

1

Immigration Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Lisa Shepherd
Senate Sponsor:

2

3 LONG TITLE

4

General Description:

5 This bill amends provisions relating to immigration.

6

Highlighted Provisions:

7 This bill:

8 ▶ repeals:

- 9 • the Guest Worker Program and related employee verification provisions; and
- 10 • the Utah Pilot Sponsored Resident Immigrant Program Act;

11 ▶ eliminates the repeal of the Private Employer Verification Act that is scheduled to occur
12 on the Guest Worker Program start date;

13 ▶ causes the Identity Theft Victims Restricted Account (account) to go into effect by
14 removing the requirement that the account go into operation on the Guest Worker
15 Program start date; and

16 ▶ makes technical and conforming changes.

17

Money Appropriated in this Bill:

18 None

19

Other Special Clauses:

20 None

21

Utah Code Sections Affected:

22

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,
26 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

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

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

43 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

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

73
74 *Be it enacted by the Legislature of the state of Utah:*

75 Section 1. Section **13-2-11** is amended to read:

76 **13-2-11 . Publication of consumer complaints.**

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;

81 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

85 Subsection (1)(a)(ii).

86 (b) "Consumer narrative" means the narrative description contained in a consumer
87 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
91 (87)] 63G-2-305(86).

92 (b) In carrying out the division's duties, the division may not publicly disclose the
93 identity of a person the division investigates unless:

94 (i) the person's identity becomes a matter of public record in an enforcement
95 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
100 the division against the same person, alleging the same or similar conduct, and
101 during the 12-month period immediately preceding the day on which the filer
102 files the consumer complaint;

103 (B) the consumer complaint does not contain information that an agreement with
104 another state or federal agency or a condition of participation in an
105 investigation or litigation requires the division keep confidential;

106 (C) the consumer complaint is not classified as controlled, private, or protected as
107 described in Sections 63G-2-302 through 63G-2-305, for a reason other than
108 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
110 63G-2-201(3)(b); or

111 (ii) the division takes public enforcement action against a respondent as a result of
112 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
115 Subsection (3)(a)(i)(A), the division may consider consumer complaints that are filed
116 against multiple entities under common ownership as consumer complaints against the
117 same person.

118 (5) A respondent's initial, written response to a consumer complaint that is public under
119 Subsection (3) is a public record.

120 (6) Before making a consumer complaint that is reclassified as public under Subsection (3),
121 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
123 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);
131 and
132 (b) may redact the filer's name and any other information that could, in the division's

133 judgment, disclose the filer's identity.

134 (7) If the division discloses the consumer complaint to the respondent as described in
135 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
139 filer's identity, if the filer requests anonymity; and
140 (d) other information the disclosure of which constitutes a clearly unwarranted invasion
141 of personal privacy.

142 (8) Nothing in this section precludes the division from disclosing a consumer complaint in
143 accordance with Section 63G-2-201.

144 Section 2. Section **13-47-102** is amended to read:

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

146 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
151 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
153 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~~
157 ~~63G-12-102.~~]

158 (4)(a) "Status verification system" means an electronic system operated by the federal
159 government, through which an employer may inquire to verify the federal legal
160 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
163 Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. Sec.
164 1324a;

165 (ii) a federal program equivalent to the program described in Subsection (4)(b)(i) that
166 is designated by the United States Department of Homeland Security or other

167 federal agency authorized to verify the employment eligibility status of a newly
168 hired employee [pursuant to] in accordance with the Immigration Reform and
169 Control Act of 1986;

170 (iii) the Social Security Number Verification Service or similar online verification
171 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
173 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
176 required -- Victim access -- Criminal liability for false statement -- Remedy for failure to
177 remove or delete.**

178 (1) As used in this section:

179 (a) "Booking photograph" means a photograph or image of an individual that is
180 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
184 website that requires the payment of a fee or other consideration in order to remove
185 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
187 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
189 to a publish-for-pay website; or
190 (ii) the booking photograph is a protected record under Subsection [63G-2-305(80)]
191 63G-2-305(79).

192 (b)(i) A sheriff shall display a copy of a booking photograph to a person requesting to
193 view the booking photograph if:

194 (A)(I) the person making the request is an alleged victim of a crime that
195 resulted in the creation of the booking photograph; and
196 (II) subject to Utah Rules of Evidence, Rule 617, the prosecuting agency with
197 jurisdiction consents to the request; or
198 (B) if an alleged victim is deceased or incapacitated, the person making the
199 request is an immediate family member, guardian, or conservator of an alleged
200 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
202 permitted to:

203 (A) retain the booking photograph;
204 (B) make a copy, take a picture of, or otherwise reproduce the booking
205 photograph; or
206 (C) disseminate or distribute the booking photograph.

207 (3)(a) A person who requests a copy of a booking photograph from a sheriff shall, at the
208 time of making the request, submit a statement signed by the person affirming that
209 the booking photograph will not be placed in a publish-for-pay publication or posted
210 to a publish-for-pay website.

211 (b) A person who submits a false statement under Subsection (3)(a) is subject to criminal
212 liability as provided in Section 76-8-504.

213 (4)(a) Except as provided in Subsection (5), a publish-for-pay publication or a
214 publish-for-pay website shall remove and destroy a booking photograph of an
215 individual who submits a request for removal and destruction within 30 calendar days
216 after the day on which the individual makes the request.

217 (b) A publish-for-pay publication or publish-for-pay website described in Subsection
218 (4)(a) may not condition removal or destruction of the booking photograph on the
219 payment of a fee in an amount greater than \$50.

