
calendar days after the day on which the individual makes the request if:
- 239 (i) the booking photograph relates to a criminal charge:
- (A) on which the individual was acquitted or not prosecuted; or
- (B) that was expunged, vacated, or pardoned; and
- (ii) the individual submits, in relation to the request, evidence of a disposition described in  
Subsection (5)(a)(i).

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(b) If the publish-for-pay publication or publish-for-pay website described in Subsection (5)(a) does not remove and destroy the booking photograph in accordance with Subsection (5)(a), the publish-for-pay publication or publish-for-pay website is liable for:

243 (i) all costs, including reasonable attorney fees, resulting from any legal action that the individual brings  
in relation to the failure of the publish-for-pay publication or publish-for-pay website to remove and  
destroy the booking photograph; and

246 (ii) a civil penalty of \$100 per day for each day after the seven-day deadline described in Subsection  
(5)(a) on which the booking photograph is visible or publicly accessible in the publish-for-pay  
publication or on the publish-for-pay website.

250 (c) An act of a publish-for-pay publication or publish-for-pay website described in Subsection (5)(a)  
that seeks to condition removal or destruction of the booking photograph on the payment of any fee  
or amount constitutes theft by extortion under Section 76-6-406.

254 ~~{Section 4. Section 34-50-102 is amended to read: }~~

### 255 **34-50-102. Definitions.**

As used in this chapter:

257 (1) "Department" means the Department of Veterans and Military Affairs, created in Section  
71A-1-201.

259 (2) "Discharge document" means a document received by a service member upon separation from  
military service, including:

261 (a) a DD 214, United States Department of Defense Certificate of Release or Discharge from Active  
Duty;

263 (b) a DD 256, United States Department of Defense Honorable Discharge Certificate;

264 (c) a DD 257, United States General Discharge Certificate; or

265 (d) an NGB 22, Utah National Guard Certificate of Release or Discharge.

266 (3) "Employee" means an individual employed by an employer under a contract for hire.

267 (4) "Employer" means a person who has one or more employees employed in the same business, or in  
or about the same establishment, under any contract of hire, express or implied, oral or written.

270 ~~[(3)]~~ (5) "Preference eligible" means the same as that term is defined in Section 71A-2-101.

271 ~~[(4)]~~ (6) "Private employer" means ~~[the same as that term is defined in Section 63G-12-102]~~ an  
employer who is not the federal government or a public employer.

273 (7) "Public employer" means an employer that is:

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- 274 (a) the state of Utah or any administrative subunit of the state;  
275 (b) an institution of higher education, as that term is defined in Section 53H-1-101;  
276 (c) a political subdivision of the state including a county, city, town, school district, special district, or  
special service district; or  
278 (d) an administrative subunit of a political subdivision.
- 279 [(5)] (8) "Service member" means a currently serving member of the armed forces.  
280 [(6)] (9) "Veteran" means the same as that term is defined in Section 68-3-12.5.
- 281 ~~{Section 5. Section 52-4-205 is amended to read: }~~
- 282 **52-4-205. Purposes of closed meetings -- Certain issues prohibited in closed meetings.**
- 284 (1) A closed meeting described under Section 52-4-204 may only be held for:  
285 (a) except as provided in Subsection (3), discussion of the character, professional competence, or  
physical or mental health of an individual;  
287 (b) strategy sessions to discuss collective bargaining;  
288 (c) strategy sessions to discuss pending or reasonably imminent litigation;  
289 (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of  
a water right or water shares, or to discuss a proposed development agreement, project proposal, or  
financing proposal related to the development of land owned by the state or a political subdivision,  
if public discussion would:  
294 (i) disclose the appraisal or estimated value of the property under consideration; or  
295 (ii) prevent the public body from completing the transaction on the best possible terms;  
297 (e) strategy sessions to discuss the sale of real property, including any form of a water right or water  
shares, if:  
299 (i) public discussion of the transaction would:  
300 (A) disclose the appraisal or estimated value of the property under consideration; or  
302 (B) prevent the public body from completing the transaction on the best possible terms;  
304 (ii) the public body previously gave public notice that the property would be offered for sale; and  
306 (iii) the terms of the sale are publicly disclosed before the public body approves the sale;  
308 (f) discussion regarding deployment of security personnel, devices, or systems;  
309 (g) investigative proceedings regarding allegations of criminal misconduct;  
310 (h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the  
receipt or review of ethics complaints;

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- 312 (i) as relates to an ethics committee of the Legislature, a purpose permitted under Section 52-4-204;
- 314 (j) as relates to the Independent Executive Branch Ethics Commission created in Section 63A-14-202,  
conducting business relating to an ethics complaint;
- 316 (k) as relates to a county legislative body, discussing commercial information as defined in Section  
59-1-404;
- 318 (l) as relates to the Utah Higher Education Savings Board of Trustees and its appointed board of  
directors, discussing fiduciary or commercial information;
- 320 (m) deliberations, not including any information gathering activities, of a public body acting in the  
capacity of:
- 322 (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code, during the process of  
evaluating responses to a solicitation, as defined in Section 63G-6a-103;
- 325 (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a decision on a  
protest under Title 63G, Chapter 6a, Part 16, Protests; or
- 327 (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement Code, during the  
process of deciding an appeal under Title 63G, Chapter 6a, Part 17, Procurement Appeals Board;
- 330 (n) the purpose of considering information that is designated as a trade secret, as defined in Section  
13-24-2, if the public body's consideration of the information is necessary to properly conduct a  
procurement under Title 63G, Chapter 6a, Utah Procurement Code;
- 334 (o) the purpose of discussing information provided to the public body during the procurement process  
under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of the meeting:
- 337 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be disclosed to a  
member of the public or to a participant in the procurement process; and
- 340 (ii) the public body needs to review or discuss the information to properly fulfill its role and  
responsibilities in the procurement process;
- 342 (p) as relates to the governing board of a governmental nonprofit corporation, as that term is defined  
in Section 11-13a-102, the purpose of discussing information that is designated as a trade secret, as  
that term is defined in Section 13-24-2, if:
- 345 (i) public knowledge of the discussion would reasonably be expected to result in injury to the owner of  
the trade secret; and
- 347 (ii) discussion of the information is necessary for the governing board to properly discharge the board's  
duties and conduct the board's business;

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- 349 (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board, to review  
confidential information regarding violations and security requirements in relation to the operation  
of cannabis production establishments;
- 352 (r) considering a loan application, if public discussion of the loan application would disclose:
- 354 (i) nonpublic personal financial information; or
- 355 (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business financial information  
the disclosure of which would reasonably be expected to result in unfair competitive injury to the  
person submitting the information;
- 358 (s) a discussion of the board of the Point of the Mountain State Land Authority, created in Section  
11-59-201, regarding a potential tenant of point of the mountain state land, as defined in Section  
11-59-102; or
- 361 (t) a purpose for which a meeting is required to be closed under Subsection (2).
- 362 (2) The following meetings shall be closed:
- 363 (a) a meeting of the Health and Human Services Interim Committee to review a report described in  
Subsection 26B-1-506(1)(a), and a response to the report described in Subsection 26B-1-506(2);
- 366 (b) a meeting of the Child Welfare Legislative Oversight Panel to:
- 367 (i) review a report described in Subsection 26B-1-506(1)(a), and a response to the report described in  
Subsection 26B-1-506(2); or
- 369 (ii) review and discuss an individual case, as described in Section 36-33-103;
- 370 (c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose of advising the  
Natural Resource Conservation Service of the United States Department of Agriculture on a farm  
improvement project if the discussed information is protected information under federal law;
- 374 (d) a meeting of the Compassionate Use Board established in Section 26B-1-421 for the purpose of  
reviewing petitions for a medical cannabis card in accordance with Section 26B-1-421;
- 377 (e) a meeting of the Colorado River Authority of Utah if:
- 378 (i) the purpose of the meeting is to discuss an interstate claim to the use of the water in the Colorado  
River system; and
- 380 (ii) failing to close the meeting would:
- 381 (A) reveal the contents of a record classified as protected under Subsection  
[63G-2-305(81)] 63G-2-305(80);

