

Trevor Lee proposes the following substitute bill:

Immigration Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions relating to immigration.

Highlighted Provisions:

This bill:

▸ repeals:

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

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

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

▸ amends provisions regarding exceptions to verification of lawful presence for the receipt of certain public assistance benefits; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

29 **52-4-205**, as last amended by Laws of Utah 2025, Chapter 391
30 **53-13-106.13**, as enacted by Laws of Utah 2024, Chapter 130
31 **53H-11-203**, as renumbered and amended by Laws of Utah 2025, First Special Session,
32 Chapter 8
33 **53H-11-414**, as renumbered and amended by Laws of Utah 2025, First Special Session,
34 Chapter 8
35 **63G-2-206**, as last amended by Laws of Utah 2019, Chapter 334
36 **63G-2-305**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17
37 **63G-2-305.5**, as last amended by Laws of Utah 2024, Chapter 135
38 **63G-12-102**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9
39 **63G-12-103**, as last amended by Laws of Utah 2012, Chapter 369
40 **63G-12-106**, as last amended by Laws of Utah 2025, Chapter 173
41 **63G-12-401**, as last amended by Laws of Utah 2011, Chapter 20 and renumbered and
42 amended by Laws of Utah 2011, Chapter 18
43 **63G-12-402**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9
44 **63I-2-213**, as last amended by Laws of Utah 2025, Chapter 277
45 **63M-14-205**, as last amended by Laws of Utah 2024, Chapter 135
46 **63N-16-201**, as last amended by Laws of Utah 2024, Chapters 135, 400
47 **67-5-22.7**, as last amended by Laws of Utah 2025, Chapter 173
48 **76-14-207**, as renumbered and amended by Laws of Utah 2025, Chapter 173
49 **76-14-209**, as renumbered and amended by Laws of Utah 2025, Chapter 173

REPEALS:

51 **63G-12-101**, as enacted by Laws of Utah 2011, Chapter 18
52 **63G-12-201**, as enacted by Laws of Utah 2011, Chapter 18
53 **63G-12-202**, as last amended by Laws of Utah 2016, Chapter 81
54 **63G-12-203**, as enacted by Laws of Utah 2011, Chapter 18
55 **63G-12-204**, as enacted by Laws of Utah 2011, Chapter 18
56 **63G-12-205**, as enacted by Laws of Utah 2011, Chapter 18
57 **63G-12-206**, as enacted by Laws of Utah 2011, Chapter 18
58 **63G-12-207**, as enacted by Laws of Utah 2011, Chapter 18
59 **63G-12-208**, as enacted by Laws of Utah 2011, Chapter 18
60 **63G-12-209**, as last amended by Laws of Utah 2016, Chapter 144
61 **63G-12-210**, as enacted by Laws of Utah 2011, Chapter 18
62 **63G-12-211**, as enacted by Laws of Utah 2011, Chapter 18

63 **63G-12-212**, as enacted by Laws of Utah 2011, Chapter 18
 64 **63G-12-301**, as enacted by Laws of Utah 2011, Chapter 18
 65 **63G-12-302**, as renumbered and amended by Laws of Utah 2011, Chapter 18
 66 **63G-12-303**, as enacted by Laws of Utah 2011, Chapter 18
 67 **63G-12-304**, as enacted by Laws of Utah 2011, Chapter 18
 68 **63G-12-305**, as enacted by Laws of Utah 2011, Chapter 18
 69 **63G-12-306**, as last amended by Laws of Utah 2022, Chapter 447
 70 **63G-14-101**, as enacted by Laws of Utah 2011, Chapter 20
 71 **63G-14-102**, as enacted by Laws of Utah 2011, Chapter 20
 72 **63G-14-201**, as last amended by Laws of Utah 2016, Chapter 81
 73 **63G-14-202**, as enacted by Laws of Utah 2011, Chapter 20
 74 **63G-14-203**, as enacted by Laws of Utah 2011, Chapter 20
 75 **63G-14-204**, as enacted by Laws of Utah 2011, Chapter 20
 76 **63G-14-205**, as enacted by Laws of Utah 2011, Chapter 20
 77 **63G-14-206**, as enacted by Laws of Utah 2011, Chapter 20
 78 **63G-14-301**, as enacted by Laws of Utah 2011, Chapter 20
 79 **63G-14-302**, as enacted by Laws of Utah 2011, Chapter 20

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

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

83 **13-2-11 . Publication of consumer complaints.**

84 (1) As used in this section:

85 (a) "Consumer complaint" means a complaint that:

86 (i) is provided to the division;

87 (ii) alleges facts relating to conduct that the division regulates under Section 13-2-1;

88 and

89 (iii) may contain:

90 (A) information that identifies a respondent; and

91 (B) a narrative description of and information relevant to the conduct described in

92 Subsection (1)(a)(ii).

93 (b) "Consumer narrative" means the narrative description contained in a consumer

94 complaint as described in Subsection (1)(a)(iii)(B).

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

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

- 97 (2)(a) A consumer complaint is a protected record as provided in Subsection [~~63G-2-305~~
98 (~~87~~)] 63G-2-305(86).
- 99 (b) In carrying out the division's duties, the division may not publicly disclose the
100 identity of a person the division investigates unless:
- 101 (i) the person's identity becomes a matter of public record in an enforcement
102 proceeding; or
- 103 (ii) the person consents to public disclosure.
- 104 (3) Notwithstanding Subsection (2):
- 105 (a) the division may reclassify a consumer complaint as public if:
- 106 (i)(A) the consumer complaint is one of at least 10 consumer complaints filed with
107 the division against the same person, alleging the same or similar conduct, and
108 during the 12-month period immediately preceding the day on which the filer
109 files the consumer complaint;
- 110 (B) the consumer complaint does not contain information that an agreement with
111 another state or federal agency or a condition of participation in an
112 investigation or litigation requires the division keep confidential;
- 113 (C) the consumer complaint is not classified as controlled, private, or protected as
114 described in Sections 63G-2-302 through 63G-2-305, for a reason other than
115 that identified by Subsection [~~63G-2-305(87)~~] 63G-2-305(86); and
- 116 (D) access to the record is not restricted as described by Subsection
117 63G-2-201(3)(b); or
- 118 (ii) the division takes public enforcement action against a respondent as a result of
119 the consumer complaint; and
- 120 (b) the division may disclose a consumer complaint to the respondent.
- 121 (4) In determining the number of complaints against the same person in accordance with
122 Subsection (3)(a)(i)(A), the division may consider consumer complaints that are filed
123 against multiple entities under common ownership as consumer complaints against the
124 same person.
- 125 (5) A respondent's initial, written response to a consumer complaint that is public under
126 Subsection (3) is a public record.
- 127 (6) Before making a consumer complaint that is reclassified as public under Subsection (3),
128 or a response described in Subsection (5), available to the public, the division:
- 129 (a) shall redact from the consumer complaint or the response any information that would
130 disclose:

- 131 (i) the filer's:
- 132 (A) address;
- 133 (B) social security number;
- 134 (C) bank account information;
- 135 (D) email address; or
- 136 (E) telephone number; or
- 137 (ii) information similar in nature to the information described in Subsection (6)(a)(i);
- 138 and
- 139 (b) may redact the filer's name and any other information that could, in the division's
- 140 judgment, disclose the filer's identity.
- 141 (7) If the division discloses the consumer complaint to the respondent as described in
- 142 Subsection (3)(b), the division may redact the filer's:
- 143 (a) bank account information;
- 144 (b) social security number;
- 145 (c) name and any other information that could, in the division's judgment, disclose the
- 146 filer's identity, if the filer requests anonymity; and
- 147 (d) other information the disclosure of which constitutes a clearly unwarranted invasion
- 148 of personal privacy.
- 149 (8) Nothing in this section precludes the division from disclosing a consumer complaint in
- 150 accordance with Section 63G-2-201.

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

152 **13-47-102 . Definitions.**

153 As used in this chapter:

- 154 (1) "Department" means the Department of Commerce.
- 155 (2) "Employee" means an individual:
- 156 (a) who is hired to perform services in Utah; and
- 157 (b) to whom a private employer provides a federal form required for federal taxation
- 158 purposes to report income paid to the individual for the services performed.
- 159 (3)[(a) ~~Except as provided in Subsection (3)(b), "private~~] "Private employer" means a
- 160 person who for federal taxation purposes is required to provide a federal form:
- 161 [(i)] (a) to an individual who performs services for the person in Utah; and
- 162 [(ii)] (b) to report income paid to the individual who performs the services.
- 163 [(b) "~~Private employer~~" does not mean a public employer as defined in Section
- 164 ~~63G-12-102.~~]

- 165 (4)(a) "Status verification system" means an electronic system operated by the federal
166 government, through which an employer may inquire to verify the federal legal
167 working status of an individual who is a newly hired employee.
- 168 (b) "Status verification system" includes:
- 169 (i) the electronic verification of the work authorization program of the Illegal
170 Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. Sec.
171 1324a;
- 172 (ii) a federal program equivalent to the program described in Subsection (4)(b)(i) that
173 is designated by the United States Department of Homeland Security or other
174 federal agency authorized to verify the employment eligibility status of a newly
175 hired employee [~~pursuant to~~] in accordance with the Immigration Reform and
176 Control Act of 1986;
- 177 (iii) the Social Security Number Verification Service or similar online verification
178 process implemented by the United States Social Security Administration; or
- 179 (iv) an independent third-party system with an equal or higher degree of reliability as
180 the programs, systems, or processes described in Subsection (4)(b)(i), (ii), or (iii).

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

182 **17-72-802 . Prohibition on providing copy of booking photograph -- Statement**
183 **required -- Victim access -- Criminal liability for false statement -- Remedy for failure to**
184 **remove or delete.**

185 (1) As used in this section:

- 186 (a) "Booking photograph" means a photograph or image of an individual that is
187 generated:
- 188 (i) for identification purposes; and
189 (ii) when the individual is booked into a county jail.
- 190 (b) "Publish-for-pay publication" or "publish-for-pay website" means a publication or
191 website that requires the payment of a fee or other consideration in order to remove
192 or delete a booking photograph from the publication or website.

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

- 195 (i) the booking photograph will be placed in a publish-for-pay publication or posted
196 to a publish-for-pay website; or
197 (ii) the booking photograph is a protected record under Subsection [~~63G-2-305(80)]
198 63G-2-305(79).~~

- 199 (b)(i) A sheriff shall display a copy of a booking photograph to a person requesting to
200 view the booking photograph if:
- 201 (A)(I) the person making the request is an alleged victim of a crime that
202 resulted in the creation of the booking photograph; and
 - 203 (II) subject to Utah Rules of Evidence, Rule 617, the prosecuting agency with
204 jurisdiction consents to the request; or
 - 205 (B) if an alleged victim is deceased or incapacitated, the person making the
206 request is an immediate family member, guardian, or conservator of an alleged
207 victim of the crime that resulted in the creation of the booking photograph.
- 208 (ii) A person entitled to view a booking photograph under Subsection (2)(b)(i) is not
209 permitted to:
- 210 (A) retain the booking photograph;
 - 211 (B) make a copy, take a picture of, or otherwise reproduce the booking
212 photograph; or
 - 213 (C) disseminate or distribute the booking photograph.
- 214 (3)(a) A person who requests a copy of a booking photograph from a sheriff shall, at the
215 time of making the request, submit a statement signed by the person affirming that
216 the booking photograph will not be placed in a publish-for-pay publication or posted
217 to a publish-for-pay website.
- 218 (b) A person who submits a false statement under Subsection (3)(a) is subject to criminal
219 liability as provided in Section 76-8-504.
- 220 (4)(a) Except as provided in Subsection (5), a publish-for-pay publication or a
221 publish-for-pay website shall remove and destroy a booking photograph of an
222 individual who submits a request for removal and destruction within 30 calendar days
223 after the day on which the individual makes the request.
- 224 (b) A publish-for-pay publication or publish-for-pay website described in Subsection
225 (4)(a) may not condition removal or destruction of the booking photograph on the
226 payment of a fee in an amount greater than \$50.
- 227 (c) If the publish-for-pay publication or publish-for-pay website described in Subsection
228 (4)(a) does not remove and destroy the booking photograph in accordance with
229 Subsection (4)(a), the publish-for-pay publication or publish-for-pay website is liable
230 for:
- 231 (i) all costs, including reasonable attorney fees, resulting from any legal action the
232 individual brings in relation to the failure of the publish-for-pay publication or

- 233 publish-for-pay website to remove and destroy the booking photograph; and
234 (ii) a civil penalty of \$50 per day for each day after the 30-day deadline described in
235 Subsection (4)(a) on which the booking photograph is visible or publicly
236 accessible in the publish-for-pay publication or on the publish-for-pay website.
- 237 (5)(a) A publish-for-pay publication or a publish-for-pay website shall remove and
238 destroy a booking photograph of an individual who submits a request for removal and
239 destruction within seven calendar days after the day on which the individual makes
240 the request if:
- 241 (i) the booking photograph relates to a criminal charge:
242 (A) on which the individual was acquitted or not prosecuted; or
243 (B) that was expunged, vacated, or pardoned; and
244 (ii) the individual submits, in relation to the request, evidence of a disposition
245 described in Subsection (5)(a)(i).
- 246 (b) If the publish-for-pay publication or publish-for-pay website described in Subsection
247 (5)(a) does not remove and destroy the booking photograph in accordance with
248 Subsection (5)(a), the publish-for-pay publication or publish-for-pay website is liable
249 for:
- 250 (i) all costs, including reasonable attorney fees, resulting from any legal action that
251 the individual brings in relation to the failure of the publish-for-pay publication or
252 publish-for-pay website to remove and destroy the booking photograph; and
253 (ii) a civil penalty of \$100 per day for each day after the seven-day deadline
254 described in Subsection (5)(a) on which the booking photograph is visible or
255 publicly accessible in the publish-for-pay publication or on the publish-for-pay
256 website.
- 257 (c) An act of a publish-for-pay publication or publish-for-pay website described in
258 Subsection (5)(a) that seeks to condition removal or destruction of the booking
259 photograph on the payment of any fee or amount constitutes theft by extortion under
260 Section 76-6-406.