220 (c) If the publish-for-pay publication or publish-for-pay website described in Subsection
221 (4)(a) does not remove and destroy the booking photograph in accordance with
222 Subsection (4)(a), the publish-for-pay publication or publish-for-pay website is liable
223 for:

224 (i) all costs, including reasonable attorney fees, resulting from any legal action the
225 individual brings in relation to the failure of the publish-for-pay publication or
226 publish-for-pay website to remove and destroy the booking photograph; and
227 (ii) a civil penalty of \$50 per day for each day after the 30-day deadline described in
228 Subsection (4)(a) on which the booking photograph is visible or publicly
229 accessible in the publish-for-pay publication or on the publish-for-pay website.

230 (5)(a) A publish-for-pay publication or a publish-for-pay website shall remove and
231 destroy a booking photograph of an individual who submits a request for removal and
232 destruction within seven calendar days after the day on which the individual makes
233 the request if:

234 (i) the booking photograph relates to a criminal charge:

235 (A) on which the individual was acquitted or not prosecuted; or
236 (B) that was expunged, vacated, or pardoned; and
237 (ii) the individual submits, in relation to the request, evidence of a disposition
238 described in Subsection (5)(a)(i).

239 (b) If the publish-for-pay publication or publish-for-pay website described in Subsection
240 (5)(a) does not remove and destroy the booking photograph in accordance with
241 Subsection (5)(a), the publish-for-pay publication or publish-for-pay website is liable
242 for:
243 (i) all costs, including reasonable attorney fees, resulting from any legal action that
244 the individual brings in relation to the failure of the publish-for-pay publication or
245 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
247 described in Subsection (5)(a) on which the booking photograph is visible or
248 publicly accessible in the publish-for-pay publication or on the publish-for-pay
249 website.

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

254 Section 4. Section **34-50-102** is amended to read:

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

256 As used in this chapter:

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

259 (2) "Discharge document" means a document received by a service member upon
260 separation from military service, including:
261 (a) a DD 214, United States Department of Defense Certificate of Release or Discharge
262 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
268 business, or in or about the same establishment, under any contract of hire, express or

269 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]
272 an employer who is not the federal government or a public employer.

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

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,
277 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**
283 **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
286 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,
290 including any form of a water right or water shares, or to discuss a proposed
291 development agreement, project proposal, or financing proposal related to the
292 development of land owned by the state or a political subdivision, if public
293 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
296 terms;

297 (e) strategy sessions to discuss the sale of real property, including any form of a water
298 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;
301 or

302 (B) prevent the public body from completing the transaction on the best possible

terms;

- (ii) the public body previously gave public notice that the property would be offered for sale; and
- (iii) the terms of the sale are publicly disclosed before the public body approves the sale;

discussion regarding deployment of security personnel, devices, or systems;

-) investigative proceedings regarding allegations of criminal misconduct;
-) as relates to the Independent Legislative Ethics Commission, conducting business relating to the receipt or review of ethics complaints;
- as relates to an ethics committee of the Legislature, a purpose permitted under Section 52-4-204;
- as relates to the Independent Executive Branch Ethics Commission created in Section 63A-14-202, conducting business relating to an ethics complaint;
-) as relates to a county legislative body, discussing commercial information as defined in Section 59-1-404;
- as relates to the Utah Higher Education Savings Board of Trustees and its appointed board of directors, discussing fiduciary or commercial information;
-) deliberations, not including any information gathering activities, of a public body acting in the capacity of:
 - (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;
 - (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
 - (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;
-) 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;
-) 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
338 disclosed to a member of the public or to a participant in the procurement process;
339 and
340 (ii) the public body needs to review or discuss the information to properly fulfill its
341 role and responsibilities in the procurement process;

342 (p) as relates to the governing board of a governmental nonprofit corporation, as that
343 term is defined in Section 11-13a-102, the purpose of discussing information that is
344 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
346 injury to the owner of the trade secret; and
347 (ii) discussion of the information is necessary for the governing board to properly
348 discharge the board's duties and conduct the board's business;

349 (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board, to
350 review confidential information regarding violations and security requirements in
351 relation to the operation of cannabis production establishments;

352 (r) considering a loan application, if public discussion of the loan application would
353 disclose:
354 (i) nonpublic personal financial information; or
355 (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business
356 financial information the disclosure of which would reasonably be expected to
357 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
359 in Section 11-59-201, regarding a potential tenant of point of the mountain state land,
360 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
364 described in Subsection 26B-1-506(1)(a), and a response to the report described in
365 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
368 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

371 of advising the Natural Resource Conservation Service of the United States
372 Department of Agriculture on a farm improvement project if the discussed
373 information is protected information under federal law;

374 (d) a meeting of the Compassionate Use Board established in Section 26B-1-421 for the
375 purpose of reviewing petitions for a medical cannabis card in accordance with
376 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
379 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 [
382 ~~63G-2-305(81)~~] 63G-2-305(80);

383 (B) reveal a legal strategy relating to the state's claim to the use of the water in the
384 Colorado River system;

385 (C) harm the ability of the Colorado River Authority of Utah or river
386 commissioner to negotiate the best terms and conditions regarding the use of
387 water in the Colorado River system; or

388 (D) give an advantage to another state or to the federal government in negotiations
389 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
392 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
394 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
397 conditions relevant to a business decision regarding the value of a project entity
398 asset if the terms of the business decision are publicly disclosed before the
399 decision is finalized and a public discussion would:

400 (A) disclose the appraisal or estimated value of the project entity asset under
401 consideration; or

402 (B) prevent the project entity from completing on the best possible terms a
403 contemplated transaction concerning the project entity asset;

404 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could

405 cause commercial injury to, or confer a competitive advantage upon a potential or
406 actual competitor of, the project entity;

407 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of
408 which could cause commercial injury to, or confer a competitive advantage upon a
409 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
411 price on the market; and

412 (h) a meeting of the Rules Review and General Oversight Committee to review and
413 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
416 Subsection 36-35-102(3)(c).

