

## Judicial Conduct Commission Amendments

## 2026 GENERAL SESSION

# STATE OF UTAH

## **Chief Sponsor: Jordan D. Teuscher**

**Senate Sponsor:**

## LONG TITLE

### **General Description:**

This bill amends provisions relating to the Judicial Conduct Commission.

## Highlighted Provisions:

This bill:

- ▶ provides that certain records of the Judicial Conduct Commission are protected;
- ▶ requires a prosecutor to file a complaint with the Judicial Conduct Commission under certain circumstances;
- ▶ requires the Administrative Office of the Courts to file a complaint with the Judicial Conduct Commission under certain circumstances;
- ▶ requires the Judicial Conduct Commission to annually report certain information to the legislature; and
- ▶ makes technical and conforming changes.

### **Money Appropriated in this Bill:**

None

## Other Special Clauses:

None

## Utah Code Sections Affected:

## AMENDS:

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

**78A-11-106**, as last amended by Laws of Utah 2023, Chapter 394

## ENACTS:

**77-2-10, Utah Code Annotated 1953**

## **78A-11-114, Utah Code Annotated 1953**

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

Section 1. Section **63G-2-305** is amended to read:

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

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

32       (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has  
33           provided the governmental entity with the information specified in Section 63G-2-309;

34       (2) commercial information or nonindividual financial information obtained from a person  
35           if:  
36           (a) disclosure of the information could reasonably be expected to result in unfair  
37               competitive injury to the person submitting the information or would impair the  
38               ability of the governmental entity to obtain necessary information in the future;  
39           (b) the person submitting the information has a greater interest in prohibiting access than  
40               the public in obtaining access; and  
41           (c) the person submitting the information has provided the governmental entity with the  
42               information specified in Section 63G-2-309;

43       (3) commercial or financial information acquired or prepared by a governmental entity to  
44           the extent that disclosure would lead to financial speculations in currencies, securities, or  
45           commodities that will interfere with a planned transaction by the governmental entity or  
46           cause substantial financial injury to the governmental entity or state economy;

47       (4) records, the disclosure of which could cause commercial injury to, or confer a  
48           competitive advantage upon a potential or actual competitor of, a commercial project  
49           entity as defined in Subsection 11-13-103(4);

50       (5) test questions and answers to be used in future license, certification, registration,  
51           employment, or academic examinations;

52       (6) records, the disclosure of which would impair governmental procurement proceedings  
53           or give an unfair advantage to any person proposing to enter into a contract or agreement  
54           with a governmental entity, except, subject to Subsections (1) and (2), that this  
55           Subsection (6) does not restrict the right of a person to have access to, after the contract  
56           or grant has been awarded and signed by all parties:  
57           (a) a bid, proposal, application, or other information submitted to or by a governmental  
58               entity in response to:  
59               (i) an invitation for bids;  
60               (ii) a request for proposals;  
61               (iii) a request for quotes;  
62               (iv) a grant; or  
63               (v) other similar document; or  
64           (b) an unsolicited proposal, as defined in Section 63G-6a-712;

65 (7) information submitted to or by a governmental entity in response to a request for  
66 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not  
67 restrict the right of a person to have access to the information, after:  
68 (a) a contract directly relating to the subject of the request for information has been  
69 awarded and signed by all parties; or  
70 (b)(i) a final determination is made not to enter into a contract that relates to the  
71 subject of the request for information; and  
72 (ii) at least two years have passed after the day on which the request for information  
73 is issued;

74 (8) records that would identify real property or the appraisal or estimated value of real or  
75 personal property, including intellectual property, under consideration for public  
76 acquisition before any rights to the property are acquired unless:  
77 (a) public interest in obtaining access to the information is greater than or equal to the  
78 governmental entity's need to acquire the property on the best terms possible;  
79 (b) the information has already been disclosed to persons not employed by or under a  
80 duty of confidentiality to the entity;  
81 (c) in the case of records that would identify property, potential sellers of the described  
82 property have already learned of the governmental entity's plans to acquire the  
83 property;  
84 (d) in the case of records that would identify the appraisal or estimated value of  
85 property, the potential sellers have already learned of the governmental entity's  
86 estimated value of the property; or  
87 (e) the property under consideration for public acquisition is a single family residence  
88 and the governmental entity seeking to acquire the property has initiated negotiations  
89 to acquire the property as required under Section 78B-6-505;