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

262 **34-50-102 . Definitions.**

263 As used in this chapter:

- 264 (1) "Department" means the Department of Veterans and Military Affairs, created in
265 Section 71A-1-201.
266 (2) "Discharge document" means a document received by a service member upon

- 267 separation from military service, including:
- 268 (a) a DD 214, United States Department of Defense Certificate of Release or Discharge
- 269 from Active Duty;
- 270 (b) a DD 256, United States Department of Defense Honorable Discharge Certificate;
- 271 (c) a DD 257, United States General Discharge Certificate; or
- 272 (d) an NGB 22, Utah National Guard Certificate of Release or Discharge.
- 273 (3) "Employee" means an individual employed by an employer under a contract for hire.
- 274 (4) "Employer" means a person who has one or more employees employed in the same
- 275 business, or in or about the same establishment, under any contract of hire, express or
- 276 implied, oral or written.
- 277 [~~3~~] (5) "Preference eligible" means the same as that term is defined in Section 71A-2-101.
- 278 [~~4~~] (6) "Private employer" means [~~the same as that term is defined in Section 63G-12-102~~]
- 279 an employer who is not the federal government or a public employer.
- 280 (7) "Public employer" means an employer that is:
- 281 (a) the state of Utah or any administrative subunit of the state;
- 282 (b) an institution of higher education, as that term is defined in Section 53H-1-101;
- 283 (c) a political subdivision of the state including a county, city, town, school district,
- 284 special district, or special service district; or
- 285 (d) an administrative subunit of a political subdivision.
- 286 [~~5~~] (8) "Service member" means a currently serving member of the armed forces.
- 287 [~~6~~] (9) "Veteran" means the same as that term is defined in Section 68-3-12.5.

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

289 **52-4-205 . Purposes of closed meetings -- Certain issues prohibited in closed**

290 **meetings.**

- 291 (1) A closed meeting described under Section 52-4-204 may only be held for:
- 292 (a) except as provided in Subsection (3), discussion of the character, professional
- 293 competence, or physical or mental health of an individual;
- 294 (b) strategy sessions to discuss collective bargaining;
- 295 (c) strategy sessions to discuss pending or reasonably imminent litigation;
- 296 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,
- 297 including any form of a water right or water shares, or to discuss a proposed
- 298 development agreement, project proposal, or financing proposal related to the
- 299 development of land owned by the state or a political subdivision, if public
- 300 discussion would:

- 301 (i) disclose the appraisal or estimated value of the property under consideration; or
302 (ii) prevent the public body from completing the transaction on the best possible
303 terms;
- 304 (e) strategy sessions to discuss the sale of real property, including any form of a water
305 right or water shares, if:
- 306 (i) public discussion of the transaction would:
- 307 (A) disclose the appraisal or estimated value of the property under consideration;
308 or
309 (B) prevent the public body from completing the transaction on the best possible
310 terms;
- 311 (ii) the public body previously gave public notice that the property would be offered
312 for sale; and
- 313 (iii) the terms of the sale are publicly disclosed before the public body approves the
314 sale;
- 315 (f) discussion regarding deployment of security personnel, devices, or systems;
- 316 (g) investigative proceedings regarding allegations of criminal misconduct;
- 317 (h) as relates to the Independent Legislative Ethics Commission, conducting business
318 relating to the receipt or review of ethics complaints;
- 319 (i) as relates to an ethics committee of the Legislature, a purpose permitted under
320 Section 52-4-204;
- 321 (j) as relates to the Independent Executive Branch Ethics Commission created in Section
322 63A-14-202, conducting business relating to an ethics complaint;
- 323 (k) as relates to a county legislative body, discussing commercial information as defined
324 in Section 59-1-404;
- 325 (l) as relates to the Utah Higher Education Savings Board of Trustees and its appointed
326 board of directors, discussing fiduciary or commercial information;
- 327 (m) deliberations, not including any information gathering activities, of a public body
328 acting in the capacity of:
- 329 (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code,
330 during the process of evaluating responses to a solicitation, as defined in Section
331 63G-6a-103;
- 332 (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a
333 decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or
334 (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement

- 335 Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part
336 17, Procurement Appeals Board;
- 337 (n) the purpose of considering information that is designated as a trade secret, as defined
338 in Section 13-24-2, if the public body's consideration of the information is necessary
339 to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement
340 Code;
- 341 (o) the purpose of discussing information provided to the public body during the
342 procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the
343 time of the meeting:
- 344 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be
345 disclosed to a member of the public or to a participant in the procurement process;
346 and
- 347 (ii) the public body needs to review or discuss the information to properly fulfill its
348 role and responsibilities in the procurement process;
- 349 (p) as relates to the governing board of a governmental nonprofit corporation, as that
350 term is defined in Section 11-13a-102, the purpose of discussing information that is
351 designated as a trade secret, as that term is defined in Section 13-24-2, if:
- 352 (i) public knowledge of the discussion would reasonably be expected to result in
353 injury to the owner of the trade secret; and
- 354 (ii) discussion of the information is necessary for the governing board to properly
355 discharge the board's duties and conduct the board's business;
- 356 (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board, to
357 review confidential information regarding violations and security requirements in
358 relation to the operation of cannabis production establishments;
- 359 (r) considering a loan application, if public discussion of the loan application would
360 disclose:
- 361 (i) nonpublic personal financial information; or
- 362 (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business
363 financial information the disclosure of which would reasonably be expected to
364 result in unfair competitive injury to the person submitting the information;
- 365 (s) a discussion of the board of the Point of the Mountain State Land Authority, created
366 in Section 11-59-201, regarding a potential tenant of point of the mountain state land,
367 as defined in Section 11-59-102; or
- 368 (t) a purpose for which a meeting is required to be closed under Subsection (2).

- 369 (2) The following meetings shall be closed:
- 370 (a) a meeting of the Health and Human Services Interim Committee to review a report
- 371 described in Subsection 26B-1-506(1)(a), and a response to the report described in
- 372 Subsection 26B-1-506(2);
- 373 (b) a meeting of the Child Welfare Legislative Oversight Panel to:
- 374 (i) review a report described in Subsection 26B-1-506(1)(a), and a response to the
- 375 report described in Subsection 26B-1-506(2); or
- 376 (ii) review and discuss an individual case, as described in Section 36-33-103;
- 377 (c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose
- 378 of advising the Natural Resource Conservation Service of the United States
- 379 Department of Agriculture on a farm improvement project if the discussed
- 380 information is protected information under federal law;
- 381 (d) a meeting of the Compassionate Use Board established in Section 26B-1-421 for the
- 382 purpose of reviewing petitions for a medical cannabis card in accordance with
- 383 Section 26B-1-421;
- 384 (e) a meeting of the Colorado River Authority of Utah if:
- 385 (i) the purpose of the meeting is to discuss an interstate claim to the use of the water
- 386 in the Colorado River system; and
- 387 (ii) failing to close the meeting would:
- 388 (A) reveal the contents of a record classified as protected under Subsection [
- 389 ~~63G-2-305(81)~~] 63G-2-305(80);
- 390 (B) reveal a legal strategy relating to the state's claim to the use of the water in the
- 391 Colorado River system;
- 392 (C) harm the ability of the Colorado River Authority of Utah or river
- 393 commissioner to negotiate the best terms and conditions regarding the use of
- 394 water in the Colorado River system; or
- 395 (D) give an advantage to another state or to the federal government in negotiations
- 396 regarding the use of water in the Colorado River system;
- 397 (f) a meeting of the General Regulatory Sandbox Program Advisory Committee if:
- 398 (i) the purpose of the meeting is to discuss an application for participation in the
- 399 regulatory sandbox as defined in Section 63N-16-102; and
- 400 (ii) failing to close the meeting would reveal the contents of a record classified as
- 401 protected under Subsection [~~63G-2-305(82)~~] 63G-2-305(81);
- 402 (g) a meeting of a project entity if:

- 403 (i) the purpose of the meeting is to conduct a strategy session to discuss market
 404 conditions relevant to a business decision regarding the value of a project entity
 405 asset if the terms of the business decision are publicly disclosed before the
 406 decision is finalized and a public discussion would:
- 407 (A) disclose the appraisal or estimated value of the project entity asset under
 408 consideration; or
- 409 (B) prevent the project entity from completing on the best possible terms a
 410 contemplated transaction concerning the project entity asset;
- 411 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could
 412 cause commercial injury to, or confer a competitive advantage upon a potential or
 413 actual competitor of, the project entity;
- 414 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of
 415 which could cause commercial injury to, or confer a competitive advantage upon a
 416 potential or actual competitor of, the project entity; or
- 417 (iv) failing to close the meeting would prevent the project entity from getting the best
 418 price on the market; and
- 419 (h) a meeting of the Rules Review and General Oversight Committee to review and
 420 discuss:
- 421 (i) an individual child welfare case as described in Subsection 36-35-102(3)(c); or
 422 (ii) information that is subject to a confidentiality agreement as described in
 423 Subsection 36-35-102(3)(c).
- 424 (3) In a closed meeting, a public body may not:
- 425 (a) interview a person applying to fill an elected position;
- 426 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A,
 427 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in
 428 Elected Office; or
- 429 (c) discuss the character, professional competence, or physical or mental health of the
 430 person whose name was submitted for consideration to fill a midterm vacancy or
 431 temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and
 432 Vacancy and Temporary Absence in Elected Office.

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

434 **53-13-106.13 . Notification requirement for federal officers before the release of**
 435 **an alien within the state.**

436 (1) As used in this section:

- 437 (a)[(i)] "Alien" means an individual who is illegally present in the United States.
 438 [(ii) "Alien" does not include a permit holder as that term is defined in Section
 439 63G-12-102.]
- 440 (b) "Custody" means in the physical and legal custody of a federal law enforcement
 441 agency.
- 442 (c) "Federal law enforcement agency" means an entity or division of the federal
 443 government that exists primarily to:
 444 (i) prevent and detect crime and enforce criminal laws, statutes, and ordinances; or
 445 (ii) enforce federal immigration laws.
- 446 (d) "Federal officer" means an individual:
 447 (i) who works for a federal law enforcement agency; and
 448 (ii) whose duties consist of the investigation and enforcement of federal laws.
- 449 (2) A federal officer may not release an alien from custody within the state unless the
 450 federal officer provides written notice three business days before the release to:
 451 (a) the attorney general or the attorney general's designee; and
 452 (b) the county sheriff or the county sheriff's designee of the county in which the release
 453 is to take place.
- 454 (3) In providing the written notice under Subsection (2)(b), the federal officer shall also
 455 provide:
 456 (a) the specific address or location where the alien will be released;
 457 (b) the date and time at which the alien will be released; and
 458 (c) whether the federal officer is aware of any outstanding criminal warrants concerning
 459 the alien who will be released.

460 Section 7. Section **53H-11-203** is amended to read:

461 **53H-11-203 . Resident tuition -- Requirements -- Rules.**

- 462 (1) If allowed under federal law, a student, other than a nonimmigrant alien within the
 463 meaning of [paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United
 464 States Code] 8 U.S.C. Sec. 1101(a)(15), shall be exempt from paying the nonresident
 465 portion of total tuition if the student:
 466 (a) attended high school in this state for three or more years;
 467 (b) graduated from a high school in this state or received the equivalent of a high school
 468 diploma in this state; and
 469 (c) registers as an entering student at an institution of higher education.
- 470 [~~(2) In addition to the requirements under Subsection (1), a student without lawful~~

471 immigration status shall file an affidavit with the institution of higher education stating
 472 that the student has filed an application to legalize his immigration status, or will file an
 473 application as soon as he is eligible to do so.]

474 [(3)] (2) The board shall make rules for the implementation of this section.

475 [(4)] (3) Nothing in this section limits the ability of institutions of higher education to assess
 476 nonresident tuition on students who do not meet the requirements under this section.

477 Section 8. Section **53H-11-414** is amended to read:

478 **53H-11-414 . Utah Promise Program.**

479 (1) As used in this section:

480 (a)(i) "Cost of attendance" means the estimated costs associated with attending a
 481 Utah postsecondary institution, as established by the Utah postsecondary
 482 institution in accordance with board policies.

483 (ii) "Cost of attendance" includes costs payable to the Utah postsecondary institution,
 484 other direct educational expenses, transportation, and living expenses while
 485 attending the Utah postsecondary institution.

486 (b) "Eligible student" means a financially needy student who is:

487 (i) unconditionally admitted to and enrolled at a Utah postsecondary institution on at
 488 least a half-time basis, as defined by the board, in an eligible postsecondary
 489 program leading to a defined education or training objective, as defined by the
 490 board;

491 (ii) making satisfactory academic progress, as defined by the Utah postsecondary
 492 institution in published policies or rules, toward an education or training objective;

493 (iii)[(A)] a resident student under Section 53H-11-202 and rules of the board; [or]
 494 and

495 [(B)] exempt from paying the nonresident portion of total tuition under Section
 496 53H-11-203; and]

497 (iv) not a graduate student.

498 (c) "Financially needy student" means a student who demonstrates the financial inability
 499 to meet all or a portion of the cost of attendance at a Utah postsecondary institution
 500 for any period of attendance as defined by the board, after considering the student's
 501 expected family contribution.

502 (d) "Fiscal year" means the fiscal year of the state.

503 (e) "Partner award" means a financial award described in this section.

504 (f) "Program" means the Utah Promise Program.