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- (B) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River system;
- 385 (C) 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
- 388 (D) give an advantage to another state or to the federal government in negotiations regarding the use of water in the Colorado River system;
- 390 (f) a meeting of the General Regulatory Sandbox Program Advisory Committee if:
- 391 (i) the purpose of the meeting is to discuss an application for participation in the regulatory sandbox as defined in Section 63N-16-102; and
- 393 (ii) failing to close the meeting would reveal the contents of a record classified as protected under Subsection [~~63G-2-305(82)~~] 63G-2-305(81);
- 395 (g) a meeting of a project entity if:
- 396 (i) the purpose of the meeting is to conduct a strategy session to discuss market conditions relevant to a business decision regarding the value of a project entity asset if the terms of the business decision are publicly disclosed before the decision is finalized and a public discussion would:
- 400 (A) disclose the appraisal or estimated value of the project entity asset under consideration; or
- 402 (B) prevent the project entity from completing on the best possible terms a contemplated transaction concerning the project entity asset;
- 404 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, the project entity;
- 407 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, the project entity; or
- 410 (iv) failing to close the meeting would prevent the project entity from getting the best price on the market; and
- 412 (h) a meeting of the Rules Review and General Oversight Committee to review and discuss:
- 414 (i) an individual child welfare case as described in Subsection 36-35-102(3)(c); or
- 415 (ii) information that is subject to a confidentiality agreement as described in Subsection 36-35-102(3)(c).
- 417 (3) In a closed meeting, a public body may not:

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- 418 (a) interview a person applying to fill an elected position;
- 419 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office; or
- 422 (c) discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.

426 ~~{Section 6. Section 53-13-106.13 is amended to read: }~~

427 **53-13-106.13. Notification requirement for federal officers before the release of an alien within the state.**

429 (1) As used in this section:

430 (a)

[~~(i)~~] "Alien" means an individual who is illegally present in the United States.

431 [~~(ii)~~] "Alien" ~~does not include a permit holder as that term is defined in Section 63G-12-102.~~

433 (b) "Custody" means in the physical and legal custody of a federal law enforcement agency.

435 (c) "Federal law enforcement agency" means an entity or division of the federal government that exists primarily to:

437 (i) prevent and detect crime and enforce criminal laws, statutes, and ordinances; or

438 (ii) enforce federal immigration laws.

439 (d) "Federal officer" means an individual:

440 (i) who works for a federal law enforcement agency; and

441 (ii) whose duties consist of the investigation and enforcement of federal laws.

442 (2) A federal officer may not release an alien from custody within the state unless the federal officer provides written notice three business days before the release to:

444 (a) the attorney general or the attorney general's designee; and

445 (b) the county sheriff or the county sheriff's designee of the county in which the release is to take place.

447 (3) In providing the written notice under Subsection (2)(b), the federal officer shall also provide:

449 (a) the specific address or location where the alien will be released;

450 (b) the date and time at which the alien will be released; and

451 (c) whether the federal officer is aware of any outstanding criminal warrants concerning the alien who will be released.

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453 ~~{Section 7. Section 63G-2-206 is amended to read: }~~

454 **63G-2-206. Sharing records.**

455 (1) A governmental entity may provide a record that is private, controlled, or protected to another  
governmental entity, a government-managed corporation, a political subdivision, the federal  
government, or another state if the requesting entity:

458 (a) serves as a repository or archives for purposes of historical preservation, administrative  
maintenance, or destruction;

460 (b) enforces, litigates, or investigates civil, criminal, or administrative law, and the record is necessary  
to a proceeding or investigation;

462 (c) is authorized by state statute to conduct an audit and the record is needed for that purpose;

464 (d) is one that collects information for presentence, probationary, or parole purposes; or

465 (e)

(i) is:

466 (A) the Legislature;

467 (B) a legislative committee;

468 (C) a member of the Legislature; or

469 (D) a legislative staff member acting at the request of the Legislature, a legislative committee, or a  
member of the Legislature; and

471 (ii) requests the record in relation to the Legislature's duties including:

472 (A) the preparation or review of a legislative proposal or legislation;

473 (B) appropriations; or

474 (C) an investigation or review conducted by the Legislature or a legislative committee.

476 (2)

(a) A governmental entity may provide a private, controlled, or protected record or record series to  
another governmental entity, a political subdivision, a government-managed corporation, the federal  
government, or another state if the requesting entity provides written assurance:

480 (i) that the record or record series is necessary to the performance of the governmental entity's  
duties and functions;

482 (ii) that the record or record series will be used for a purpose similar to the purpose for which the  
information in the record or record series was collected or obtained; and

485

## HB0386 compared with HB0386S03

- (iii) that the use of the record or record series produces a public benefit that is greater than or equal to the individual privacy right that protects the record or record series.
- 488 (b) A governmental entity may provide a private, controlled, or protected record or record series to a contractor or a private provider according to the requirements of Subsection (6)(b).
- 491 (3)
- (a) A governmental entity shall provide a private, controlled, or protected record to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if the requesting entity:
- 494 (i) is entitled by law to inspect the record;
- 495 (ii) is required to inspect the record as a condition of participating in a state or federal program or for receiving state or federal funds; or
- 497 (iii) is an entity described in Subsection (1)(a), (b), (c), (d), or (e).
- 498 (b) Subsection (3)(a)(iii) applies only if the record is a record described in Subsection 63G-2-305(4).
- 500 (4) Before disclosing a record or record series under this section to another governmental entity, another state, the United States, a foreign government, or to a contractor or private provider, the originating governmental entity shall:
- 503 (a) inform the recipient of the record's classification and the accompanying restrictions on access; and
- 505 (b) if the recipient is not a governmental entity to which this chapter applies, obtain the recipient's written agreement which may be by mechanical or electronic transmission that it will abide by those restrictions on access unless a statute, federal regulation, or interstate agreement otherwise governs the sharing of the record or record series.
- 509 (5) A governmental entity may disclose a record to another state, the United States, or a foreign government for the reasons listed in Subsections (1) and (2) without complying with the procedures of Subsection (2) or (4) if disclosure is authorized by executive agreement, treaty, federal statute, compact, federal regulation, or state statute.
- 513 (6)
- (a) Subject to Subsections (6)(b) and (c), an entity receiving a record under this section is subject to the same restrictions on disclosure of the record as the originating entity.
- 516 (b) A contractor or a private provider may receive information under this section only if:
- 517 (i) the contractor or private provider's use of the record or record series produces a public benefit that is greater than or equal to the individual privacy right that protects the record or record series;

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- 520 (ii) the record or record series it requests:
- 521 (A) is necessary for the performance of a contract with a governmental entity;
- 522 (B) will only be used for the performance of the contract with the governmental entity;
- 524 (C) will not be disclosed to any other person; and
- 525 (D) will not be used for advertising or solicitation purposes; and
- 526 (iii) the contractor or private provider gives written assurance to the governmental entity that is  
providing the record or record series that it will adhere to the restrictions of this Subsection (6)(b).
- 529 (c) The classification of a record already held by a governmental entity and the applicable restrictions  
on disclosure of that record are not affected by the governmental entity's receipt under this section  
of a record with a different classification that contains information that is also included in the  
previously held record.
- 534 (7) Notwithstanding any other provision of this section, if a more specific court rule or order, state  
statute, federal statute, or federal regulation prohibits or requires sharing information, that rule,  
order, statute, or federal regulation controls.
- 537 (8)
- (a) The following records may not be shared under this section:
- 538 (i) records held by the Division of Oil, Gas, and Mining that pertain to any person and that are  
gathered under authority of Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining;  
and
- 541 (ii) except as provided in Subsection (8)(b), records of publicly funded libraries as described in  
Subsection 63G-2-302(1)(c)[; ~~and~~] .
- 543 [~~(iii) a record described in Section 63G-12-210.~~]
- 544 (b) A publicly funded library may share a record that is a private record under Subsection 63G-2-302(1)  
(c) with a law enforcement agency, as defined in Section 53-1-102, if:
- 547 (i) the record is a video surveillance recording of the library premises; and
- 548 (ii) the law enforcement agency certifies in writing that:
- 549 (A) the law enforcement agency believes that the record will provide important information for a  
pending investigation into criminal or potentially criminal behavior; and
- 552 (B) the law enforcement agency's receipt of the record will assist the agency to prevent imminent harm  
to an individual or imminent and substantial damage to property.
- 555

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(9) Records that may evidence or relate to a violation of law may be disclosed to a government prosecutor, peace officer, or auditor.