90 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated  
91 transaction of real or personal property including intellectual property, which, if  
92 disclosed prior to completion of the transaction, would reveal the appraisal or estimated  
93 value of the subject property, unless:  
94 (a) the public interest in access is greater than or equal to the interests in restricting  
95 access, including the governmental entity's interest in maximizing the financial  
96 benefit of the transaction; or  
97 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of  
98 the value of the subject property have already been disclosed to persons not

employed by or under a duty of confidentiality to the entity;

- (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:
  - (a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;
  - (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
  - (c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;
  - (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
  - (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;
- (11) records the disclosure of which would jeopardize the life or safety of an individual;
- (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;
- (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;
- (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;
- (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;
- (16) records of a governmental audit agency relating to an ongoing or planned audit until

the final audit is released;

(17) records that are subject to the attorney client privilege;

(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;

(19)(a)(i) personal files of a state legislator, including personal correspondence to or from a member of the Legislature; and

(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

(b)(i) an internal communication that is part of the deliberative process in connection with the preparation of legislation between:

(A) members of a legislative body;

- (B) a member of a legislative body and a member of the legislative body's staff; or
- (C) members of a legislative body's staff; and

(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

(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

(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;

(21) a research request from a legislator to a legislative staff member and research findings prepared in response to the request;

(22) drafts, unless otherwise classified as public;

(23) records concerning a governmental entity's strategy about:

(a) collective bargaining; or

(b) imminent or pending litigation;

(24) records of investigations of loss occurrences and analyses of loss occurrences that may

167 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the  
168 Uninsured Employers' Fund, or similar divisions in other governmental entities;

169 (25) records, other than personnel evaluations, that contain a personal recommendation  
170 concerning an individual if disclosure would constitute a clearly unwarranted invasion  
171 of personal privacy, or disclosure is not in the public interest;

172 (26) records that reveal the location of historic, prehistoric, paleontological, or biological  
173 resources that if known would jeopardize the security of those resources or of valuable  
174 historic, scientific, educational, or cultural information;

175 (27) records of independent state agencies if the disclosure of the records would conflict  
176 with the fiduciary obligations of the agency;

177 (28) records of an institution of higher education defined in Section 53H-1-101 regarding  
178 tenure evaluations, appointments, applications for admissions, retention decisions, and  
179 promotions, which could be properly discussed in a meeting closed in accordance with  
180 Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final  
181 decisions about tenure, appointments, retention, promotions, or those students admitted,  
182 may not be classified as protected under this section;

183 (29) records of the governor's office, including budget recommendations, legislative  
184 proposals, and policy statements, that if disclosed would reveal the governor's  
185 contemplated policies or contemplated courses of action before the governor has  
186 implemented or rejected those policies or courses of action or made them public;

187 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,  
188 revenue estimates, and fiscal notes of proposed legislation before issuance of the final  
189 recommendations in these areas;

190 (31) records provided by the United States or by a government entity outside the state that  
191 are given to the governmental entity with a requirement that they be managed as  
192 protected records if the providing entity certifies that the record would not be subject to  
193 public disclosure if retained by it;

194 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a  
195 public body except as provided in Section 52-4-206;

196 (33) records that would reveal the contents of settlement negotiations but not including final  
197 settlements or empirical data to the extent that they are not otherwise exempt from  
198 disclosure;

199 (34) memoranda prepared by staff and used in the decision-making process by an  
200 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;

(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;

(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;

(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:

(a) the donor requests anonymity in writing;

(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

(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;

(38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;

(39) a notification of workers' compensation insurance coverage described in Section 34A-2-205;

(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:

(a) unpublished lecture notes;