- 505 (g) "Promise partner" means an employer that participates in the program described in
506 this section.
- 507 (h) "Utah postsecondary institution" means:
508 (i) an institution of higher education; or
509 (ii) a Utah private, nonprofit postsecondary educational institution.
- 510 (2) The Legislature finds that:
511 (a) the prosperity, economic success, and general welfare of the people of Utah and of
512 the state are directly related to the educational levels and skills of the citizens of the
513 state; and
514 (b) financial assistance, to bridge the gap between a financially needy student's resources
515 and the cost of attendance at a Utah postsecondary institution, is a necessary
516 component for ensuring access to postsecondary education and training.
- 517 (3) There is created the Utah Promise Program to provide financial assistance to students.
- 518 (4) The board shall annually submit an electronic report to the Higher Education
519 Appropriations Subcommittee regarding the Utah Promise Program.
- 520 (5)(a) As part of the Utah Promise Program and in accordance with this section, the
521 board shall allocate available money to each Utah postsecondary institution to use to
522 award promise grants to eligible students to pay the eligible student's cost of
523 attendance.
- 524 (b) An eligible student may apply for a promise grant in accordance with procedures
525 established by board rule.
- 526 (c) The amount of a promise grant to an eligible student may not exceed the amount
527 equal to the difference between:
528 (i) the eligible student's cost of attendance; and
529 (ii) the total value of other financial aid that the eligible student receives toward the
530 eligible student's cost of attendance.
- 531 (d) An eligible student may transfer a promise grant to one or more other Utah
532 postsecondary institutions.
- 533 (6) In administering this section, the board shall use a packaging approach that ensures that
534 Utah postsecondary institutions combine loans, grants, employment, and family and
535 individual contributions toward financing the cost of attendance.
- 536 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
537 board shall make rules establishing:
538 (a) an application process;

- 539 (b) eligibility criteria, including:
- 540 (i) criteria related to academic achievement and enrollment status; and
- 541 (ii) a requirement that an applicant demonstrate completion of the Free Application
- 542 for Federal Student Aid, unless the student or the student's parent opts out in
- 543 accordance with board rule;
- 544 (c) how a student demonstrates financial need;
- 545 (d) a formula to determine the allocation of money to Utah postsecondary institutions in
- 546 accordance with Subsection (5), taking into account:
- 547 (i) the cost of attendance for programs offered by Utah postsecondary institutions; and
- 548 (ii) the number of eligible students who attend each Utah postsecondary institution;
- 549 and
- 550 (e) a methodology for prioritizing award of promise grants based primarily on financial
- 551 need.
- 552 (8) A student is eligible for a promise grant until the student:
- 553 (a) earns a first bachelor's degree; or
- 554 (b) completes 120 credit hours.
- 555 (9) The board or a Utah postsecondary institution may not represent to a recipient or a
- 556 potential recipient of a promise grant that promise grants will remain available in
- 557 perpetuity.
- 558 (10)(a) The board may require a Utah postsecondary institution to enter into a
- 559 participation agreement before the Utah postsecondary institution may award promise
- 560 grants.
- 561 (b) In a participation agreement, the board shall include a requirement that the Utah
- 562 postsecondary institution:
- 563 (i) provide to the board information necessary to administer the promise grants;
- 564 (ii) comply with this section and board rules related to the promise grants;
- 565 (iii) submit reports related to the promise grants as required by board rule; and
- 566 (iv) cooperate in any review or financial audit related to the promise grants that the
- 567 board determines necessary.
- 568 (11)(a) The board may use up to 2% of the money appropriated for promise grants for
- 569 costs related to administering the promise grants.
- 570 (b) A Utah postsecondary institution may use up to 3% of the money the Utah
- 571 postsecondary institution receives for promise grants for costs related to
- 572 administering the promise grants.

- 573 (12) The board may supplement state appropriations for the program with private
574 contributions.
- 575 (13) As part of the Utah Promise Program, the board may select employers to be promise
576 partners.
- 577 (14) The board may select an employer as a promise partner if the employer:
578 (a) applies to the board to be a promise partner; and
579 (b) meets other requirements established by the board in the rules described in
580 Subsection (18).
- 581 (15) An individual employed by, or who is a dependent of an employee of, a promise
582 partner is eligible to receive a partner award if the individual:
583 (a) applies for a partner award;
584 (b) is admitted to and enrolled in a Utah postsecondary institution; and
585 (c) maintains the eligibility requirements described in this Subsection (15) for the full
586 length of time the individual receives the partner award.
- 587 (16)(a) Subject to legislative appropriations and Subsection (16)(b), the board shall
588 award a partner award to an individual who meets the requirements described in
589 Subsection (15).
- 590 (b) The board may:
591 (i) award a partner award for up to the portion of tuition and fees for a program at a
592 Utah postsecondary institution that is not covered by a promise partnership
593 described in Subsection (18)(a); and
594 (ii) prioritize awarding partner awards if an appropriation for partner awards is not
595 sufficient to provide a partner award to each individual who is eligible under
596 Subsection (15).
- 597 (c) The board may continue to award a partner award to a recipient who meets the
598 requirements described in Subsection (15) until the earlier of:
599 (i) four years after the day on which the individual initially receives a partner award;
600 (ii) when the recipient uses a partner award to attend a Utah postsecondary institution
601 for eight semesters; or
602 (iii) when the recipient completes an approved program.
- 603 (17) The board may name a specific promise grant after the donating business.
- 604 (18) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
605 board shall make rules that establish:
606 (a) a process for a business to seek and receive approval from the board to become a

607 promise partner, including providing funds for tuition and fees to be distributed under
608 the Utah Promise Program;

609 (b) a process for an individual to apply for a partner award; and

610 (c) criteria for the board to prioritize awarding partner awards to individuals.

611 (19) The board may allow an individual to apply directly to the board for a partner award.

612 Section 9. Section **63G-2-206** is amended to read:

613 **63G-2-206 . Sharing records.**

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

617 (a) serves as a repository or archives for purposes of historical preservation,
618 administrative maintenance, or destruction;

619 (b) enforces, litigates, or investigates civil, criminal, or administrative law, and the
620 record is necessary to a proceeding or investigation;

621 (c) is authorized by state statute to conduct an audit and the record is needed for that
622 purpose;

623 (d) is one that collects information for presentence, probationary, or parole purposes; or

624 (e)(i) is:

625 (A) the Legislature;

626 (B) a legislative committee;

627 (C) a member of the Legislature; or

628 (D) a legislative staff member acting at the request of the Legislature, a legislative
629 committee, or a member of the Legislature; and

630 (ii) requests the record in relation to the Legislature's duties including:

631 (A) the preparation or review of a legislative proposal or legislation;

632 (B) appropriations; or

633 (C) an investigation or review conducted by the Legislature or a legislative
634 committee.

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

639 (i) that the record or record series is necessary to the performance of the
640 governmental entity's duties and functions;

- 641 (ii) that the record or record series will be used for a purpose similar to the purpose
642 for which the information in the record or record series was collected or obtained;
643 and
- 644 (iii) that the use of the record or record series produces a public benefit that is greater
645 than or equal to the individual privacy right that protects the record or record
646 series.
- 647 (b) A governmental entity may provide a private, controlled, or protected record or
648 record series to a contractor or a private provider according to the requirements of
649 Subsection (6)(b).
- 650 (3)(a) A governmental entity shall provide a private, controlled, or protected record to
651 another governmental entity, a political subdivision, a government-managed
652 corporation, the federal government, or another state if the requesting entity:
- 653 (i) is entitled by law to inspect the record;
- 654 (ii) is required to inspect the record as a condition of participating in a state or federal
655 program or for receiving state or federal funds; or
- 656 (iii) is an entity described in Subsection (1)(a), (b), (c), (d), or (e).
- 657 (b) Subsection (3)(a)(iii) applies only if the record is a record described in Subsection
658 63G-2-305(4).
- 659 (4) Before disclosing a record or record series under this section to another governmental
660 entity, another state, the United States, a foreign government, or to a contractor or
661 private provider, the originating governmental entity shall:
- 662 (a) inform the recipient of the record's classification and the accompanying restrictions
663 on access; and
- 664 (b) if the recipient is not a governmental entity to which this chapter applies, obtain the
665 recipient's written agreement which may be by mechanical or electronic transmission
666 that it will abide by those restrictions on access unless a statute, federal regulation, or
667 interstate agreement otherwise governs the sharing of the record or record series.
- 668 (5) A governmental entity may disclose a record to another state, the United States, or a
669 foreign government for the reasons listed in Subsections (1) and (2) without complying
670 with the procedures of Subsection (2) or (4) if disclosure is authorized by executive
671 agreement, treaty, federal statute, compact, federal regulation, or state statute.
- 672 (6)(a) Subject to Subsections (6)(b) and (c), an entity receiving a record under this
673 section is subject to the same restrictions on disclosure of the record as the
674 originating entity.

- 675 (b) A contractor or a private provider may receive information under this section only if:
- 676 (i) the contractor or private provider's use of the record or record series produces a
- 677 public benefit that is greater than or equal to the individual privacy right that
- 678 protects the record or record series;
- 679 (ii) the record or record series it requests:
- 680 (A) is necessary for the performance of a contract with a governmental entity;
- 681 (B) will only be used for the performance of the contract with the governmental
- 682 entity;
- 683 (C) will not be disclosed to any other person; and
- 684 (D) will not be used for advertising or solicitation purposes; and
- 685 (iii) the contractor or private provider gives written assurance to the governmental
- 686 entity that is providing the record or record series that it will adhere to the
- 687 restrictions of this Subsection (6)(b).
- 688 (c) The classification of a record already held by a governmental entity and the
- 689 applicable restrictions on disclosure of that record are not affected by the
- 690 governmental entity's receipt under this section of a record with a different
- 691 classification that contains information that is also included in the previously held
- 692 record.
- 693 (7) Notwithstanding any other provision of this section, if a more specific court rule or
- 694 order, state statute, federal statute, or federal regulation prohibits or requires sharing
- 695 information, that rule, order, statute, or federal regulation controls.
- 696 (8)(a) The following records may not be shared under this section:
- 697 (i) records held by the Division of Oil, Gas, and Mining that pertain to any person
- 698 and that are gathered under authority of Title 40, Chapter 6, Board and Division of
- 699 Oil, Gas, and Mining; and
- 700 (ii) except as provided in Subsection (8)(b), records of publicly funded libraries as
- 701 described in Subsection 63G-2-302(1)(c) [~~; and~~] .
- 702 [~~(iii) a record described in Section 63G-12-210.~~]
- 703 (b) A publicly funded library may share a record that is a private record under
- 704 Subsection 63G-2-302(1)(c) with a law enforcement agency, as defined in Section
- 705 53-1-102, if:
- 706 (i) the record is a video surveillance recording of the library premises; and
- 707 (ii) the law enforcement agency certifies in writing that:
- 708 (A) the law enforcement agency believes that the record will provide important

709 information for a pending investigation into criminal or potentially criminal
710 behavior; and
711 (B) the law enforcement agency's receipt of the record will assist the agency to
712 prevent imminent harm to an individual or imminent and substantial damage to
713 property.

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

716 Section 10. Section **63G-2-305** is amended to read:

717 **63G-2-305 . Protected records.**

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

- 719 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has
720 provided the governmental entity with the information specified in Section 63G-2-309;
- 721 (2) commercial information or nonindividual financial information obtained from a person
722 if:
- 723 (a) disclosure of the information could reasonably be expected to result in unfair
724 competitive injury to the person submitting the information or would impair the
725 ability of the governmental entity to obtain necessary information in the future;
- 726 (b) the person submitting the information has a greater interest in prohibiting access than
727 the public in obtaining access; and
- 728 (c) the person submitting the information has provided the governmental entity with the
729 information specified in Section 63G-2-309;
- 730 (3) commercial or financial information acquired or prepared by a governmental entity to
731 the extent that disclosure would lead to financial speculations in currencies, securities, or
732 commodities that will interfere with a planned transaction by the governmental entity or
733 cause substantial financial injury to the governmental entity or state economy;
- 734 (4) records, the disclosure of which could cause commercial injury to, or confer a
735 competitive advantage upon a potential or actual competitor of, a commercial project
736 entity as defined in Subsection 11-13-103(4);
- 737 (5) test questions and answers to be used in future license, certification, registration,
738 employment, or academic examinations;
- 739 (6) records, the disclosure of which would impair governmental procurement proceedings
740 or give an unfair advantage to any person proposing to enter into a contract or agreement
741 with a governmental entity, except, subject to Subsections (1) and (2), that this
742 Subsection (6) does not restrict the right of a person to have access to, after the contract

- 743 or grant has been awarded and signed by all parties:
- 744 (a) a bid, proposal, application, or other information submitted to or by a governmental
745 entity in response to:
- 746 (i) an invitation for bids;
- 747 (ii) a request for proposals;
- 748 (iii) a request for quotes;
- 749 (iv) a grant; or
- 750 (v) other similar document; or
- 751 (b) an unsolicited proposal, as defined in Section 63G-6a-712;
- 752 (7) information submitted to or by a governmental entity in response to a request for
753 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not
754 restrict the right of a person to have access to the information, after:
- 755 (a) a contract directly relating to the subject of the request for information has been
756 awarded and signed by all parties; or
- 757 (b)(i) a final determination is made not to enter into a contract that relates to the
758 subject of the request for information; and
- 759 (ii) at least two years have passed after the day on which the request for information
760 is issued;
- 761 (8) records that would identify real property or the appraisal or estimated value of real or
762 personal property, including intellectual property, under consideration for public
763 acquisition before any rights to the property are acquired unless:
- 764 (a) public interest in obtaining access to the information is greater than or equal to the
765 governmental entity's need to acquire the property on the best terms possible;
- 766 (b) the information has already been disclosed to persons not employed by or under a
767 duty of confidentiality to the entity;
- 768 (c) in the case of records that would identify property, potential sellers of the described
769 property have already learned of the governmental entity's plans to acquire the
770 property;
- 771 (d) in the case of records that would identify the appraisal or estimated value of
772 property, the potential sellers have already learned of the governmental entity's
773 estimated value of the property; or
- 774 (e) the property under consideration for public acquisition is a single family residence
775 and the governmental entity seeking to acquire the property has initiated negotiations
776 to acquire the property as required under Section 78B-6-505;