557 ~~{Section 8. Section 63G-2-305 is amended to read: }~~

558 **63G-2-305. Protected records.**

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

- 560 (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;
- 562 (2) commercial information or nonindividual financial information obtained from a person if:
- 564 (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;
- 567 (b) the person submitting the information has a greater interest in prohibiting access than the public in  
obtaining access; and
- 569 (c) the person submitting the information has provided the governmental entity with the information  
specified in Section 63G-2-309;
- 571 (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;
- 575 (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);
- 578 (5) test questions and answers to be used in future license, certification, registration, employment, or  
academic examinations;
- 580 (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:
- 585 (a) a bid, proposal, application, or other information submitted to or by a governmental entity in  
response to:
- 587 (i) an invitation for bids;

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- 588 (ii) a request for proposals;
- 589 (iii) a request for quotes;
- 590 (iv) a grant; or
- 591 (v) other similar document; or
- 592 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 593 (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:
- 596 (a) a contract directly relating to the subject of the request for information has been awarded and signed by all parties; or
- 598 (b)
- (i) a final determination is made not to enter into a contract that relates to the subject of the request for information; and
- 600 (ii) at least two years have passed after the day on which the request for information is issued;
- 602 (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:
- 605 (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;
- 607 (b) the information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;
- 609 (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;
- 612 (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
- 615 (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;
- 618 (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:

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- 622 (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
- 625 (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;
- 628 (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:
- 631 (a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline,  
licensing, certification, or registration purposes;
- 633 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
- 635 (c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;
- 637 (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
- 641 (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;
- 644 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 645 (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;
- 648 (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;
- 652 (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;
- 657 (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;

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- 660 (16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit  
is released;
- 662 (17) records that are subject to the attorney client privilege;
- 663 (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;
- 666 (19)
- (a)
- (i) personal files of a state legislator, including personal correspondence to or from a member of the  
Legislature; and
- 668 (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
- 671 (b)
- (i) an internal communication that is part of the deliberative process in connection with the preparation  
of legislation between:
- 673 (A) members of a legislative body;
- 674 (B) a member of a legislative body and a member of the legislative body's staff; or
- 675 (C) members of a legislative body's staff; and
- 676 (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;
- 678 (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
- 683 (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;
- 688 (21) a research request from a legislator to a legislative staff member and research findings prepared in  
response to the request;

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- 690 (22) drafts, unless otherwise classified as public;
- 691 (23) records concerning a governmental entity's strategy about:
- 692 (a) collective bargaining; or
- 693 (b) imminent or pending litigation;
- 694 (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;
- 697 (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;
- 700 (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;
- 703 (27) records of independent state agencies if the disclosure of the records would conflict with the  
fiduciary obligations of the agency;
- 705 (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;
- 711 (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;
- 715 (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;
- 718 (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;

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- 722 (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;
- 724 (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;
- 727 (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;
- 730 (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;
- 735 (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;
- 738 (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:
- 742 (a) the donor requests anonymity in writing;
- 743 (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
- 745 (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;
- 750 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 751 (39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;
- 753 (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:
- 757 (a) unpublished lecture notes;

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- 758 (b) unpublished notes, data, and information:
- 759 (i) relating to research; and
- 760 (ii) of:
- 761 (A) the institution of higher education defined in Section 53H-1-101; or
- 762 (B) a sponsor of sponsored research;
- 763 (c) unpublished manuscripts;
- 764 (d) creative works in process;
- 765 (e) scholarly correspondence;[-and]
- 766 (f) confidential information contained in research proposals;
- 767 (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
- 770 (h) this Subsection (40) may not be construed to affect the ownership of a record;
- 771 (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
- 774 (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;
- 780 (42) records that provide detail as to the location of an explosive, including a map or other document  
that indicates the location of:
- 782 (a) a production facility; or
- 783 (b) a magazine;
- 784 (43) information contained in the statewide database of the Division of Aging and Adult Services  
created by Section 26B-6-210;
- 786 (44) information contained in the Licensing Information System described in Title 80, Chapter 2, Child  
Welfare Services;
- 788 (45) information regarding National Guard operations or activities in support of the National Guard's  
federal mission;

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- 790 (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;
- 793 (47) information regarding food security, risk, and vulnerability assessments performed by the  
Department of Agriculture and Food;
- 795 (48) except to the extent that the record is exempt from this chapter [~~pursuant to~~] in accordance with  
Section 63G-2-106, records related to an emergency plan or program, a copy of which is provided to  
or prepared or maintained by the Division of Emergency Management, and the disclosure of which  
would jeopardize:
- 799 (a) the safety of the general public; or
- 800 (b) the security of:
- 801 (i) governmental property;
- 802 (ii) governmental programs; or
- 803 (iii) the property of a private person who provides the Division of Emergency Management  
information;
- 805 (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;
- 809 (50) as provided in Section 26B-2-709:
- 810 (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
- 813 (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;
- 816 (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:
- 819 (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
- 821 (b) the subject of the record has a reasonable expectation that this information will be kept confidential  
due to:
- 823 (i) the nature of the law, ordinance, rule, or order; and

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- 824 (ii) the individual complying with the law, ordinance, rule, or order;
- 825 (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:
- 828 (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;
- 831 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 832 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 833 (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:
- 835 (a) conducted within the state system of higher education, as described in Section 53H-1-102; and
- 837 (b) conducted using animals;
- 838 (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);
- 842 (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;
- 846 (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;
- 849 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 850 (58) in accordance with Section 73-10-33:
- 851 (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
- 853 (b) an outline of an emergency response plan in possession of the state or a county or municipality;
- 855 (59) the following records in the custody or control of the Office of Inspector General of Medicaid  
Services, created in Section 63A-13-201:
- 857 (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;

- 863 (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;
- 870 (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;
- 873 (d) records that would disclose an outline or part of any investigation, audit survey plan, or audit  
program; or
- 875 (e) requests for an investigation or audit, if disclosure would risk circumvention of an investigation or  
audit;
- 877 (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;
- 880 (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);
- 883 [~~(62)~~ a record described in Section 63G-12-210;]
- 884 [~~(63)~~] (62) 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;
- 886 [~~(64)~~] (63) 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:
- 891 (a) depict the commission of an alleged crime;

