

**Immigrant Amendments**  
 2026 GENERAL SESSION  
 STATE OF UTAH  
**Chief Sponsor: Trevor Lee**  
 Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill amends provisions concerning immigrants and immigration.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ prohibits a Utah depository institution from accepting certain forms of identification;
- ▶ requires the Department of Financial Institutions to make rules to ensure compliance with and enforcement of the identification prohibition for a Utah depository institution;
- ▶ for a licensee under the Money Transmitter Act:
  - prohibits a licensee from initiating an international money transmission unless the licensee has verified that the sender is not an unauthorized alien;
  - requires certain record keeping; and
  - imposes penalties for a violation;
- ▶ requires the Department of Financial Institutions to conduct random quarterly audits of licensees under the Money Transmitter Act to ensure compliance;
- ▶ prohibits a person from hiring or employing an unauthorized alien, and provides penalties for a violation, including fines and business license suspension or revocation;
- ▶ creates a right of action against a person who hired, employed, or recruited an unauthorized alien and the actions of the unauthorized alien caused an injury or death;
- ▶ upon request from a federal immigration agency, requires a sheriff, or sheriff's designee who operates a county jail, to provide:
  - a list of all prisoners who are held at the county jail; and
  - information regarding each prisoner's immigration status;
- ▶ exempts an adult unauthorized alien from the definition of "employee" for purposes of the Workers' Compensation Act;
- ▶ requires an employer who knowingly hires or employs an unauthorized alien to be personally liable for all medical and treatment costs resulting from an injury sustained

31 by the unauthorized alien during the unauthorized alien's employment, and imposes fines  
32 and other penalties;

33       ▶ requires the Division of Industrial Accidents to investigate and enforce violations  
34 involving an unauthorized alien injured during employment;

35       ▶ requires an employer to verify an employee's employment eligibility through the federal  
36 status verification system before submitting a claim for workers' compensation for the  
37 employee, and if the employer fails to do so, the employer is:

38             • ineligible to receive indemnity or medical coverage from the employer's workers'  
39 compensation insurance provider for the employee's injuries; and

40             • personally liable for all costs, expenses, and benefits that would have been covered;

41       ▶ for purposes of the Uniform Commercial Driver License Act, requires the Driver License  
42 Division to:

43             • require that all licensing procedures, testing, and instruction be in English; and

44             • prohibit the use of an interpreter or other alternative language accommodations;

45       ▶ prohibits the risk manager from adjusting, settling, or paying a claim relating to an adult  
46 unauthorized alien;

47       ▶ requires an agency or political subdivision to verify the lawful presence of an adult who  
48 applies for:

49             • a license or certification issued under Title 13, Commerce and Trade, Title 31A,  
50 Insurance Code, Title 58, Occupations and Professions, or Title 61, Securities

51 Division - Real Estate Division; or

52             • assistance as a first-time home buyer under the First-Time Homebuyer Assistance  
53 Program;

54       ▶ restricts the definition of "first-time homebuyer" to an individual who is lawfully present  
55 in the United States for purposes of the First-Time Homebuyer Assistance Program;

56       ▶ provides that a state or local governmental agency may not limit the authority of certain  
57 agencies from assisting the federal government in certain aspects of federal immigration  
58 enforcement, including:

59             • complying with an immigration detainer;

60             • providing inmate and prisoner immigration status, release dates, and other information;

61             • providing access to inmates and prisoners for an interview;

62             • executing a judicial warrant; or

63             • participating in a federal immigration operation with a federal immigration authority;

64       ▶ requires a state or local governmental agency to use the agency's best efforts to support