- 777 (9) records prepared in contemplation of sale, exchange, lease, rental, or other compensated
778 transaction of real or personal property including intellectual property, which, if
779 disclosed prior to completion of the transaction, would reveal the appraisal or estimated
780 value of the subject property, unless:
- 781 (a) the public interest in access is greater than or equal to the interests in restricting
782 access, including the governmental entity's interest in maximizing the financial
783 benefit of the transaction; or
 - 784 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
785 the value of the subject property have already been disclosed to persons not
786 employed by or under a duty of confidentiality to the entity;
- 787 (10) records created or maintained for civil, criminal, or administrative enforcement
788 purposes or audit purposes, or for discipline, licensing, certification, or registration
789 purposes, if release of the records:
- 790 (a) reasonably could be expected to interfere with investigations undertaken for
791 enforcement, discipline, licensing, certification, or registration purposes;
 - 792 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
793 proceedings;
 - 794 (c) would create a danger of depriving a person of a right to a fair trial or impartial
795 hearing;
 - 796 (d) reasonably could be expected to disclose the identity of a source who is not generally
797 known outside of government and, in the case of a record compiled in the course of
798 an investigation, disclose information furnished by a source not generally known
799 outside of government if disclosure would compromise the source; or
 - 800 (e) reasonably could be expected to disclose investigative or audit techniques,
801 procedures, policies, or orders not generally known outside of government if
802 disclosure would interfere with enforcement or audit efforts;
- 803 (11) records the disclosure of which would jeopardize the life or safety of an individual;
- 804 (12) records the disclosure of which would jeopardize the security of governmental
805 property, governmental programs, or governmental recordkeeping systems from
806 damage, theft, or other appropriation or use contrary to law or public policy;
- 807 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
808 facility, or records relating to incarceration, treatment, probation, or parole, that would
809 interfere with the control and supervision of an offender's incarceration, treatment,
810 probation, or parole;

- 811 (14) records that, if disclosed, would reveal recommendations made to the Board of
812 Pardons and Parole by an employee of or contractor for the Department of Corrections,
813 the Board of Pardons and Parole, or the Department of Health and Human Services that
814 are based on the employee's or contractor's supervision, diagnosis, or treatment of any
815 person within the board's jurisdiction;
- 816 (15) records and audit workpapers that identify audit, collection, and operational procedures
817 and methods used by the State Tax Commission, if disclosure would interfere with
818 audits or collections;
- 819 (16) records of a governmental audit agency relating to an ongoing or planned audit until
820 the final audit is released;
- 821 (17) records that are subject to the attorney client privilege;
- 822 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
823 employee, or agent of a governmental entity for, or in anticipation of, litigation or a
824 judicial, quasi-judicial, or administrative proceeding;
- 825 (19)(a)(i) personal files of a state legislator, including personal correspondence to or
826 from a member of the Legislature; and
- 827 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
828 legislative action or policy may not be classified as protected under this section;
829 and
- 830 (b)(i) an internal communication that is part of the deliberative process in connection
831 with the preparation of legislation between:
- 832 (A) members of a legislative body;
833 (B) a member of a legislative body and a member of the legislative body's staff; or
834 (C) members of a legislative body's staff; and
- 835 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
836 legislative action or policy may not be classified as protected under this section;
- 837 (20)(a) records in the custody or control of the Office of Legislative Research and
838 General Counsel, that, if disclosed, would reveal a particular legislator's
839 contemplated legislation or contemplated course of action before the legislator has
840 elected to support the legislation or course of action, or made the legislation or course
841 of action public; and
- 842 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
843 Office of Legislative Research and General Counsel is a public document unless a
844 legislator asks that the records requesting the legislation be maintained as protected

- 845 records until such time as the legislator elects to make the legislation or course of
846 action public;
- 847 (21) a research request from a legislator to a legislative staff member and research findings
848 prepared in response to the request;
- 849 (22) drafts, unless otherwise classified as public;
- 850 (23) records concerning a governmental entity's strategy about:
851 (a) collective bargaining; or
852 (b) imminent or pending litigation;
- 853 (24) records of investigations of loss occurrences and analyses of loss occurrences that may
854 be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
855 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 856 (25) records, other than personnel evaluations, that contain a personal recommendation
857 concerning an individual if disclosure would constitute a clearly unwarranted invasion
858 of personal privacy, or disclosure is not in the public interest;
- 859 (26) records that reveal the location of historic, prehistoric, paleontological, or biological
860 resources that if known would jeopardize the security of those resources or of valuable
861 historic, scientific, educational, or cultural information;
- 862 (27) records of independent state agencies if the disclosure of the records would conflict
863 with the fiduciary obligations of the agency;
- 864 (28) records of an institution of higher education defined in Section 53H-1-101 regarding
865 tenure evaluations, appointments, applications for admissions, retention decisions, and
866 promotions, which could be properly discussed in a meeting closed in accordance with
867 Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final
868 decisions about tenure, appointments, retention, promotions, or those students admitted,
869 may not be classified as protected under this section;
- 870 (29) records of the governor's office, including budget recommendations, legislative
871 proposals, and policy statements, that if disclosed would reveal the governor's
872 contemplated policies or contemplated courses of action before the governor has
873 implemented or rejected those policies or courses of action or made them public;
- 874 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
875 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
876 recommendations in these areas;
- 877 (31) records provided by the United States or by a government entity outside the state that
878 are given to the governmental entity with a requirement that they be managed as

- 879 protected records if the providing entity certifies that the record would not be subject to
880 public disclosure if retained by it;
- 881 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
882 public body except as provided in Section 52-4-206;
- 883 (33) records that would reveal the contents of settlement negotiations but not including final
884 settlements or empirical data to the extent that they are not otherwise exempt from
885 disclosure;
- 886 (34) memoranda prepared by staff and used in the decision-making process by an
887 administrative law judge, a member of the Board of Pardons and Parole, or a member of
888 any other body charged by law with performing a quasi-judicial function;
- 889 (35) records that would reveal negotiations regarding assistance or incentives offered by or
890 requested from a governmental entity for the purpose of encouraging a person to expand
891 or locate a business in Utah, but only if disclosure would result in actual economic harm
892 to the person or place the governmental entity at a competitive disadvantage, but this
893 section may not be used to restrict access to a record evidencing a final contract;
- 894 (36) materials to which access must be limited for purposes of securing or maintaining the
895 governmental entity's proprietary protection of intellectual property rights including
896 patents, copyrights, and trade secrets;
- 897 (37) the name of a donor or a prospective donor to a governmental entity, including an
898 institution of higher education defined in Section 53H-1-101, and other information
899 concerning the donation that could reasonably be expected to reveal the identity of the
900 donor, provided that:
- 901 (a) the donor requests anonymity in writing;
- 902 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
903 classified protected by the governmental entity under this Subsection (37); and
- 904 (c) except for an institution of higher education defined in Section 53H-1-101, the
905 governmental unit to which the donation is made is primarily engaged in educational,
906 charitable, or artistic endeavors, and has no regulatory or legislative authority over
907 the donor, a member of the donor's immediate family, or any entity owned or
908 controlled by the donor or the donor's immediate family;
- 909 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13;
- 910 (39) a notification of workers' compensation insurance coverage described in Section
911 34A-2-205;
- 912 (40) subject to Subsections (40)(g) and (h), the following records of an institution of higher

- 913 education defined in Section 53H-1-101, which have been developed, discovered,
914 disclosed to, or received by or on behalf of faculty, staff, employees, or students of the
915 institution:
- 916 (a) unpublished lecture notes;
- 917 (b) unpublished notes, data, and information:
- 918 (i) relating to research; and
- 919 (ii) of:
- 920 (A) the institution of higher education defined in Section 53H-1-101; or
- 921 (B) a sponsor of sponsored research;
- 922 (c) unpublished manuscripts;
- 923 (d) creative works in process;
- 924 (e) scholarly correspondence;[-and]
- 925 (f) confidential information contained in research proposals;
- 926 (g) this Subsection (40) may not be construed to prohibit disclosure of public
927 information required [~~pursuant to~~] in accordance with Subsection 53H-14-202(2)(a)
928 or (b); and
- 929 (h) this Subsection (40) may not be construed to affect the ownership of a record;
- 930 (41)(a) records in the custody or control of the Office of the Legislative Auditor General
931 that would reveal the name of a particular legislator who requests a legislative audit
932 prior to the date that audit is completed and made public; and
- 933 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
934 Office of the Legislative Auditor General is a public document unless the legislator
935 asks that the records in the custody or control of the Office of the Legislative Auditor
936 General that would reveal the name of a particular legislator who requests a
937 legislative audit be maintained as protected records until the audit is completed and
938 made public;
- 939 (42) records that provide detail as to the location of an explosive, including a map or other
940 document that indicates the location of:
- 941 (a) a production facility; or
- 942 (b) a magazine;
- 943 (43) information contained in the statewide database of the Division of Aging and Adult
944 Services created by Section 26B-6-210;
- 945 (44) information contained in the Licensing Information System described in Title 80,
946 Chapter 2, Child Welfare Services;

- 947 (45) information regarding National Guard operations or activities in support of the
948 National Guard's federal mission;
- 949 (46) records provided by any pawn or secondhand business to a law enforcement agency or
950 to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand
951 Merchandise, and Catalytic Converter Transaction Information Act;
- 952 (47) information regarding food security, risk, and vulnerability assessments performed by
953 the Department of Agriculture and Food;
- 954 (48) except to the extent that the record is exempt from this chapter [~~pursuant to~~] in
955 accordance with Section 63G-2-106, records related to an emergency plan or program, a
956 copy of which is provided to or prepared or maintained by the Division of Emergency
957 Management, and the disclosure of which would jeopardize:
- 958 (a) the safety of the general public; or
959 (b) the security of:
- 960 (i) governmental property;
961 (ii) governmental programs; or
962 (iii) the property of a private person who provides the Division of Emergency
963 Management information;
- 964 (49) records of the Department of Agriculture and Food that provides for the identification,
965 tracing, or control of livestock diseases, including any program established under Title
966 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
967 of Animal Disease;
- 968 (50) as provided in Section 26B-2-709:
- 969 (a) information or records held by the Department of Health and Human Services related
970 to a complaint regarding a provider, program, or facility which the department is
971 unable to substantiate; and
972 (b) information or records related to a complaint received by the Department of Health
973 and Human Services from an anonymous complainant regarding a provider, program,
974 or facility;
- 975 (51) unless otherwise classified as public under Section 63G-2-301 and except as provided
976 under Section 41-1a-116, an individual's home address, home telephone number, or
977 personal mobile phone number, if:
- 978 (a) the individual is required to provide the information in order to comply with a law,
979 ordinance, rule, or order of a government entity; and
980 (b) the subject of the record has a reasonable expectation that this information will be

- 981 kept confidential due to:
- 982 (i) the nature of the law, ordinance, rule, or order; and
- 983 (ii) the individual complying with the law, ordinance, rule, or order;
- 984 (52) the portion of the following documents that contains a candidate's residential or
- 985 mailing address, if the candidate provides to the filing officer another address or phone
- 986 number where the candidate may be contacted:
- 987 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
- 988 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405,
- 989 20A-9-408, 20A-9-408.5, 20A-9-502, or 20A-9-601;
- 990 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
- 991 (c) a notice of intent to gather signatures for candidacy, described in Section 20A-9-408;
- 992 (53) the name, home address, work addresses, and telephone numbers of an individual that
- 993 is engaged in, or that provides goods or services for, medical or scientific research that is:
- 994 (a) conducted within the state system of higher education, as described in Section
- 995 53H-1-102; and
- 996 (b) conducted using animals;
- 997 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
- 998 Evaluation Commission concerning an individual commissioner's vote, in relation to
- 999 whether a judge meets or exceeds minimum performance standards under Subsection
- 1000 78A-12-203(4), and information disclosed under Subsection 78A-12-203(5)(e);
- 1001 (55) information collected and a report prepared by the Judicial Performance Evaluation
- 1002 Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter 12,
- 1003 Judicial Performance Evaluation Commission Act, requires disclosure of, or makes
- 1004 public, the information or report;
- 1005 (56) records provided or received by the Public Lands Policy Coordinating Office in
- 1006 furtherance of any contract or other agreement made in accordance with Section
- 1007 63L-11-202;
- 1008 (57) information requested by and provided to the 911 Division under Section 63H-7a-302;
- 1009 (58) in accordance with Section 73-10-33:
- 1010 (a) a management plan for a water conveyance facility in the possession of the Division
- 1011 of Water Resources or the Board of Water Resources; or
- 1012 (b) an outline of an emergency response plan in possession of the state or a county or
- 1013 municipality;
- 1014 (59) the following records in the custody or control of the Office of Inspector General of

- 1015 Medicaid Services, created in Section 63A-13-201:
- 1016 (a) records that would disclose information relating to allegations of personal
 1017 misconduct, gross mismanagement, or illegal activity of a person if the information
 1018 or allegation cannot be corroborated by the Office of Inspector General of Medicaid
 1019 Services through other documents or evidence, and the records relating to the
 1020 allegation are not relied upon by the Office of Inspector General of Medicaid
 1021 Services in preparing a final investigation report or final audit report;
- 1022 (b) records and audit workpapers to the extent they would disclose the identity of a
 1023 person who, during the course of an investigation or audit, communicated the
 1024 existence of any Medicaid fraud, waste, or abuse, or a violation or suspected
 1025 violation of a law, rule, or regulation adopted under the laws of this state, a political
 1026 subdivision of the state, or any recognized entity of the United States, if the
 1027 information was disclosed on the condition that the identity of the person be
 1028 protected;
- 1029 (c) before the time that an investigation or audit is completed and the final investigation
 1030 or final audit report is released, records or drafts circulated to a person who is not an
 1031 employee or head of a governmental entity for the person's response or information;
- 1032 (d) records that would disclose an outline or part of any investigation, audit survey plan,
 1033 or audit program; or
- 1034 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
 1035 investigation or audit;
- 1036 (60) records that reveal methods used by the Office of Inspector General of Medicaid
 1037 Services, the fraud unit, or the Department of Health and Human Services, to discover
 1038 Medicaid fraud, waste, or abuse;
- 1039 (61) information provided to the Department of Health and Human Services or the Division
 1040 of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
 1041 58-68-304(3) and (4);
- 1042 [~~(62)~~ a record described in Section 63G-12-210;]
- 1043 [~~(63)~~] (62) captured plate data that is obtained through an automatic license plate reader
 1044 system used by a governmental entity as authorized in Section 41-6a-2003;
- 1045 [~~(64)~~] (63) an audio or video recording created by a body-worn camera, as that term is
 1046 defined in Section 77-7a-103, that records sound or images inside a hospital or health
 1047 care facility as those terms are defined in Section 78B-3-403, inside a clinic of a health
 1048 care provider, as that term is defined in Section 78B-3-403, or inside a human service