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- (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;
- 894 (c) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;
- 896 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or
- 898 (e) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording;
- 900 [~~(65)~~] (64) a record pertaining to the search process for a president of an institution of higher education described in Section 53H-3-302;
- 902 [~~(66)~~] (65) an audio recording that is:
- 903 (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;
- 906 (b) produced during an emergency event when an individual employed to provide law enforcement, fire protection, paramedic, emergency medical, or other first responder service:
- 909 (i) is responding to an individual needing resuscitation or with a life-threatening condition; and
- 911 (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
- 913 (c) intended and used for purposes of training emergency responders how to improve their response to an emergency situation;
- 915 [~~(67)~~] (66) 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;
- 919 [~~(68)~~] (67) work papers as defined in Section 31A-2-204;
- 920 [~~(69)~~] (68) a record made available to Adult Protective Services or a law enforcement agency under Section 61-1-206;
- 922 [~~(70)~~] (69) a record submitted to the Insurance Department in accordance with Section 31A-37-201;
- 924 [~~(71)~~] (70) a record described in Section 31A-37-503;
- 925 [~~(72)~~] (71) 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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- 927 ~~[(73)]~~ (72) a record described in Section 72-16-306 that relates to the reporting of an injury involving an amusement ride;
- 929 ~~[(74)]~~ (73) 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:
- 932 (a) Title 10, Utah Municipal Code;
- 933 (b) Title 17, Counties;
- 934 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 935 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 936 (e) Title 20A, Election Code;
- 937 ~~[(75)]~~ (74) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter registration record;
- 939 ~~[(76)]~~ (75) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described in Subsection ~~[(74) or (75)]~~ (73) or (74), in the custody of the lieutenant governor or a local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 943 ~~[(77)]~~ (76) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims Guidelines for Prosecutors Act;
- 945 ~~[(78)]~~ (77) a record submitted to the Insurance Department under Section 31A-48-103;
- 946 ~~[(79)]~~ (78) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited under Section 63G-26-103;
- 948 ~~[(80)]~~ (79) an image taken of an individual during the process of booking the individual into jail, unless:
- 950 (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;
- 952 (b) a law enforcement agency releases or disseminates the image:
- 953 (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
- 956 (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;

960

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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
- 962 (d) the image is displayed to a person who is permitted to view the image under Section 17-72-802;
- 964 ~~[(81)]~~ (80) a record:
- 965 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 966 (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
- 969 (c) the disclosure of which would:
- 970 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River system;
- 972 (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
- 975 (iii) give an advantage to another state or to the federal government in negotiations regarding the use of water in the Colorado River system;
- 977 ~~[(82)]~~ (81) 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)]~~ (81) may not be used to restrict access to a record evidencing a final contract or approval decision;
- 982 ~~[(83)]~~ (82) the following records of a drinking water or wastewater facility:
- 983 (a) an engineering or architectural drawing of the drinking water or wastewater facility; and
- 985 (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) ~~(a)]~~ (82)(a);
- 988 ~~[(84)]~~ (83) 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:
- 992 (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
- 995 (b) provides the employee assurance that the statement cannot be used against the employee in any criminal proceeding;
- 997

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- 1000 [(85)] (84) any part of an application for a Utah Fits All Scholarship account described in Section  
1001 53F-6-402 or other information identifying a scholarship student as defined in Section 53F-6-401;  
1002 [(86)] (85) a record:
- 1003 (a) concerning a claim to the use of waters in the Great Salt Lake;
  - 1004 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a person concerning  
1005 the claim, including a representative from another state or the federal government; and
  - 1006 (c) the disclosure of which would:
    - 1007 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great Salt Lake;
    - 1008 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms and conditions  
1009 regarding the use of water in the Great Salt Lake; or
    - 1010 (iii) give an advantage to another person including another state or to the federal government in  
1011 negotiations regarding the use of water in the Great Salt Lake;
- 1012 [(87)] (86) a consumer complaint described in Section 13-2-11, unless the consumer complaint is  
1013 reclassified as public as described in Subsection 13-2-11(4);
- 1014 [(88)] (87) a record of the Utah water agent, appointed under Section 73-10g-702:
- 1015 (a) concerning a claim to the use of waters;
  - 1016 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative  
1017 from another state, a tribe, the federal government, or other government entity as provided in Title  
1018 73, Chapter 10g, Part 7, Utah Water Agent; and
  - 1019 (c) the disclosure of which would:
    - 1020 (i) reveal a legal strategy relating to the state's claim to the use of the water;
    - 1021 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions regarding the use  
1022 of water; or
    - 1023 (iii) give an advantage to another state, a tribe, the federal government, or other government entity in  
1024 negotiations regarding the use of water; and
- 1025 [(89)] (88) a record created or maintained for an investigation of the Prosecutor Conduct Commission,  
1026 created in Section 63M-7-1102, that contains any personal identifying information of a prosecuting  
1027 attorney, including:
- 1028 (a) a complaint, or a document that is submitted or created for a complaint, received by the Prosecutor  
1029 Conduct Commission; or
  - 1030 (b) a finding by the Prosecutor Conduct Commission.
- 1031

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1032 ~~{Section 9. Section 63G-2-305.5 is amended to read: }~~

1033 **63G-2-305.5. Viewing or obtaining lists of signatures.**

- 1034 (1) The records custodian of a signature described in Subsection ~~[63G-2-305(74)]~~ 63G-2-305(73) shall, upon request, except for a name or signature classified as private under Title 20A, Chapter 2, Voter Registration:
- 1037 (a) provide a list of the names of the individuals who signed the petition or request; and
- 1038 (b) permit an individual to view, but not take a copy or other image of, the signatures on a political petition described in Subsection ~~[63G-2-305(74)]~~ 63G-2-305(73).
- 1040 (2) The records custodian of a signature described in Subsection ~~[63G-2-305(75)]~~ 63G-2-305(74) shall, upon request, except for a name or signature classified as private under Title 20A, Chapter 2, Voter Registration:
- 1043 (a) provide a list of the names of registered voters, excluding the names that are classified as private under Title 20A, Chapter 2, Voter Registration; and
- 1045 (b) except for a signature classified as private under Title 20A, Chapter 2, Voter Registration, permit an individual to view, but not take a copy or other image of, the signature on a voter registration record.
- 1048 (3) Except for a signature classified as private under Title 20A, Chapter 2, Voter Registration, the records custodian of a signature described in Subsection ~~[63G-2-305(76)]~~ 63G-2-305(75) shall, upon request, permit an individual to view, but not take a copy or other image of, a signature.

1052 ~~{Section 10. Section 63G-12-102 is amended to read: }~~

1053 **63G-12-102. Definitions.**

As used in this chapter:

- 1055 ~~[(1) "Basic health insurance plan" means a health plan that is actuarially equivalent to a federally qualified high deductible health plan.]~~
- 1057 ~~[(2)]~~ (1) "Department" means the Department of Public Safety created in Section 53-1-103.
- 1058 ~~[(3)]~~ (2) "Employee" means an individual employed by an employer under a contract for hire.
- 1060 ~~[(4)]~~ (3) "Employer" means a person who has one or more employees employed in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written.
- 1063 ~~[(5) "E-verify program" means the electronic verification of the work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, 8 U.S.C. Sec. 1324a, known as the e-verify program.]~~
- 1066 ~~[(6) "Family member" means for an undocumented individual.]~~

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- 1067 [~~(a) a member of the undocumented individual's immediate family;~~]
- 1068 [~~(b) the undocumented individual's grandparent;~~]
- 1069 [~~(c) the undocumented individual's sibling;~~]
- 1070 [~~(d) the undocumented individual's grandchild;~~]
- 1071 [~~(e) the undocumented individual's nephew;~~]
- 1072 [~~(f) the undocumented individual's niece;~~]
- 1073 [~~(g) a spouse of an individual described in this Subsection (6); or]~~
- 1074 [~~(h) an individual who is similar to one listed in this Subsection (6).]~~
- 1075 [~~(7)~~] (4) "Federal SAVE program" means the Systematic Alien Verification for Entitlements Program operated by the United States Department of Homeland Security or an equivalent program designated by the Department of Homeland Security.
- 1078 [~~(8) "Guest worker" means an undocumented individual who holds a guest worker permit.]~~
- 1079 [~~(9) "Guest worker permit" means a permit issued in accordance with Section 63G-12-207 to an undocumented individual who meets the eligibility criteria of Section 63G-12-205.]~~
- 1081 [~~(10) "Immediate family" means for an undocumented individual:]~~
- 1082 [~~(a) the undocumented individual's spouse; or]~~
- 1083 [~~(b) a child of the undocumented individual if the child is:]~~
- 1084 [~~(i) under 21 years old; and]~~
- 1085 [~~(ii) unmarried.]~~
- 1086 [~~(11) "Immediate family permit" means a permit issued in accordance with Section 63G-12-207 to an undocumented individual who meets the eligibility criteria of Section 63G-12-206.]~~
- 1089 [~~(12) "Permit" means a permit issued under Part 2, Guest Worker Program, and includes:]~~
- 1090 [~~(a) a guest worker permit; and]~~
- 1091 [~~(b) an immediate family permit.]~~
- 1092 [~~(13) "Permit holder" means an undocumented individual who holds a permit.]~~
- 1093 [~~(14) "Private employer" means an employer who is not the federal government or a public employer.]~~
- 1095 [~~(15) "Program" means the Guest Worker Program described in Section 63G-12-201.]~~
- 1096 [~~(16) "Program start date" means the day on which the department is required to implement the program under Subsection 63G-12-202(3).]~~
- 1098 [~~(17) "Public employer" means an employer that is:]~~
- 1099 [~~(a) the state of Utah or any administrative subunit of the state;]~~