(b) unpublished notes, data, and information:

(i) relating to research; and

(ii) of:

(A) the institution of higher education defined in Section 53H-1-101; or

(B) a sponsor of sponsored research;

- 235 (c) unpublished manuscripts;
- 236 (d) creative works in process;
- 237 (e) scholarly correspondence;[~~and~~]
- 238 (f) confidential information contained in research proposals;
- 239 (g) this Subsection (40) may not be construed to prohibit disclosure of public  
240 information required [~~pursuant to~~] under Subsection 53H-14-202(2)(a) or (b); and
- 241 (h) this Subsection (40) may not be construed to affect the ownership of a record;
- 242 (41)(a) records in the custody or control of the Office of the Legislative Auditor General  
243 that would reveal the name of a particular legislator who requests a legislative audit  
244 prior to the date that audit is completed and made public; and
- 245 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
246 Office of the Legislative Auditor General is a public document unless the legislator  
247 asks that the records in the custody or control of the Office of the Legislative Auditor  
248 General that would reveal the name of a particular legislator who requests a  
249 legislative audit be maintained as protected records until the audit is completed and  
250 made public;
- 251 (42) records that provide detail as to the location of an explosive, including a map or other  
252 document that indicates the location of:
  - 253 (a) a production facility; or
  - 254 (b) a magazine;
- 255 (43) information contained in the statewide database of the Division of Aging and Adult  
256 Services created by Section 26B-6-210;
- 257 (44) information contained in the Licensing Information System described in Title 80,  
258 Chapter 2, Child Welfare Services;
- 259 (45) information regarding National Guard operations or activities in support of the  
260 National Guard's federal mission;
- 261 (46) records provided by any pawn or secondhand business to a law enforcement agency or  
262 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand  
263 Merchandise, and Catalytic Converter Transaction Information Act;
- 264 (47) information regarding food security, risk, and vulnerability assessments performed by  
265 the Department of Agriculture and Food;
- 266 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
267 63G-2-106, records related to an emergency plan or program, a copy of which is  
268 provided to or prepared or maintained by the Division of Emergency Management, and

269 the disclosure of which would jeopardize:

270 (a) the safety of the general public; or

271 (b) the security of:

272 (i) governmental property;

273 (ii) governmental programs; or

274 (iii) the property of a private person who provides the Division of Emergency

275 Management information;

276 (49) records of the Department of Agriculture and Food that provides for the identification,

277 tracing, or control of livestock diseases, including any program established under Title

278 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control

279 of Animal Disease;

280 (50) as provided in Section 26B-2-709:

281 (a) information or records held by the Department of Health and Human Services related

282 to a complaint regarding a provider, program, or facility which the department is

283 unable to substantiate; and

284 (b) information or records related to a complaint received by the Department of Health

285 and Human Services from an anonymous complainant regarding a provider, program,

286 or facility;

287 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided

288 under Section 41-1a-116, an individual's home address, home telephone number, or

289 personal mobile phone number, if:

290 (a) the individual is required to provide the information in order to comply with a law,

291 ordinance, rule, or order of a government entity; and

292 (b) the subject of the record has a reasonable expectation that this information will be

293 kept confidential due to:

294 (i) the nature of the law, ordinance, rule, or order; and

295 (ii) the individual complying with the law, ordinance, rule, or order;

296 (52) the portion of the following documents that contains a candidate's residential or

297 mailing address, if the candidate provides to the filing officer another address or phone

298 number where the candidate may be contacted:

299 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,

300 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,

301 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;

302 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

303 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;

304 (53) the name, home address, work addresses, and telephone numbers of an individual that

305 is engaged in, or that provides goods or services for, medical or scientific research that is:

306 (a) conducted within the state system of higher education, as described in Section

307 53H-1-102; and

308 (b) conducted using animals;

309 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance

310 Evaluation Commission concerning an individual commissioner's vote, in relation to

311 whether a judge meets or exceeds minimum performance standards under Subsection

312 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);

313 (55) information collected and a report prepared by the Judicial Performance Evaluation

