

SB0136S02 compared with SB0136

{Omitted text} shows text that was in SB0136 but was omitted in SB0136S02
inserted text shows text that was not in SB0136 but was inserted into SB0136S02

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1

Enforcement Activities Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nate Blouin

House Sponsor:

LONG TITLE

General Description:

This bill creates requirements for certain enforcement activities.

Highlighted Provisions:

This bill:

- defines terms;
 - prohibits certain state or local law enforcement officers from assisting with a federal immigration enforcement operation in a sensitive location or house of worship;
 - prohibits, with certain exceptions, an employee of a law enforcement agency from using a facial covering;
 - provides:
 - a criminal penalty for an illegal use of a facial covering;
 - a waiver of immunity and allowance for damages against an employee of a law enforcement agency who violates the facial mask prohibition and commits a specified offense; and
 - an exemption from the criminal penalty if the employing law enforcement agency has established and publicly posted a facial covering policy;

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- 20 ▶ requires a law enforcement agency to establish and publicly post a facial covering policy and
includes requirements for a law enforcement facial covering policy;
- 22 ▶ requires, with certain exceptions, a governmental entity operating a sensitive location to not
allow into certain non-public areas an individual who is seeking access to conduct an immigration
enforcement operation;
- 25 ▶ **provides that a federal directive that conflicts with certain provisions is subject to the Utah
Constitutional Sovereignty Act;**
- 25 ▶ contains severability clauses; and
- 26 ▶ makes technical and conforming changes.

29 Money Appropriated in this Bill:

30 None

31 Other Special Clauses:

32 None

33 Utah Code Sections Affected:

34 ENACTS:

35 **53-13-106.14** , Utah Code Annotated 1953

36 **53-25-106** , Utah Code Annotated 1953

37 **53-25-903** , Utah Code Annotated 1953

38 **63G-34-101** , Utah Code Annotated 1953

39 **63G-34-102** , Utah Code Annotated 1953

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

41 Section 1. Section 1 is enacted to read:

42 **53-13-106.14. Prohibition on state or local law enforcement assistance with federal civil
immigration enforcement in a sensitive location or a house of worship -- Exceptions.**

43 **(1) As used in this section:**

44 **(a) "Federal directive" means the same as that term is defined in Section 63G-16-201.**

45 **(a){(b)} "Federal immigration authority" means the United States Department of Homeland Security,
the United States Immigration and Customs Enforcement, the United States Citizenship and
Immigration Services, the United States Customs and Border Protection, or any other federal agency**

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or entity that has the authority to detect, investigate, or enforce a violation of federal immigration law.

50 (b){(c)} "Federal immigration employee" means an individual:

51 (i) who is employed by a federal immigration authority; and

52 (ii) whose duties include the investigation or enforcement of federal immigration laws.

54 (c){(d)} "House of worship" means the same as that term is defined in Section 76-11-201.

55 (d){(e)} "Immigration enforcement operation" means an operation in which the primary objective is the identification or apprehension of an individual for the purpose of subjecting the individual to civil immigration detention, removal, or deportation proceedings.

59 (e){(f)} "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

61 (f){(g)} "Sensitive location" means the same as that term is defined in Section 63G-34-101.

62 (2) Except as provided in Subsection (3), a state or local law enforcement agency may not provide resources, equipment, facilities, personnel, or other assistance to a federal immigration authority or a federal immigration employee for the purpose of an immigration enforcement operation in a sensitive location or a house of worship.

66 (3) A state or local law enforcement agency may provide resources, equipment, facilities, personnel, or other assistance to a federal immigration authority or a federal immigration employee for the purpose of an immigration enforcement operation in a sensitive location or a house of worship if:

70 (a) circumstances exist that pose an imminent threat of:

71 (i) physical harm to an individual; or

72 (ii) physical damage to the sensitive location or a house of worship;

73 (b) the entity responsible for operating the sensitive location or house of worship requests the assistance or presence of a state or local law enforcement agency or a law enforcement officer employed by a state or local law enforcement agency; or

76 (c) the immigration enforcement operation is conducted in accordance with a federal criminal warrant or in exigent circumstances.