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- 1100 [~~(b) an institution of higher education, as defined in Section 53H-1-101;~~]
- 1101 [~~(c) a political subdivision of the state including a county, city, town, school district, special district, or special service district; or~~]
- 1103 [~~(d) an administrative subunit of a political subdivision.]~~]
- 1104 [(18) "Relevant contact information" means the following for an undocumented individual:]
- 1105 [(a) the undocumented individual's name;]
- 1106 [(b) the undocumented individual's residential address;]
- 1107 [(c) the undocumented individual's residential telephone number;]
- 1108 [(d) the undocumented individual's personal email address;]
- 1109 [(e) the name of the person with whom the undocumented individual has a contract for hire;]
- 1111 [(f) the name of the contact person for the person listed in Subsection (18)(e);]
- 1112 [(g) the address of the person listed in Subsection (18)(e);]
- 1113 [(h) the telephone number for the person listed in Subsection (18)(e);]
- 1114 [(i) the names of the undocumented individual's immediate family members;]
- 1115 [(j) the names of the family members who reside with the undocumented individual; and]
- 1116 [(k) any other information required by the department by rule made in accordance with Chapter 3, Utah Administrative Rulemaking Act.]
- 1118 [(19)] (5) "Restricted account" means the Immigration Act Restricted Account created in Section 63G-12-103.
- 1120 [(20) "Serious felony" means a felony under:]
- 1121 [(a) Section 53-5a-304;]
- 1122 [(b) Title 76, Chapter 5, Offenses Against the Individual;]
- 1123 [(c) Title 76, Chapter 5b, Sexual Exploitation Act;]
- 1124 [(d) Title 76, Chapter 5c, Pornographic and Harmful Materials and Performances;]
- 1125 [(e) Title 76, Chapter 5d, Prostitution;]
- 1126 [(f) Title 76, Chapter 6, Offenses Against Property;]
- 1127 [(g) Title 76, Chapter 7, Offenses Against the Family;]
- 1128 [(h) Title 76, Chapter 8, Offenses Against the Administration of Government;]
- 1129 [(i) Title 76, Chapter 9, Offenses Against Public Order, Health, and Safety;]
- 1130 [(j) Title 76, Chapter 11, Weapons;]
- 1131 [(k) Title 76, Chapter 12, Offenses Related to Privacy, Information, and Communication;]

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- 1132 [~~(l) Title 76, Chapter 13, Offenses Involving Cruelty to Animals;~~]  
1133 [~~(m) Title 76, Chapter 14, Offenses Related to Immigration Status;~~]  
1134 [~~(n) Title 76, Chapter 15, Explosives and Weapons of Mass Destruction;~~]  
1135 [~~(o) Title 76, Chapter 16, Offenses Concerning Business Practices; and]~~  
1136 [~~(p) Title 76, Chapter 17, Offenses Concerning Kickbacks, Pyramid Schemes, and Patterns of Unlawful  
Activity.]~~
- 1138 [(21)  
(a) "~~Status verification system~~" means ~~an electronic system operated by the federal government,  
through which an authorized official of a state agency or a political subdivision of the state may  
inquire by exercise of authority delegated pursuant to 8 U.S.C. Sec. 1373, to verify the citizenship or  
immigration status of an individual within the jurisdiction of the agency or political subdivision for  
a purpose authorized under this section.]~~
- 1144 [(b) "~~Status verification system~~" includes:]  
1145 [(i) ~~the e-verify program;~~  
1146 [(ii) ~~an equivalent federal program designated by the United States Department of Homeland Security  
or other federal agency authorized to verify the work eligibility status of a newly hired employee  
pursuant to the Immigration Reform and Control Act of 1986;~~  
1150 [(iii) ~~the Social Security Number Verification Service or similar online verification process  
implemented by the United States Social Security Administration; or]~~  
1152 [(iv) ~~an independent third-party system with an equal or higher degree of reliability as the programs,  
systems, or processes described in Subsection (21)(b)(i), (ii), or (iii).]~~
- 1155 [(22) "~~Unauthorized alien~~" is as defined in 8 U.S.C. Sec. 1324a(h)(3).]  
1156 [(23) "~~Undocumented individual~~" means an individual who:]  
1157 [(a) ~~lives or works in the state; and]~~  
1158 [(b) ~~is not in compliance with the Immigration and Nationality Act, 8 U.S.C. Sec. 1101 et seq. with  
regard to presence in the United States.]~~
- 1160 [(24) "~~U-verify program~~" means the verification procedure developed by the department in accordance  
with Section 63G-12-210.]

1162 {~~Section 11. Section 63G-12-103 is amended to read: }~~

1163 **63G-12-103. Immigration Act Restricted Account.**

1164

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(1) There is created a restricted account within the General Fund known as the "Immigration Act Restricted Account."

1166 (2)

(a) The restricted account shall consist of:

- 1167 (i) a fee collected under this chapter;  
1168 [~~(ii) a fine collected under Section 63G-12-207;~~]  
1169 [~~(iii) civil penalties imposed under Section 63G-12-211 or 63G-12-306;~~]  
1170 [~~(iv)~~] (ii) money appropriated to the restricted account by the Legislature; and  
1171 [~~(v)~~] (iii) interest earned on the restricted account.

1172 (b) The restricted account shall earn interest.

1173 (3) The Legislature may appropriate money from the restricted account to:

1174 [~~(a) the department and the Office of the Governor to pay the costs associated with the implementation of Section 63G-12-202;~~]

1176 [~~(b)~~] (a) the department to administer this chapter;

1177 [~~(c)~~] the State Tax Commission for costs associated with implementing Section 63G-12-203;]

1179 [~~(d)~~] (b) the attorney general for costs associated with:

- 1180 (i) litigation related to this chapter;  
1181 (ii) a multi-agency strike force created under Section 67-5-22.7; or  
1182 (iii) a memorandum of understanding executed under Section 67-5-28; and  
1183 [~~(e)~~] (c) the Identity Theft Restricted Account created in Section 67-5-22.7.

1184 {Section 12. Section 63G-12-106 is amended to read: }

1185 **63G-12-106. Severability.**

1186 [(1) If a provision of Part 2, Guest Worker Program, or the application of a provision to a person or circumstance is held invalid, the remainder of this chapter may not be given effect without the invalid provision or application so that the provisions of this chapter are not severable.]

1190 [(2)] The following provisions are severable from this chapter:

- 1191 [~~(a)~~] (1) Title 76, Chapter 14, Offenses Related to Immigration Status; and  
1192 [~~(b)~~] (2) Section 77-7-2.

22 Section 1. Section 63G-12-202 is amended to read:

23 **63G-12-202. Federal waivers, exemptions, or authorizations -- Implementation without waiver, exemption, or authorization.**

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25 (1) The department, under the direction of the governor, shall seek one or more federal waivers,  
exemptions, or authorizations to implement the program.

27 (2) The governor shall actively participate in the effort to obtain one or more federal waivers,  
exemptions, or authorizations under this section.

29 (3) The department shall implement the program the sooner of:

30 (a) 120 days after the day on which the governor finds that the state has the one or more federal  
waivers, exemptions, or authorizations needed to implement the program; or

32 (b) July 1, [~~2027~~] 2037.