417 (3) In a closed meeting, a public body may not:

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,
420 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in
421 Elected Office; or
422 (c) discuss the character, professional competence, or physical or mental health of the
423 person whose name was submitted for consideration to fill a midterm vacancy or
424 temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and
425 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
428 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
432 63G-12-102.]

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

435 (c) "Federal law enforcement agency" means an entity or division of the federal
436 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

443 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

446 is to take place.

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

448 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

452 the alien who will be released.

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

456 another governmental entity, a government-managed corporation, a political

457 subdivision, the federal government, or another state if the requesting entity:

458 (a) serves as a repository or archives for purposes of historical preservation,

459 administrative maintenance, or destruction;

460 (b) enforces, litigates, or investigates civil, criminal, or administrative law, and the

461 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

463 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

470 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
475 committee.

476 (2)(a) A governmental entity may provide a private, controlled, or protected record or
477 record series to another governmental entity, a political subdivision, a
478 government-managed corporation, the federal government, or another state if the
479 requesting entity provides written assurance:
480 (i) that the record or record series is necessary to the performance of the
481 governmental entity's duties and functions;
482 (ii) that the record or record series will be used for a purpose similar to the purpose
483 for which the information in the record or record series was collected or obtained;
484 and
485 (iii) that the use of the record or record series produces a public benefit that is greater
486 than or equal to the individual privacy right that protects the record or record
487 series.

488 (b) A governmental entity may provide a private, controlled, or protected record or
489 record series to a contractor or a private provider according to the requirements of
490 Subsection (6)(b).

491 (3)(a) A governmental entity shall provide a private, controlled, or protected record to
492 another governmental entity, a political subdivision, a government-managed
493 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
496 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
499 63G-2-305(4).

500 (4) Before disclosing a record or record series under this section to another governmental
501 entity, another state, the United States, a foreign government, or to a contractor or
502 private provider, the originating governmental entity shall:
503 (a) inform the recipient of the record's classification and the accompanying restrictions
504 on access; and
505 (b) if the recipient is not a governmental entity to which this chapter applies, obtain the
506 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.

(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.

(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.

(b) A contractor or a private provider may receive information under this section only if:

- (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:

(ii) the record or record series it requests:

- (A) is necessary for the performance of a contract with a governmental entity;
- (B) will only be used for the performance of the contract with the governmental entity;
- (C) will not be disclosed to any other person; and
- (D) will not be used for advertising or solicitation.

(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).

(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.

(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.

(8)(a) The following records may not be shared under this section:

(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

(ii) except as provided in Subsection (8)(b), records of publicly funded libraries as described in Subsection 63G-2-302(1)(c)[; and].

[~~(iii) a record described in Section 63G-12-210.~~]

(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:

- (i) the record is a video surveillance recording of the library premises; and
- (ii) the law enforcement agency certifies in writing that:
 - (A) the law enforcement agency believes that the record will provide important information for a pending investigation into criminal or potentially criminal behavior; and
 - (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.

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

Section 8. Section **63G-2-305** is amended to read:

63G-2-305 . Protected records.

The following records are protected if properly classified by a governmental entity: 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; commercial information or nonindividual financial information obtained from a person if:

- (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;
- (b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and
- (c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;

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
576 competitive advantage upon a potential or actual competitor of, a commercial project
577 entity as defined in Subsection 11-13-103(4);
578 (5) test questions and answers to be used in future license, certification, registration,
579 employment, or academic examinations;
580 (6) records, the disclosure of which would impair governmental procurement proceedings
581 or give an unfair advantage to any person proposing to enter into a contract or agreement
582 with a governmental entity, except, subject to Subsections (1) and (2), that this
583 Subsection (6) does not restrict the right of a person to have access to, after the contract
584 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
586 entity in response to:
587 (i) an invitation for bids;
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
594 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not
595 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
597 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
599 subject of the request for information; and
600 (ii) at least two years have passed after the day on which the request for information
601 is issued;
602 (8) records that would identify real property or the appraisal or estimated value of real or
603 personal property, including intellectual property, under consideration for public
604 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
606 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
608 duty of confidentiality to the entity;

609 (c) in the case of records that would identify property, potential sellers of the described
610 property have already learned of the governmental entity's plans to acquire the
611 property;

612 (d) in the case of records that would identify the appraisal or estimated value of
613 property, the potential sellers have already learned of the governmental entity's
614 estimated value of the property; or

615 (e) the property under consideration for public acquisition is a single family residence
616 and the governmental entity seeking to acquire the property has initiated negotiations
617 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
619 transaction of real or personal property including intellectual property, which, if
620 disclosed prior to completion of the transaction, would reveal the appraisal or estimated
621 value of the subject property, unless:

622 (a) the public interest in access is greater than or equal to the interests in restricting
623 access, including the governmental entity's interest in maximizing the financial
624 benefit of the transaction; or

625 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
626 the value of the subject property have already been disclosed to persons not
627 employed by or under a duty of confidentiality to the entity;

628 (10) records created or maintained for civil, criminal, or administrative enforcement
629 purposes or audit purposes, or for discipline, licensing, certification, or registration
630 purposes, if release of the records:

631 (a) reasonably could be expected to interfere with investigations undertaken for
632 enforcement, discipline, licensing, certification, or registration purposes;

633 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
634 proceedings;

635 (c) would create a danger of depriving a person of a right to a fair trial or impartial
636 hearing;

637 (d) reasonably could be expected to disclose the identity of a source who is not generally
638 known outside of government and, in the case of a record compiled in the course of
639 an investigation, disclose information furnished by a source not generally known
640 outside of government if disclosure would compromise the source; or

641 (e) reasonably could be expected to disclose investigative or audit techniques,
642 procedures, policies, or orders not generally known outside of government if

643 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

646 property, governmental programs, or governmental recordkeeping systems from

647 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

649 facility, or records relating to incarceration, treatment, probation, or parole, that would

650 interfere with the control and supervision of an offender's incarceration, treatment,