- 1049 program as that term is defined in Section 26B-2-101, except for recordings that:
- 1050 (a) depict the commission of an alleged crime;
- 1051 (b) record any encounter between a law enforcement officer and a person that results in
- 1052 death or bodily injury, or includes an instance when an officer fires a weapon;
- 1053 (c) record any encounter that is the subject of a complaint or a legal proceeding against a
- 1054 law enforcement officer or law enforcement agency;
- 1055 (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f);
- 1056 or
- 1057 (e) have been requested for reclassification as a public record by a subject or authorized
- 1058 agent of a subject featured in the recording;
- 1059 ~~[(65)]~~ (64) a record pertaining to the search process for a president of an institution of higher
- 1060 education described in Section 53H-3-302;
- 1061 ~~[(66)]~~ (65) an audio recording that is:
- 1062 (a) produced by an audio recording device that is used in conjunction with a device or
- 1063 piece of equipment designed or intended for resuscitating an individual or for treating
- 1064 an individual with a life-threatening condition;
- 1065 (b) produced during an emergency event when an individual employed to provide law
- 1066 enforcement, fire protection, paramedic, emergency medical, or other first responder
- 1067 service:
- 1068 (i) is responding to an individual needing resuscitation or with a life-threatening
- 1069 condition; and
- 1070 (ii) uses a device or piece of equipment designed or intended for resuscitating an
- 1071 individual or for treating an individual with a life-threatening condition; and
- 1072 (c) intended and used for purposes of training emergency responders how to improve
- 1073 their response to an emergency situation;
- 1074 ~~[(67)]~~ (66) records submitted by or prepared in relation to an applicant seeking a
- 1075 recommendation by the Research and General Counsel Subcommittee, the Budget
- 1076 Subcommittee, or the Legislative Audit Subcommittee, established under Section
- 1077 36-12-8, for an employment position with the Legislature;
- 1078 ~~[(68)]~~ (67) work papers as defined in Section 31A-2-204;
- 1079 ~~[(69)]~~ (68) a record made available to Adult Protective Services or a law enforcement
- 1080 agency under Section 61-1-206;
- 1081 ~~[(70)]~~ (69) a record submitted to the Insurance Department in accordance with Section
- 1082 31A-37-201;

- 1083 ~~[(71)]~~ (70) a record described in Section 31A-37-503;
- 1084 ~~[(72)]~~ (71) any record created by the Division of Professional Licensing as a result of
- 1085 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);
- 1086 ~~[(73)]~~ (72) a record described in Section 72-16-306 that relates to the reporting of an injury
- 1087 involving an amusement ride;
- 1088 ~~[(74)]~~ (73) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
- 1089 on a political petition, or on a request to withdraw a signature from a political petition,
- 1090 including a petition or request described in the following titles:
- 1091 (a) Title 10, Utah Municipal Code;
- 1092 (b) Title 17, Counties;
- 1093 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 1094 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 1095 (e) Title 20A, Election Code;
- 1096 ~~[(75)]~~ (74) except as provided in Subsection 63G-2-305.5(2), the signature of an individual
- 1097 in a voter registration record;
- 1098 ~~[(76)]~~ (75) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
- 1099 signature described in Subsection ~~[(74) or (75)]~~ (73) or (74), in the custody of the
- 1100 lieutenant governor or a local political subdivision collected or held under, or in relation
- 1101 to, Title 20A, Election Code;
- 1102 ~~[(77)]~~ (76) a Form I-918 Supplement B certification as described in Title 77, Chapter 38,
- 1103 Part 5, Victims Guidelines for Prosecutors Act;
- 1104 ~~[(78)]~~ (77) a record submitted to the Insurance Department under Section 31A-48-103;
- 1105 ~~[(79)]~~ (78) personal information, as defined in Section 63G-26-102, to the extent disclosure
- 1106 is prohibited under Section 63G-26-103;
- 1107 ~~[(80)]~~ (79) an image taken of an individual during the process of booking the individual into
- 1108 jail, unless:
- 1109 (a) the individual is convicted of a criminal offense based upon the conduct for which
- 1110 the individual was incarcerated at the time the image was taken;
- 1111 (b) a law enforcement agency releases or disseminates the image:
- 1112 (i) after determining that the individual is a fugitive or an imminent threat to an
- 1113 individual or to public safety and releasing or disseminating the image will assist
- 1114 in apprehending the individual or reducing or eliminating the threat; or
- 1115 (ii) to a potential witness or other individual with direct knowledge of events relevant
- 1116 to a criminal investigation or criminal proceeding for the purpose of identifying or

- 1117 locating an individual in connection with the criminal investigation or criminal
1118 proceeding;
- 1119 (c) a judge orders the release or dissemination of the image based on a finding that the
1120 release or dissemination is in furtherance of a legitimate law enforcement interest; or
1121 (d) the image is displayed to a person who is permitted to view the image under Section
1122 17-72-802;
- 1123 ~~[(81)]~~ (80) a record:
- 1124 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 1125 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
1126 representative from another state or the federal government as provided in Section
1127 63M-14-205; and
- 1128 (c) the disclosure of which would:
- 1129 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
1130 Colorado River system;
- 1131 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
1132 negotiate the best terms and conditions regarding the use of water in the Colorado
1133 River system; or
- 1134 (iii) give an advantage to another state or to the federal government in negotiations
1135 regarding the use of water in the Colorado River system;
- 1136 ~~[(82)]~~ (81) any part of an application described in Section 63N-16-201 that the Governor's
1137 Office of Economic Opportunity determines is nonpublic, confidential information that
1138 if disclosed would result in actual economic harm to the applicant, but this Subsection [
1139 ~~(82)]~~ (81) may not be used to restrict access to a record evidencing a final contract or
1140 approval decision;
- 1141 ~~[(83)]~~ (82) the following records of a drinking water or wastewater facility:
- 1142 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
1143 and
- 1144 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
1145 drinking water or wastewater facility uses to secure, or prohibit access to, the records
1146 described in Subsection ~~[(83)(a)]~~ (82)(a);
- 1147 ~~[(84)]~~ (83) a statement that an employee of a governmental entity provides to the
1148 governmental entity as part of the governmental entity's personnel or administrative
1149 investigation into potential misconduct involving the employee if the governmental
1150 entity;

- 1151 (a) requires the statement under threat of employment disciplinary action, including
1152 possible termination of employment, for the employee's refusal to provide the
1153 statement; and
- 1154 (b) provides the employee assurance that the statement cannot be used against the
1155 employee in any criminal proceeding;
- 1156 ~~[(85)]~~ (84) any part of an application for a Utah Fits All Scholarship account described in
1157 Section 53F-6-402 or other information identifying a scholarship student as defined in
1158 Section 53F-6-401;
- 1159 ~~[(86)]~~ (85) a record:
- 1160 (a) concerning a claim to the use of waters in the Great Salt Lake;
- 1161 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
1162 person concerning the claim, including a representative from another state or the
1163 federal government; and
- 1164 (c) the disclosure of which would:
- 1165 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
1166 Great Salt Lake;
- 1167 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
1168 and conditions regarding the use of water in the Great Salt Lake; or
- 1169 (iii) give an advantage to another person including another state or to the federal
1170 government in negotiations regarding the use of water in the Great Salt Lake;
- 1171 ~~[(87)]~~ (86) a consumer complaint described in Section 13-2-11, unless the consumer
1172 complaint is reclassified as public as described in Subsection 13-2-11(4);
- 1173 ~~[(88)]~~ (87) a record of the Utah water agent, appointed under Section 73-10g-702:
- 1174 (a) concerning a claim to the use of waters;
- 1175 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
1176 representative from another state, a tribe, the federal government, or other
1177 government entity as provided in Title 73, Chapter 10g, Part 7, Utah Water Agent;
1178 and
- 1179 (c) the disclosure of which would:
- 1180 (i) reveal a legal strategy relating to the state's claim to the use of the water;
- 1181 (ii) harm the ability of the Utah water agent to negotiate the best terms and conditions
1182 regarding the use of water; or
- 1183 (iii) give an advantage to another state, a tribe, the federal government, or other
1184 government entity in negotiations regarding the use of water; and

1185 [(89)] (88) a record created or maintained for an investigation of the Prosecutor Conduct
 1186 Commission, created in Section 63M-7-1102, that contains any personal identifying
 1187 information of a prosecuting attorney, including:
 1188 (a) a complaint, or a document that is submitted or created for a complaint, received by
 1189 the Prosecutor Conduct Commission; or
 1190 (b) a finding by the Prosecutor Conduct Commission.

1191 Section 11. Section **63G-2-305.5** is amended to read:

1192 **63G-2-305.5 . Viewing or obtaining lists of signatures.**

- 1193 (1) The records custodian of a signature described in Subsection [63G-2-305(74)]
 1194 63G-2-305(73) shall, upon request, except for a name or signature classified as private
 1195 under Title 20A, Chapter 2, Voter Registration:
 1196 (a) provide a list of the names of the individuals who signed the petition or request; and
 1197 (b) permit an individual to view, but not take a copy or other image of, the signatures on
 1198 a political petition described in Subsection [63G-2-305(74)] 63G-2-305(73).
- 1199 (2) The records custodian of a signature described in Subsection [63G-2-305(75)]
 1200 63G-2-305(74) shall, upon request, except for a name or signature classified as private
 1201 under Title 20A, Chapter 2, Voter Registration:
 1202 (a) provide a list of the names of registered voters, excluding the names that are
 1203 classified as private under Title 20A, Chapter 2, Voter Registration; and
 1204 (b) except for a signature classified as private under Title 20A, Chapter 2, Voter
 1205 Registration, permit an individual to view, but not take a copy or other image of, the
 1206 signature on a voter registration record.
- 1207 (3) Except for a signature classified as private under Title 20A, Chapter 2, Voter
 1208 Registration, the records custodian of a signature described in Subsection [63G-2-305
 1209 (76)] 63G-2-305(75) shall, upon request, permit an individual to view, but not take a
 1210 copy or other image of, a signature.

1211 Section 12. Section **63G-12-102** is amended to read:

1212 **63G-12-102 . Definitions.**

1213 As used in this chapter:

- 1214 [(1) "Basic health insurance plan" means a health plan that is actuarially equivalent to a
 1215 federally qualified high deductible health plan.]
- 1216 [(2)] (1) "Department" means the Department of Public Safety created in Section 53-1-103.
- 1217 [(3)] (2) "Employee" means an individual employed by an employer under a contract for
 1218 hire.

- 1219 [(4)] (3) "Employer" means a person who has one or more employees employed in the same
 1220 business, or in or about the same establishment, under any contract of hire, express or
 1221 implied, oral or written.
- 1222 [(5) "E-verify program" means the electronic verification of the work authorization
 1223 program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996,
 1224 8 U.S.C. Sec. 1324a, known as the e-verify program.]
- 1225 [(6) "Family member" means for an undocumented individual:]
- 1226 [(a) a member of the undocumented individual's immediate family;]
- 1227 [(b) the undocumented individual's grandparent;]
- 1228 [(c) the undocumented individual's sibling;]
- 1229 [(d) the undocumented individual's grandchild;]
- 1230 [(e) the undocumented individual's nephew;]
- 1231 [(f) the undocumented individual's niece;]
- 1232 [(g) a spouse of an individual described in this Subsection (6); or]
- 1233 [(h) an individual who is similar to one listed in this Subsection (6).]
- 1234 [(7)] (4) "Federal SAVE program" means the Systematic Alien Verification for Entitlements
 1235 Program operated by the United States Department of Homeland Security or an
 1236 equivalent program designated by the Department of Homeland Security.
- 1237 [(8) "Guest worker" means an undocumented individual who holds a guest worker permit.]
- 1238 [(9) "Guest worker permit" means a permit issued in accordance with Section 63G-12-207
 1239 to an undocumented individual who meets the eligibility criteria of Section 63G-12-205.]
- 1240 [(10) "Immediate family" means for an undocumented individual:]
- 1241 [(a) the undocumented individual's spouse; or]
- 1242 [(b) a child of the undocumented individual if the child is:]
- 1243 [(i) under 21 years old; and]
- 1244 [(ii) unmarried.]
- 1245 [(11) "Immediate family permit" means a permit issued in accordance with Section
 1246 63G-12-207 to an undocumented individual who meets the eligibility criteria of Section
 1247 63G-12-206.]
- 1248 [(12) "Permit" means a permit issued under Part 2, Guest Worker Program, and includes:]
- 1249 [(a) a guest worker permit; and]
- 1250 [(b) an immediate family permit.]
- 1251 [(13) "Permit holder" means an undocumented individual who holds a permit.]
- 1252 [(14) "Private employer" means an employer who is not the federal government or a public

- 1253 employer.}]
- 1254 [(15) "Program" means the Guest Worker Program described in Section 63G-12-201.]
- 1255 [(16) "Program start date" means the day on which the department is required to implement
- 1256 the program under Subsection 63G-12-202(3).]
- 1257 [(17) "Public employer" means an employer that is:]
- 1258 [(a) the state of Utah or any administrative subunit of the state;]
- 1259 [(b) an institution of higher education, as defined in Section 53H-1-101;]
- 1260 [(c) a political subdivision of the state including a county, city, town, school district,
- 1261 special district, or special service district; or]
- 1262 [(d) an administrative subunit of a political subdivision.]
- 1263 [(18) "Relevant contact information" means the following for an undocumented individual:]
- 1264 [(a) the undocumented individual's name;]
- 1265 [(b) the undocumented individual's residential address;]
- 1266 [(c) the undocumented individual's residential telephone number;]
- 1267 [(d) the undocumented individual's personal email address;]
- 1268 [(e) the name of the person with whom the undocumented individual has a contract for
- 1269 hire;]
- 1270 [(f) the name of the contact person for the person listed in Subsection (18)(e);]
- 1271 [(g) the address of the person listed in Subsection (18)(e);]
- 1272 [(h) the telephone number for the person listed in Subsection (18)(e);]
- 1273 [(i) the names of the undocumented individual's immediate family members;]
- 1274 [(j) the names of the family members who reside with the undocumented individual; and]
- 1275 [(k) any other information required by the department by rule made in accordance with
- 1276 Chapter 3, Utah Administrative Rulemaking Act.]
- 1277 [(19)] (5) "Restricted account" means the Immigration Act Restricted Account created in
- 1278 Section 63G-12-103.
- 1279 [(20) "Serious felony" means a felony under:]
- 1280 [(a) Section 53-5a-304;]
- 1281 [(b) Title 76, Chapter 5, Offenses Against the Individual;]
- 1282 [(c) Title 76, Chapter 5b, Sexual Exploitation Act;]
- 1283 [(d) Title 76, Chapter 5c, Pornographic and Harmful Materials and Performances;]
- 1284 [(e) Title 76, Chapter 5d, Prostitution;]
- 1285 [(f) Title 76, Chapter 6, Offenses Against Property;]
- 1286 [(g) Title 76, Chapter 7, Offenses Against the Family;]