314 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,

315 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes

316 public, the information or report;

317 (56) records provided or received by the Public Lands Policy Coordinating Office in

318 furtherance of any contract or other agreement made in accordance with Section

319 63L-11-202;

320 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;

321 (58) in accordance with Section 73-10-33:

322 (a) a management plan for a water conveyance facility in the possession of the Division

323 of Water Resources or the Board of Water Resources; or

324 (b) an outline of an emergency response plan in possession of the state or a county or

325 municipality;

326 (59) the following records in the custody or control of the Office of Inspector General of

327 Medicaid Services, created in Section 63A-13-201:

328 (a) records that would disclose information relating to allegations of personal

329 misconduct, gross mismanagement, or illegal activity of a person if the information

330 or allegation cannot be corroborated by the Office of Inspector General of Medicaid

331 Services through other documents or evidence, and the records relating to the

332 allegation are not relied upon by the Office of Inspector General of Medicaid

333 Services in preparing a final investigation report or final audit report;

334 (b) records and audit workpapers to the extent they would disclose the identity of a

335 person who, during the course of an investigation or audit, communicated the

336 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected

337 violation of a law, rule, or regulation adopted under the laws of this state, a political  
338 subdivision of the state, or any recognized entity of the United States, if the  
339 information was disclosed on the condition that the identity of the person be  
340 protected;

341 (c) before the time that an investigation or audit is completed and the final investigation  
342 or final audit report is released, records or drafts circulated to a person who is not an  
343 employee or head of a governmental entity for the person's response or information;

344 (d) records that would disclose an outline or part of any investigation, audit survey plan,  
345 or audit program; or

346 (e) requests for an investigation or audit, if disclosure would risk circumvention of an  
347 investigation or audit;

348 (60) records that reveal methods used by the Office of Inspector General of Medicaid  
349 Services, the fraud unit, or the Department of Health and Human Services, to discover  
350 Medicaid fraud, waste, or abuse;

351 (61) information provided to the Department of Health and Human Services or the Division  
352 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections  
353 58-68-304(3) and (4);

354 (62) a record described in Section 63G-12-210;

355 (63) captured plate data that is obtained through an automatic license plate reader system  
356 used by a governmental entity as authorized in Section 41-6a-2003;

357 (64) an audio or video recording created by a body-worn camera, as that term is defined in  
358 Section 77-7a-103, that records sound or images inside a hospital or health care facility  
359 as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider,  
360 as that term is defined in Section 78B-3-403, or inside a human service program as that  
361 term is defined in Section 26B-2-101, except for recordings that:

362 (a) depict the commission of an alleged crime;

363 (b) record any encounter between a law enforcement officer and a person that results in  
364 death or bodily injury, or includes an instance when an officer fires a weapon;

365 (c) record any encounter that is the subject of a complaint or a legal proceeding against a  
366 law enforcement officer or law enforcement agency;

367 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);  
368 or

369 (e) have been requested for reclassification as a public record by a subject or authorized  
370 agent of a subject featured in the recording;

371 (65) a record pertaining to the search process for a president of an institution of higher  
372 education described in Section 53H-3-302;

373 (66) an audio recording that is:

374 (a) produced by an audio recording device that is used in conjunction with a device or  
375 piece of equipment designed or intended for resuscitating an individual or for treating  
376 an individual with a life-threatening condition;

377 (b) produced during an emergency event when an individual employed to provide law  
378 enforcement, fire protection, paramedic, emergency medical, or other first responder  
379 service:

380 (i) is responding to an individual needing resuscitation or with a life-threatening  
381 condition; and

382 (ii) uses a device or piece of equipment designed or intended for resuscitating an  
383 individual or for treating an individual with a life-threatening condition; and

384 (c) intended and used for purposes of training emergency responders how to improve  
385 their response to an emergency situation;

386 (67) records submitted by or prepared in relation to an applicant seeking a recommendation  
387 by the Research and General Counsel Subcommittee, the Budget Subcommittee, or the  
388 Legislative Audit Subcommittee, established under Section 36-12-8, for an employment  
389 position with the Legislature;