651 probation, or parole;

652 (14) records that, if disclosed, would reveal recommendations made to the Board of

653 Pardons and Parole by an employee of or contractor for the Department of Corrections,

654 the Board of Pardons and Parole, or the Department of Health and Human Services that

655 are based on the employee's or contractor's supervision, diagnosis, or treatment of any

656 person within the board's jurisdiction;

657 (15) records and audit workpapers that identify audit, collection, and operational procedures

658 and methods used by the State Tax Commission, if disclosure would interfere with

659 audits or collections;

660 (16) records of a governmental audit agency relating to an ongoing or planned audit until

661 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,

664 employee, or agent of a governmental entity for, or in anticipation of, litigation or a

665 judicial, quasi-judicial, or administrative proceeding;

666 (19)(a)(i) personal files of a state legislator, including personal correspondence to or

667 from a member of the Legislature; and

668 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of

669 legislative action or policy may not be classified as protected under this section;

670 and

671 (b)(i) an internal communication that is part of the deliberative process in connection

672 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

677 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

679 General Counsel, that, if disclosed, would reveal a particular legislator's

680 contemplated legislation or contemplated course of action before the legislator has

681 elected to support the legislation or course of action, or made the legislation or course

682 of action public; and

683 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the

684 Office of Legislative Research and General Counsel is a public document unless a

685 legislator asks that the records requesting the legislation be maintained as protected

686 records until such time as the legislator elects to make the legislation or course of

687 action public;

688 (21) a research request from a legislator to a legislative staff member and research findings

689 prepared in response to the request;

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

695 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the

696 Uninsured Employers' Fund, or similar divisions in other governmental entities;

697 (25) records, other than personnel evaluations, that contain a personal recommendation

698 concerning an individual if disclosure would constitute a clearly unwarranted invasion

699 of personal privacy, or disclosure is not in the public interest;

700 (26) records that reveal the location of historic, prehistoric, paleontological, or biological

701 resources that if known would jeopardize the security of those resources or of valuable

702 historic, scientific, educational, or cultural information;

703 (27) records of independent state agencies if the disclosure of the records would conflict

704 with the fiduciary obligations of the agency;

705 (28) records of an institution of higher education defined in Section 53H-1-101 regarding

706 tenure evaluations, appointments, applications for admissions, retention decisions, and

707 promotions, which could be properly discussed in a meeting closed in accordance with

708 Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final

709 decisions about tenure, appointments, retention, promotions, or those students admitted,

710 may not be classified as protected under this section;

711 (29) records of the governor's office, including budget recommendations, legislative
712 proposals, and policy statements, that if disclosed would reveal the governor's
713 contemplated policies or contemplated courses of action before the governor has
714 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,
716 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
717 recommendations in these areas;
718 (31) records provided by the United States or by a government entity outside the state that
719 are given to the governmental entity with a requirement that they be managed as
720 protected records if the providing entity certifies that the record would not be subject to
721 public disclosure if retained by it;
722 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
723 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
725 settlements or empirical data to the extent that they are not otherwise exempt from
726 disclosure;
727 (34) memoranda prepared by staff and used in the decision-making process by an
728 administrative law judge, a member of the Board of Pardons and Parole, or a member of
729 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
731 requested from a governmental entity for the purpose of encouraging a person to expand
732 or locate a business in Utah, but only if disclosure would result in actual economic harm
733 to the person or place the governmental entity at a competitive disadvantage, but this
734 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
736 governmental entity's proprietary protection of intellectual property rights including
737 patents, copyrights, and trade secrets;
738 (37) the name of a donor or a prospective donor to a governmental entity, including an
739 institution of higher education defined in Section 53H-1-101, and other information
740 concerning the donation that could reasonably be expected to reveal the identity of the
741 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
744 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
746 governmental unit to which the donation is made is primarily engaged in educational,
747 charitable, or artistic endeavors, and has no regulatory or legislative authority over
748 the donor, a member of the donor's immediate family, or any entity owned or
749 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
752 34A-2-205;

753 (40) subject to Subsections (40)(g) and (h), the following records of an institution of higher
754 education defined in Section 53H-1-101, which have been developed, discovered,
755 disclosed to, or received by or on behalf of faculty, staff, employees, or students of the
756 institution:
757 (a) unpublished lecture notes;
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
768 information required [pursuant to] in accordance with Subsection 53H-14-202(2)(a)
769 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
772 that would reveal the name of a particular legislator who requests a legislative audit
773 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
775 Office of the Legislative Auditor General is a public document unless the legislator
776 asks that the records in the custody or control of the Office of the Legislative Auditor
777 General that would reveal the name of a particular legislator who requests a
778 legislative audit be maintained as protected records until the audit is completed and

made public;

- (42) records that provide detail as to the location of an explosive, including a map or other document that indicates the location of:
 - (a) a production facility; or
 - (b) a magazine;
- (43) information contained in the statewide database of the Division of Aging and Adult Services created by Section 26B-6-210;
- (44) information contained in the Licensing Information System described in Title 80, Chapter 2, Child Welfare Services;
- (45) information regarding National Guard operations or activities in support of the National Guard's federal mission;
- (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;
- (47) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;
- (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:
 - (a) the safety of the general public; or
 - (b) the security of:
 - (i) governmental property;
 - (ii) governmental programs; or
 - (iii) the property of a private person who provides the Division of Emergency Management information;
- (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;
- (50) as provided in Section 26B-2-709:
 - (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
814 and Human Services from an anonymous complainant regarding a provider, program,
815 or facility;

816 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided
817 under Section 41-1a-116, an individual's home address, home telephone number, or
818 personal mobile phone number, if:

819 (a) the individual is required to provide the information in order to comply with a law,
820 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
822 kept confidential due to:

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

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
826 mailing address, if the candidate provides to the filing officer another address or phone
827 number where the candidate may be contacted:

