

# SB0136S02 compared with SB0136S01

~~{Omitted text}~~ shows text that was in SB0136S01 but was omitted in SB0136S02

inserted text shows text that was not in SB0136S01 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:

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### 3 LONG TITLE

#### 4 General Description:

5 This bill creates requirements for certain enforcement activities.

#### 6 Highlighted Provisions:

7 This bill:

- 8     ▸ defines terms;
- 9     ▸ prohibits certain state or local law enforcement officers from assisting with a federal immigration enforcement operation in a sensitive location or house of worship;
- 11    ▸ prohibits, with certain exceptions, an employee of a law enforcement agency from using a facial covering;
- 13    ▸ provides:
  - 14       • a criminal penalty for an illegal use of a facial covering;
  - 15       • 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
  - 18       • 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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▸ requires a law enforcement agency to establish and publicly post a facial covering policy and includes requirements for a law enforcement facial covering policy;

~~{places restrictions on when a federal agency, or an entity operating on behalf of a federal agency, may operate a detention facility for the purpose of immigration enforcement proceedings;}~~

▸ 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;

▸ provides that a federal directive that conflicts with certain provisions is subject to the Utah Constitutional Sovereignty Act;

▸ contains severability clauses; and

▸ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

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

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

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

~~**{63G-16-401, Utah Code Annotated 1953}**~~

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

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

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

Section 1. Section 1 is enacted to read:

**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.**

(1) As used in this section:

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

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- 52 (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  
or entity that has the authority to detect, investigate, or enforce a violation of federal immigration  
law.
- 57 (c) "Federal immigration employee" means an individual:  
58 (i) who is employed by a federal immigration authority; and  
59 (ii) whose duties include the investigation or enforcement of federal immigration laws.
- 61 (d) "House of worship" means the same as that term is defined in Section 76-11-201.
- 62 (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.
- 66 (f) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- 68 (g) "Sensitive location" means the same as that term is defined in Section 63G-34-101.
- 69 (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.
- 73 (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:
- 77 (a) circumstances exist that pose an imminent threat of:  
78 (i) physical harm to an individual; or  
79 (ii) physical damage to the sensitive location or a house of worship;
- 80 (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
- 83 (c) the immigration enforcement operation is conducted in accordance with a federal criminal warrant  
or in exigent circumstances.
- 85 (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.

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Section 2. Section 2 is enacted to read:

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

#### **Civil claim.**

(1) For purposes of this section:

(a)

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

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

(iii) "Facial covering" does not include:

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

(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;

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

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

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

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

(c) "Officer" means an individual:

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

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

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

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

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

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

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- (b) the officer is actively participating in an undercover operation or assignment, including in a prosecution related to an undercover operation or assignment, that is authorized by the officer's supervising personnel or a court order;
- (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
- (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.
- (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.
- (b) An officer may not be prosecuted for a violation of this section if the officer:
- (i) was acting in the officer's official capacity as an employee of a law enforcement agency; and
- (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.
- (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.
- (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.
- (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.

Section 3. Section 3 is enacted to read:

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

- (1) As used in this section:
- (a) "Federal directive" means the same as that term is defined in Section 63G-16-201.
- (b) "Tactical unit" means the same as that term is defined in Section 53-25-106.

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(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.

(3) The policy described in Subsection (2) shall include:

(a) a purpose statement affirming the law enforcement agency's commitment to:

(i) transparency, accountability, and public trust;

(ii) restricting the use of facial coverings to specific, clearly defined, and limited circumstances; and

(iii) the principle that generalized and undifferentiated fear and apprehension about officer safety is not sufficient to justify the use of a facial covering;

(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:

(i) the exceptions described in Subsections 53-25-106(3)(a) and (b); and

(ii) a law or policy regarding:

(A) a reasonable accommodation for an officer to wear a facial covering based on the officer's disability or other medical reason; or

(B) the use of a facial covering by an officer when required by occupational health or safety laws;

(c) the use of the definition of "facial covering" found in Section 53-25-106; and

(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.

(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.

(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.

Section 4. Section 4 is enacted to read:

### **Part 4. Restrictions on Federal Immigration Detention Centers**

#### **63G-16-401. Restrictions on federal immigration detention centers -- Violation.**

(1) As used in this section:

(a) "Detention facility" means a facility in which an individual is held:

(i) while awaiting:

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- (A) a legal proceeding; or
- (B) an immigration enforcement proceeding; or
- (ii) as a consequence of committing an offense.
- (b) "Federal agency" means the same as that term is defined in Section 63G-16-201.
- (c) "Federal directive" means the same as that term is defined in Section 63G-16-201.
- (d) "Immigration enforcement proceeding" means the detention or processing of an individual for the purpose of subjecting the individual to a civil or criminal immigration detention, removal, or deportation proceeding.
- (2) A federal agency, or entity operating on behalf of a federal agency, may not build, own, lease, purchase, or operate a detention facility for the purpose of immigration enforcement proceedings unless the federal agency, or the entity operating on behalf of a federal agency, has:
- (a) the express written approval for the detention facility from:
- (i) the governor of this state;
- (ii) the county in which the detention facility is or will be located; and
- (iii) the city or town in which the detention facility is or will be located; and
- (b) achieved full compliance with all permitting, bonding, insurance, zoning, safety standards, building standards, occupancy restrictions, infrastructure requirements, and any other requirements that are mandated by:
- (i) the state;
- (ii) the county described in Subsection (2)(a)(ii); or
- (iii) the city or town described in Subsection (2)(a)(iii).
- (3) A federal directive that conflicts with this section is subject to the provisions of Part 2, Utah Constitutional Sovereignty Act.

Section 4. Section 4 is enacted to read:

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

#### **34. Limitation on Federal Immigration Actions in Sensitive Locations**

As used in this chapter:

- (1) "Federal directive" means the same as that term is defined in Section 63G-16-201.
- (2) "Governmental entity" means:
- (a) the state; or
- (b) a political subdivision.

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

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

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

(6)

(a) "Sensitive location" means:

(i) a public library;

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

(iii) a courthouse; or

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

(A) physical or mental health services;

(B) shelter care services; or

(C) legal services.

(b) "Sensitive location" does not include:

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

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

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

Section 5. Section **5** is enacted to read:

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

(1) 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:

(a) the individual presents a valid warrant issued by a federal court;

(b) circumstances exist that pose an imminent threat of:

(i) physical harm to an individual; or

(ii) physical damage to the sensitive location; or

(c) exigent circumstances exist.

(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.

Section 6. **Effective date.**

Effective Date.



## **SB0136S01 compared with SB0136S02**

This bill takes effect on May 6, 2026.

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