390 (68) work papers as defined in Section 31A-2-204;

391 (69) a record made available to Adult Protective Services or a law enforcement agency  
392 under Section 61-1-206;

393 (70) a record submitted to the Insurance Department in accordance with Section  
394 31A-37-201;

395 (71) a record described in Section 31A-37-503;

396 (72) any record created by the Division of Professional Licensing as a result of Subsection  
397 58-37f-304(5) or 58-37f-702(2)(a)(ii);

398 (73) a record described in Section 72-16-306 that relates to the reporting of an injury  
399 involving an amusement ride;

400 (74) except as provided in Subsection 63G-2-305.5(1), the signature of an individual on a  
401 political petition, or on a request to withdraw a signature from a political petition,  
402 including a petition or request described in the following titles:

403 (a) Title 10, Utah Municipal Code;

404 (b) Title 17, Counties;

- 405 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 406 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 407 (e) Title 20A, Election Code;
- 408 (75) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a  
409 voter registration record;
- 410 (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature  
411 described in Subsection (74) or (75), in the custody of the lieutenant governor or a local  
412 political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 413 (77) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5,  
414 Victims Guidelines for Prosecutors Act;
- 415 (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 416 (79) personal information, as defined in Section 63G-26-102, to the extent disclosure is  
417 prohibited under Section 63G-26-103;
- 418 (80) an image taken of an individual during the process of booking the individual into jail,  
419 unless:
  - 420 (a) the individual is convicted of a criminal offense based upon the conduct for which  
421 the individual was incarcerated at the time the image was taken;
  - 422 (b) a law enforcement agency releases or disseminates the image:
    - 423 (i) after determining that the individual is a fugitive or an imminent threat to an  
424 individual or to public safety and releasing or disseminating the image will assist  
425 in apprehending the individual or reducing or eliminating the threat; or
    - 426 (ii) to a potential witness or other individual with direct knowledge of events relevant  
427 to a criminal investigation or criminal proceeding for the purpose of identifying or  
428 locating an individual in connection with the criminal investigation or criminal  
429 proceeding;
  - 430 (c) a judge orders the release or dissemination of the image based on a finding that the  
431 release or dissemination is in furtherance of a legitimate law enforcement interest; or
  - 432 (d) the image is displayed to a person who is permitted to view the image under Section  
433 17-72-802;
- 434 (81) a record:
  - 435 (a) concerning an interstate claim to the use of waters in the Colorado River system;
  - 436 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
437 representative from another state or the federal government as provided in Section  
438 63M-14-205; and

439 (c) the disclosure of which would:

440 (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
441 Colorado River system;

442 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to  
443 negotiate the best terms and conditions regarding the use of water in the Colorado  
444 River system; or

445 (iii) give an advantage to another state or to the federal government in negotiations  
446 regarding the use of water in the Colorado River system;

447 (82) any part of an application described in Section 63N-16-201 that the Governor's Office  
448 of Economic Opportunity determines is nonpublic, confidential information that if  
449 disclosed would result in actual economic harm to the applicant, but this Subsection (82)  
450 may not be used to restrict access to a record evidencing a final contract or approval  
451 decision;

452 (83) the following records of a drinking water or wastewater facility:

453 (a) an engineering or architectural drawing of the drinking water or wastewater facility;  
454 and

455 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the  
456 drinking water or wastewater facility uses to secure, or prohibit access to, the records  
457 described in Subsection (83)(a);

458 (84) a statement that an employee of a governmental entity provides to the governmental  
459 entity as part of the governmental entity's personnel or administrative investigation into  
460 potential misconduct involving the employee if the governmental entity:

461 (a) requires the statement under threat of employment disciplinary action, including  
462 possible termination of employment, for the employee's refusal to provide the  
463 statement; and

464 (b) provides the employee assurance that the statement cannot be used against the  
465 employee in any criminal proceeding;