828 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
829 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,
830 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
834 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
836 53H-1-102; and

837 (b) conducted using animals;

838 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
839 Evaluation Commission concerning an individual commissioner's vote, in relation to
840 whether a judge meets or exceeds minimum performance standards under Subsection
841 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
843 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,
844 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes
845 public, the information or report;

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

847 furtherance of any contract or other agreement made in accordance with Section
848 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
852 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
854 municipality;

855 (59) the following records in the custody or control of the Office of Inspector General of
856 Medicaid Services, created in Section 63A-13-201:

857 (a) records that would disclose information relating to allegations of personal
858 misconduct, gross mismanagement, or illegal activity of a person if the information
859 or allegation cannot be corroborated by the Office of Inspector General of Medicaid
860 Services through other documents or evidence, and the records relating to the
861 allegation are not relied upon by the Office of Inspector General of Medicaid
862 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
864 person who, during the course of an investigation or audit, communicated the
865 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected
866 violation of a law, rule, or regulation adopted under the laws of this state, a political
867 subdivision of the state, or any recognized entity of the United States, if the
868 information was disclosed on the condition that the identity of the person be
869 protected;

870 (c) before the time that an investigation or audit is completed and the final investigation
871 or final audit report is released, records or drafts circulated to a person who is not an
872 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,
874 or audit program; or

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

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

880 (61) information provided to the Department of Health and Human Services or the Division

881 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
882 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
885 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
887 defined in Section 77-7a-103, that records sound or images inside a hospital or health
888 care facility as those terms are defined in Section 78B-3-403, inside a clinic of a health
889 care provider, as that term is defined in Section 78B-3-403, or inside a human service
890 program as that term is defined in Section 26B-2-101, except for recordings that:

- 891 (a) depict the commission of an alleged crime;
- 892 (b) record any encounter between a law enforcement officer and a person that results in
893 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
895 law enforcement officer or law enforcement agency;
- 896 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);
897 or
- 898 (e) have been requested for reclassification as a public record by a subject or authorized
899 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
901 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
904 piece of equipment designed or intended for resuscitating an individual or for treating
905 an individual with a life-threatening condition;
- 906 (b) produced during an emergency event when an individual employed to provide law
907 enforcement, fire protection, paramedic, emergency medical, or other first responder
908 service:
 - 909 (i) is responding to an individual needing resuscitation or with a life-threatening
910 condition; and
 - 911 (ii) uses a device or piece of equipment designed or intended for resuscitating an
912 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
914 their response to an emergency situation;

915 [({67})] (66) records submitted by or prepared in relation to an applicant seeking a
916 recommendation by the Research and General Counsel Subcommittee, the Budget
917 Subcommittee, or the Legislative Audit Subcommittee, established under Section
918 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
921 agency under Section 61-1-206;
922 [({70})] (69) a record submitted to the Insurance Department in accordance with Section
923 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
926 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);
927 [({73})] (72) a record described in Section 72-16-306 that relates to the reporting of an injury
928 involving an amusement ride;
929 [({74})] (73) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
930 on a political petition, or on a request to withdraw a signature from a political petition,
931 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
938 in a voter registration record;
939 [({76})] (75) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
940 signature described in Subsection [({74}) or ({75})] (73) or (74), in the custody of the
941 lieutenant governor or a local political subdivision collected or held under, or in relation
942 to, Title 20A, Election Code;
943 [({77})] (76) a Form I-918 Supplement B certification as described in Title 77, Chapter 38,
944 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
947 is prohibited under Section 63G-26-103;
948 [({80})] (79) an image taken of an individual during the process of booking the individual into

949 jail, unless:

950 (a) the individual is convicted of a criminal offense based upon the conduct for which
951 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
954 individual or to public safety and releasing or disseminating the image will assist
955 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
957 to a criminal investigation or criminal proceeding for the purpose of identifying or
958 locating an individual in connection with the criminal investigation or criminal
959 proceeding;

960 (c) a judge orders the release or dissemination of the image based on a finding that the
961 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
963 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
967 representative from another state or the federal government as provided in Section
968 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
971 Colorado River system;

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

975 (iii) give an advantage to another state or to the federal government in negotiations
976 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
978 Office of Economic Opportunity determines is nonpublic, confidential information that
979 if disclosed would result in actual economic harm to the applicant, but this Subsection [
980 ~~82~~] (81) may not be used to restrict access to a record evidencing a final contract or
981 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;
984 and

985 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
986 drinking water or wastewater facility uses to secure, or prohibit access to, the records
987 described in Subsection [(83)(a)] (82)(a);

988 [(84)] (83) a statement that an employee of a governmental entity provides to the
989 governmental entity as part of the governmental entity's personnel or administrative
990 investigation into potential misconduct involving the employee if the governmental
991 entity:

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

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

997 [(85)] (84) any part of an application for a Utah Fits All Scholarship account described in
998 Section 53F-6-402 or other information identifying a scholarship student as defined in
999 Section 53F-6-401;

1000 [(86)] (85) a record:

1001 (a) concerning a claim to the use of waters in the Great Salt Lake;
1002 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
1003 person concerning the claim, including a representative from another state or the
1004 federal government; and

1005 (c) the disclosure of which would:

1006 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
1007 Great Salt Lake;

1008 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
1009 and conditions 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
1011 government in 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
1013 complaint is 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

1017 representative from another state, a tribe, the federal government, or other
1018 government entity as provided in Title 73, Chapter 10g, Part 7, Utah Water Agent;
1019 and

1020 (c) the disclosure of which would:

- 1021 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 1022 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions
1023 regarding the use of water; or
- 1024 (iii) give an advantage to another state, a tribe, the federal government, or other
1025 government entity in negotiations regarding the use of water; and

1026 [~~(89)~~] (88) a record created or maintained for an investigation of the Prosecutor Conduct
1027 Commission, created in Section 63M-7-1102, that contains any personal identifying
1028 information of a prosecuting attorney, including:

- 1029 (a) a complaint, or a document that is submitted or created for a complaint, received by
1030 the Prosecutor Conduct Commission; or
- 1031 (b) a finding by the Prosecutor Conduct Commission.

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)]~~
1035 63G-2-305(73) shall, upon request, except for a name or signature classified as private
1036 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
1039 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)]~~
1041 63G-2-305(74) shall, upon request, except for a name or signature classified as private
1042 under Title 20A, Chapter 2, Voter Registration:

- 1043 (a) provide a list of the names of registered voters, excluding the names that are
1044 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
1046 Registration, permit an individual to view, but not take a copy or other image of, the
1047 signature on a voter registration record.

1048 (3) Except for a signature classified as private under Title 20A, Chapter 2, Voter
1049 Registration, the records custodian of a signature described in Subsection ~~[63G-2-305~~
1050 (76)] 63G-2-305(75) shall, upon request, permit an individual to view, but not take a

1051 copy or other image of, a signature.

1052 Section 10. Section **63G-12-102** is amended to read:

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

1054 As used in this chapter:

1055 [① "Basic health insurance plan" means a health plan that is actuarially equivalent to a
1056 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
1059 hire.

1060 [④] (3) "Employer" means a person who has one or more employees employed in the same
1061 business, or in or about the same establishment, under any contract of hire, express or
1062 implied, oral or written.

1063 [⑤] "E-verify program" means the electronic verification of the work authorization
1064 program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996,
1065 8 U.S.C. See. 1324a, known as the e-verify program.]

1066 [⑥] "Family member" means for an undocumented individual:

1067 [①] a member of the undocumented individual's immediate family;]

1068 [②] the undocumented individual's grandparent;]

1069 [③] the undocumented individual's sibling;]

1070 [④] the undocumented individual's grandchild;]

1071 [⑤] the undocumented individual's nephew;]

1072 [⑥] the undocumented individual's niece;]

1073 [⑦] a spouse of an individual described in this Subsection (6); or]

1074 [⑧] an individual who is similar to one listed in this Subsection (6).]

1075 [⑨] (4) "Federal SAVE program" means the Systematic Alien Verification for Entitlements
1076 Program operated by the United States Department of Homeland Security or an
1077 equivalent program designated by the Department of Homeland Security.

1078 [⑩] "Guest worker" means an undocumented individual who holds a guest worker permit.]

1079 [⑪] "Guest worker permit" means a permit issued in accordance with Section 63G-12-207
1080 to an undocumented individual who meets the eligibility criteria of Section 63G-12-205.]

1081 [⑫] (10) "Immediate family" means for an undocumented individual:

1082 [①] the undocumented individual's spouse; or]

1083 [②] a child of the undocumented individual if the child is:

1084 [③] under 21 years old; and]

1085 [(ii) unmarried.]

1086 [(11) "Immediate family permit" means a permit issued in accordance with Section
1087 63G-12-207 to an undocumented individual who meets the eligibility criteria of Section
1088 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
1094 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
1097 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;]

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,
1102 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
1110 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
1117 Chapter 3, Utah Administrative Rulemaking Act.]

1118 [(19) (5) "Restricted account" means the Immigration Act Restricted Account created in

1119 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;]
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
1137 Patterns of Unlawful Activity.]

1138 [(21)(a) "Status verification system" means an electronic system operated by the federal
1139 government, through which an authorized official of a state agency or a political
1140 subdivision of the state may inquire by exercise of authority delegated pursuant to 8
1141 U.S.C. Sec. 1373, to verify the citizenship or immigration status of an individual
1142 within the jurisdiction of the agency or political subdivision for a purpose authorized
1143 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
1147 Homeland Security or other federal agency authorized to verify the work
1148 eligibility status of a newly hired employee pursuant to the Immigration Reform
1149 and Control Act of 1986;]
1150 [(iii) the Social Security Number Verification Service or similar online verification
1151 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]

1153 as the programs, systems, or processes described in Subsection (21)(b)(i), (ii), or
1154 (iii).]

1155 [(22) "Unauthorized alien" is as defined in 8 U.S.C. See. 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. See. 1101
1159 et seq. with regard to presence in the United States.]

1160 [(24) "U-verify program" means the verification procedure developed by the department in
1161 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 (1) There is created a restricted account within the General Fund known as the
1165 "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
1175 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
1178 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

1187 person or circumstance is held invalid, the remainder of this chapter may not be given
1188 effect without the invalid provision or application so that the provisions of this chapter
1189 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.

1193 Section 13. Section **63G-12-401** is amended to read:

1194 **63G-12-401 . Creation of identity documents -- Issuance to citizens, nationals,
1195 and legal permanent resident aliens -- Exceptions.**

1196 (1) The following entities may create, publish, or otherwise manufacture an identification
1197 document, identification card, or identification certificate and possess an engraved plate
1198 or other device for the printing of an identification document:

1199 (a) a federal, state, or local government agency for employee identification, which is
1200 designed to identify the bearer as an employee;

1201 (b) a federal, state, or local government agency for purposes authorized or required by
1202 law or a legitimate purpose consistent with the duties of the agency, including such
1203 documents as voter identification cards, identification cards, passports, birth
1204 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
1206 administrator, faculty member, student, or employee.

1207 (2) The name of the issuing entity shall be clearly printed upon the face of the identification
1208 document.

1209 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity
1210 providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall
1211 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)(a) Subsection (3) does not apply to an applicant for an identification document who
1216 presents, in person, valid documentary evidence of the applicant's:

1217 (i) unexpired immigrant or nonimmigrant visa status for admission into the United
1218 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
1222 States;

1223 (v) approved deferred action status; or

1224 (vi) pending application for adjustment of status to legal permanent resident or
1225 conditional resident.