- 1287 [~~(h) Title 76, Chapter 8, Offenses Against the Administration of Government;~~]
- 1288 [~~(i) Title 76, Chapter 9, Offenses Against Public Order, Health, and Safety;~~]
- 1289 [~~(j) Title 76, Chapter 11, Weapons;~~]
- 1290 [~~(k) Title 76, Chapter 12, Offenses Related to Privacy, Information, and Communication;~~]
- 1291 [~~(l) Title 76, Chapter 13, Offenses Involving Cruelty to Animals;~~]
- 1292 [~~(m) Title 76, Chapter 14, Offenses Related to Immigration Status;~~]
- 1293 [~~(n) Title 76, Chapter 15, Explosives and Weapons of Mass Destruction;~~]
- 1294 [~~(o) Title 76, Chapter 16, Offenses Concerning Business Practices; and~~]
- 1295 [~~(p) Title 76, Chapter 17, Offenses Concerning Kickbacks, Pyramid Schemes, and~~
- 1296 ~~Patterns of Unlawful Activity.]~~
- 1297 [~~(21)(a) "Status verification system" means an electronic system operated by the federal~~
- 1298 ~~government, through which an authorized official of a state agency or a political~~
- 1299 ~~subdivision of the state may inquire by exercise of authority delegated pursuant to 8~~
- 1300 ~~U.S.C. Sec. 1373, to verify the citizenship or immigration status of an individual~~
- 1301 ~~within the jurisdiction of the agency or political subdivision for a purpose authorized~~
- 1302 ~~under this section.]~~
- 1303 [~~(b) "Status verification system" includes:~~]
- 1304 [~~(i) the e-verify program;~~]
- 1305 [~~(ii) an equivalent federal program designated by the United States Department of~~
- 1306 ~~Homeland Security or other federal agency authorized to verify the work~~
- 1307 ~~eligibility status of a newly hired employee pursuant to the Immigration Reform~~
- 1308 ~~and Control Act of 1986;]~~
- 1309 [~~(iii) the Social Security Number Verification Service or similar online verification~~
- 1310 ~~process implemented by the United States Social Security Administration; or]~~
- 1311 [~~(iv) an independent third-party system with an equal or higher degree of reliability~~
- 1312 ~~as the programs, systems, or processes described in Subsection (21)(b)(i), (ii), or~~
- 1313 ~~(iii).]~~
- 1314 [~~(22) "Unauthorized alien" is as defined in 8 U.S.C. Sec. 1324a(h)(3).]~~
- 1315 [~~(23) "Undocumented individual" means an individual who:~~]
- 1316 [~~(a) lives or works in the state; and]~~
- 1317 [~~(b) is not in compliance with the Immigration and Nationality Act, 8 U.S.C. Sec. 1101~~
- 1318 ~~et seq. with regard to presence in the United States.]~~
- 1319 [~~(24) "U-verify program" means the verification procedure developed by the department in~~
- 1320 ~~accordance with Section 63G-12-210.]~~

1321 Section 13. Section **63G-12-103** is amended to read:

1322 **63G-12-103 . Immigration Act Restricted Account.**

1323 (1) There is created a restricted account within the General Fund known as the
1324 "Immigration Act Restricted Account."

1325 (2)(a) The restricted account shall consist of:

1326 (i) a fee collected under this chapter;

1327 [~~(ii) a fine collected under Section 63G-12-207;~~]

1328 [~~(iii) civil penalties imposed under Section 63G-12-211 or 63G-12-306;~~]

1329 [~~(iv)~~] (ii) money appropriated to the restricted account by the Legislature; and

1330 [~~(v)~~] (iii) interest earned on the restricted account.

1331 (b) The restricted account shall earn interest.

1332 (3) The Legislature may appropriate money from the restricted account to:

1333 [~~(a) the department and the Office of the Governor to pay the costs associated with the~~
1334 ~~implementation of Section 63G-12-202;~~]

1335 [~~(b)~~] (a) the department to administer this chapter; and

1336 [~~(c) the State Tax Commission for costs associated with implementing Section~~
1337 ~~63G-12-203;~~]

1338 [~~(d)~~] (b) the attorney general for costs associated with:

1339 (i) litigation related to this chapter;

1340 (ii) a multi-agency strike force created under Section 67-5-22.7; or

1341 (iii) a memorandum of understanding executed under Section 67-5-28[~~; and~~] .

1342 [~~(e) the Identity Theft Restricted Account created in Section 67-5-22.7.]~~

1343 Section 14. Section **63G-12-106** is amended to read:

1344 **63G-12-106 . Severability.**

1345 [~~(1) If a provision of Part 2, Guest Worker Program, or the application of a provision to a~~
1346 ~~person or circumstance is held invalid, the remainder of this chapter may not be given~~
1347 ~~effect without the invalid provision or application so that the provisions of this chapter~~
1348 ~~are not severable.]~~

1349 [~~(2)] The following provisions are severable from this chapter:~~

1350 [~~(a)~~] (1) Title 76, Chapter 14, Offenses Related to Immigration Status; and

1351 [~~(b)~~] (2) Section 77-7-2.

1352 Section 15. Section **63G-12-401** is amended to read:

1353 **63G-12-401 . Creation of identity documents -- Issuance to citizens, nationals,**
1354 **and legal permanent resident aliens -- Exceptions.**

- 1355 (1) The following entities may create, publish, or otherwise manufacture an identification
1356 document, identification card, or identification certificate and possess an engraved plate
1357 or other device for the printing of an identification document:
- 1358 (a) a federal, state, or local government agency for employee identification, which is
1359 designed to identify the bearer as an employee;
- 1360 (b) a federal, state, or local government agency for purposes authorized or required by
1361 law or a legitimate purpose consistent with the duties of the agency, including such
1362 documents as voter identification cards, identification cards, passports, birth
1363 certificates, and [~~Social Security~~] social security cards; and
- 1364 (c) a public school or state or private educational institution to identify the bearer as an
1365 administrator, faculty member, student, or employee.
- 1366 (2) The name of the issuing entity shall be clearly printed upon the face of the identification
1367 document.
- 1368 (3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity
1369 providing an identity document, card, or certificate under Subsection (1)(b) or (c) shall
1370 issue the document, card, or certificate only to:
- 1371 (a) a United States citizen;
- 1372 (b) a national; or
- 1373 (c) a legal permanent resident alien.
- 1374 (4)(a) Subsection (3) does not apply to an applicant for an identification document who
1375 presents, in person, valid documentary evidence of the applicant's:
- 1376 (i) unexpired immigrant or nonimmigrant visa status for admission into the United
1377 States;
- 1378 (ii) pending or approved application for asylum in the United States;
- 1379 (iii) admission into the United States as a refugee;
- 1380 (iv) pending or approved application for temporary protected status in the United
1381 States;
- 1382 (v) approved deferred action status; or
- 1383 (vi) pending application for adjustment of status to legal permanent resident or
1384 conditional resident.
- 1385 (b)(i) An entity listed in Subsection (1)(b) or (c) may issue a Subsection (1)(b) or (c)
1386 identification document to an applicant who satisfies the requirements of
1387 Subsection (4)(a).
- 1388 (ii) Except as otherwise provided by federal law, the document is valid only:

- 1389 (A) during the period of time of the individual's authorized stay in the United
 1390 States; or
- 1391 (B) for one year from the date of issuance if there is no definite end to the
 1392 individual's period of authorized stay.
- 1393 (iii) An entity issuing an identification document under this Subsection (4) shall
 1394 clearly indicate on the document:
- 1395 (A) that [it] the document is temporary; and
 1396 (B) [its] the document's expiration date.
- 1397 (c) An individual may renew a document issued under this Subsection (4) only upon
 1398 presentation of valid documentary evidence that the status by which the individual
 1399 originally qualified for the identification document has been extended by the United
 1400 States Citizenship and Immigration Services or other authorized agency of the United
 1401 States Department of Homeland Security.
- 1402 (5)(a) Subsection (3) does not apply to an identification document issued under
 1403 Subsection (1)(c) that:
- 1404 (i) is only valid for use on the educational institution's campus or facility; and
 1405 (ii) includes a statement of the restricted use conspicuously printed upon the face of
 1406 the identification document.
- 1407 (b) Subsection (3) does not apply to a license certificate, driving privilege card, or
 1408 identification card issued or renewed under Title 53, Chapter 3, Uniform Driver
 1409 License Act.
- 1410 (c) Subsection (3) does not apply to a public transit pass issued by a public transit
 1411 district as defined in Title 17B, Chapter 2a, Part 8, Public Transit District Act, that:
- 1412 (i) is only valid for use on the public transit system; and
 1413 (ii) includes a statement of the restricted use conspicuously printed on the face of the
 1414 public transit pass.
- 1415 ~~[(d) Subsection (3) does not apply to a permit issued under Section 63G-12-207.]~~
 1416 ~~[(e) Subsection (3) does not apply to a permit issued under Chapter 14, Utah Pilot~~
 1417 ~~Sponsored Resident Immigrant Program Act.]~~
- 1418 (6) This section shall be enforced without regard to race, religion, gender, ethnicity, or
 1419 national origin.

1420 Section 16. Section **63G-12-402** is amended to read:

- 1421 **63G-12-402 . Receipt of state, local, or federal public benefits -- Verification --**
 1422 **Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**

- 1423 (1)(a) Except as provided in Subsection (3) or when exempted by federal law, an agency
1424 or political subdivision of the state shall verify the lawful presence in the United
1425 States of an individual at least 18 years old who applies for:
- 1426 (i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or
 - 1427 (ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by
1428 an agency or political subdivision of this state.
- 1429 (b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction Trades
1430 Licensing Act, to an applicant that is an unincorporated entity, the Department of
1431 Commerce shall verify in accordance with this Subsection (1) the lawful presence in
1432 the United States of each individual who:
- 1433 (i) owns an interest in the contractor that is an unincorporated entity; and
 - 1434 (ii) engages, or will engage, in a construction trade in Utah as an owner of the
1435 contractor described in Subsection (1)(b)(i).
- 1436 (2) This section shall be enforced without regard to race, religion, gender, ethnicity, or
1437 national origin.
- 1438 (3) Verification of lawful presence under this section is not required for:
- 1439 (a) any purpose for which lawful presence in the United States is not restricted by law,
1440 ordinance, or regulation;
 - 1441 (b) assistance for health care items and services that:
 - 1442 (i) are necessary for the treatment of an emergency medical condition, as defined in
1443 42 U.S.C. Sec. 1396b(v)(3), of the individual involved; and
 - 1444 (ii) are not related to an organ transplant procedure;
 - 1445 (c) short-term, noncash, in-kind emergency disaster relief;
 - 1446 (d) public health assistance for immunizations with respect to immunizable diseases and
1447 for testing and treatment of symptoms of communicable diseases whether or not the
1448 symptoms are caused by the communicable disease;
 - 1449 (e) programs, services, or assistance such as soup kitchens, crisis counseling and
1450 intervention, and short-term shelter, specified by the United States Attorney General,
1451 in the sole and unreviewable discretion of the United States Attorney General after
1452 consultation with appropriate federal agencies and departments, that:
 - 1453 (i) deliver in-kind services at the community level, including through public or
1454 private nonprofit agencies;
 - 1455 (ii) do not condition the provision of assistance, the amount of assistance provided, or
1456 the cost of assistance provided on the income or resources of the individual

- 1457 recipient; and
- 1458 (iii) are necessary for the protection of life or safety; and
- 1459 ~~[(f) the exemption for paying the nonresident portion of total tuition as set forth in~~
- 1460 ~~Section 53H-11-203;]~~
- 1461 ~~[(g) an applicant for a license under Section 61-1-4, if the applicant:]~~
- 1462 ~~[(i) is registered with the Financial Industry Regulatory Authority; and]~~
- 1463 ~~[(ii) files an application with the state Division of Securities through the Central~~
- 1464 ~~Registration Depository;]~~
- 1465 ~~[(h) a state public benefit to be given to an individual under Title 49, Utah State~~
- 1466 ~~Retirement and Insurance Benefit Act;]~~
- 1467 ~~[(i) a home loan that will be insured, guaranteed, or purchased by:]~~
- 1468 ~~[(i) the Federal Housing Administration, the Veterans Administration, or any other~~
- 1469 ~~federal agency; or]~~
- 1470 ~~[(ii) an enterprise as defined in 12 U.S.C. Sec. 4502;]~~
- 1471 ~~[(j) a subordinate loan or a grant that will be made to an applicant in connection with a~~
- 1472 ~~home loan that does not require verification under Subsection (3)(i);]~~
- 1473 ~~[(k)]~~ (f) an applicant for a license issued by the Department of Commerce or individual
- 1474 described in Subsection (1)(b), if the applicant or individual provides the Department
- 1475 of Commerce:
- 1476 (i) certification, under penalty of perjury, that the applicant or individual is:
- 1477 (A) a United States citizen;
- 1478 (B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or
- 1479 (C) lawfully present in the United States; and
- 1480 (ii)(A) the number assigned to a driver license or identification card issued under
- 1481 Title 53, Chapter 3, Uniform Driver License Act; or
- 1482 (B) the number assigned to a driver license or identification card issued by a state
- 1483 other than Utah if, as part of issuing the driver license or identification card,
- 1484 the state verifies an individual's lawful presence in the United States~~;~~ and .
- 1485 ~~[(t) an applicant for:]~~
- 1486 ~~[(i) an Opportunity scholarship described in Section 53H-11-402;]~~
- 1487 ~~[(ii) a New Century scholarship described in Section 53H-11-407;]~~
- 1488 ~~[(iii) a promise grant described in Section 53H-11-414; or]~~
- 1489 ~~[(iv) a scholarship;]~~
- 1490 ~~[(A) for an individual who is a graduate of a high school located within Utah; and]~~