- 65 the enforcement of federal immigration law;
- 66     ▶ prohibits a state or local governmental agency from restricting a law enforcement officer
- 67 from executing, or assisting with the execution of, a lawful judicial warrant;
- 68     ▶ prevents, with certain exceptions, a state or local governmental agency from prohibiting a
- 69 law enforcement agency from taking certain actions with regard to information
- 70 concerning an individual's immigration status, including:
- 71         • sending, receiving, and exchanging the information;
- 72         • recording and maintaining the information;
- 73         • using the information to comply with an immigration detainer;
- 74         • using the information to confirm a detained individual's identity; or
- 75         • providing certain prisoner information;
- 76     ▶ if a state or local governmental agency violates certain immigration-related requirements,
- 77 provides that:
- 78         • the attorney general may investigate and file suit to seek declaratory or injunctive
- 79 relief;
- 80         • for an officer subject to impeachment, the violation may result in impeachment; and
- 81         • for an officer subject to removal from office by judicial proceeding, the violation may
- 82 result in removal from office;
- 83     ▶ requires a law enforcement agency and magistrate or court to follow certain procedures
- 84 regarding an immigration detainer;
- 85     ▶ provides that if a state or local governmental agency adopts an ordinance, regulation, rule,
- 86 or other policy of refusing to comply with, or directing officials, employees, or others to
- 87 refuse to comply with, an immigration detainer:
- 88         • the attorney general shall initiate an action to enforce compliance; and
- 89         • a court, upon making certain findings, shall enjoin the application of the ordinance,
- 90 rule, or other policy, and assess a civil fine;
- 91     ▶ creates a new felony criminal offense for the unlawful employment of multiple
- 92 unauthorized aliens; and
- 93     ▶ makes technical and conforming changes.

94 **Money Appropriated in this Bill:**

95 None

96 **Other Special Clauses:**

97 None

98 **Utah Code Sections Affected:**

99 AMENDS:

- 100 **7-25-102**, as last amended by Laws of Utah 2020, Chapter 354  
 101 **13-47-102**, as last amended by Laws of Utah 2014, Chapter 189  
 102 **17-72-505**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
 103 Chapter 13  
 104 **34A-2-104**, as last amended by Laws of Utah 2019, Chapter 299  
 105 **53-3-407**, as last amended by Laws of Utah 2022, Chapter 46  
 106 **53-13-106.8**, as enacted by Laws of Utah 2014, Chapter 317  
 107 **63A-4-101.1**, as enacted by Laws of Utah 2021, Chapter 33  
 108 **63A-4-102**, as last amended by Laws of Utah 2022, Chapter 169  
 109 **63G-12-402**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9  
 110 **63H-8-501**, as last amended by Laws of Utah 2025, Chapter 464  
 111 **76-14-201**, as renumbered and amended by Laws of Utah 2025, Chapter 173  
 112 **76-14-202**, as renumbered and amended by Laws of Utah 2025, Chapter 173  
 113 **76-14-205**, as renumbered and amended by Laws of Utah 2025, Chapter 173  
 114 **76-14-206**, as renumbered and amended by Laws of Utah 2025, Chapter 173  
 115 **76-14-207**, as renumbered and amended by Laws of Utah 2025, Chapter 173  
 116 **77-38-503**, as enacted by Laws of Utah 2020, Chapter 112

117 ENACTS:

- 118 **7-1-811**, Utah Code Annotated 1953  
 119 **7-25-207**, Utah Code Annotated 1953  
 120 **13-47-104**, Utah Code Annotated 1953  
 121 **34A-2-104.6**, Utah Code Annotated 1953  
 122 **34A-2-115**, Utah Code Annotated 1953  
 123 **76-14-205.1**, Utah Code Annotated 1953  
 124 **76-14-210**, Utah Code Annotated 1953

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

127 Section 1. Section **7-1-811** is enacted to read:

128 **7-1-811 . Prohibited forms of identification for Utah depository institutions.**

- 129 (1) As used in this section, "unauthorized alien" means an individual who is unlawfully  
 130 present in the United States according to the terms of the federal Immigration and  
 131 Nationality Act, 8 U.S.C. Sec. 1101 et seq.  
 132 (2) Unless otherwise required under federal law, a Utah depository institution may not

- 133 accept a form of identification described in Subsection (3) for the purpose of opening a  
 134 deposit account, loan account, safe deposit box, or to receive any other services from the  
 135 Utah depository institution.
- 136 (3) The forms of identification referred to in Subsection (2) are:
- 137 (a) a license or identification card that is issued exclusively to an unauthorized alien; or  
 138 (b) a license or identification card that is substantially the same as a license or  
 139 identification card issued to a United States citizen, United States resident, or another  
 140 individual who is lawfully present in the United States, but which has markings  
 141 establishing that the license holder or identification holder did not present proof of  
 142 the holder's lawful presence in the United States.
- 143 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
 144 Administrative Rulemaking Act, to:
- 145 (a) ensure compliance with this section; and  
 146 (b) enforce this section.
- 147 Section 2. Section **7-25-102** is amended to read:
- 148 **7-25-102 . Definitions.**
- 149 As used in this chapter:
- 150 (1) "Applicant" means a person filing an application for a license under this chapter.
- 151 (2) "Authorized agent" means a person designated by the licensee under this chapter to sell  
 152 or issue payment instruments or engage in the business of transmitting money on behalf  
 153 of a licensee.
- 154 (3) "Blockchain" means an electronic method of storing data that is:
- 155 (a) maintained by consensus of multiple unaffiliated parties;  
 156 (b) distributed across multiple locations; and  
 157 (c) mathematically verified.
- 158 (4) "Blockchain token" means an electronic record that is:
- 159 (a) recorded on a blockchain; and  
 160 (b) capable of being traded between persons without an intermediary.
- 161 (5) "Executive officer" means the licensee's president, chair of the executive committee,  
 162 executive vice president, treasurer, chief financial officer, or any other person who  
 163 performs similar functions.
- 164 (6) "Foreign country" means a jurisdiction other than:
- 165 (a) the United States; or  
 166 (b) a state, district, commonwealth, territory, or insular possession of the United States.

- 167 (7)(a) "International money transmission" means a money transmission conducted by a  
168 licensee or an authorized agent on behalf of a customer, in which money is  
169 transmitted to a foreign country.
- 170 (b) "International money transmission" does not include a transaction conducted by a  
171 depository institution or a subsidiary or affiliate of the depository institution.
- 172 (8) "Key shareholder" means a person, or group of persons acting in concert, who is the  
173 owner of 20% or more of a class of an applicant's stock.
- 174 ~~[(7)]~~ (9) "Licensee" means a person licensed under this chapter.
- 175 ~~[(8)]~~ (10) "Material litigation" means litigation that, according to generally accepted  
176 accounting principles, is considered significant to a person's financial health and would  
177 be required to be referenced in an annual audited financial statement, report to  
178 shareholders, or similar document.
- 179 ~~[(9)]~~ (11)(a) "Money transmission" means the sale or issuance of a payment instrument  
180 or engaging in the business of receiving money for transmission or transmitting  
181 money within the United States or to locations abroad by any and all means,  
182 including payment instrument, wire, facsimile, or electronic transfer.
- 183 (b) "Money transmission" does not include a blockchain token.
- 184 ~~[(10)]~~ (12) "Nationwide database" means the Nationwide Mortgage Licensing System and  
185 Registry, authorized under 12 U.S.C. Sec. 5101 for federal licensing of mortgage loan  
186 originators.
- 187 ~~[(11)]~~ (13) "Outstanding payment instrument" means a payment instrument issued by the  
188 licensee that has been sold in the United States directly by the licensee or a payment  
189 instrument issued by the licensee that has been sold and reported to the licensee as  
190 having been sold by an authorized agent of the licensee in the United States, and that has  
191 not yet been paid by or for the licensee.
- 192 ~~[(12)]~~ (14)(a) "Payment instrument" means a check, draft, money order, travelers check,  
193 or other instrument or written order for the transmission or payment of money, sold  
194 or issued to one or more persons, whether or not the instrument is negotiable.
- 195 (b) "Payment instrument" does not include a credit card voucher, letter of credit, or  
196 instrument that is redeemable by the issuer in goods or services.
- 197 ~~[(13)]~~ (15) "Remit" means either to make direct payment of the money to the licensee or its  
198 representatives authorized to receive the money, or to deposit the money in a depository  
199 institution in an account in the name of the licensee.
- 200 (16) "Unauthorized alien" means an individual who is unlawfully present in the United

201 States according to the terms of the federal Immigration and Nationality Act, 8 U.S.C.  
 202 Sec. 1101 et seq.

203 (17)(a) "Valid identification" means any of the following non-expired forms of  
 204 identification:

205 (i) a United States passport or United States passport card;

206 (ii) a state-issued driver license or state-issued identification card;

207 (iii) a United States military identification;

208 (iv) a state-issued concealed carry permit;

209 (v) a United States resident alien card;

210 (vi) an identification of a federally recognized Indian tribe;

211 (vii) a United States visa that is classified as H-2A or H-2B; or

212 (viii) a driver license or identification card issued to a diplomat as defined in Section  
 213 41-6a-1901.

214 (b) "Valid identification" does not include a Utah driving privilege card.

215 Section 3. Section **7-25-207** is enacted to read:

216 **7-25-207 . Prohibited conduct concerning unauthorized aliens -- Required**  
 217 **verification and records -- Penalty -- Audit.**

218 (1) A licensee may not initiate an international money transmission unless the licensee has  
 219 verified that the sender of the international money transmission is not an unauthorized  
 220 alien.

221 (2) To verify that a sender of an international money transmission is not an unauthorized  
 222 alien, a licensee shall:

223 (a) inspect the sender's valid identification; and

224 (b) maintain a record of the valid identification for five years.

225 (3)(a) A licensee who initiates an international money transmission in violation of  
 226 Subsection (1) shall pay a penalty equal to 25% of the United States dollar amount  
 227 transferred, excluding any fees or charges imposed by the licensee.

228 (b) A licensee shall remit to the department the amount of any penalty owed, along with  
 229 any forms prescribed by the department, by the 15th day of the month after the close  
 230 of each calendar quarter.

231 (c) Notwithstanding any other provision of law, the penalty imposed in this paragraph is  
 232 the only remedy for a violation of Subsection (3)(a) and a licensee may not be subject  
 233 to any other penalty.

234 (4) For enforcement purposes, the department may at any time request, and the licensee

235 shall provide, records of documentation described in Subsection (2)(b).  
236 (5) A person who has a good faith belief that a licensee is failing to comply with Subsection  
237 (1) may file a complaint with the department, to be investigated in accordance with  
238 Section 7-25-405.

239 (6)(a) Beginning July 1, 2026, the department shall conduct random quarterly audits of  
240 licensees to ensure compliance with Subsection (2)(b).

241 (b) During an audit described in Subsection (6)(a), the licensee shall produce to the  
242 department the records of documentation described in Subsection (2)(b).

243 (7) Except as provided in Subsection (3)(c), a licensee who fails to comply with this section  
244 is subject to the penalties described in Section 7-25-405.

245 Section 4. Section **13-47-102** is amended to read:

246 **13-47-102 . Definitions.**

247 As used in this chapter:

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

249 (2) "Employee" means an individual:

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

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

253 (3)(a) Except as provided in Subsection (3)(b), "private employer" means a person who  
254 for federal taxation purposes is required to provide a federal form:

255 (i) to an individual who performs services for the person in Utah; and

256 (ii) to report income paid to the individual who performs the services.

257 (b) "Private employer" does not mean a public employer as defined in Section  
258 63G-12-102.

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

262 (b) "Status verification system" includes:

263 (i) the electronic verification of the work authorization program of the Illegal  
264 Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. Sec.  
265 1324a;

266 (ii) a federal program equivalent to the program described in Subsection (4)(b)(i) that  
267 is designated by the United States Department of Homeland Security or other  
268 federal agency authorized to verify the employment eligibility status of a newly

269 hired employee pursuant to the Immigration Reform and Control Act of 1986;  
 270 (iii) the Social Security Number Verification Service or similar online verification  
 271 process implemented by the United States Social Security Administration; or  
 272 (iv) an independent third-party system with an equal or higher degree of reliability as  
 273 the programs, systems, or processes described in Subsection (4)(b)(i), (ii), or (iii).  
 274 (5) "Unauthorized alien" means an individual who is unlawfully present in the United  
 275 States according to the terms of the federal Immigration and Nationality Act, 8 U.S.C.  
 276 Sec. 1101 et seq.

277 Section 5. Section **13-47-104** is enacted to read:

278 **13-47-104 . Unauthorized aliens -- Employment prohibited -- Penalties -- Right of**  
 279 **action --Rulemaking and enforcement.**

280 (1) A person may not knowingly employ or hire, for private employment within the state,  
 281 an employee who is an unauthorized alien.

282 (2) Except as provided in Subsection (3):

283 (a) a first violation of Subsection (1) is subject to:

284 (i) the suspension of the business license held by the person for one year; and

285 (ii) a fine not to exceed \$10,000;

286 (b) a second violation of Subsection (1) is subject to:

287 (i) the suspension of the business license held by the person for five years; and

288 (ii) a fine not to exceed \$100,000; and

289 (c) a third violation of Subsection (1) is subject to:

290 (i) the permanent revocation of the business license held by the person; and

291 (ii) a fine not to exceed \$250,000.

292 (3) If a person violates Subsection (1) and the actions of the unauthorized alien who is the  
 293 subject of the violation of Subsection (1) result in:

294 (a) an injury to another individual, the person is subject to:

295 (i) the suspension of the business license held by the person for five years; and

296 (ii) a fine not to exceed \$100,000; or

297 (b) the death of another individual, the person is subject to:

298 (i) the permanent revocation of the business license held by the person; and

299 (ii) a fine not to exceed \$500,000.

300 (4) Except as provided in Subsection (6), an individual, or the estate of an individual, who  
 301 is injured or killed as a result of the actions of an unauthorized alien described in  
 302 Subsection (3), has a right of action against the person who violated Subsection (3).

- 303 (5) The department shall:
- 304 (a) permanently revoke a business license of a person if the person is found guilty of
- 305 unlawfully employing multiple unauthorized aliens in violation of Section 76-14-210;
- 306 and
- 307 (b) maintain a record of persons for whom a business license has been revoked.
- 308 (6) A person does not violate this section if the person meets the requirements of Section
- 309 13-47-202.
- 310 (7) The department shall:
- 311 (a) administer and enforce this section; and
- 312 (b) make rules for the administration of this section in accordance with Title 63G,
- 313 Chapter 3, Utah Administrative Rulemaking Act.
- 314 (8)(a) An adjudicative proceeding under this section shall be conducted in accordance
- 315 with Title 63G, Chapter 4, Administrative Procedures Act.
- 316 (b) In an adjudicative proceeding under this section, any order issued by the executive
- 317 director shall comply with Section 63G-4-208, whether the proceeding is a formal or
- 318 an informal adjudicative proceeding under Title 63G, Chapter 4, Administrative
- 319 Procedures Act.
- 320 (9) An individual who uses fraudulent identification documentation, or the identification
- 321 documentation of another individual, for the purpose of obtaining employment is subject
- 322 to criminal prosecution, including, as applicable, under:
- 323 (a) Title 76, Chapter 6, Part 5, Fraud; or
- 324 (b) