

**Lisa Shepherd** proposes the following substitute bill:

1 **Immigration Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lisa Shepherd**

Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill amends provisions relating to immigration.

5 **Highlighted Provisions:**

6 This bill:

7 ▶ repeals:

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

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

12 ▶ repeals the Identity Theft Victims Restricted Account that would have gone into effect on  
13 the Guest Worker Program start date; and

14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21 **13-2-11**, as enacted by Laws of Utah 2024, Chapter 101

22 **13-47-102**, as last amended by Laws of Utah 2014, Chapter 189

23 **17-72-802**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
24 Chapter 13

25 **34-50-102**, as last amended by Laws of Utah 2023, Chapter 44

26 **52-4-205**, as last amended by Laws of Utah 2025, Chapter 391

27 **53-13-106.13**, as enacted by Laws of Utah 2024, Chapter 130

29       **63G-2-206**, as last amended by Laws of Utah 2019, Chapter 334  
30       **63G-2-305**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17  
31       **63G-2-305.5**, as last amended by Laws of Utah 2024, Chapter 135  
32       **63G-12-102**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9  
33       **63G-12-103**, as last amended by Laws of Utah 2012, Chapter 369  
34       **63G-12-106**, as last amended by Laws of Utah 2025, Chapter 173  
35       **63G-12-401**, as last amended by Laws of Utah 2011, Chapter 20 and renumbered and  
36       amended by Laws of Utah 2011, Chapter 18  
37       **63I-2-213**, as last amended by Laws of Utah 2025, Chapter 277  
38       **63M-14-205**, as last amended by Laws of Utah 2024, Chapter 135  
39       **63N-16-201**, as last amended by Laws of Utah 2024, Chapters 135, 400  
40       **67-5-22.7**, as last amended by Laws of Utah 2025, Chapter 173  
41       **76-14-209**, as renumbered and amended by Laws of Utah 2025, Chapter 173

42       REPEALS:

43       **63G-12-101**, as enacted by Laws of Utah 2011, Chapter 18  
44       **63G-12-201**, as enacted by Laws of Utah 2011, Chapter 18  
45       **63G-12-202**, as last amended by Laws of Utah 2016, Chapter 81  
46       **63G-12-203**, as enacted by Laws of Utah 2011, Chapter 18  
47       **63G-12-204**, as enacted by Laws of Utah 2011, Chapter 18  
48       **63G-12-205**, as enacted by Laws of Utah 2011, Chapter 18  
49       **63G-12-206**, as enacted by Laws of Utah 2011, Chapter 18  
50       **63G-12-207**, as enacted by Laws of Utah 2011, Chapter 18  
51       **63G-12-208**, as enacted by Laws of Utah 2011, Chapter 18  
52       **63G-12-209**, as last amended by Laws of Utah 2016, Chapter 144  
53       **63G-12-210**, as enacted by Laws of Utah 2011, Chapter 18  
54       **63G-12-211**, as enacted by Laws of Utah 2011, Chapter 18  
55       **63G-12-212**, as enacted by Laws of Utah 2011, Chapter 18  
56       **63G-12-301**, as enacted by Laws of Utah 2011, Chapter 18  
57       **63G-12-302**, as renumbered and amended by Laws of Utah 2011, Chapter 18  
58       **63G-12-303**, as enacted by Laws of Utah 2011, Chapter 18  
59       **63G-12-304**, as enacted by Laws of Utah 2011, Chapter 18  
60       **63G-12-305**, as enacted by Laws of Utah 2011, Chapter 18  
61       **63G-12-306**, as last amended by Laws of Utah 2022, Chapter 447  
62       **63G-14-101**, as enacted by Laws of Utah 2011, Chapter 20

63       **63G-14-102**, as enacted by Laws of Utah 2011, Chapter 20  
64       **63G-14-201**, as last amended by Laws of Utah 2016, Chapter 81  
65       **63G-14-202**, as enacted by Laws of Utah 2011, Chapter 20  
66       **63G-14-203**, as enacted by Laws of Utah 2011, Chapter 20  
67       **63G-14-204**, as enacted by Laws of Utah 2011, Chapter 20  
68       **63G-14-205**, as enacted by Laws of Utah 2011, Chapter 20  
69       **63G-14-206**, as enacted by Laws of Utah 2011, Chapter 20  
70       **63G-14-301**, as enacted by Laws of Utah 2011, Chapter 20  
71       **63G-14-302**, as enacted by Laws of Utah 2011, Chapter 20

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

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

75       **13-2-11 . Publication of consumer complaints.**

76       (1) As used in this section:

77       (a) "Consumer complaint" means a complaint that:  
78           (i) is provided to the division;  
79           (ii) alleges facts relating to conduct that the division regulates under Section 13-2-1;  
80           and  
81           (iii) may contain:  
82              (A) information that identifies a respondent; and  
83              (B) a narrative description of and information relevant to the conduct described in  
84              Subsection (1)(a)(ii).

85       (b) "Consumer narrative" means the narrative description contained in a consumer  
86           complaint as described in Subsection (1)(a)(iii)(B).

87       (c) "Filer" means a person who files a consumer complaint.

88       (d) "Respondent" means a person against whom a filer files a consumer complaint.

89       (2)(a) A consumer complaint is a protected record as provided in Subsection [63G-2-305  
90           (87)] 63G-2-305(86).

91       (b) In carrying out the division's duties, the division may not publicly disclose the  
92           identity of a person the division investigates unless:  
93           (i) the person's identity becomes a matter of public record in an enforcement  
94           proceeding; or  
95           (ii) the person consents to public disclosure.

96       (3) Notwithstanding Subsection (2):

97 (a) the division may reclassify a consumer complaint as public if:

98 (i)(A) the consumer complaint is one of at least 10 consumer complaints filed with

99 the division against the same person, alleging the same or similar conduct, and

100 during the 12-month period immediately preceding the day on which the filer

101 files the consumer complaint;

102 (B) the consumer complaint does not contain information that an agreement with

103 another state or federal agency or a condition of participation in an

104 investigation or litigation requires the division keep confidential;

105 (C) the consumer complaint is not classified as controlled, private, or protected as

106 described in Sections 63G-2-302 through 63G-2-305, for a reason other than

107 that identified by Subsection [63G-2-305(87)] 63G-2-305(86); and

108 (D) access to the record is not restricted as described by Subsection

109 63G-2-201(3)(b); or

110 (ii) the division takes public enforcement action against a respondent as a result of

111 the consumer complaint; and

112 (b) the division may disclose a consumer complaint to the respondent.

113 (4) In determining the number of complaints against the same person in accordance with

114 Subsection (3)(a)(i)(A), the division may consider consumer complaints that are filed

115 against multiple entities under common ownership as consumer complaints against the

116 same person.

117 (5) A respondent's initial, written response to a consumer complaint that is public under

118 Subsection (3) is a public record.

119 (6) Before making a consumer complaint that is reclassified as public under Subsection (3),

120 or a response described in Subsection (5), available to the public, the division:

121 (a) shall redact from the consumer complaint or the response any information that would

122 disclose:

123 (i) the filer's:

124 (A) address;

125 (B) social security number;

126 (C) bank account information;

127 (D) email address; or

128 (E) telephone number; or

129 (ii) information similar in nature to the information described in Subsection (6)(a)(i);

130 and

131 (b) may redact the filer's name and any other information that could, in the division's  
132 judgment, disclose the filer's identity.

133 (7) If the division discloses the consumer complaint to the respondent as described in  
134 Subsection (3)(b), the division may redact the filer's:  
135 (a) bank account information;  
136 (b) social security number;  
137 (c) name and any other information that could, in the division's judgment, disclose the  
138 filer's identity, if the filer requests anonymity; and  
139 (d) other information the disclosure of which constitutes a clearly unwarranted invasion  
140 of personal privacy.

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

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

144 **13-47-102 . Definitions.**

145 As used in this chapter:

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

147 (2) "Employee" means an individual:

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

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

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

153 [(\u2022) (a) to an individual who performs services for the person in Utah; and

154 [(\u2022) (b) to report income paid to the individual who performs the services.

155 [(\u2022) "Private employer" does not mean a public employer as defined in Section  
156 63G-12-102.]

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

160 (b) "Status verification system" includes:

161 (i) the electronic verification of the work authorization program of the Illegal  
162 Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. Sec.  
163 1324a;

164 (ii) a federal program equivalent to the program described in Subsection (4)(b)(i) that

165 is designated by the United States Department of Homeland Security or other  
166 federal agency authorized to verify the employment eligibility status of a newly  
167 hired employee [pursuant to] in accordance with the Immigration Reform and  
168 Control Act of 1986;

169 (iii) the Social Security Number Verification Service or similar online verification  
170 process implemented by the United States Social Security Administration; or  
171 (iv) an independent third-party system with an equal or higher degree of reliability as  
172 the programs, systems, or processes described in Subsection (4)(b)(i), (ii), or (iii).

173 Section 3. Section **17-72-802** is amended to read:

174 **17-72-802 . Prohibition on providing copy of booking photograph -- Statement**

175 **required -- Victim access -- Criminal liability for false statement -- Remedy for failure to**  
176 **remove or delete.**

177 (1) As used in this section:

178 (a) "Booking photograph" means a photograph or image of an individual that is  
179 generated:  
180 (i) for identification purposes; and  
181 (ii) when the individual is booked into a county jail.

182 (b) "Publish-for-pay publication" or "publish-for-pay website" means a publication or  
183 website that requires the payment of a fee or other consideration in order to remove  
184 or delete a booking photograph from the publication or website.

185 (2)(a) A sheriff may not provide a copy of a booking photograph in any format to a  
186 person requesting a copy of the booking photograph if:

187 (i) the booking photograph will be placed in a publish-for-pay publication or posted  
188 to a publish-for-pay website; or  
189 (ii) the booking photograph is a protected record under Subsection [63G-2-305(80)]  
190 63G-2-305(79).

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

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

199 victim of the crime that resulted in the creation of the booking photograph.

200 (ii) A person entitled to view a booking photograph under Subsection (2)(b)(i) is not  
201 permitted to:

202 (A) retain the booking photograph;

203 (B) make a copy, take a picture of, or otherwise reproduce the booking  
204 photograph; or

205 (C) disseminate or distribute the booking photograph.

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

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

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

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

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

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

226 (ii) a civil penalty of \$50 per day for each day after the 30-day deadline described in  
227 Subsection (4)(a) on which the booking photograph is visible or publicly  
228 accessible in the publish-for-pay publication or on the publish-for-pay website.

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

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

238 (b) If the publish-for-pay publication or publish-for-pay website described in Subsection  
239 (5)(a) does not remove and destroy the booking photograph in accordance with  
240 Subsection (5)(a), the publish-for-pay publication or publish-for-pay website is liable  
241 for:  
242 (i) all costs, including reasonable attorney fees, resulting from any legal action that  
243 the individual brings in relation to the failure of the publish-for-pay publication or  
244 publish-for-pay website to remove and destroy the booking photograph; and  
245 (ii) a civil penalty of \$100 per day for each day after the seven-day deadline  
246 described in Subsection (5)(a) on which the booking photograph is visible or  
247 publicly accessible in the publish-for-pay publication or on the publish-for-pay  
248 website.

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

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

254 **34-50-102 . Definitions.**

255 As used in this chapter:

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

258 (2) "Discharge document" means a document received by a service member upon  
259 separation from military service, including:  
260 (a) a DD 214, United States Department of Defense Certificate of Release or Discharge  
261 from Active Duty;  
262 (b) a DD 256, United States Department of Defense Honorable Discharge Certificate;  
263 (c) a DD 257, United States General Discharge Certificate; or  
264 (d) an NGB 22, Utah National Guard Certificate of Release or Discharge.

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

266 (4) "Employer" means a person who has one or more employees employed in the same

267       business, or in or about the same establishment, under any contract of hire, express or  
268       implied, oral or written.

269       [~~(3)~~] ~~(5)~~ "Preference eligible" means the same as that term is defined in Section 71A-2-101.

270       [~~(4)~~] ~~(6)~~ "Private employer" means [the same as that term is defined in Section 63G-12-102]  
271       an employer who is not the federal government or a public employer.

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

- 273        (a) the state of Utah or any administrative subunit of the state;
- 274        (b) an institution of higher education, as that term is defined in Section 53H-1-101;
- 275        (c) a political subdivision of the state including a county, city, town, school district,  
276        special district, or special service district; or
- 277        (d) an administrative subunit of a political subdivision.

278       [~~(5)~~] ~~(8)~~ "Service member" means a currently serving member of the armed forces.

279       [~~(6)~~] ~~(9)~~ "Veteran" means the same as that term is defined in Section 68-3-12.5.

280       Section 5. Section **52-4-205** is amended to read:

281       **52-4-205 . Purposes of closed meetings -- Certain issues prohibited in closed**  
282       **meetings.**

283       (1) A closed meeting described under Section 52-4-204 may only be held for:

- 284        (a) except as provided in Subsection (3), discussion of the character, professional  
285        competence, or physical or mental health of an individual;
- 286        (b) strategy sessions to discuss collective bargaining;
- 287        (c) strategy sessions to discuss pending or reasonably imminent litigation;
- 288        (d) strategy sessions to discuss the purchase, exchange, or lease of real property,  
289        including any form of a water right or water shares, or to discuss a proposed  
290        development agreement, project proposal, or financing proposal related to the  
291        development of land owned by the state or a political subdivision, if public  
292        discussion would:
  - 293           (i) disclose the appraisal or estimated value of the property under consideration; or
  - 294           (ii) prevent the public body from completing the transaction on the best possible  
295            terms;
- 296        (e) strategy sessions to discuss the sale of real property, including any form of a water  
297        right or water shares, if:
  - 298           (i) public discussion of the transaction would:
    - 299              (A) disclose the appraisal or estimated value of the property under consideration;
    - 300              or

- (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;
- (f) discussion regarding deployment of security personnel, devices, or systems;
- (g) investigative proceedings regarding allegations of criminal misconduct;
- (h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the receipt or review of ethics complaints;
- (i) as relates to an ethics committee of the Legislature, a purpose permitted under Section 52-4-204;
- (j) as relates to the Independent Executive Branch Ethics Commission created in Section 63A-14-202, conducting business relating to an ethics complaint;
- (k) as relates to a county legislative body, discussing commercial information as defined in Section 59-1-404;
- (l) as relates to the Utah Higher Education Savings Board of Trustees and its appointed board of directors, discussing fiduciary or commercial information;
- (m) 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;
- (n) the purpose of considering information that is designated as a trade secret, as defined in Section 13-24-2, if the public body's consideration of the information is necessary to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;
- (o) the purpose of discussing information provided to the public body during the procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the

335 time of the meeting:

336 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be  
337 disclosed to a member of the public or to a participant in the procurement process;  
338 and

339 (ii) the public body needs to review or discuss the information to properly fulfill its  
340 role and responsibilities in the procurement process;

341 (p) as relates to the governing board of a governmental nonprofit corporation, as that  
342 term is defined in Section 11-13a-102, the purpose of discussing information that is  
343 designated as a trade secret, as that term is defined in Section 13-24-2, if:

344 (i) public knowledge of the discussion would reasonably be expected to result in  
345 injury to the owner of the trade secret; and

346 (ii) discussion of the information is necessary for the governing board to properly  
347 discharge the board's duties and conduct the board's business;

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

351 (r) considering a loan application, if public discussion of the loan application would  
352 disclose:

353 (i) nonpublic personal financial information; or

354 (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business  
355 financial information the disclosure of which would reasonably be expected to  
356 result in unfair competitive injury to the person submitting the information;

357 (s) a discussion of the board of the Point of the Mountain State Land Authority, created  
358 in Section 11-59-201, regarding a potential tenant of point of the mountain state land,  
359 as defined in Section 11-59-102; or

360 (t) a purpose for which a meeting is required to be closed under Subsection (2).

361 (2) The following meetings shall be closed:

362 (a) a meeting of the Health and Human Services Interim Committee to review a report  
363 described in Subsection 26B-1-506(1)(a), and a response to the report described in  
364 Subsection 26B-1-506(2);

365 (b) a meeting of the Child Welfare Legislative Oversight Panel to:

366 (i) review a report described in Subsection 26B-1-506(1)(a), and a response to the  
367 report described in Subsection 26B-1-506(2); or

368 (ii) review and discuss an individual case, as described in Section 36-33-103;

369 (c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose  
370 of advising the Natural Resource Conservation Service of the United States  
371 Department of Agriculture on a farm improvement project if the discussed  
372 information is protected information under federal law;

373 (d) a meeting of the Compassionate Use Board established in Section 26B-1-421 for the  
374 purpose of reviewing petitions for a medical cannabis card in accordance with  
375 Section 26B-1-421;

376 (e) a meeting of the Colorado River Authority of Utah if:  
377 (i) the purpose of the meeting is to discuss an interstate claim to the use of the water  
378 in the Colorado River system; and  
379 (ii) failing to close the meeting would:  
380 (A) reveal the contents of a record classified as protected under Subsection [  
381 ~~63G-2-305(81)~~] 63G-2-305(80);  
382 (B) reveal a legal strategy relating to the state's claim to the use of the water in the  
383 Colorado River system;  
384 (C) harm the ability of the Colorado River Authority of Utah or river  
385 commissioner to negotiate the best terms and conditions regarding the use of  
386 water in the Colorado River system; or  
387 (D) give an advantage to another state or to the federal government in negotiations  
388 regarding the use of water in the Colorado River system;

389 (f) a meeting of the General Regulatory Sandbox Program Advisory Committee if:  
390 (i) the purpose of the meeting is to discuss an application for participation in the  
391 regulatory sandbox as defined in Section 63N-16-102; and  
392 (ii) failing to close the meeting would reveal the contents of a record classified as  
393 protected under Subsection [~~63G-2-305(82)~~] 63G-2-305(81);

394 (g) a meeting of a project entity if:  
395 (i) the purpose of the meeting is to conduct a strategy session to discuss market  
396 conditions relevant to a business decision regarding the value of a project entity  
397 asset if the terms of the business decision are publicly disclosed before the  
398 decision is finalized and a public discussion would:  
399 (A) disclose the appraisal or estimated value of the project entity asset under  
400 consideration; or  
401 (B) prevent the project entity from completing on the best possible terms a  
402 contemplated transaction concerning the project entity asset;

403 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could  
404 cause commercial injury to, or confer a competitive advantage upon a potential or  
405 actual competitor of, the project entity;

406 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of  
407 which could cause commercial injury to, or confer a competitive advantage upon a  
408 potential or actual competitor of, the project entity; or

409 (iv) failing to close the meeting would prevent the project entity from getting the best  
410 price on the market; and

411 (h) a meeting of the Rules Review and General Oversight Committee to review and  
412 discuss:

413 (i) an individual child welfare case as described in Subsection 36-35-102(3)(c); or

414 (ii) information that is subject to a confidentiality agreement as described in  
415 Subsection 36-35-102(3)(c).

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

417 (a) interview a person applying to fill an elected position;

418 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A,  
419 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in  
420 Elected Office; or

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

425 Section 6. Section **53-13-106.13** is amended to read:

426 **53-13-106.13 . Notification requirement for federal officers before the release of  
427 an alien within the state.**

428 (1) As used in this section:

429 (a)[(i)] "Alien" means an individual who is illegally present in the United States.  
430 [ (ii) "Alien" does not include a permit holder as that term is defined in Section  
431 63G-12-102.]

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

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

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

- (ii) enforce federal immigration laws.
- (d) "Federal officer" means an individual:
  - (i) who works for a federal law enforcement agency; and
  - (ii) whose duties consist of the investigation and enforcement of federal laws.
- ) A federal officer may not release an alien from custody within the state unless the federal officer provides written notice three business days before the release to:
  - (a) the attorney general or the attorney general's designee; and
  - (b) the county sheriff or the county sheriff's designee of the county in which the release is to take place.
- ) In providing the written notice under Subsection (2)(b), the federal officer shall also provide:
  - (a) the specific address or location where the alien will be released;
  - (b) the date and time at which the alien will be released; and
  - (c) whether the federal officer is aware of any outstanding criminal warrants concerning the alien who will be released.

Section 7. Section **63G-2-206** is amended to read:

## 63G-2-206 . Sharing records.

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

- (a) serves as a repository or archives for purposes of historical preservation, administrative maintenance, or destruction;
- (b) enforces, litigates, or investigates civil, criminal, or administrative law, and the record is necessary to a proceeding or investigation;
- (c) is authorized by state statute to conduct an audit and the record is needed for that purpose;
- (d) is one that collects information for presentence, probationary, or parole purposes; or
- (e)(i) is:
  - (A) the Legislature;
  - (B) a legislative committee;
  - (C) a member of the Legislature; or
  - (D) a legislative staff member acting at the request of the Legislature, a legislative committee, or a member of the Legislature; and

471 (A) the preparation or review of a legislative proposal or legislation;  
472 (B) appropriations; or  
473 (C) an investigation or review conducted by the Legislature or a legislative  
474 committee.

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

479 (i) that the record or record series is necessary to the performance of the  
480 governmental entity's duties and functions;  
481 (ii) that the record or record series will be used for a purpose similar to the purpose  
482 for which the information in the record or record series was collected or obtained;  
483 and  
484 (iii) that the use of the record or record series produces a public benefit that is greater  
485 than or equal to the individual privacy right that protects the record or record  
486 series.

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

490 (3)(a) A governmental entity shall provide a private, controlled, or protected record to  
491 another governmental entity, a political subdivision, a government-managed  
492 corporation, the federal government, or another state if the requesting entity:

493 (i) is entitled by law to inspect the record;  
494 (ii) is required to inspect the record as a condition of participating in a state or federal  
495 program or for receiving state or federal funds; or  
496 (iii) is an entity described in Subsection (1)(a), (b), (c), (d), or (e).

497 (b) Subsection (3)(a)(iii) applies only if the record is a record described in Subsection  
498 63G-2-305(4).

499 (4) Before disclosing a record or record series under this section to another governmental  
500 entity, another state, the United States, a foreign government, or to a contractor or  
501 private provider, the originating governmental entity shall:

502 (a) inform the recipient of the record's classification and the accompanying restrictions  
503 on access; and  
504 (b) if the recipient is not a governmental entity to which this chapter applies, obtain the

505 recipient's written agreement which may be by mechanical or electronic transmission  
506 that it will abide by those restrictions on access unless a statute, federal regulation, or  
507 interstate agreement otherwise governs the sharing of the record or record series.

508 (5) A governmental entity may disclose a record to another state, the United States, or a  
509 foreign government for the reasons listed in Subsections (1) and (2) without complying  
510 with the procedures of Subsection (2) or (4) if disclosure is authorized by executive  
511 agreement, treaty, federal statute, compact, federal regulation, or state statute.

512 (6)(a) Subject to Subsections (6)(b) and (c), an entity receiving a record under this  
513 section is subject to the same restrictions on disclosure of the record as the  
514 originating entity.

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

516 (i) the contractor or private provider's use of the record or record series produces a  
517 public benefit that is greater than or equal to the individual privacy right that  
518 protects the record or record series;

519 (ii) the record or record series it requests:

520 (A) is necessary for the performance of a contract with a governmental entity;

521 (B) will only be used for the performance of the contract with the governmental  
522 entity;

523 (C) will not be disclosed to any other person; and

524 (D) will not be used for advertising or solicitation purposes; and

525 (iii) the contractor or private provider gives written assurance to the governmental  
526 entity that is providing the record or record series that it will adhere to the  
527 restrictions of this Subsection (6)(b).

528 (c) The classification of a record already held by a governmental entity and the  
529 applicable restrictions on disclosure of that record are not affected by the  
530 governmental entity's receipt under this section of a record with a different  
531 classification that contains information that is also included in the previously held  
532 record.

533 (7) Notwithstanding any other provision of this section, if a more specific court rule or  
534 order, state statute, federal statute, or federal regulation prohibits or requires sharing  
535 information, that rule, order, statute, or federal regulation controls.

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

537 (i) records held by the Division of Oil, Gas, and Mining that pertain to any person  
538 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.

(9) 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:

- (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-309;
- (2) 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;
- (3) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or

573 cause substantial financial injury to the governmental entity or state economy;

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

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

579 (6) records, the disclosure of which would impair governmental procurement proceedings  
580 or give an unfair advantage to any person proposing to enter into a contract or agreement  
581 with a governmental entity, except, subject to Subsections (1) and (2), that this  
582 Subsection (6) does not restrict the right of a person to have access to, after the contract  
583 or grant has been awarded and signed by all parties:

584 (a) a bid, proposal, application, or other information submitted to or by a governmental  
585 entity in response to:

586 (i) an invitation for bids;

587 (ii) a request for proposals;

588 (iii) a request for quotes;

589 (iv) a grant; or

590 (v) other similar document; or

591 (b) an unsolicited proposal, as defined in Section 63G-6a-712;

592 (7) information submitted to or by a governmental entity in response to a request for  
593 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not  
594 restrict the right of a person to have access to the information, after:

595 (a) a contract directly relating to the subject of the request for information has been  
596 awarded and signed by all parties; or

597 (b)(i) a final determination is made not to enter into a contract that relates to the  
598 subject of the request for information; and

599 (ii) at least two years have passed after the day on which the request for information  
600 is issued;

601 (8) records that would identify real property or the appraisal or estimated value of real or  
602 personal property, including intellectual property, under consideration for public  
603 acquisition before any rights to the property are acquired unless:

604 (a) public interest in obtaining access to the information is greater than or equal to the  
605 governmental entity's need to acquire the property on the best terms possible;

606 (b) the information has already been disclosed to persons not employed by or under a

duty of confidentiality to the entity;

- (c) in the case of records that would identify property, potential sellers of the described property have already learned of the governmental entity's plans to acquire the property;
- (d) in the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the governmental entity's estimated value of the property; or
- (e) the property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Section 78B-6-505;

records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:

- (a) the public interest in access is greater than or equal to the interests in restricting access, including the governmental entity's interest in maximizing the financial benefit of the transaction; or
- (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;

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

- (a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;
- (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
- (c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;
- (d) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or
- (e) reasonably could be expected to disclose investigative or audit techniques,

641                   procedures, policies, or orders not generally known outside of government if  
642                   disclosure would interfere with enforcement or audit efforts;

643                   (11) records the disclosure of which would jeopardize the life or safety of an individual;

644                   (12) records the disclosure of which would jeopardize the security of governmental  
645                   property, governmental programs, or governmental recordkeeping systems from  
646                   damage, theft, or other appropriation or use contrary to law or public policy;

647                   (13) records that, if disclosed, would jeopardize the security or safety of a correctional  
648                   facility, or records relating to incarceration, treatment, probation, or parole, that would  
649                   interfere with the control and supervision of an offender's incarceration, treatment,  
650                   probation, or parole;

651                   (14) records that, if disclosed, would reveal recommendations made to the Board of  
652                   Pardons and Parole by an employee of or contractor for the Department of Corrections,  
653                   the Board of Pardons and Parole, or the Department of Health and Human Services that  
654                   are based on the employee's or contractor's supervision, diagnosis, or treatment of any  
655                   person within the board's jurisdiction;

656                   (15) records and audit workpapers that identify audit, collection, and operational procedures  
657                   and methods used by the State Tax Commission, if disclosure would interfere with  
658                   audits or collections;

659                   (16) records of a governmental audit agency relating to an ongoing or planned audit until  
660                   the final audit is released;

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

662                   (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,  
663                   employee, or agent of a governmental entity for, or in anticipation of, litigation or a  
664                   judicial, quasi-judicial, or administrative proceeding;

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

667                   (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of  
668                   legislative action or policy may not be classified as protected under this section;  
669                   and

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

672                   (A) members of a legislative body;

673                   (B) a member of a legislative body and a member of the legislative body's staff; or

674                   (C) members of a legislative body's staff; and

- (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or policy may not be classified as protected under this section;
- (20)(a) records in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public; and
- (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;
- (21) a research request from a legislator to a legislative staff member and research findings prepared in response to the request;
- (22) drafts, unless otherwise classified as public;
- (23) records concerning a governmental entity's strategy about:
  - (a) collective bargaining; or
  - (b) imminent or pending litigation;
- (24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;
- (25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;
- (26) records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;
- (27) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;
- (28) records of an institution of higher education defined in Section 53H-1-101 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted,

709 may not be classified as protected under this section;

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

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

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

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

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

726 (34) memoranda prepared by staff and used in the decision-making process by an  
727 administrative law judge, a member of the Board of Pardons and Parole, or a member of  
728 any other body charged by law with performing a quasi-judicial function;

729 (35) records that would reveal negotiations regarding assistance or incentives offered by or  
730 requested from a governmental entity for the purpose of encouraging a person to expand  
731 or locate a business in Utah, but only if disclosure would result in actual economic harm  
732 to the person or place the governmental entity at a competitive disadvantage, but this  
733 section may not be used to restrict access to a record evidencing a final contract;

734 (36) materials to which access must be limited for purposes of securing or maintaining the  
735 governmental entity's proprietary protection of intellectual property rights including  
736 patents, copyrights, and trade secrets;

737 (37) the name of a donor or a prospective donor to a governmental entity, including an  
738 institution of higher education defined in Section 53H-1-101, and other information  
739 concerning the donation that could reasonably be expected to reveal the identity of the  
740 donor, provided that:

741 (a) the donor requests anonymity in writing;

742 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be

classified protected by the governmental entity under this Subsection (37); and

(c) except for an institution of higher education defined in Section 53H-1-101, the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the donor's immediate family, or any entity owned or controlled by the donor or the donor's immediate family;

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

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

(40) subject to Subsections (40)(g) and (h), the following records of an institution of higher education defined in Section 53H-1-101, which have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution:

(a) unpublished lecture notes;

(b) unpublished notes, data, and information:

(i) relating to research; and

(ii) of:

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

(B) a sponsor of sponsored research;

(c) unpublished manuscripts;

(d) creative works in process;

(e) scholarly correspondence;[-and]

(f) confidential information contained in research proposals;

(g) this Subsection (40) may not be construed to prohibit disclosure of public

information required [pursuant to] in accordance with Subsection 53H-14-202(2)(a) or (b); and

(h) this Subsection (40) may not be construed to affect the ownership of a record;

)(a) records in the custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit prior to the date that audit is completed and made public; and

(b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the Office of the Legislative Auditor General is a public document unless the legislator asks that the records in the custody or control of the Office of the Legislative Auditor General that would reveal the name of a particular legislator who requests a

777 legislative audit be maintained as protected records until the audit is completed and  
778 made public;

779 (42) records that provide detail as to the location of an explosive, including a map or other  
780 document that indicates the location of:

- 781 (a) a production facility; or
- 782 (b) a magazine;

783 (43) information contained in the statewide database of the Division of Aging and Adult  
784 Services created by Section 26B-6-210;

785 (44) information contained in the Licensing Information System described in Title 80,  
786 Chapter 2, Child Welfare Services;

787 (45) information regarding National Guard operations or activities in support of the  
788 National Guard's federal mission;

789 (46) records provided by any pawn or secondhand business to a law enforcement agency or  
790 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand  
791 Merchandise, and Catalytic Converter Transaction Information Act;

792 (47) information regarding food security, risk, and vulnerability assessments performed by  
793 the Department of Agriculture and Food;

794 (48) except to the extent that the record is exempt from this chapter [pursuant to] in  
795 accordance with Section 63G-2-106, records related to an emergency plan or program, a  
796 copy of which is provided to or prepared or maintained by the Division of Emergency  
797 Management, and the disclosure of which would jeopardize:

- 798 (a) the safety of the general public; or
- 799 (b) the security of:

- 800 (i) governmental property;
- 801 (ii) governmental programs; or
- 802 (iii) the property of a private person who provides the Division of Emergency  
803 Management information;

804 (49) records of the Department of Agriculture and Food that provides for the identification,  
805 tracing, or control of livestock diseases, including any program established under Title  
806 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
807 of Animal Disease;

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

- 809 (a) information or records held by the Department of Health and Human Services related  
810 to a complaint regarding a provider, program, or facility which the department is

unable to substantiate; and

(b) information or records related to a complaint received by the Department of Health and Human Services from an anonymous complainant regarding a provider, program, or facility;

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

- (a) the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and
- (b) the subject of the record has a reasonable expectation that this information will be kept confidential due to:
  - (i) the nature of the law, ordinance, rule, or order; and
  - (ii) the individual complying with the law, ordinance, rule, or order;

(52) the portion of the following documents that contains a candidate's residential or mailing address, if the candidate provides to the filing officer another address or phone number where the candidate may be contacted:

- (a) a declaration of candidacy, a nomination petition, or a certificate of nomination, described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;

(53) the name, home address, work addresses, and telephone numbers of an individual that is engaged in, or that provides goods or services for, medical or scientific research that is:

- (a) conducted within the state system of higher education, as described in Section 53H-1-102; and
- (b) conducted using animals;

(54) in accordance with Section 78A-12-203, any record of the Judicial Performance Evaluation Commission concerning an individual commissioner's vote, in relation whether a judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);

(55) information collected and a report prepared by the Judicial Performance Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public, the information or report;

845 (56) records provided or received by the Public Lands Policy Coordinating Office in  
846 furtherance of any contract or other agreement made in accordance with Section  
847 63L-11-202;

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

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

850 (a) a management plan for a water conveyance facility in the possession of the Division  
851 of Water Resources or the Board of Water Resources; or

852 (b) an outline of an emergency response plan in possession of the state or a county or  
853 municipality;

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

856 (a) records that would disclose information relating to allegations of personal  
857 misconduct, gross mismanagement, or illegal activity of a person if the information  
858 or allegation cannot be corroborated by the Office of Inspector General of Medicaid  
859 Services through other documents or evidence, and the records relating to the  
860 allegation are not relied upon by the Office of Inspector General of Medicaid  
861 Services in preparing a final investigation report or final audit report;

862 (b) records and audit workpapers to the extent they would disclose the identity of a  
863 person who, during the course of an investigation or audit, communicated the  
864 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected  
865 violation of a law, rule, or regulation adopted under the laws of this state, a political  
866 subdivision of the state, or any recognized entity of the United States, if the  
867 information was disclosed on the condition that the identity of the person be  
868 protected;

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

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

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

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

879 (61) information provided to the Department of Health and Human Services or the Division  
880 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections  
881 58-68-304(3) and (4);  
882 [~~(62) a record described in Section 63G-12-210;~~]  
883 [~~(63)~~] (62) captured plate data that is obtained through an automatic license plate reader  
884 system used by a governmental entity as authorized in Section 41-6a-2003;  
885 [~~(64)~~] (63) an audio or video recording created by a body-worn camera, as that term is  
886 defined in Section 77-7a-103, that records sound or images inside a hospital or health  
887 care facility as those terms are defined in Section 78B-3-403, inside a clinic of a health  
888 care provider, as that term is defined in Section 78B-3-403, or inside a human service  
889 program as that term is defined in Section 26B-2-101, except for recordings that:  
890 (a) depict the commission of an alleged crime;  
891 (b) record any encounter between a law enforcement officer and a person that results in  
892 death or bodily injury, or includes an instance when an officer fires a weapon;  
893 (c) record any encounter that is the subject of a complaint or a legal proceeding against a  
894 law enforcement officer or law enforcement agency;  
895 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);  
896 or  
897 (e) have been requested for reclassification as a public record by a subject or authorized  
898 agent of a subject featured in the recording;  
899 [~~(65)~~] (64) a record pertaining to the search process for a president of an institution of higher  
900 education described in Section 53H-3-302;  
901 [~~(66)~~] (65) an audio recording that is:  
902 (a) produced by an audio recording device that is used in conjunction with a device or  
903 piece of equipment designed or intended for resuscitating an individual or for treating  
904 an individual with a life-threatening condition;  
905 (b) produced during an emergency event when an individual employed to provide law  
906 enforcement, fire protection, paramedic, emergency medical, or other first responder  
907 service:  
908 (i) is responding to an individual needing resuscitation or with a life-threatening  
909 condition; and  
910 (ii) uses a device or piece of equipment designed or intended for resuscitating an  
911 individual or for treating an individual with a life-threatening condition; and  
912 (c) intended and used for purposes of training emergency responders how to improve

their response to an emergency situation;

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

[(68)] (67) work papers as defined in Section 31A-2-204;

[~~(69)~~] (68) a record made available to Adult Protective Services or a law enforcement agency under Section 61-1-206;

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

[(71)] (70) a record described in Section 31A-37-503;

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

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

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

(a) Title 10, Utah Municipal Code;

(b) Title 17, Counties;

(c) Title 17B, Limited Purpose Local Government Entities - Special Districts;

(d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

(e) Title 20A, Election Code;

[(75)] (74) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in a voter registration record;

[~~(76)~~] (75) except as provided in Subsection 63G-2-305.5(3), any signature, other than a signature described in Subsection [~~(74) or (75)~~] (73) or (74), in the custody of the lieutenant governor or a local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

[77] (76) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part 5, Victims Guidelines for Prosecutors Act;

[78] (77) a record submitted to the Insurance Department under Section 31A-48-103;

[(79)] (78) personal information, as defined in Section 63G-26-102, to the extent disclosure is prohibited under Section 63G-26-103;

947 [({80})] (79) an image taken of an individual during the process of booking the individual into  
948 jail, unless:

- 949 (a) the individual is convicted of a criminal offense based upon the conduct for which  
950 the individual was incarcerated at the time the image was taken;
- 951 (b) a law enforcement agency releases or disseminates the image:
  - 952 (i) after determining that the individual is a fugitive or an imminent threat to an  
953 individual or to public safety and releasing or disseminating the image will assist  
954 in apprehending the individual or reducing or eliminating the threat; or
  - 955 (ii) to a potential witness or other individual with direct knowledge of events relevant  
956 to a criminal investigation or criminal proceeding for the purpose of identifying or  
957 locating an individual in connection with the criminal investigation or criminal  
958 proceeding;
- 959 (c) a judge orders the release or dissemination of the image based on a finding that the  
960 release or dissemination is in furtherance of a legitimate law enforcement interest; or
- 961 (d) the image is displayed to a person who is permitted to view the image under Section  
962 17-72-802;

963 [({81})] (80) a record:

- 964 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 965 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
966 representative from another state or the federal government as provided in Section  
967 63M-14-205; and
- 968 (c) the disclosure of which would:
  - 969 (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
970 Colorado River system;
  - 971 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to  
972 negotiate the best terms and conditions regarding the use of water in the Colorado  
973 River system; or
  - 974 (iii) give an advantage to another state or to the federal government in negotiations  
975 regarding the use of water in the Colorado River system;

976 [({82})] (81) any part of an application described in Section 63N-16-201 that the Governor's  
977 Office of Economic Opportunity determines is nonpublic, confidential information that  
978 if disclosed would result in actual economic harm to the applicant, but this Subsection [  
979 (82)] (81) may not be used to restrict access to a record evidencing a final contract or  
980 approval decision;

981 [({83})] (82) the following records of a drinking water or wastewater facility:

982 (a) an engineering or architectural drawing of the drinking water or wastewater facility;

983 and

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

987 [({84})] (83) a statement that an employee of a governmental entity provides to the

988 governmental entity as part of the governmental entity's personnel or administrative  
989 investigation into potential misconduct involving the employee if the governmental  
990 entity:

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

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

996 [({85})] (84) any part of an application for a Utah Fits All Scholarship account described in  
997 Section 53F-6-402 or other information identifying a scholarship student as defined in  
998 Section 53F-6-401;

999 [({86})] (85) a record:

1000 (a) concerning a claim to the use of waters in the Great Salt Lake;

1001 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
1002 person concerning the claim, including a representative from another state or the  
1003 federal government; and

1004 (c) the disclosure of which would:

1005 (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
1006 Great Salt Lake;

1007 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms  
1008 and conditions regarding the use of water in the Great Salt Lake; or

1009 (iii) give an advantage to another person including another state or to the federal  
1010 government in negotiations regarding the use of water in the Great Salt Lake;

1011 [({87})] (86) a consumer complaint described in Section 13-2-11, unless the consumer  
1012 complaint is reclassified as public as described in Subsection 13-2-11(4);

1013 [({88})] (87) a record of the Utah water agent, appointed under Section 73-10g-702:

1014 (a) concerning a claim to the use of waters;

1015 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
1016 representative from another state, a tribe, the federal government, or other  
1017 government entity as provided in Title 73, Chapter 10g, Part 7, Utah Water Agent;  
1018 and

1019 (c) the disclosure of which would:  
1020 (i) reveal a legal strategy relating to the state's claim to the use of the water;  
1021 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions  
1022 regarding the use of water; or  
1023 (iii) give an advantage to another state, a tribe, the federal government, or other  
1024 government entity in negotiations regarding the use of water; and

1025 ~~[89]~~ (88) a record created or maintained for an investigation of the Prosecutor Conduct  
1026 Commission, created in Section 63M-7-1102, that contains any personal identifying  
1027 information of a prosecuting attorney, including:  
1028 (a) a complaint, or a document that is submitted or created for a complaint, received by  
1029 the Prosecutor Conduct Commission; or  
1030 (b) a finding by the Prosecutor Conduct Commission.

1031 Section 9. Section **63G-2-305.5** is amended to read:

1032 **63G-2-305.5 . Viewing or obtaining lists of signatures.**

1033 (1) The records custodian of a signature described in Subsection ~~[63G-2-305(74)]~~  
1034 63G-2-305(73) shall, upon request, except for a name or signature classified as private  
1035 under Title 20A, Chapter 2, Voter Registration:  
1036 (a) provide a list of the names of the individuals who signed the petition or request; and  
1037 (b) permit an individual to view, but not take a copy or other image of, the signatures on  
1038 a political petition described in Subsection ~~[63G-2-305(74)]~~ 63G-2-305(73).

1039 (2) The records custodian of a signature described in Subsection ~~[63G-2-305(75)]~~  
1040 63G-2-305(74) shall, upon request, except for a name or signature classified as private  
1041 under Title 20A, Chapter 2, Voter Registration:  
1042 (a) provide a list of the names of registered voters, excluding the names that are  
1043 classified as private under Title 20A, Chapter 2, Voter Registration; and  
1044 (b) except for a signature classified as private under Title 20A, Chapter 2, Voter  
1045 Registration, permit an individual to view, but not take a copy or other image of, the  
1046 signature on a voter registration record.

1047 (3) Except for a signature classified as private under Title 20A, Chapter 2, Voter  
1048 Registration, the records custodian of a signature described in Subsection ~~[63G-2-305~~

1049 (76) 63G-2-305(75) shall, upon request, permit an individual to view, but not take a  
1050 copy or other image of, a signature.

1051 Section 10. Section **63G-12-102** is amended to read:

1052 **63G-12-102 . Definitions.**

1053 As used in this chapter:

1054 [(1) "Basic health insurance plan" means a health plan that is actuarially equivalent to a  
1055 federally qualified high deductible health plan.]

1056 [(2) (1) "Department" means the Department of Public Safety created in Section 53-1-103.

1057 [(3) (2) "Employee" means an individual employed by an employer under a contract for  
1058 hire.

1059 [(4) (3) "Employer" means a person who has one or more employees employed in the same  
1060 business, or in or about the same establishment, under any contract of hire, express or  
1061 implied, oral or written.

1062 [(5) "E-verify program" means the electronic verification of the work authorization  
1063 program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996,  
1064 8 U.S.C. Sec. 1324a, known as the e-verify program.]

1065 [(6) "Family member" means for an undocumented individual:]

1066 [(a) a member of the undocumented individual's immediate family;]

1067 [(b) the undocumented individual's grandparent;]

1068 [(c) the undocumented individual's sibling;]

1069 [(d) the undocumented individual's grandchild;]

1070 [(e) the undocumented individual's nephew;]

1071 [(f) the undocumented individual's niece;]

1072 [(g) a spouse of an individual described in this Subsection (6); or]

1073 [(h) an individual who is similar to one listed in this Subsection (6).]

1074 [(7) (4) "Federal SAVE program" means the Systematic Alien Verification for Entitlements  
1075 Program operated by the United States Department of Homeland Security or an  
1076 equivalent program designated by the Department of Homeland Security.

1077 [(8) "Guest worker" means an undocumented individual who holds a guest worker permit.]

1078 [(9) "Guest worker permit" means a permit issued in accordance with Section 63G-12-207  
1079 to an undocumented individual who meets the eligibility criteria of Section 63G-12-205.]

1080 [(10) "Immediate family" means for an undocumented individual:]

1081 [(a) the undocumented individual's spouse; or]

1082 [(b) a child of the undocumented individual if the child is:]

1083 [({i}) under 21 years old; and]

1084 [({ii}) unmarried.]

1085 [({11}) "Immediate family permit" means a permit issued in accordance with Section  
1086 63G-12-207 to an undocumented individual who meets the eligibility criteria of Section  
1087 63G-12-206.]

1088 [({12}) "Permit" means a permit issued under Part 2, Guest Worker Program, and includes:]

1089 [({a}) a guest worker permit; and]

1090 [({b}) an immediate family permit.]

1091 [({13}) "Permit holder" means an undocumented individual who holds a permit.]

1092 [({14}) "Private employer" means an employer who is not the federal government or a public  
1093 employer.]

1094 [({15}) "Program" means the Guest Worker Program described in Section 63G-12-201.]

1095 [({16}) "Program start date" means the day on which the department is required to implement  
1096 the program under Subsection 63G-12-202(3).]

1097 [({17}) "Public employer" means an employer that is:]

1098 [({a}) the state of Utah or any administrative subunit of the state;]

1099 [({b}) an institution of higher education, as defined in Section 53H-1-101;]

1100 [({c}) a political subdivision of the state including a county, city, town, school district,  
1101 special district, or special service district; or]

1102 [({d}) an administrative subunit of a political subdivision.]

1103 [({18}) "Relevant contact information" means the following for an undocumented individual:]

1104 [({a}) the undocumented individual's name;]

1105 [({b}) the undocumented individual's residential address;]

1106 [({c}) the undocumented individual's residential telephone number;]

1107 [({d}) the undocumented individual's personal email address;]

1108 [({e}) the name of the person with whom the undocumented individual has a contract for  
1109 hire;]

1110 [({f}) the name of the contact person for the person listed in Subsection (18)(e);]

1111 [({g}) the address of the person listed in Subsection (18)(e);]

1112 [({h}) the telephone number for the person listed in Subsection (18)(e);]

1113 [({i}) the names of the undocumented individual's immediate family members;]

1114 [({j}) the names of the family members who reside with the undocumented individual; and]

1115 [({k}) any other information required by the department by rule made in accordance with  
1116 Chapter 3, Utah Administrative Rulemaking Act.]

1117 [({19}) (5) "Restricted account" means the Immigration Act Restricted Account created in  
1118 Section 63G-12-103.

1119 [({20}) "Serious felony" means a felony under:]

1120 [({a}) Section 53-5a-304;]

1121 [({b}) Title 76, Chapter 5, Offenses Against the Individual;]

1122 [({c}) Title 76, Chapter 5b, Sexual Exploitation Act;]

1123 [({d}) Title 76, Chapter 5e, Pornographic and Harmful Materials and Performances;]

1124 [({e}) Title 76, Chapter 5d, Prostitution;]

1125 [({f}) Title 76, Chapter 6, Offenses Against Property;]

1126 [({g}) Title 76, Chapter 7, Offenses Against the Family;]

1127 [({h}) Title 76, Chapter 8, Offenses Against the Administration of Government;]

1128 [({i}) Title 76, Chapter 9, Offenses Against Public Order, Health, and Safety;]

1129 [({j}) Title 76, Chapter 11, Weapons;]

1130 [({k}) Title 76, Chapter 12, Offenses Related to Privacy, Information, and Communication;]

1131 [({l}) Title 76, Chapter 13, Offenses Involving Cruelty to Animals;]

1132 [({m}) Title 76, Chapter 14, Offenses Related to Immigration Status;]

1133 [({n}) Title 76, Chapter 15, Explosives and Weapons of Mass Destruction;]

1134 [({o}) Title 76, Chapter 16, Offenses Concerning Business Practices; and]

1135 [({p}) Title 76, Chapter 17, Offenses Concerning Kickbacks, Pyramid Schemes, and  
1136 Patterns of Unlawful Activity.]

1137 [({21}) (a) "Status verification system" means an electronic system operated by the federal  
1138 government, through which an authorized official of a state agency or a political  
1139 subdivision of the state may inquire by exercise of authority delegated pursuant to 8  
1140 U.S.C. Sec. 1373, to verify the citizenship or immigration status of an individual  
1141 within the jurisdiction of the agency or political subdivision for a purpose authorized  
1142 under this section.]

1143 [({b}) "Status verification system" includes:]

1144 [({i}) the e-verify program;]

1145 [({ii}) an equivalent federal program designated by the United States Department of  
1146 Homeland Security or other federal agency authorized to verify the work  
1147 eligibility status of a newly hired employee pursuant to the Immigration Reform  
1148 and Control Act of 1986;]

1149 [({iii}) the Social Security Number Verification Service or similar online verification  
1150 process implemented by the United States Social Security Administration; or]

1151 [(iv) an independent third-party system with an equal or higher degree of reliability  
1152 as the programs, systems, or processes described in Subsection (21)(b)(i), (ii), or  
1153 (iii).]

1154 [(22) "Unauthorized alien" is as defined in 8 U.S.C. Sec. 1324a(h)(3).]

1155 [(23) "Undocumented individual" means an individual who:]

1156 [(a) lives or works in the state; and]

1157 [(b) is not in compliance with the Immigration and Nationality Act, 8 U.S.C. Sec. 1101  
1158 et seq. with regard to presence in the United States.]

1159 [(24) "U-verify program" means the verification procedure developed by the department in  
1160 accordance with Section 63G-12-210.]

1161 Section 11. Section **63G-12-103** is amended to read:

1162 **63G-12-103 . Immigration Act Restricted Account.**

1163 (1) There is created a restricted account within the General Fund known as the  
1164 "Immigration Act Restricted Account."

1165 (2)(a) The restricted account shall consist of:

1166 (i) a fee collected under this chapter;

1167 [(ii) a fine collected under Section 63G-12-207;]

1168 [(iii) civil penalties imposed under Section 63G-12-211 or 63G-12-306;]

1169 [(iv) (ii) money appropriated to the restricted account by the Legislature; and]

1170 [(v) (iii) interest earned on the restricted account.]

1171 (b) The restricted account shall earn interest.

1172 (3) The Legislature may appropriate money from the restricted account to:

1173 [(a) the department and the Office of the Governor to pay the costs associated with the  
1174 implementation of Section 63G-12-202;]

1175 [(b) (a) the department to administer this chapter; and]

1176 [(c) the State Tax Commission for costs associated with implementing Section  
1177 63G-12-203;]

1178 [(d) (b) the attorney general for costs associated with:]

1179 (i) litigation related to this chapter;

1180 (ii) a multi-agency strike force created under Section 67-5-22.7; or

1181 (iii) a memorandum of understanding executed under Section 67-5-28[; and].

1182 [(e) the Identity Theft Restricted Account created in Section 67-5-22.7.]

1183 Section 12. Section **63G-12-106** is amended to read:

1184 **63G-12-106 . Severability.**

1185 [If a provision of Part 2, Guest Worker Program, or the application of a provision to a  
1186 person or circumstance is held invalid, the remainder of this chapter may not be given  
1187 effect without the invalid provision or application so that the provisions of this chapter  
1188 are not severable.]

1189 [The following provisions are severable from this chapter:

1190 [ (1) Title 76, Chapter 14, Offenses Related to Immigration Status; and

1191 [ (2) Section 77-7-2.

1192 Section 13. Section **63G-12-401** is amended to read:

1193 **63G-12-401 . Creation of identity documents -- Issuance to citizens, nationals,  
1194 and legal permanent resident aliens -- Exceptions.**

1195 (1) The following entities may create, publish, or otherwise manufacture an identification  
1196 document, identification card, or identification certificate and possess an engraved plate  
1197 or other device for the printing of an identification document:

1198 (a) a federal, state, or local government agency for employee identification, which is  
1199 designed to identify the bearer as an employee;

1200 (b) a federal, state, or local government agency for purposes authorized or required by  
1201 law or a legitimate purpose consistent with the duties of the agency, including such  
1202 documents as voter identification cards, identification cards, passports, birth  
1203 certificates, and [Social Security] social security cards; and

1204 (c) a public school or state or private educational institution to identify the bearer as an  
1205 administrator, faculty member, student, or employee.

1206 (2) The name of the issuing entity shall be clearly printed upon the face of the identification  
1207 document.

1208 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity  
1209 providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall  
1210 issue the document, card, or certificate only to:

1211 (a) a United States citizen;

1212 (b) a national; or

1213 (c) a legal permanent resident alien.

1214 (4)(a) Subsection (3) does not apply to an applicant for an identification document who  
1215 presents, in person, valid documentary evidence of the applicant's:

1216 (i) unexpired immigrant or nonimmigrant visa status for admission into the United  
1217 States;

1218 (ii) pending or approved application for asylum in the United States;

1219 (iii) admission into the United States as a refugee;

1220 (iv) pending or approved application for temporary protected status in the United  
1221 States;

1222 (v) approved deferred action status; or

1223 (vi) pending application for adjustment of status to legal permanent resident or  
1224 conditional resident.

1225 (b)(i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c)  
1226 identification document to an applicant who satisfies the requirements of  
1227 Subsection (4)(a).

1228 (ii) Except as otherwise provided by federal law, the document is valid only:

1229 (A) during the period of time of the individual's authorized stay in the United  
1230 States; or

1231 (B) for one year from the date of issuance if there is no definite end to the  
1232 individual's period of authorized stay.

1233 (iii) An entity issuing an identification document under this Subsection (4) shall  
1234 clearly indicate on the document:

1235 (A) that [it] the document is temporary; and

1236 (B) [its] the document's expiration date.

1237 (c) An individual may renew a document issued under this Subsection (4) only upon  
1238 presentation of valid documentary evidence that the status by which the individual  
1239 originally qualified for the identification document has been extended by the United  
1240 States Citizenship and Immigration Services or other authorized agency of the United  
1241 States Department of Homeland Security.

1242 (5)(a) Subsection (3) does not apply to an identification document issued under  
1243 Subsection (1)(c) that:

1244 (i) is only valid for use on the educational institution's campus or facility; and  
1245 (ii) includes a statement of the restricted use conspicuously printed upon the face of  
1246 the identification document.

1247 (b) Subsection (3) does not apply to a license certificate, driving privilege card, or  
1248 identification card issued or renewed under Title 53, Chapter 3, Uniform Driver  
1249 License Act.

1250 (c) Subsection (3) does not apply to a public transit pass issued by a public transit  
1251 district as defined in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:  
1252 (i) is only valid for use on the public transit system; and

1253 (ii) includes a statement of the restricted use conspicuously printed on the face of the  
1254 public transit pass.

1255 [(d) Subsection (3) does not apply to a permit issued under Section 63G-12-207.]

1256 [(e) Subsection (3) does not apply to a permit issued under Chapter 14, Utah Pilot  
1257 Sponsored Resident Immigrant Program Act.]

1258 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or  
1259 national origin.

1260 Section 14. Section **63I-2-213** is amended to read:

1261 **63I-2-213 . Repeal dates: Title 13.**

1262 [(1) Title 13, Chapter 47, Private Employer Verification Act, is repealed on the program  
1263 start date, as defined in Section 63G-12-102.]

1264 [(2)] Title 13, Chapter 72, Artificial Intelligence Policy Act, is repealed July 1, 2027.

1265 Section 15. Section **63M-14-205** is amended to read:

1266 **63M-14-205 . Records.**

1267 (1) The records of the authority and the river commissioner shall be maintained by the  
1268 authority.

1269 (2) The authority may classify a record in accordance with Title 63G, Chapter 2,  
1270 Government Records Access and Management Act, including a record described in  
1271 Subsection [63G-2-305(81)] 63G-2-305(80).

1272 Section 16. Section **63N-16-201** is amended to read:

1273 **63N-16-201 . General Regulatory Sandbox Program -- Application requirements.**

1274 (1) There is created in the regulatory relief office the General Regulatory Sandbox Program.

1275 (2) In administering the regulatory sandbox, the regulatory relief office:

1276 (a) shall consult with each applicable agency;

1277 (b) shall establish a program to enable a person to obtain legal protections and limited  
1278 access to the market in the state to demonstrate an offering without obtaining a  
1279 license or other authorization that might otherwise be required;

1280 (c) may enter into agreements with or adopt the best practices of corresponding federal  
1281 regulatory agencies or other states that are administering similar programs; and

1282 (d) may consult with businesses in the state about existing or potential proposals for the  
1283 regulatory sandbox.

1284 (3)(a) An applicant for the regulatory sandbox may contact the regulatory relief office to  
1285 request a consultation regarding the regulatory sandbox before submitting an  
1286 application.

1287 (b) The regulatory relief office shall provide relevant information regarding the  
1288 regulatory sandbox program.

1289 (c) The regulatory relief office may provide assistance to an applicant in preparing an  
1290 application for submission.

1291 (4) An applicant for the regulatory sandbox shall provide to the regulatory relief office an  
1292 application in a form prescribed by the regulatory relief office that:

1293 (a) confirms the applicant is subject to the jurisdiction of the state;

1294 (b) confirms the applicant has established a physical or virtual location in the state, from  
1295 which the demonstration of an offering will be developed and performed and where  
1296 all required records, documents, and data will be maintained;

1297 (c) contains relevant personal and contact information for the applicant, including legal  
1298 names, addresses, telephone numbers, email addresses, website addresses, and other  
1299 information required by the regulatory relief office;

1300 (d) discloses criminal convictions of the applicant or other participating personnel, if any;

1301 (e) contains a description of the offering to be demonstrated, including statements  
1302 regarding:

1303 (i) how the offering is subject to licensing, legal prohibition, or other authorization  
1304 requirements outside of the regulatory sandbox;

1305 (ii) each law or regulation, accompanied by their statutory reference or citation, that  
1306 the applicant seeks to have waived or suspended while participating in the  
1307 regulatory sandbox program;

1308 (iii) how the offering would benefit consumers;

1309 (iv) how the offering is different from other offerings available in the state;

1310 (v) any identifiable, likely, and significant harm to the health, safety, or financial  
1311 well-being of consumers that each law or regulation described in Subsection  
1312 (4)(e)(ii) protects against;

1313 (vi) what risks might exist for consumers who use or purchase the offering;

1314 (vii) how participating in the regulatory sandbox would enable a successful  
1315 demonstration of the offering;

1316 (viii) a description of the proposed demonstration plan, including estimated time  
1317 periods for beginning and ending the demonstration;

1318 (ix) recognition that the applicant will be subject to all laws and regulations  
1319 pertaining to the applicant's offering after conclusion of the demonstration; and

1320 (x) how the applicant will end the demonstration and protect consumers if the

1321 demonstration fails;

1322 (f) lists each government agency, if any, that the applicant knows regulates the  
1323 applicant's business; and

1324 (g) provides any other required information as determined by the regulatory relief office.

1325 (5) The regulatory relief office may collect an application fee from an applicant that is set in  
1326 accordance with Section 63J-1-504.

1327 (6) An applicant shall file a separate application for each offering that the applicant wishes  
1328 to demonstrate.

1329 (7) After an application is filed, the regulatory relief office shall:

1330 (a) classify, as a protected record, any part of the application that the office determines is  
1331 nonpublic, confidential information that if disclosed would result in actual economic  
1332 harm to the applicant in accordance with Subsection [63G-2-305(82)] 63G-2-305(81);

1333 (b) consult with each applicable government agency that regulates the applicant's  
1334 business regarding whether more information is needed from the applicant; and

1335 (c) seek additional information from the applicant that the regulatory relief office  
1336 determines is necessary.

1337 (8) No later than five business days after the day on which a complete application is  
1338 received by the regulatory relief office, the regulatory relief office shall:

1339 (a) review the application and refer the application to each applicable government  
1340 agency that regulates the applicant's business;

1341 (b) provide to the applicant:

1342 (i) an acknowledgment of receipt of the application; and

1343 (ii) the identity and contact information of each regulatory agency to which the  
1344 application has been referred for review; and

1345 (c) provide public notice, on the office's website and through other appropriate means, of  
1346 each law or regulation that the office is considering to suspend or waive under the  
1347 application.

1348 (9)(a) Subject to Subsections (9)(c) and (9)(g), no later than 30 days after the day on  
1349 which an applicable agency receives a complete application for review, the applicable  
1350 agency shall provide a written report to the director of the applicable agency's  
1351 findings.

1352 (b) The report shall:

1353 (i) describe any identifiable, likely, and significant harm to the health, safety, or  
1354 financial well-being of consumers that the relevant law or regulation protects

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

1389 (B) provides in the written notice under this Subsection (9)(g), a description of the  
1390 applicable agency's reasons why approval of the application would create a  
1391 substantial risk of harm to the health, safety, or financial well-being of the  
1392 public, or create unreasonable expenses for taxpayers in the state.

1393 (h) If an applicable agency rejects an application under Subsection (9)(g), the regulatory  
1394 relief office may not approve the application.

1395 (i) If the applicable agency rejects an application under Subsection (9)(g), the  
1396 applicable agency shall provide the rejection on a form created by the agency and  
1397 signed by the director of the applicable agency.

1398 (ii) The form shall document the reason for the rejection and show every reasonable  
1399 effort was made to meet with the applicant.

1400 (10)(a) Upon receiving a written report described in Subsection (9), the director shall  
1401 provide the application and the written report to the advisory committee.

1402 (b) The director may call the advisory committee to meet as needed, but not less than  
1403 once per quarter if applications are available for review.

1404 (c) After receiving and reviewing the application and each written report, the advisory  
1405 committee shall provide to the director the advisory committee's recommendation as  
1406 to whether [or not] the applicant should be admitted as a sandbox participant under  
1407 this chapter.

1408 (d) As part of the advisory committee's review of each written report, the advisory  
1409 committee shall use the criteria required for an applicable agency as described in  
1410 Subsection (9).

1411 (11)(a) In reviewing an application and each applicable agency's written report, the  
1412 regulatory relief office shall consult with each applicable agency before admitting an  
1413 applicant into the regulatory sandbox.

1414 (b) The consultation with each applicable agency may include seeking information about  
1415 whether:

1416 (i) the applicable agency has previously issued a license or other authorization to the  
1417 applicant; and

1418 (ii) the applicable agency has previously investigated, sanctioned, or pursued legal  
1419 action against the applicant.

1420 (12) In reviewing an application under this section, the regulatory relief office and each  
1421 applicable agency shall consider whether a competitor to the applicant is or has been a  
1422 sandbox participant and, if so, weigh that as a factor in favor of allowing the applicant to

1423 also become a sandbox participant.

1424 (13) In reviewing an application under this section, the regulatory relief office shall  
1425 consider whether:

1426 (a) the applicant's plan will adequately protect consumers from potential harm identified  
1427 by an applicable agency in the applicable agency's written report;

1428 (b) the risk of harm to consumers is outweighed by the potential benefits to consumers  
1429 from the applicant's participation in the regulatory sandbox; and

1430 (c) certain state laws or regulations that regulate an offering should not be waived or  
1431 suspended even if the applicant is approved as a sandbox participant, including  
1432 applicable antifraud or disclosure provisions.

1433 (14)(a) An applicant becomes a sandbox participant if the regulatory relief office  
1434 approves the application for the regulatory sandbox and the regulatory relief office  
1435 enters into a written agreement with the applicant describing the specific laws and  
1436 regulations that are waived or suspended as part of participation in the regulatory  
1437 sandbox.

1438 (b) Notwithstanding any other provision of this chapter, the regulatory relief office may  
1439 not enter into a written agreement with an applicant and related parties that waives or  
1440 suspends a tax, fee, or charge that is administered by the State Tax Commission or  
1441 that is described in Title 59, Revenue and Taxation.

1442 (15)(a) The director may deny at the director's sole discretion any application submitted  
1443 under this section for any reason, including if the director determines that the  
1444 preponderance of evidence demonstrates that suspending or waiving enforcement of  
1445 a law or regulation would cause a significant risk of harm to consumers or residents  
1446 of the state.

1447 (b) If the director denies an application submitted under this section, the regulatory relief  
1448 office shall provide to the applicant a written description of the reasons for not  
1449 allowing the applicant to be a sandbox participant.

1450 (c) The denial of an application submitted under this section is not subject to:  
1451 (i) agency or judicial review; or  
1452 (ii) the provisions of Title 63G, Chapter 4, Administrative Procedures Act.

1453 (16) The director shall deny an application for participation in the regulatory sandbox  
1454 described by this section if the applicant or any person who seeks to participate with the  
1455 applicant in demonstrating an offering has been convicted, entered a plea of nolo  
1456 contendere, or entered a plea of guilty or nolo contendere held in abeyance, for any

1457        crime involving significant theft, fraud, or dishonesty if the crime bears a significant  
1458        relationship to the applicant's or other participant's ability to safely and competently  
1459        participate in the regulatory sandbox program.

1460        (17)(a) When an applicant is approved for participation in the regulatory sandbox, the  
1461        director shall provide public notice of the approval on the office's website and  
1462        through other appropriate means.  
1463        (b) The public notice described in Subsection (17)(a) shall state:  
1464                (i) the name of the sandbox participant;  
1465                (ii) the industries the sandbox participant represents; and  
1466                (iii) each law or regulation that is suspended or waived for the sandbox participant as  
1467                allowed by the regulatory sandbox.

1468        (18) In addition to the information described in Subsection (17), the office shall make the  
1469        following information available on the office's website and through other appropriate  
1470        means:  
1471                (a) documentation regarding the office's determination and grounds for approving each  
1472                sandbox participant; and  
1473                (b) public notice regarding any sandbox participant's revocation to participate in the  
1474                regulatory sandbox.

1475        Section 17. Section **67-5-22.7** is amended to read:

1476        **67-5-22.7 . Multi-agency strike force to combat violent and other major felony  
1477        crimes associated with illegal immigration and human trafficking -- Fraudulent  
1478        Documents Identification Unit.**

1479        (1) The Office of the Attorney General is authorized to administer and coordinate the  
1480        operation of a multi-agency strike force to combat violent and other major felony crimes  
1481        committed within the state that are associated with illegal immigration and human  
1482        trafficking.  
1483        (2) The office shall invite officers of the [U.S.] United States Immigration and Customs  
1484        Enforcement and state and local law enforcement personnel to participate in this  
1485        mutually supportive, multi-agency strike force to more effectively utilize their combined  
1486        skills, expertise, and resources.  
1487        (3) The strike force shall focus its efforts on detecting, investigating, deterring, and  
1488        eradicating violent and other major felony criminal activity related to illegal  
1489        immigration and human trafficking.  
1490        (4) In conjunction with the strike force and subject to available funding, the Office of the

1491 Attorney General shall establish a Fraudulent Documents Identification Unit:

1492 (a) for the primary purpose of investigating, apprehending, and prosecuting individuals  
1493 or entities that participate in the sale or distribution of fraudulent documents used for  
1494 identification purposes; and

1495 (b) to specialize in fraudulent identification documents created and prepared for  
1496 individuals who are unlawfully residing within the state[; and] .

1497 [(e) to administer the Identity Theft Victims Restricted Account created under  
1498 Subsektion (5).]

1499 [(5)(a) There is created a restricted account in the General Fund known as the "  
1500 Identity Theft Victims Restricted Account."]

1501 [(b) The Identity Theft Victims Restricted Account shall consist of money  
1502 appropriated to the Identity Theft Victims Restricted Account by the Legislature.]

1503 [(e) Subject to appropriations from the Legislature, beginning on the program start date,  
1504 as defined in Section 63G-12-102, the Fraudulent Documents Identification Unit may  
1505 expend the money in the Identity Theft Victims Restricted Account to pay a claim  
1506 as provided in this Subsection (5) to a person who is a victim of identity theft  
1507 prosecuted under Section 76-11-215 or 76-6-1102.]

1508 [(d) To obtain payment from the Identity Theft Victims Restricted Account, a person  
1509 shall file a claim with the Fraudulent Documents Identification Unit by no later than  
1510 one year after the day on which an individual is convicted, pleads guilty to, pleads no  
1511 contest to, pleads guilty in a similar manner to, or resolved by diversion or its  
1512 equivalent an offense under Section 76-11-215 or 76-6-1102 for the theft of the  
1513 identity of the person filing the claim.]

1514 [(e) A claim filed under this Subsection (5) shall include evidence satisfactory to the  
1515 Fraudulent Documents Identification Unit:]

1516 [(i) that the person is the victim of identity theft described in Subsection (5)(d); and]  
1517 [(ii) of the actual damages experienced by the person as a result of the identity theft  
1518 that are not recovered from a public or private source.]

1519 [(f) The Fraudulent Documents Identification Unit shall pay a claim from the Identity  
1520 Theft Victims Restricted Account:]

1521 [(i) if the Fraudulent Documents Identification Unit determines that the person has  
1522 provided sufficient evidence to meet the requirements of Subsection (5)(e);]  
1523 [(ii) in the order that claims are filed with the Fraudulent Documents Identification  
1524 Unit; and]

1525 [~~(iii) to the extent that it there is money in the Identity Theft Victims Restricted  
1526 Account.]~~

1527 [~~(g) If there is insufficient money in the Identity Theft Victims Restrict Account  
1528 when a claim is filed under this Subsection (5) to pay the claim in full, the Fraudulent  
1529 Documents Identification Unit may pay a claim when there is sufficient money in the  
1530 account to pay the claim in the order that the claims are filed.]~~

1531 [~~(6) (5) The strike force shall make an annual report on [its] the strike force's activities to  
1532 the governor and the Legislature's Law Enforcement and Criminal Justice Interim  
1533 Committee by December 1, together with any proposed recommendations for  
1534 modifications to this section.~~

1535 Section 18. Section **76-14-209** is amended to read:

1536 **76-14-209 . Transporting or harboring an alien.**

1537 (1)(a) As used in this section[:]

1538 [~~(i) Except as provided in Subsection (1)(a)(ii)], "alien" means an individual who is  
1539 illegally present in the United States.~~

1540 [~~(ii) On or after the program start date, as defined in Section 63G-12-102, "alien"  
1541 does not include an individual who holds a valid permit, as defined in Section  
1542 63G-12-102.]~~

1543 (b) Terms defined in Sections 76-1-101.5, 76-14-101, and 76-14-201 apply to this  
1544 section.

1545 (2) An actor commits transporting or harboring an alien if the actor:

1546 (a) transports, moves, or attempts to transport into this state or within the state an alien  
1547 for commercial advantage or private financial gain, knowing or in reckless disregard  
1548 of the fact that the alien is in the United States in violation of federal law, in  
1549 furtherance of the illegal presence of the alien in the United States;

1550 (b) knowingly, with the intent to violate federal immigration law, conceals, harbors, or  
1551 shelters from detection an alien in a place within this state, including a building or  
1552 means of transportation for commercial advantage or private financial gain, knowing  
1553 or in reckless disregard of the fact that the alien is in the United States in violation of  
1554 federal law;

1555 (c) encourages or induces an alien to come to, enter, or reside in this state, knowing or in  
1556 reckless disregard of the fact that the alien's coming to, entry, or residence is or will  
1557 be in violation of law; or

1558 (d) engages in a conspiracy, for commercial advantage or private financial gain, to

1559 commit any of the offenses listed in Subsection (2)(a), (b), or (c).

1560 (3)(a) A violation of Subsection (2)(a), (c), or (d) is a third degree felony.

1561 (b) A violation of Subsection (2)(b) is a class A misdemeanor.

1562 (4) Nothing in this section prohibits or restricts the provision of:

1563 (a) a state or local public benefit described in 8 U.S.C. Sec. 1621(b); or

1564 (b) charitable or humanitarian assistance, including medical care, housing, counseling,

1565 food, victim assistance, religious services and sacraments, or transportation to and

1566 from a location where the assistance is provided, by a charitable, educational, or

1567 religious organization or the employees, agents, or volunteers of a charitable,

1568 educational, or religious organization, using private funds.

1569 (5)(a) It is not a violation of this section for a religious denomination or organization or

1570 an agent, officer, or member of a religious denomination or organization to

1571 encourage, invite, call, allow, or enable an alien to perform the vocation of a minister

1572 or missionary for the denomination or organization in the United States as a volunteer

1573 who is not compensated as an employee, notwithstanding the provision of room,

1574 board, travel, medical assistance, and other basic living expenses.

1575 (b) Subsection (5)(a) applies only to an alien who has been a member of the religious

1576 denomination or organization for at least one year.

1577 [6) An individual's participation in Title 63G, Chapter 14, Utah Pilot Sponsored Resident

1578 Immigrant Program Act, either as a sponsor or resident alien, does not constitute

1579 encouraging or inducing an alien to come to, enter, or reside in this state in violation of

1580 Subsection (2)(e).]

1581 **Section 19. Repealer.**

1582 This bill repeals:

1583 **Section 63G-12-101, Title.**

1584 **Section 63G-12-201, Department to create program.**

1585 **Section 63G-12-202, Federal waivers, exemptions, or authorizations -- Implementation**

1586 **without waiver, exemption, or authorization.**

1587 **Section 63G-12-203, Coordination with other federal or state laws or programs.**

1588 **Section 63G-12-204, Obtaining a permit -- Uses of permit.**

1589 **Section 63G-12-205, Eligibility criteria to obtain and maintain a guest worker permit.**

1590 **Section 63G-12-206, Eligibility to obtain and maintain an immediate family permit.**

1591 **Section 63G-12-207, Application and renewal process.**

1592 **Section 63G-12-208, Conditions during permit term.**

1593       Section **63G-12-209**, Proficiency standards for English.

1594       Section **63G-12-210**, Verification of valid permit -- Protected status of information.

1595       Section **63G-12-211**, Prohibited conduct -- Administrative penalties -- Criminal penalties.

1596       Section **63G-12-212**, Sharing of information related to enforcement.

1597       Section **63G-12-301**, Employing unauthorized alien -- Verification of employment  
1598       eligibility.

1599       Section **63G-12-302**, Status verification system -- Registration and use -- Performance of  
1600       services -- Unlawful practice.

1601       Section **63G-12-303**, Liability protections.

1602       Section **63G-12-304**, Voluntary registration by private employer certifying participation  
1603       in verification.

1604       Section **63G-12-305**, Administrative actions -- Defenses.

1605       Section **63G-12-306**, Penalties.

1606       Section **63G-14-101**, Title.

1607       Section **63G-14-102**, Definitions.

1608       Section **63G-14-201**, Creation of program.

1609       Section **63G-14-202**, Approval as a resident immigrant -- Ineligibility.

1610       Section **63G-14-203**, Sponsorship.

1611       Section **63G-14-204**, Resident immigrant permit.

1612       Section **63G-14-205**, Employment and taxation obligations under the program.

1613       Section **63G-14-206**, Restrictions on activities of resident immigrant.

1614       Section **63G-14-301**, Disqualification from program.

1615       Section **63G-14-302**, Penalties on sponsors.

1616       Section 20. Effective Date.

1617       This bill takes effect on May 6, 2026.