1193 ~~{Section 13. Section 63G-12-401 is amended to read: }~~

1194 **63G-12-401. Creation of identity documents -- Issuance to citizens, nationals, and legal  
permanent resident aliens -- Exceptions.**

1196 (1) The following entities may create, publish, or otherwise manufacture an identification document,  
identification card, or identification certificate and possess an engraved plate or other device for the  
printing of an identification document:

1199 (a) a federal, state, or local government agency for employee identification, which is designed to  
identify the bearer as an employee;

1201 (b) a federal, state, or local government agency for purposes authorized or required by law or a  
legitimate purpose consistent with the duties of the agency, including such documents as voter  
identification cards, identification cards, passports, birth certificates, and [~~Social Security~~] social  
security cards; and

1205 (c) a public school or state or private educational institution to identify the bearer as an administrator,  
faculty member, student, or employee.

1207 (2) The name of the issuing entity shall be clearly printed upon the face of the identification document.

1209 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity providing an  
identity document, card, or certificate under Subsection (1)(b) or (c) shall issue the document, card,  
or certificate only to:

1212 (a) a United States citizen;

1213 (b) a national; or

1214 (c) a legal permanent resident alien.

1215 (4)

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(a) Subsection (3) does not apply to an applicant for an identification document who presents, in person, valid documentary evidence of the applicant's:

- 1217 (i) unexpired immigrant or nonimmigrant visa status for admission into the United States;
- 1219 (ii) pending or approved application for asylum in the United States;
- 1220 (iii) admission into the United States as a refugee;
- 1221 (iv) pending or approved application for temporary protected status in the United States;
- 1223 (v) approved deferred action status; or
- 1224 (vi) pending application for adjustment of status to legal permanent resident or conditional resident.

1226 (b)

(i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c) identification document to an applicant who satisfies the requirements of Subsection (4)(a).

1229 (ii) Except as otherwise provided by federal law, the document is valid only:

1230 (A) during the period of time of the individual's authorized stay in the United States; or

1232 (B) for one year from the date of issuance if there is no definite end to the individual's period of authorized stay.

1234 (iii) An entity issuing an identification document under this Subsection (4) shall clearly indicate on the document:

1236 (A) that [it] the document is temporary; and

1237 (B) [its] the document's expiration date.

1238 (c) An individual may renew a document issued under this Subsection (4) only upon presentation of valid documentary evidence that the status by which the individual originally qualified for the identification document has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

1243 (5)

(a) Subsection (3) does not apply to an identification document issued under Subsection (1)(c) that:

1245 (i) is only valid for use on the educational institution's campus or facility; and

1246 (ii) includes a statement of the restricted use conspicuously printed upon the face of the identification document.

1248 (b) Subsection (3) does not apply to a license certificate, driving privilege card, or identification card issued or renewed under Title 53, Chapter 3, Uniform Driver License Act.

1251

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(c) Subsection (3) does not apply to a public transit pass issued by a public transit district as defined in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:

- 1253 (i) is only valid for use on the public transit system; and  
1254 (ii) includes a statement of the restricted use conspicuously printed on the face of the public transit pass.  
1256 [~~(d) Subsection (3) does not apply to a permit issued under Section 63G-12-207.~~]  
1257 [~~(e) Subsection (3) does not apply to a permit issued under Chapter 14, Utah Pilot Sponsored Resident  
Immigrant Program Act.~~]  
1259 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

33 Section 2. Section 63G-14-201 is amended to read:

34 **63G-14-201. Creation of program.**

35 (1)

(a) The governor shall create a program known as the "Utah Pilot Sponsored Resident Immigrant Program":

37 (i) that is consistent with this chapter; and

38 (ii) under which a resident immigrant may reside, work, and study in Utah, except that the program may not permit a resident immigrant to travel outside of the state except as provided in Subsection 63G-14-206(1).

41 (b) The governor shall:

42 (i) begin implementation of the program by no later than July 1, [2027] 2037; and

43 (ii) end operation of the program on June 30, [2032] 2042.

44 (c) Under the program, the governor may facilitate transport to Utah for a foreign national who has been accepted into the program.

46 (d) The governor may recommend legislation to the Legislature to address how a resident immigrant is to be treated under statutes that relate to an alien.

48 (2)

(a) The department shall administer the program, except to the extent that the governor delegates a power or duty under the program to another state agency.

50 (b) Subject to Subsection (3), the department may make rules in accordance with Chapter 3, Utah Administrative Rulemaking Act, to implement the program to the extent expressly provided for in this chapter.

53 (3)

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(a) The governor may act by executive order whenever the department is authorized to make rules under this chapter.

55 (b) If there is a conflict between a rule made by the department and an executive order of the governor, the executive order governs.

1261 ~~{Section 14. Section 63I-2-213 is amended to read: }~~

1262 **63I-2-213. Repeal dates: Title 13.**

1263 [(1) Title 13, Chapter 47, Private Employer Verification Act, is repealed on the program start date, as defined in Section 63G-12-102.]

1265 [(2)] Title 13, Chapter 72, Artificial Intelligence Policy Act, is repealed July 1, 2027.

1266 ~~{Section 15. Section 63M-14-205 is amended to read: }~~

1267 **63M-14-205. Records.**

1268 (1) The records of the authority and the river commissioner shall be maintained by the authority.

1270 (2) The authority may classify a record in accordance with Title 63G, Chapter 2, Government Records Access and Management Act, including a record described in Subsection [63G-2-305(81)] 63G-2-305(80).

1273 ~~{Section 16. Section 63N-16-201 is amended to read: }~~

1274 **63N-16-201. General Regulatory Sandbox Program -- Application requirements.**

1275 (1) There is created in the regulatory relief office the General Regulatory Sandbox Program.

1276 (2) In administering the regulatory sandbox, the regulatory relief office:

1277 (a) shall consult with each applicable agency;

1278 (b) shall establish a program to enable a person to obtain legal protections and limited access to the market in the state to demonstrate an offering without obtaining a license or other authorization that might otherwise be required;

1281 (c) may enter into agreements with or adopt the best practices of corresponding federal regulatory agencies or other states that are administering similar programs; and

1283 (d) may consult with businesses in the state about existing or potential proposals for the regulatory sandbox.

1285 (3)

(a) An applicant for the regulatory sandbox may contact the regulatory relief office to request a consultation regarding the regulatory sandbox before submitting an application.

1288

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- (b) The regulatory relief office shall provide relevant information regarding the regulatory sandbox program.
- 1290 (c) The regulatory relief office may provide assistance to an applicant in preparing an application for submission.
- 1292 (4) An applicant for the regulatory sandbox shall provide to the regulatory relief office an application in a form prescribed by the regulatory relief office that:
- 1294 (a) confirms the applicant is subject to the jurisdiction of the state;
- 1295 (b) confirms the applicant has established a physical or virtual location in the state, from which the demonstration of an offering will be developed and performed and where all required records, documents, and data will be maintained;
- 1298 (c) contains relevant personal and contact information for the applicant, including legal names, addresses, telephone numbers, email addresses, website addresses, and other information required by the regulatory relief office;
- 1301 (d) discloses criminal convictions of the applicant or other participating personnel, if any;
- 1302 (e) contains a description of the offering to be demonstrated, including statements regarding:
- 1304 (i) how the offering is subject to licensing, legal prohibition, or other authorization requirements outside of the regulatory sandbox;
- 1306 (ii) each law or regulation, accompanied by their statutory reference or citation, that the applicant seeks to have waived or suspended while participating in the regulatory sandbox program;
- 1309 (iii) how the offering would benefit consumers;
- 1310 (iv) how the offering is different from other offerings available in the state;
- 1311 (v) any identifiable, likely, and significant harm to the health, safety, or financial well-being of consumers that each law or regulation described in Subsection (4)(e)(ii) protects against;
- 1314 (vi) what risks might exist for consumers who use or purchase the offering;
- 1315 (vii) how participating in the regulatory sandbox would enable a successful demonstration of the offering;
- 1317 (viii) a description of the proposed demonstration plan, including estimated time periods for beginning and ending the demonstration;
- 1319 (ix) recognition that the applicant will be subject to all laws and regulations pertaining to the applicant's offering after conclusion of the demonstration; and
- 1321 (x) how the applicant will end the demonstration and protect consumers if the demonstration fails;