466 (85) any part of an application for a Utah Fits All Scholarship account described in Section  
467 53F-6-402 or other information identifying a scholarship student as defined in Section  
468 53F-6-401;

469 (86) a record:

470 (a) concerning a claim to the use of waters in the Great Salt Lake;

471 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
472 person concerning the claim, including a representative from another state or the

federal government; and

(c) the disclosure of which would:

(i) reveal a legal strategy relating to the state's claim to the use of the water in the Great Salt Lake;

(ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms and conditions regarding the use of water in the Great Salt Lake; or

(iii) give an advantage to another person including another state or to the federal government in negotiations regarding the use of water in the Great Salt Lake;

(87) a consumer complaint described in Section 13-2-11, unless the consumer complaint is reclassified as public as described in Subsection 13-2-11(4);

(88) a record of the Utah water agent, appointed under Section 73-10g-702;

(a) concerning a claim to the use of waters;

(b) relating to a judicial proceeding, administrative proceeding, or negotiation with a representative from another state, a tribe, the federal government, or other government entity as provided in Title 73, Chapter 10g, Part 7, Utah Water Agent and

(c) the disclosure of which would:

(i) reveal a legal strategy relating to the state's claim to the use of the water;

- (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions regarding the use of water; or

(iii) give an advantage to another state, a tribe, the federal government, or other government entity in negotiations regarding the use of water; [and]

(89) a record created or maintained for an investigation of the Prosecutor Conduct

Commission, created in Section 63M-7-1102, that contains any personal identifying information of a prosecuting attorney, including:

(a) a complaint, or a document that is submitted or created for a complaint, received by the Prosecutor Conduct Commission; or

(b) a finding by the Prosecutor Conduct Commission[-] ; and

) a record created, submitted, or maintained for an investigation

Commission, created in Section 78A-11-101.

**Section 2. Section 77-2-10 is enacted to read:**

## 77-216:1 Prosecution of a judge.

**(1) As used in this section.**

(a) Complaint means the same as that term is defined in Section 78A-11-102.

507 (b) "Judge" means the same as that term is defined in Section 78A-11-102.

508 (2) A prosecuting attorney who files an information or indictment against an individual who  
509 is a judge shall immediately file a complaint against the judge with the Judicial Conduct  
510 Commission created in Section 78A-11-101.

511 Section 3. Section **78A-11-106** is amended to read:

512 **78A-11-106 . Criminal investigation of a judge -- Administrative leave.**

513 (1)(a)[(i) Hf] Except as provided in Subsection (5), if the commission, during the  
514 course of [its] the commission's investigation into an allegation of judicial  
515 misconduct, receives information upon which a reasonable [person] individual  
516 might conclude that a misdemeanor or felony under state or federal law has been  
517 committed by a judge other than the chief justice of the Supreme Court, the  
518 commission shall immediately refer the allegation and any information relevant to  
519 the potential criminal violation to the chief justice of the Supreme Court.

520 (b)[(ii) (i)(A)] Unless Except as provided in Subsection (5) and unless the  
521 allegation is plainly frivolous, the commission shall also immediately refer the  
522 allegation of criminal misconduct and any information relevant to the potential  
523 criminal violation to the local prosecuting attorney having jurisdiction to  
524 investigate and prosecute the crime.

525 [(B)] (ii) If the local prosecuting attorney receiving the allegation of criminal  
526 misconduct of a judge practices before that judge on a regular basis, or has a  
527 conflict of interest in investigating the crime, the local prosecuting attorney shall  
528 refer the allegation of criminal misconduct to another local or state prosecutor  
529 who would not have the same disability or conflict.

530 [C] (iii) The commission may [eonecurrently] proceed [with its investigation of] to  
531 investigate the complaint without waiting for the resolution of the criminal  
532 investigation by the prosecuting attorney.

533 [(b)] (c) The chief justice of the Supreme Court may place a judge on administrative  
534 leave with or without pay if the chief justice has a reasonable basis to believe that the  
535 alleged crime occurred, that the judge committed the crime, and that the crime was  
536 either a felony or a misdemeanor which conduct may be prejudicial to the  
537 administration of justice or which brings a judicial office into disrepute.