81 (4) A federal directive that conflicts with this section is subject to the provisions of Title 63G, Chapter 16, Part 2, Utah Constitutional Sovereignty Act.

83 Section 2. Section 2 is enacted to read:

84 **53-25-106. Prohibition on officer use of a facial covering -- Exceptions -- Criminal penalty --**

Civil claim.

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81 (1) For purposes of this section:

82 (a)

84 (i) "Facial covering" means an opaque mask, garment, helmet, headgear, or other item that conceals or
85 obscures the facial identity of an individual.

86 (ii) "Facial covering" includes a balaclava, tactical mask, gator, or ski mask.

88 (iii) "Facial covering" does not include:

90 (A) a translucent face shield or clear mask that does not conceal the individual's facial identity;

92 (B) a medical or surgical mask, gas mask, helmet, respirator, or self-contained breathing apparatus, if
worn to protect against exposure to a hazardous or harmful condition;

94 (C) a mask, helmet, self-contained breathing apparatus, or other device necessary for underwater use
96 that is worn during a water-based operation;

98 (D) a motorcycle helmet when worn by an officer using a motorcycle or other vehicle that requires a
100 helmet for the safe operation of the vehicle; or

102 (E) protective eyewear, helmets, sunglasses, or other standard law enforcement gear not designed or
104 used for the purpose of hiding an individual's identity.

106 (b) **"Federal directive"** means the same as that term is defined in Section 63G-16-201.

108 (b){(c)} "Officer" means an individual:

110 (i) who is an employee of a law enforcement agency; and

112 (ii) whose primary and principal duties consist of the prevention and detection of crime and the
114 enforcement of criminal or immigration statutes or ordinances of the federal government, this state,
116 or a political subdivision of this state.

118 (c){(d)} "Tactical unit" means a special group within a law enforcement agency that is specifically
120 trained and equipped to respond to critical, high-risk situations.

122 (2) Except as provided in Subsection (3), an officer may not wear a facial covering that conceals or
124 obscures the officer's facial identity in the performance of the officer's official duties.

126 (3) An officer may wear a facial covering described in Subsection (2) if:

128 (a) the officer is actively performing duties associated with a tactical unit in which protective gear is
130 required for the officer's physical safety;

132 (b) the officer is actively participating in an undercover operation or assignment, including in a
134 prosecution related to an undercover operation or assignment, that is authorized by the officer's
136 supervising personnel or a court order;

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113 (c) the use of the facial covering is authorized under a written facial covering policy established by the
officer's employing law enforcement agency in accordance with Section 53-25-903; or

116 (d) the officer in good faith believes that the use of the facial covering was permitted by law or by the
officer's law enforcement agency.

118 (4)

(a) Except as provided in Subsection (4)(b), an officer's intentional violation of this section on or after
July 1, 2026, is a class C misdemeanor.

120 (b) An officer may not be prosecuted for a violation of this section if the officer:

121 (i) was acting in the officer's official capacity as an employee of a law enforcement agency; and

123 (ii) the officer's employing law enforcement agency, at the time of the violation, had created and
publicly posted a written facial covering policy in accordance with Section 53-25-903.

126 (5) An officer who is found to have committed an assault, battery, false imprisonment, false arrest,
abuse of process, or malicious prosecution against an individual while wearing a facial covering in
a knowing violation of this section, may not assert a privilege or immunity for the officer's tortious
conduct against a claim of civil liability, and is liable to the individual for the greater of actual
damages or statutory damages of not less than \$10,000, whichever is greater.

138 (6) A federal directive that conflicts with this section is subject to the provisions of Title 63G, Chapter
16, Part 2, Utah Constitutional Sovereignty Act.

132 (6){(7)} The provisions of this section are severable, and if any subsection of this section or the
application of any subsection to any person or circumstance is held invalid by a final decision of
a court with jurisdiction, the remainder of this section shall be given effect without the invalid
subsection or application.

144 Section 3. Section 3 is enacted to read:

53-25-903. Law enforcement agency policy concerning facial coverings.