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- 1323 (f) lists each government agency, if any, that the applicant knows regulates the applicant's business; and  
1325 (g) provides any other required information as determined by the regulatory relief office.
- 1326 (5) The regulatory relief office may collect an application fee from an applicant that is set in accordance with Section 63J-1-504.
- 1328 (6) An applicant shall file a separate application for each offering that the applicant wishes to demonstrate.
- 1330 (7) After an application is filed, the regulatory relief office shall:
- 1331 (a) classify, as a protected record, any part of the application that the office determines is nonpublic, confidential information that if disclosed would result in actual economic harm to the applicant in accordance with Subsection [~~63G-2-305(82)~~] 63G-2-305(81);
- 1334 (b) consult with each applicable government agency that regulates the applicant's business regarding whether more information is needed from the applicant; and
- 1336 (c) seek additional information from the applicant that the regulatory relief office determines is necessary.
- 1338 (8) No later than five business days after the day on which a complete application is received by the regulatory relief office, the regulatory relief office shall:
- 1340 (a) review the application and refer the application to each applicable government agency that regulates the applicant's business;
- 1342 (b) provide to the applicant:
- 1343 (i) an acknowledgment of receipt of the application; and
- 1344 (ii) the identity and contact information of each regulatory agency to which the application has been referred for review; and
- 1346 (c) provide public notice, on the office's website and through other appropriate means, of each law or regulation that the office is considering to suspend or waive under the application.
- 1349 (9)
- (a) Subject to Subsections (9)(c) and (9)(g), no later than 30 days after the day on which an applicable agency receives a complete application for review, the applicable agency shall provide a written report to the director of the applicable agency's findings.
- 1353 (b) The report shall:
- 1354 (i) describe any identifiable, likely, and significant harm to the health, safety, or financial well-being of consumers that the relevant law or regulation protects against; and

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- 1357 (ii) make a recommendation to the regulatory relief office that the applicant either be admitted or denied  
entrance into the regulatory sandbox.
- 1359 (c)
- (i) The applicable agency may request an additional five business days to deliver the written report by  
providing notice to the director, which request shall automatically be granted.
- 1362 (ii) The applicable agency may only request one extension per application.
- 1363 (d) If the applicable agency recommends an applicant under this section be denied entrance into  
the regulatory sandbox, the written report shall include a description of the reasons for the  
recommendation, including why a temporary waiver or suspension of the relevant laws or  
regulations would potentially significantly harm the health, safety, or financial well-being of  
consumers or the public and the likelihood of such harm occurring.
- 1369 (e) If the agency determines that the consumer's or public's health, safety, and financial well-being can  
be protected through less restrictive means than the existing relevant laws or regulations, then the  
applicable agency shall provide a recommendation of how that can be achieved.
- 1373 (f) If an applicable agency fails to deliver a written report as described in this Subsection (9), the  
director shall assume that the applicable agency does not object to the temporary waiver or  
suspension of the relevant laws or regulations for an applicant seeking to participate in the  
regulatory sandbox.
- 1377 (g) Notwithstanding any other provision of this section, an applicable agency may by written notice to  
the regulatory relief office:
- 1379 (i) within the 30 days after the day on which the applicable agency receives a complete application  
for review, or within 35 days if an extension has been requested by the applicable agency, reject  
an application if the applicable agency determines, in the applicable agency's discretion, that the  
applicant's offering fails to comply with standards or specifications:
- 1384 (A) required by federal law or regulation; or
- 1385 (B) previously approved for use by a federal agency; or
- 1386 (ii) reject an application that is preliminarily approved by the regulatory relief office, if the applicable  
agency:
- 1388 (A) recommended rejection of the application in accordance with Subsection (9)(d) in the agency's  
written report; and
- 1390

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- (B) provides in the written notice under this Subsection (9)(g), a description of the applicable agency's reasons why approval of the application would create a substantial risk of harm to the health, safety, or financial well-being of the public, or create unreasonable expenses for taxpayers in the state.
- 1394 (h) If an applicable agency rejects an application under Subsection (9)(g), the regulatory relief office  
may not approve the application.
- 1396 (i) If the applicable agency rejects an application under Subsection (9)(g), the applicable agency shall  
provide the rejection on a form created by the agency and signed by the director of the applicable  
agency.
- 1399 (ii) The form shall document the reason for the rejection and show every reasonable effort was made to  
meet with the applicant.
- 1401 (10)
- (a) Upon receiving a written report described in Subsection (9), the director shall provide the  
application and the written report to the advisory committee.
- 1403 (b) The director may call the advisory committee to meet as needed, but not less than once per quarter if  
applications are available for review.
- 1405 (c) After receiving and reviewing the application and each written report, the advisory committee  
shall provide to the director the advisory committee's recommendation as to whether [~~or not~~]the  
applicant should be admitted as a sandbox participant under this chapter.
- 1409 (d) As part of the advisory committee's review of each written report, the advisory committee shall use  
the criteria required for an applicable agency as described in Subsection (9).
- 1412 (11)
- (a) In reviewing an application and each applicable agency's written report, the regulatory relief office  
shall consult with each applicable agency before admitting an applicant into the regulatory sandbox.
- 1415 (b) The consultation with each applicable agency may include seeking information about whether:
- 1417 (i) the applicable agency has previously issued a license or other authorization to the applicant; and
- 1419 (ii) the applicable agency has previously investigated, sanctioned, or pursued legal action against the  
applicant.
- 1421 (12) In reviewing an application under this section, the regulatory relief office and each applicable  
agency shall consider whether a competitor to the applicant is or has been a sandbox participant and,  
if so, weigh that as a factor in favor of allowing the applicant to also become a sandbox participant.
- 1425 (13) In reviewing an application under this section, the regulatory relief office shall consider whether:

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- 1427 (a) the applicant's plan will adequately protect consumers from potential harm identified by an  
applicable agency in the applicable agency's written report;
- 1429 (b) the risk of harm to consumers is outweighed by the potential benefits to consumers from the  
applicant's participation in the regulatory sandbox; and
- 1431 (c) certain state laws or regulations that regulate an offering should not be waived or suspended even  
if the applicant is approved as a sandbox participant, including applicable antifraud or disclosure  
provisions.
- 1434 (14)
- (a) An applicant becomes a sandbox participant if the regulatory relief office approves the application  
for the regulatory sandbox and the regulatory relief office enters into a written agreement with  
the applicant describing the specific laws and regulations that are waived or suspended as part of  
participation in the regulatory sandbox.
- 1439 (b) Notwithstanding any other provision of this chapter, the regulatory relief office may not enter into a  
written agreement with an applicant and related parties that waives or suspends a tax, fee, or charge  
that is administered by the State Tax Commission or that is described in Title 59, Revenue and  
Taxation.
- 1443 (15)
- (a) The director may deny at the director's sole discretion any application submitted under this section  
for any reason, including if the director determines that the preponderance of evidence demonstrates  
that suspending or waiving enforcement of a law or regulation would cause a significant risk of  
harm to consumers or residents of the state.
- 1448 (b) If the director denies an application submitted under this section, the regulatory relief office shall  
provide to the applicant a written description of the reasons for not allowing the applicant to be a  
sandbox participant.
- 1451 (c) The denial of an application submitted under this section is not subject to:
- 1452 (i) agency or judicial review; or
- 1453 (ii) the provisions of Title 63G, Chapter 4, Administrative Procedures Act.
- 1454 (16) The director shall deny an application for participation in the regulatory sandbox described by this  
section if the applicant or any person who seeks to participate with the applicant in demonstrating  
an offering has been convicted, entered a plea of nolo contendere, or entered a plea of guilty or nolo  
contendere held in abeyance, for any crime involving significant theft, fraud, or dishonesty if the

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crime bears a significant relationship to the applicant's or other participant's ability to safely and competently participate in the regulatory sandbox program.