- 1491 ~~[(B) administered by an institution of higher education as defined in Section~~
1492 ~~53H-1-101.]~~
- 1493 (4)(a) An agency or political subdivision required to verify the lawful presence in the
1494 United States of an applicant under this section shall require the applicant to certify
1495 under penalty of perjury that:
- 1496 (i) the applicant is a United States citizen; or
1497 (ii) the applicant is:
- 1498 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and
1499 (B) lawfully present in the United States.
- 1500 (b) The certificate required under this Subsection (4) shall include a statement advising
1501 the signer that providing false information subjects the signer to penalties for perjury.
- 1502 (5) An agency or political subdivision shall verify a certification required under Subsection
1503 (4)(a)(ii) through the federal SAVE program.
- 1504 (6)(a) An individual who knowingly and willfully makes a false, fictitious, or fraudulent
1505 statement or representation in a certification under Subsection ~~[(3)(k) or]~~(4) is
1506 subject to the criminal penalties applicable in this state for:
- 1507 (i) making a written false statement under Section 76-8-504; and
1508 (ii) fraudulently obtaining:
- 1509 (A) public assistance program benefits under Section 76-8-1203.1; or
1510 (B) unemployment compensation under Section 76-8-1301, 76-8-1302, 76-8-1303,
1511 or 76-8-1304.
- 1512 (b) If the certification constitutes a false claim of United States citizenship under 18
1513 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the
1514 United States Attorney General for the applicable district based upon the venue in
1515 which the application was made.
- 1516 (c) If an agency or political subdivision receives verification that a person making an
1517 application for a benefit, service, or license is not a qualified alien, the agency or
1518 political subdivision shall provide the information to the Office of the Attorney
1519 General unless prohibited by federal mandate.
- 1520 (7) An agency or political subdivision may adopt variations to the requirements of this
1521 section that:
- 1522 (a) clearly improve the efficiency of or reduce delay in the verification process; or
1523 (b) provide for adjudication of unique individual circumstances where the verification
1524 procedures in this section would impose an unusual hardship on a legal resident of

- 1525 Utah.
- 1526 (8) It is unlawful for an agency or a political subdivision of this state to provide a state,
1527 local, or federal benefit, as defined in 8 U.S.C. [See] Secs. 1611 and 1621, in violation of
1528 this section.
- 1529 (9) A state agency or department that administers a program of state or local public benefits
1530 shall:
- 1531 (a) provide an annual report to the governor, the president of the Senate, and the speaker
1532 of the House of Representatives regarding [its-]compliance with this section; and
- 1533 (b)(i) monitor the federal SAVE program for application verification errors and
1534 significant delays;
- 1535 (ii) provide an annual report on the errors and delays to ensure that the application of
1536 the federal SAVE program is not erroneously denying a state or local benefit to a
1537 legal resident of the state; and
- 1538 (iii) report delays and errors in the federal SAVE program to the United States
1539 Department of Homeland Security.

1540 Section 17. Section **63I-2-213** is amended to read:

1541 **63I-2-213 . Repeal dates: Title 13.**

1542 [~~1~~] Title 13, Chapter 47, Private Employer Verification Act, is repealed on the program
1543 start date, as defined in Section 63G-12-102.]

1544 [~~2~~] Title 13, Chapter 72, Artificial Intelligence Policy Act, is repealed July 1, 2027.

1545 Section 18. Section **63M-14-205** is amended to read:

1546 **63M-14-205 . Records.**

1547 (1) The records of the authority and the river commissioner shall be maintained by the
1548 authority.

1549 (2) The authority may classify a record in accordance with Title 63G, Chapter 2,
1550 Government Records Access and Management Act, including a record described in
1551 Subsection [~~63G-2-305(81)] 63G-2-305(80).~~

1552 Section 19. Section **63N-16-201** is amended to read:

1553 **63N-16-201 . General Regulatory Sandbox Program -- Application requirements.**

1554 (1) There is created in the regulatory relief office the General Regulatory Sandbox Program.

1555 (2) In administering the regulatory sandbox, the regulatory relief office:

1556 (a) shall consult with each applicable agency;

1557 (b) shall establish a program to enable a person to obtain legal protections and limited
1558 access to the market in the state to demonstrate an offering without obtaining a

- 1559 license or other authorization that might otherwise be required;
- 1560 (c) may enter into agreements with or adopt the best practices of corresponding federal
1561 regulatory agencies or other states that are administering similar programs; and
- 1562 (d) may consult with businesses in the state about existing or potential proposals for the
1563 regulatory sandbox.
- 1564 (3)(a) An applicant for the regulatory sandbox may contact the regulatory relief office to
1565 request a consultation regarding the regulatory sandbox before submitting an
1566 application.
- 1567 (b) The regulatory relief office shall provide relevant information regarding the
1568 regulatory sandbox program.
- 1569 (c) The regulatory relief office may provide assistance to an applicant in preparing an
1570 application for submission.
- 1571 (4) An applicant for the regulatory sandbox shall provide to the regulatory relief office an
1572 application in a form prescribed by the regulatory relief office that:
- 1573 (a) confirms the applicant is subject to the jurisdiction of the state;
- 1574 (b) confirms the applicant has established a physical or virtual location in the state, from
1575 which the demonstration of an offering will be developed and performed and where
1576 all required records, documents, and data will be maintained;
- 1577 (c) contains relevant personal and contact information for the applicant, including legal
1578 names, addresses, telephone numbers, email addresses, website addresses, and other
1579 information required by the regulatory relief office;
- 1580 (d) discloses criminal convictions of the applicant or other participating personnel, if any;
- 1581 (e) contains a description of the offering to be demonstrated, including statements
1582 regarding:
- 1583 (i) how the offering is subject to licensing, legal prohibition, or other authorization
1584 requirements outside of the regulatory sandbox;
- 1585 (ii) each law or regulation, accompanied by their statutory reference or citation, that
1586 the applicant seeks to have waived or suspended while participating in the
1587 regulatory sandbox program;
- 1588 (iii) how the offering would benefit consumers;
- 1589 (iv) how the offering is different from other offerings available in the state;
- 1590 (v) any identifiable, likely, and significant harm to the health, safety, or financial
1591 well-being of consumers that each law or regulation described in Subsection
1592 (4)(e)(ii) protects against;

- 1593 (vi) what risks might exist for consumers who use or purchase the offering;
1594 (vii) how participating in the regulatory sandbox would enable a successful
1595 demonstration of the offering;
1596 (viii) a description of the proposed demonstration plan, including estimated time
1597 periods for beginning and ending the demonstration;
1598 (ix) recognition that the applicant will be subject to all laws and regulations
1599 pertaining to the applicant's offering after conclusion of the demonstration; and
1600 (x) how the applicant will end the demonstration and protect consumers if the
1601 demonstration fails;
- 1602 (f) lists each government agency, if any, that the applicant knows regulates the
1603 applicant's business; and
1604 (g) provides any other required information as determined by the regulatory relief office.
- 1605 (5) The regulatory relief office may collect an application fee from an applicant that is set in
1606 accordance with Section 63J-1-504.
- 1607 (6) An applicant shall file a separate application for each offering that the applicant wishes
1608 to demonstrate.
- 1609 (7) After an application is filed, the regulatory relief office shall:
- 1610 (a) classify, as a protected record, any part of the application that the office determines is
1611 nonpublic, confidential information that if disclosed would result in actual economic
1612 harm to the applicant in accordance with Subsection [~~63G-2-305(82)~~] 63G-2-305(81);
- 1613 (b) consult with each applicable government agency that regulates the applicant's
1614 business regarding whether more information is needed from the applicant; and
1615 (c) seek additional information from the applicant that the regulatory relief office
1616 determines is necessary.
- 1617 (8) No later than five business days after the day on which a complete application is
1618 received by the regulatory relief office, the regulatory relief office shall:
- 1619 (a) review the application and refer the application to each applicable government
1620 agency that regulates the applicant's business;
- 1621 (b) provide to the applicant:
- 1622 (i) an acknowledgment of receipt of the application; and
1623 (ii) the identity and contact information of each regulatory agency to which the
1624 application has been referred for review; and
1625 (c) provide public notice, on the office's website and through other appropriate means, of
1626 each law or regulation that the office is considering to suspend or waive under the

- 1627 application.
- 1628 (9)(a) Subject to Subsections (9)(c) and (9)(g), no later than 30 days after the day on
1629 which an applicable agency receives a complete application for review, the applicable
1630 agency shall provide a written report to the director of the applicable agency's
1631 findings.
- 1632 (b) The report shall:
- 1633 (i) describe any identifiable, likely, and significant harm to the health, safety, or
1634 financial well-being of consumers that the relevant law or regulation protects
1635 against; and
- 1636 (ii) make a recommendation to the regulatory relief office that the applicant either be
1637 admitted or denied entrance into the regulatory sandbox.
- 1638 (c)(i) The applicable agency may request an additional five business days to deliver
1639 the written report by providing notice to the director, which request shall
1640 automatically be granted.
- 1641 (ii) The applicable agency may only request one extension per application.
- 1642 (d) If the applicable agency recommends an applicant under this section be denied
1643 entrance into the regulatory sandbox, the written report shall include a description of
1644 the reasons for the recommendation, including why a temporary waiver or suspension
1645 of the relevant laws or regulations would potentially significantly harm the health,
1646 safety, or financial well-being of consumers or the public and the likelihood of such
1647 harm occurring.
- 1648 (e) If the agency determines that the consumer's or public's health, safety, and financial
1649 well-being can be protected through less restrictive means than the existing relevant
1650 laws or regulations, then the applicable agency shall provide a recommendation of
1651 how that can be achieved.
- 1652 (f) If an applicable agency fails to deliver a written report as described in this Subsection
1653 (9), the director shall assume that the applicable agency does not object to the
1654 temporary waiver or suspension of the relevant laws or regulations for an applicant
1655 seeking to participate in the regulatory sandbox.
- 1656 (g) Notwithstanding any other provision of this section, an applicable agency may by
1657 written notice to the regulatory relief office:
- 1658 (i) within the 30 days after the day on which the applicable agency receives a
1659 complete application for review, or within 35 days if an extension has been
1660 requested by the applicable agency, reject an application if the applicable agency

- 1661 determines, in the applicable agency's discretion, that the applicant's offering fails
1662 to comply with standards or specifications:
- 1663 (A) required by federal law or regulation; or
 - 1664 (B) previously approved for use by a federal agency; or
- 1665 (ii) reject an application that is preliminarily approved by the regulatory relief office,
1666 if the applicable agency:
- 1667 (A) recommended rejection of the application in accordance with Subsection (9)(d)
1668 in the agency's written report; and
 - 1669 (B) provides in the written notice under this Subsection (9)(g), a description of the
1670 applicable agency's reasons why approval of the application would create a
1671 substantial risk of harm to the health, safety, or financial well-being of the
1672 public, or create unreasonable expenses for taxpayers in the state.
- 1673 (h) If an applicable agency rejects an application under Subsection (9)(g), the regulatory
1674 relief office may not approve the application.
- 1675 (i) If the applicable agency rejects an application under Subsection (9)(g), the
1676 applicable agency shall provide the rejection on a form created by the agency and
1677 signed by the director of the applicable agency.
 - 1678 (ii) The form shall document the reason for the rejection and show every reasonable
1679 effort was made to meet with the applicant.
- 1680 (10)(a) Upon receiving a written report described in Subsection (9), the director shall
1681 provide the application and the written report to the advisory committee.
- 1682 (b) The director may call the advisory committee to meet as needed, but not less than
1683 once per quarter if applications are available for review.
 - 1684 (c) After receiving and reviewing the application and each written report, the advisory
1685 committee shall provide to the director the advisory committee's recommendation as
1686 to whether [~~or not~~]the applicant should be admitted as a sandbox participant under
1687 this chapter.
 - 1688 (d) As part of the advisory committee's review of each written report, the advisory
1689 committee shall use the criteria required for an applicable agency as described in
1690 Subsection (9).
- 1691 (11)(a) In reviewing an application and each applicable agency's written report, the
1692 regulatory relief office shall consult with each applicable agency before admitting an
1693 applicant into the regulatory sandbox.
- 1694 (b) The consultation with each applicable agency may include seeking information about

- 1695 whether:
- 1696 (i) the applicable agency has previously issued a license or other authorization to the
- 1697 applicant; and
- 1698 (ii) the applicable agency has previously investigated, sanctioned, or pursued legal
- 1699 action against the applicant.
- 1700 (12) In reviewing an application under this section, the regulatory relief office and each
- 1701 applicable agency shall consider whether a competitor to the applicant is or has been a
- 1702 sandbox participant and, if so, weigh that as a factor in favor of allowing the applicant to
- 1703 also become a sandbox participant.
- 1704 (13) In reviewing an application under this section, the regulatory relief office shall
- 1705 consider whether:
- 1706 (a) the applicant's plan will adequately protect consumers from potential harm identified
- 1707 by an applicable agency in the applicable agency's written report;
- 1708 (b) the risk of harm to consumers is outweighed by the potential benefits to consumers
- 1709 from the applicant's participation in the regulatory sandbox; and
- 1710 (c) certain state laws or regulations that regulate an offering should not be waived or
- 1711 suspended even if the applicant is approved as a sandbox participant, including
- 1712 applicable antifraud or disclosure provisions.
- 1713 (14)(a) An applicant becomes a sandbox participant if the regulatory relief office
- 1714 approves the application for the regulatory sandbox and the regulatory relief office
- 1715 enters into a written agreement with the applicant describing the specific laws and
- 1716 regulations that are waived or suspended as part of participation in the regulatory
- 1717 sandbox.
- 1718 (b) Notwithstanding any other provision of this chapter, the regulatory relief office may
- 1719 not enter into a written agreement with an applicant and related parties that waives or
- 1720 suspends a tax, fee, or charge that is administered by the State Tax Commission or
- 1721 that is described in Title 59, Revenue and Taxation.
- 1722 (15)(a) The director may deny at the director's sole discretion any application submitted
- 1723 under this section for any reason, including if the director determines that the
- 1724 preponderance of evidence demonstrates that suspending or waiving enforcement of
- 1725 a law or regulation would cause a significant risk of harm to consumers or residents
- 1726 of the state.
- 1727 (b) If the director denies an application submitted under this section, the regulatory relief
- 1728 office shall provide to the applicant a written description of the reasons for not