538 (d) If the chief justice of the Supreme Court places a judge on administrative leave under  
539 Subsection (1)(c) without having received a referral from the commission as  
540 described in Subsection (1)(a), the Administrative Office of the Courts shall

immediately file a complaint against the judge with the commission.

(2)(a) [If] Except as provided in Subsection (5), if the commission, during the course of [its] the commission's investigation into an allegation of judicial misconduct, receives information upon which a reasonable [person] individual might conclude that a misdemeanor or felony under state or federal law has been committed by the chief justice of the Supreme Court, the commission shall immediately refer the allegation and any information relevant to the potential criminal violation to two justices of the Supreme Court and the local prosecuting attorney in accordance with Subsection [(1)(a)(ii)] (1)(b)(i).

(b) Two justices of the Supreme Court may place the chief justice of the Supreme Court on administrative leave with or without pay if the two justices have a reasonable basis to believe that the alleged crime occurred, that the chief justice committed the crime, and that the crime was either a felony or a misdemeanor which conduct may be prejudicial to the administration of justice or which brings a judicial office into disrepute.

(c) If two justices of the Supreme Court place the chief justice of the Supreme Court on administrative leave under Subsection (2)(b) without having received a referral from the commission as described in Subsection (2)(a), the Administrative Office of the Courts shall immediately file a complaint against the chief justice with the commission.

(3)(a) If a judge is or has been criminally charged or indicted for a class A misdemeanor or any felony under state or federal law and if the Supreme Court has not already acted under Subsection (1) or (2), the appropriate member or members of the Supreme Court as provided in Subsection (1) or (2), shall place the judge on administrative leave with or without pay pending the outcome of the criminal proceeding.

(b) The state court administrator shall, for the duration of the administrative leave, withhold all employer and employee contributions required under Sections 49-17-301 and 49-18-301.

(c) If the judge is not convicted of the criminal charge, and if after an investigation and final disposition of the case by the Judicial Conduct Commission, the judge is reinstated by the Supreme Court as provided in Subsection (4), then the judge shall be paid the salary or compensation for the period of administrative leave, and all contributions withheld under Subsection (3)(b) shall be deposited in accordance with

Sections 49-17-301 and 49-18-301.

(4) The chief justice of the Supreme Court or two justices of the Supreme Court who ordered the judge on administrative leave shall order the reinstatement of the judge:

- if the prosecutor to whom the allegations are referred by the commission determines no charge or indictment should be filed; or
- after final disposition of the criminal case, if the judge is not convicted of a criminal charge and if the commission has not ordered the removal of the judge.

(5) The commission is not required to refer an allegation of criminal misconduct to:

- the chief justice of the Supreme Court as described in Subsection (1)(a) if the Administrative Office of the Courts filed the complaint giving rise to the allegation as described in Subsection (1)(d);
- two justices of the Supreme Court as described in Subsection (2)(a) if the Administrative Office of the Courts filed the complaint giving rise to the allegation as described in Subsection (2)(c); or
- a prosecuting attorney as described in Subsection (1)(b) or (2)(a) if a prosecuting attorney filed the complaint giving rise to the allegation as described in Section 77-2-10.

Section 4. Section **78A-11-114** is enacted to read:

**78A-11-114 . Annual reporting requirement to Legislature.**

(1) Before November 1 of each year, the commission shall report to the Judiciary Interim Committee on the following matters from the previous fiscal year:

- (a) the number of complaints received;
- (b) the number of complaints resolved;
- (c) a brief description of each of the commission's informal resolutions;
- (d) a brief description of each final order issued by the Supreme Court under Subsection 78A-11-105(1); and
- (e) the publication of an annual report of commission activities.

(2) The commission may not include any personal identifying information regarding a judge in a report described in Subsection (1), except for information that is available in a final order issued by the Supreme Court under Subsection 78A-11-105(1).

## Section 5. Effective Date.

This bill takes effect on May 6, 2026.