1226 (b)(i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c)
1227 identification document to an applicant who satisfies the requirements of
1228 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
1231 States; or

1232 (B) for one year from the date of issuance if there is no definite end to the
1233 individual's period of authorized stay.

1234 (iii) An entity issuing an identification document under this Subsection (4) shall
1235 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
1239 presentation of valid documentary evidence that the status by which the individual
1240 originally qualified for the identification document has been extended by the United
1241 States Citizenship and Immigration Services or other authorized agency of the United
1242 States Department of Homeland Security.

1243 (5)(a) Subsection (3) does not apply to an identification document issued under
1244 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
1247 the identification document.

1248 (b) Subsection (3) does not apply to a license certificate, driving privilege card, or
1249 identification card issued or renewed under Title 53, Chapter 3, Uniform Driver
1250 License Act.

1251 (c) Subsection (3) does not apply to a public transit pass issued by a public transit
1252 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

1255 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~~
1258 ~~Sponsored Resident Immigrant Program Act.]~~

1259 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or
1260 national origin.

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~~
1264 ~~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
1269 authority.

1270 (2) The authority may classify a record in accordance with Title 63G, Chapter 2,
1271 Government Records Access and Management Act, including a record described in
1272 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
1279 access to the market in the state to demonstrate an offering without obtaining a
1280 license or other authorization that might otherwise be required;

1281 (c) may enter into agreements with or adopt the best practices of corresponding federal
1282 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
1284 regulatory sandbox.

1285 (3)(a) An applicant for the regulatory sandbox may contact the regulatory relief office to
1286 request a consultation regarding the regulatory sandbox before submitting an
1287 application.

1288 (b) The regulatory relief office shall provide relevant information regarding the

1289 regulatory sandbox program.

1290 (c) The regulatory relief office may provide assistance to an applicant in preparing an
1291 application for submission.

1292 (4) An applicant for the regulatory sandbox shall provide to the regulatory relief office an
1293 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
1296 which the demonstration of an offering will be developed and performed and where
1297 all required records, documents, and data will be maintained;

1298 (c) contains relevant personal and contact information for the applicant, including legal
1299 names, addresses, telephone numbers, email addresses, website addresses, and other
1300 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
1303 regarding:

1304 (i) how the offering is subject to licensing, legal prohibition, or other authorization
1305 requirements outside of the regulatory sandbox;

1306 (ii) each law or regulation, accompanied by their statutory reference or citation, that
1307 the applicant seeks to have waived or suspended while participating in the
1308 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
1312 well-being of consumers that each law or regulation described in Subsection
1313 (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
1316 demonstration of the offering;

1317 (viii) a description of the proposed demonstration plan, including estimated time
1318 periods for beginning and ending the demonstration;

1319 (ix) recognition that the applicant will be subject to all laws and regulations
1320 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
1322 demonstration fails;

1323 (f) lists each government agency, if any, that the applicant knows regulates the
1324 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
1327 accordance with Section 63J-1-504.

1328 (6) An applicant shall file a separate application for each offering that the applicant wishes
1329 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
1332 nonpublic, confidential information that if disclosed would result in actual economic
1333 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
1335 business regarding whether more information is needed from the applicant; and

1336 (c) seek additional information from the applicant that the regulatory relief office
1337 determines is necessary.

1338 (8) No later than five business days after the day on which a complete application is
1339 received by the regulatory relief office, the regulatory relief office shall:

1340 (a) review the application and refer the application to each applicable government
1341 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
1345 application has been referred for review; and

1346 (c) provide public notice, on the office's website and through other appropriate means, of
1347 each law or regulation that the office is considering to suspend or waive under the
1348 application.

1349 (9)(a) Subject to Subsections (9)(c) and (9)(g), no later than 30 days after the day on
1350 which an applicable agency receives a complete application for review, the applicable
1351 agency shall provide a written report to the director of the applicable agency's
1352 findings.

1353 (b) The report shall:

1354 (i) describe any identifiable, likely, and significant harm to the health, safety, or
1355 financial well-being of consumers that the relevant law or regulation protects
1356 against; and

- (ii) make a recommendation to the regulatory relief office that the applicant either be admitted or denied entrance into the regulatory sandbox.
- (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.
 - (ii) The applicable agency may only request one extension per application.
- (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.
- (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.
- (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.
- (g) Notwithstanding any other provision of this section, an applicable agency may by written notice to the regulatory relief office:
 - (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:
 - (A) required by federal law or regulation; or
 - (B) previously approved for use by a federal agency; or
 - (ii) reject an application that is preliminarily approved by the regulatory relief office, if the applicable agency:
 - (A) recommended rejection of the application in accordance with Subsection (9)(d) in the agency's written report; and
 - (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.

- (h) If an applicable agency rejects an application under Subsection (9)(g), the regulatory relief office may not approve the application.
 - (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.
 - (ii) The form shall document the reason for the rejection and show every reasonable effort was made to meet with the applicant.
-) (a) Upon receiving a written report described in Subsection (9), the director shall provide the application and the written report to the advisory committee.
 - (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.
 - (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.
 - (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).
-) (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.
 - (b) The consultation with each applicable agency may include seeking information about whether:
 - (i) the applicable agency has previously issued a license or other authorization to the applicant; and
 - (ii) the applicable agency has previously investigated, sanctioned, or pursued legal action against the applicant.
-) 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
1426 consider whether:

1427 (a) the applicant's plan will adequately protect consumers from potential harm identified
1428 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
1430 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
1432 suspended even if the applicant is approved as a sandbox participant, including
1433 applicable antifraud or disclosure provisions.

1434 (14)(a) An applicant becomes a sandbox participant if the regulatory relief office
1435 approves the application for the regulatory sandbox and the regulatory relief office
1436 enters into a written agreement with the applicant describing the specific laws and
1437 regulations that are waived or suspended as part of participation in the regulatory
1438 sandbox.