- 1729 allowing the applicant to be a sandbox participant.
- 1730 (c) The denial of an application submitted under this section is not subject to:
- 1731 (i) agency or judicial review; or
- 1732 (ii) the provisions of Title 63G, Chapter 4, Administrative Procedures Act.
- 1733 (16) The director shall deny an application for participation in the regulatory sandbox
- 1734 described by this section if the applicant or any person who seeks to participate with the
- 1735 applicant in demonstrating an offering has been convicted, entered a plea of nolo
- 1736 contendere, or entered a plea of guilty or nolo contendere held in abeyance, for any
- 1737 crime involving significant theft, fraud, or dishonesty if the crime bears a significant
- 1738 relationship to the applicant's or other participant's ability to safely and competently
- 1739 participate in the regulatory sandbox program.
- 1740 (17)(a) When an applicant is approved for participation in the regulatory sandbox, the
- 1741 director shall provide public notice of the approval on the office's website and
- 1742 through other appropriate means.
- 1743 (b) The public notice described in Subsection (17)(a) shall state:
- 1744 (i) the name of the sandbox participant;
- 1745 (ii) the industries the sandbox participant represents; and
- 1746 (iii) each law or regulation that is suspended or waived for the sandbox participant as
- 1747 allowed by the regulatory sandbox.
- 1748 (18) In addition to the information described in Subsection (17), the office shall make the
- 1749 following information available on the office's website and through other appropriate
- 1750 means:
- 1751 (a) documentation regarding the office's determination and grounds for approving each
- 1752 sandbox participant; and
- 1753 (b) public notice regarding any sandbox participant's revocation to participate in the
- 1754 regulatory sandbox.
- 1755 Section 20. Section **67-5-22.7** is amended to read:
- 1756 **67-5-22.7 . Multi-agency strike force to combat violent and other major felony**
- 1757 **crimes associated with illegal immigration and human trafficking -- Fraudulent**
- 1758 **Documents Identification Unit.**
- 1759 (1) The Office of the Attorney General is authorized to administer and coordinate the
- 1760 operation of a multi-agency strike force to combat violent and other major felony crimes
- 1761 committed within the state that are associated with illegal immigration and human
- 1762 trafficking.

- 1763 (2) The office shall invite officers of the [U.S.] United States Immigration and Customs
 1764 Enforcement and state and local law enforcement personnel to participate in this
 1765 mutually supportive, multi-agency strike force to more effectively utilize their combined
 1766 skills, expertise, and resources.
- 1767 (3) The strike force shall focus its efforts on detecting, investigating, deterring, and
 1768 eradicating violent and other major felony criminal activity related to illegal
 1769 immigration and human trafficking.
- 1770 (4) In conjunction with the strike force and subject to available funding, the Office of the
 1771 Attorney General shall establish a Fraudulent Documents Identification Unit:
 1772 (a) for the primary purpose of investigating, apprehending, and prosecuting individuals
 1773 or entities that participate in the sale or distribution of fraudulent documents used for
 1774 identification purposes; and
 1775 (b) to specialize in fraudulent identification documents created and prepared for
 1776 individuals who are unlawfully residing within the state[; and] .
 1777 [~~(e) to administer the Identity Theft Victims Restricted Account created under~~
 1778 ~~Subsection (5).]~~
- 1779 [~~(5)(a) There is created a restricted account in the General Fund known as the "~~
 1780 ~~Identity Theft Victims Restricted Account."~~]
 1781 [~~(b) The Identity Theft Victims Restricted Account shall consist of money~~
 1782 ~~appropriated to the Identity Theft Victims Restricted Account by the Legislature.]~~
 1783 [~~(c) Subject to appropriations from the Legislature, beginning on the program start date,~~
 1784 ~~as defined in Section 63G-12-102, the Fraudulent Documents Identification Unit may~~
 1785 ~~expend the money in the Identity Theft Victims Restricted Account to pay a claim~~
 1786 ~~as provided in this Subsection (5) to a person who is a victim of identity theft~~
 1787 ~~prosecuted under Section 76-11-215 or 76-6-1102.]~~
 1788 [~~(d) To obtain payment from the Identity Theft Victims Restricted Account, a person~~
 1789 ~~shall file a claim with the Fraudulent Documents Identification Unit by no later than~~
 1790 ~~one year after the day on which an individual is convicted, pleads guilty to, pleads no~~
 1791 ~~contest to, pleads guilty in a similar manner to, or resolved by diversion or its~~
 1792 ~~equivalent an offense under Section 76-11-215 or 76-6-1102 for the theft of the~~
 1793 ~~identity of the person filing the claim.]~~
 1794 [~~(e) A claim filed under this Subsection (5) shall include evidence satisfactory to the~~
 1795 ~~Fraudulent Documents Identification Unit:]~~
 1796 [~~(i) that the person is the victim of identity theft described in Subsection (5)(d); and]~~

1797 [(ii) of the actual damages experienced by the person as a result of the identity theft
1798 that are not recovered from a public or private source.]

1799 [(f) The Fraudulent Documents Identification Unit shall pay a claim from the Identity
1800 Theft Victims Restricted Account:]

1801 [(i) if the Fraudulent Documents Identification Unit determines that the person has
1802 provided sufficient evidence to meet the requirements of Subsection (5)(e);]

1803 [(ii) in the order that claims are filed with the Fraudulent Documents Identification
1804 Unit; and]

1805 [(iii) to the extent that it there is money in the Identity Theft Victims Restricted
1806 Account.]

1807 [(g) If there is insufficient money in the Identity Theft Victims Restrict Account
1808 when a claim is filed under this Subsection (5) to pay the claim in full, the Fraudulent
1809 Documents Identification Unit may pay a claim when there is sufficient money in the
1810 account to pay the claim in the order that the claims are filed.]

1811 [(6)] (5) The strike force shall make an annual report on [its] the strike force's activities to
1812 the governor and the Legislature's Law Enforcement and Criminal Justice Interim
1813 Committee by December 1, together with any proposed recommendations for
1814 modifications to this section.

1815 Section 21. Section **76-14-207** is amended to read:

1816 **76-14-207 . Proof of immigration status required to receive public benefits.**

1817 (1)(a) An agency that provides state or local public benefits as defined in 8 U.S.C. Sec.
1818 1621 shall comply with Section 63G-12-402 and shall also comply with this section,
1819 except:

1820 (i) as provided in Subsection [~~63G-12-402(3)(g) or (k)~~] 63G-12-402(3)(f); or

1821 (ii) when compliance is exempted by federal law or when compliance could
1822 reasonably be expected to be grounds for the federal government to withhold
1823 federal Medicaid funding.

1824 (b) The agency shall verify an individual's lawful presence in the United States by
1825 requiring that the applicant under this section sign a certificate under penalty of
1826 perjury, stating that the applicant:

1827 (i) is a United States citizen; or

1828 (ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.

1829 (c) The certificate under Subsection (1)(b) shall include a statement advising the signer
1830 that providing false information subjects the signer to penalties for perjury.

- 1831 (d) The signature under this Subsection (1) may be executed in person or electronically.
 1832 (e) When an applicant who is a qualified alien has executed the certificate under this
 1833 section, the applicant's eligibility for benefits shall be verified by the agency through
 1834 the federal SAVE program or an equivalent program designated by the United States
 1835 Department of Homeland Security.
- 1836 (2) An individual who knowingly and willfully makes a false, fictitious, or fraudulent
 1837 statement of representation in a certificate executed under this section is guilty of public
 1838 assistance fraud by an applicant for public assistance under Section 76-8-1203.1.
- 1839 (3) If the certificate constitutes a false claim of United States citizenship under 18 U.S.C.
 1840 Sec. 911, the agency requiring the certificate shall file a complaint with the United
 1841 States Attorney for the applicable federal judicial district based upon the venue in which
 1842 the certificate was executed.
- 1843 (4) Agencies may, with the concurrence of the Utah Attorney General, adopt variations to
 1844 the requirements of the provisions of this section that provide for adjudication of unique
 1845 individual circumstances in which the verification procedures in this section would
 1846 impose unusual hardship on a legal resident of this state.
- 1847 (5) If an agency under Subsection (1) receives verification that an individual making an
 1848 application for a benefit, service, or license is not a qualified alien, the agency shall
 1849 provide the information to the local law enforcement agency for enforcement of public
 1850 assistance fraud by an applicant for public assistance under Section 76-8-1203.1 unless
 1851 prohibited by federal mandate.

1852 Section 22. Section **76-14-209** is amended to read:

1853 **76-14-209 . Transporting or harboring an alien.**

- 1854 (1)(a) As used in this section[;]
 1855 [~~(i) Except as provided in Subsection (1)(a)(ii)], "alien" means an individual who is~~
 1856 illegally present in the United States.
 1857 [~~(ii) On or after the program start date, as defined in Section 63G-12-102, "alien"~~
 1858 ~~does not include an individual who holds a valid permit, as defined in Section~~
 1859 ~~63G-12-102.]~~
- 1860 (b) Terms defined in Sections 76-1-101.5, 76-14-101, and 76-14-201 apply to this
 1861 section.
- 1862 (2) An actor commits transporting or harboring an alien if the actor:
 1863 (a) transports, moves, or attempts to transport into this state or within the state an alien
 1864 for commercial advantage or private financial gain, knowing or in reckless disregard

- 1865 of the fact that the alien is in the United States in violation of federal law, in
 1866 furtherance of the illegal presence of the alien in the United States;
- 1867 (b) knowingly, with the intent to violate federal immigration law, conceals, harbors, or
 1868 shelters from detection an alien in a place within this state, including a building or
 1869 means of transportation for commercial advantage or private financial gain, knowing
 1870 or in reckless disregard of the fact that the alien is in the United States in violation of
 1871 federal law;
- 1872 (c) encourages or induces an alien to come to, enter, or reside in this state, knowing or in
 1873 reckless disregard of the fact that the alien's coming to, entry, or residence is or will
 1874 be in violation of law; or
- 1875 (d) engages in a conspiracy, for commercial advantage or private financial gain, to
 1876 commit any of the offenses listed in Subsection (2)(a), (b), or (c).
- 1877 (3)(a) A violation of Subsection (2)(a), (c), or (d) is a third degree felony.
- 1878 (b) A violation of Subsection (2)(b) is a class A misdemeanor.
- 1879 (4) Nothing in this section prohibits or restricts the provision of:
- 1880 (a) a state or local public benefit described in 8 U.S.C. Sec. 1621(b); or
- 1881 (b) charitable or humanitarian assistance, including medical care, housing, counseling,
 1882 food, victim assistance, religious services and sacraments, or transportation to and
 1883 from a location where the assistance is provided, by a charitable, educational, or
 1884 religious organization or the employees, agents, or volunteers of a charitable,
 1885 educational, or religious organization, using private funds.
- 1886 (5)(a) It is not a violation of this section for a religious denomination or organization or
 1887 an agent, officer, or member of a religious denomination or organization to
 1888 encourage, invite, call, allow, or enable an alien to perform the vocation of a minister
 1889 or missionary for the denomination or organization in the United States as a volunteer
 1890 who is not compensated as an employee, notwithstanding the provision of room,
 1891 board, travel, medical assistance, and other basic living expenses.
- 1892 (b) Subsection (5)(a) applies only to an alien who has been a member of the religious
 1893 denomination or organization for at least one year.
- 1894 [~~(6) An individual's participation in Title 63G, Chapter 14, Utah Pilot Sponsored Resident~~
 1895 ~~Immigrant Program Act, either as a sponsor or resident alien, does not constitute~~
 1896 ~~encouraging or inducing an alien to come to, enter, or reside in this state in violation of~~
 1897 ~~Subsection (2)(c).]~~
- 1898 Section 23. **Repealer.**

- 1899 This bill repeals:
- 1900 Section **63G-12-101, Title.**
- 1901 Section **63G-12-201, Department to create program.**
- 1902 Section **63G-12-202, Federal waivers, exemptions, or authorizations -- Implementation**
- 1903 **without waiver, exemption, or authorization.**
- 1904 Section **63G-12-203, Coordination with other federal or state laws or programs.**
- 1905 Section **63G-12-204, Obtaining a permit -- Uses of permit.**
- 1906 Section **63G-12-205, Eligibility criteria to obtain and maintain a guest worker permit.**
- 1907 Section **63G-12-206, Eligibility to obtain and maintain an immediate family permit.**
- 1908 Section **63G-12-207, Application and renewal process.**
- 1909 Section **63G-12-208, Conditions during permit term.**
- 1910 Section **63G-12-209, Proficiency standards for English.**
- 1911 Section **63G-12-210, Verification of valid permit -- Protected status of information.**
- 1912 Section **63G-12-211, Prohibited conduct -- Administrative penalties -- Criminal penalties.**
- 1913 Section **63G-12-212, Sharing of information related to enforcement.**
- 1914 Section **63G-12-301, Employing unauthorized alien -- Verification of employment**
- 1915 **eligibility.**
- 1916 Section **63G-12-302, Status verification system -- Registration and use -- Performance of**
- 1917 **services -- Unlawful practice.**
- 1918 Section **63G-12-303, Liability protections.**
- 1919 Section **63G-12-304, Voluntary registration by private employer certifying participation**
- 1920 **in verification.**
- 1921 Section **63G-12-305, Administrative actions -- Defenses.**
- 1922 Section **63G-12-306, Penalties.**
- 1923 Section **63G-14-101, Title.**
- 1924 Section **63G-14-102, Definitions.**
- 1925 Section **63G-14-201, Creation of program.**
- 1926 Section **63G-14-202, Approval as a resident immigrant -- Ineligibility.**
- 1927 Section **63G-14-203, Sponsorship.**
- 1928 Section **63G-14-204, Resident immigrant permit.**
- 1929 Section **63G-14-205, Employment and taxation obligations under the program.**
- 1930 Section **63G-14-206, Restrictions on activities of resident immigrant.**
- 1931 Section **63G-14-301, Disqualification from program.**
- 1932 Section **63G-14-302, Penalties on sponsors.**

1933 Section 24. **Effective Date.**

1934 This bill takes effect on May 6, 2026.