146 (1) As used in this section:

147 (a) "Federal directive" means the same as that term is defined in Section 63G-16-201.

138 (1){(b)} {As used in this section, "tactical } "Tactical unit" means the same as that term is defined in
Section 53-25-106.

140 (2) Beginning July 1, 2026, a law enforcement agency operating in the state shall create, maintain,
and publicly post a written policy regarding the use of facial coverings by employees of the law
enforcement agency.

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- 143 (3) The policy described in Subsection (2) shall include:
- 144 (a) a purpose statement affirming the law enforcement agency's commitment to:
- 145 (i) transparency, accountability, and public trust;
- 146 (ii) restricting the use of facial coverings to specific, clearly defined, and limited circumstances; and
- 148 (iii) the principle that generalized and undifferentiated fear and apprehension about officer safety is not sufficient to justify the use of a facial covering;
- 150 (b) a general prohibition on an officer's use of a facial covering when performing the officer's official duties as an officer and the following exceptions:
- 152 (i) the exceptions described in Subsections 53-25-106(3)(a) and (b); and
- 153 (ii) a law or policy regarding:
- 154 (A) a reasonable accommodation for an officer to wear a facial covering based on the officer's disability or other medical reason; or
- 156 (B) the use of a facial covering by an officer when required by occupational health or safety laws;
- 158 (c) the use of the definition of "facial covering" found in Section 53-25-106; and
- 159 (d) a requirement that a supervisor may not knowingly allow an employee of the law enforcement agency to violate state law or agency policy concerning the use of a facial covering.
- 171 (4) A federal directive that conflicts with this section is subject to the provisions of Title 63G, Chapter 16, Part 2, Utah Constitutional Sovereignty Act.

- 162 (4){(5)} The provisions of this section are severable, and if any subsection of this section or the application of any subsection to any person or circumstance is held invalid by a final decision of a court with jurisdiction, the remainder of this section shall be given effect without the invalid subsection or application.

177 Section 4. Section 4 is enacted to read:

179 **63G-34-101. Definitions.**

34. Limitation on Federal Immigration Actions in Sensitive Locations

As used in this chapter:

181 (1) "Federal directive" means the same as that term is defined in Section 63G-16-201.

170 (1)(2) "Governmental entity" means:

171 (a) the state; or

172 (b) a political subdivision.

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(2)(3) "Immigration enforcement operation" means the same as that term is defined in Section 53-13-106.14.

175 (3)(4) "Political subdivision" means the same as that term is defined in Section 63G-7-102.

176 (4)(5) "Public library" means a library established under Section 9-7-402 or 9-7-501.

177 (5)(6)

(a) "Sensitive location" means:

178 (i) a public library;

179 (ii) a health care facility operated by a governmental entity;

180 (iii) a courthouse; or

181 (iv) a location operated by a governmental entity that provides:

182 (A) physical or mental health services;

183 (B) shelter care services; or

184 (C) legal services.

185 (b) "Sensitive location" does not include:

186 (i) a correctional or detention facility operated by a governmental entity; or

187 (ii) a holding or detention facility in a courthouse operated by a governmental entity.

188 (6)(7) "State" means the same as that term is defined in Section 63G-7-102.

201 Section 5. Section 5 is enacted to read:

63G-34-102. Limitations on federal immigration actions in a sensitive location.

A governmental entity operating a sensitive location shall deny access to any portion of the sensitive location that is not accessible to the general public to any individual who is seeking access to conduct an immigration enforcement operation, unless:

{the sensitive location that is not accessible to the general public to any individual who is seeking access to conduct an immigration enforcement operation, unless:}

194 (1){(a)} the individual presents a valid warrant issued by a federal court;

195 (2){(b)} circumstances exist that pose an imminent threat of:

196 (a){(i)} physical harm to an individual; or

197 (b){(ii)} physical damage to the sensitive location; or

198 (3){(c)} exigent circumstances exist.

211 (2) A federal directive that conflicts with this section is subject to the provisions of Title 63G, Chapter 16, Part 2, Utah Constitutional Sovereignty Act.

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213

Section 6. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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