- 1461 (17)
- (a) When an applicant is approved for participation in the regulatory sandbox, the director shall provide public notice of the approval on the office's website and through other appropriate means.
- 1464 (b) The public notice described in Subsection (17)(a) shall state:
- 1465 (i) the name of the sandbox participant;
- 1466 (ii) the industries the sandbox participant represents; and
- 1467 (iii) each law or regulation that is suspended or waived for the sandbox participant as allowed by the regulatory sandbox.
- 1469 (18) In addition to the information described in Subsection (17), the office shall make the following information available on the office's website and through other appropriate means:
- 1472 (a) documentation regarding the office's determination and grounds for approving each sandbox participant; and
- 1474 (b) public notice regarding any sandbox participant's revocation to participate in the regulatory sandbox.

1476 ~~{Section 17. Section 67-5-22.7 is amended to read: }~~

1477 **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.**

- 1480 (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.
- 1484 (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.
- 1488 (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.
- 1491 (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:
- 1493 (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;

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- 1496 (b) to specialize in fraudulent identification documents created and prepared for individuals who are  
unlawfully residing within the state; and
- 1498 (c) to administer the Identity Theft Victims Restricted Account created under Subsection (5).
- 1500 (5)
- (a) There is created a restricted account in the General Fund known as the "Identity Theft Victims  
Restricted Account."
- 1502 (b) The Identity Theft Victims Restricted Account shall consist of money appropriated to the Identity  
Theft Victims Restricted Account by the Legislature.
- 1504 (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.
- 1509 (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.
- 1515 (e) A claim filed under this Subsection (5) shall include evidence satisfactory to the Fraudulent  
Documents Identification Unit:
- 1517 (i) that the person is the victim of identity theft described in Subsection (5)(d); and
- 1518 (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.
- 1520 (f) The Fraudulent Documents Identification Unit shall pay a claim from the Identity Theft Victims  
Restricted Account:
- 1522 (i) if the Fraudulent Documents Identification Unit determines that the person has provided sufficient  
evidence to meet the requirements of Subsection (5)(e);
- 1524 (ii) in the order that claims are filed with the Fraudulent Documents Identification Unit; and
- 1526 (iii) to the extent that it there is money in the Identity Theft Victims Restricted Account.
- 1528 (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

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may pay a claim when there is sufficient money in the account to pay the claim in the order that the claims are filed.

- 1532 (6) The strike force shall make an annual report on [its] the strike force's activities to the governor  
and the Legislature's Law Enforcement and Criminal Justice Interim Committee by December 1,  
together with any proposed recommendations for modifications to this section.

1536 ~~{Section 18. Section 76-14-209 is amended to read: }~~

1537 **76-14-209. Transporting or harboring an alien.**

1538 (1)

(a) As used in this section[;]

1539 [(i) ~~Except as provided in Subsection (1)(a)(ii)], "alien" means an individual who is illegally present~~  
in the United States.

1541 [(ii) ~~On or after the program start date, as defined in Section 63G-12-102, "alien" does not include~~  
~~an individual who holds a valid permit, as defined in Section 63G-12-102.]~~

1544 (b) Terms defined in Sections 76-1-101.5, 76-14-101, and 76-14-201 apply to this section.

1546 (2) An actor commits transporting or harboring an alien if the actor:

1547 (a) transports, moves, or attempts to transport into this state or within the state an alien for commercial  
advantage or private financial gain, knowing or in reckless disregard of the fact that the alien is in  
the United States in violation of federal law, in furtherance of the illegal presence of the alien in the  
United States;

1551 (b) knowingly, with the intent to violate federal immigration law, conceals, harbors, or shelters from  
detection an alien in a place within this state, including a building or means of transportation for  
commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the  
alien is in the United States in violation of federal law;

1556 (c) encourages or induces an alien to come to, enter, or reside in this state, knowing or in reckless  
disregard of the fact that the alien's coming to, entry, or residence is or will be in violation of law; or

1559 (d) engages in a conspiracy, for commercial advantage or private financial gain, to commit any of the  
offenses listed in Subsection (2)(a), (b), or (c).

1561 (3)

(a) A violation of Subsection (2)(a), (c), or (d) is a third degree felony.

1562 (b) A violation of Subsection (2)(b) is a class A misdemeanor.

1563 (4) Nothing in this section prohibits or restricts the provision of:

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- 1564 (a) a state or local public benefit described in 8 U.S.C. Sec. 1621(b); or  
1565 (b) charitable or humanitarian assistance, including medical care, housing, counseling, food, victim  
assistance, religious services and sacraments, or transportation to and from a location where the  
assistance is provided, by a charitable, educational, or religious organization or the employees,  
agents, or volunteers of a charitable, educational, or religious organization, using private funds.
- 1570 (5)  
(a) It is not a violation of this section for a religious denomination or organization or an agent, officer,  
or member of a religious denomination or organization to encourage, invite, call, allow, or enable an  
alien to perform the vocation of a minister or missionary for the denomination or organization in the  
United States as a volunteer who is not compensated as an employee, notwithstanding the provision  
of room, board, travel, medical assistance, and other basic living expenses.
- 1576 (b) Subsection (5)(a) applies only to an alien who has been a member of the religious denomination or  
organization for at least one year.
- 1578 [~~(6) An individual's participation in Title 63G, Chapter 14, Utah Pilot Sponsored Resident Immigrant  
Program Act, either as a sponsor or resident alien, does not constitute encouraging or inducing an  
alien to come to, enter, or reside in this state in violation of Subsection (2)(c).]~~

57 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

Section 21. **Repealer.**

This Bill Repeals:

1584 Section **63G-12-101, Title.**

1585 Section **63G-12-201, Department to create program.**

1586 Section **63G-12-202, Federal waivers, exemptions, or authorizations -- Implementation  
1587 without waiver, exemption, or authorization.**

1588 Section **63G-12-203, Coordination with other federal or state laws or programs.**

1589 Section **63G-12-204, Obtaining a permit -- Uses of permit.**

1590 Section **63G-12-205, Eligibility criteria to obtain and maintain a guest worker permit.**

1591 Section **63G-12-206, Eligibility to obtain and maintain an immediate family permit.**

1592 Section **63G-12-207, Application and renewal process.**

1593 Section **63G-12-208, Conditions during permit term.**

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- 1594 Section **63G-12-209, Proficiency standards for English.**
- 1595 Section **63G-12-210, Verification of valid permit -- Protected status of information.**
- 1596 Section **63G-12-211, Prohibited conduct -- Administrative penalties -- Criminal penalties.**
- 1597 Section **63G-12-212, Sharing of information related to enforcement.**
- 1598 Section **63G-12-301, Employing unauthorized alien -- Verification of employment**
- 1599 **eligibility.**
- 1600 Section **63G-12-302, Status verification system -- Registration and use -- Performance of**
- 1601 **services -- Unlawful practice.**
- 1602 Section **63G-12-303, Liability protections.**
- 1603 Section **63G-12-304, Voluntary registration by private employer certifying participation**
- 1604 **in verification.**
- 1605 Section **63G-12-305, Administrative actions -- Defenses.**
- 1606 Section **63G-12-306, Penalties.**
- 1607 Section **63G-14-101, Title.**
- 1608 Section **63G-14-102, Definitions.**
- 1609 Section **63G-14-201, Creation of program.**
- 1610 Section **63G-14-202, Approval as a resident immigrant -- Ineligibility.**
- 1611 Section **63G-14-203, Sponsorship.**
- 1612 Section **63G-14-204, Resident immigrant permit.**
- 1613 Section **63G-14-205, Employment and taxation obligations under the program.**
- 1614 Section **63G-14-206, Restrictions on activities of resident immigrant.**
- 1615 Section **63G-14-301, Disqualification from program.**
- 1616 Section **63G-14-302, Penalties on sponsors.**

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