1439 (b) Notwithstanding any other provision of this chapter, the regulatory relief office may
1440 not enter into a written agreement with an applicant and related parties that waives or
1441 suspends a tax, fee, or charge that is administered by the State Tax Commission or
1442 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
1444 under this section for any reason, including if the director determines that the
1445 preponderance of evidence demonstrates that suspending or waiving enforcement of
1446 a law or regulation would cause a significant risk of harm to consumers or residents
1447 of the state.

1448 (b) If the director denies an application submitted under this section, the regulatory relief
1449 office shall provide to the applicant a written description of the reasons for not
1450 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
1455 described by this section if the applicant or any person who seeks to participate with the
1456 applicant in demonstrating an offering has been convicted, entered a plea of nolo
1457 contendere, or entered a plea of guilty or nolo contendere held in abeyance, for any
1458 crime involving significant theft, fraud, or dishonesty if the crime bears a significant

1459 relationship to the applicant's or other participant's ability to safely and competently
1460 participate in the regulatory sandbox program.

1461 (17)(a) When an applicant is approved for participation in the regulatory sandbox, the
1462 director shall provide public notice of the approval on the office's website and
1463 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
1468 allowed by the regulatory sandbox.

1469 (18) In addition to the information described in Subsection (17), the office shall make the
1470 following information available on the office's website and through other appropriate
1471 means:

- 1472 (a) documentation regarding the office's determination and grounds for approving each
1473 sandbox participant; and
- 1474 (b) public notice regarding any sandbox participant's revocation to participate in the
1475 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
1478 crimes associated with illegal immigration and human trafficking -- Fraudulent
1479 Documents Identification Unit.**

1480 (1) The Office of the Attorney General is authorized to administer and coordinate the

1481 operation of a multi-agency strike force to combat violent and other major felony crimes
1482 committed within the state that are associated with illegal immigration and human
1483 trafficking.

1484 (2) The office shall invite officers of the [U.S.] United States Immigration and Customs
1485 Enforcement and state and local law enforcement personnel to participate in this
1486 mutually supportive, multi-agency strike force to more effectively utilize their combined
1487 skills, expertise, and resources.

1488 (3) The strike force shall focus its efforts on detecting, investigating, deterring, and
1489 eradicating violent and other major felony criminal activity related to illegal
1490 immigration and human trafficking.

1491 (4) In conjunction with the strike force and subject to available funding, the Office of the
1492 Attorney General shall establish a Fraudulent Documents Identification Unit:

1493 (a) for the primary purpose of investigating, apprehending, and prosecuting individuals
1494 or entities that participate in the sale or distribution of fraudulent documents used for
1495 identification purposes;

1496 (b) to specialize in fraudulent identification documents created and prepared for
1497 individuals who are unlawfully residing within the state; and

1498 (c) to administer the Identity Theft Victims Restricted Account created under Subsection
1499 (5).

1500 (5)(a) There is created a restricted account in the General Fund known as the "Identity
1501 Theft Victims Restricted Account."

1502 (b) The Identity Theft Victims Restricted Account shall consist of money appropriated
1503 to the Identity Theft Victims Restricted Account by the Legislature.

1504 (c) Subject to appropriations from the Legislature, ~~[beginning on the program start date,
1505 as defined in Section 63G-12-102,]~~ the Fraudulent Documents Identification Unit
1506 may expend the money in the Identity Theft Victims Restricted Account to pay a
1507 claim as provided in this Subsection (5) to a person who is a victim of identity theft
1508 prosecuted under Section 76-11-215 or 76-6-1102.

1509 (d) To obtain payment from the Identity Theft Victims Restricted Account, a person
1510 shall file a claim with the Fraudulent Documents Identification Unit by no later than
1511 one year after the day on which an individual is convicted, pleads guilty to, pleads no
1512 contest to, pleads guilty in a similar manner to, or resolved by diversion or its
1513 equivalent an offense under Section 76-11-215 or 76-6-1102 for the theft of the
1514 identity of the person filing the claim.

1515 (e) A claim filed under this Subsection (5) shall include evidence satisfactory to the
1516 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
1519 that are not recovered from a public or private source.

1520 (f) The Fraudulent Documents Identification Unit shall pay a claim from the Identity
1521 Theft Victims Restricted Account:

1522 (i) if the Fraudulent Documents Identification Unit determines that the person has
1523 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
1525 Unit; and

1526 (iii) to the extent that there is money in the Identity Theft Victims Restricted

Account.

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

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.

Section 18. Section **76-14-209** is amended to read:

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

(1)(a) As used in this section[:]

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

[~~(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.]~~

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

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

(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;

(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;

(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

(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:
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,
1566 food, victim assistance, religious services and sacraments, or transportation to and
1567 from a location where the assistance is provided, by a charitable, educational, or
1568 religious organization or the employees, agents, or volunteers of a charitable,
1569 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
1571 an agent, officer, or member of a religious denomination or organization to
1572 encourage, invite, call, allow, or enable an alien to perform the vocation of a minister
1573 or missionary for the denomination or organization in the United States as a volunteer
1574 who is not compensated as an employee, notwithstanding the provision of room,
1575 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
1577 denomination or organization for at least one year.

1578 [~~(6) An individual's participation in Title 63G, Chapter 14, Utah Pilot Sponsored Resident~~
1579 ~~Immigrant Program Act, either as a sponsor or resident alien, does not constitute~~
1580 ~~encouraging or inducing an alien to come to, enter, or reside in this state in violation of~~
1581 ~~Subsection (2)(e).]~~]

1582 **Section 19. Repealer.**

1583 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.**

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.

1617 Section 20. **Effective Date.**

1618 This bill takes effect on May 6, 2026.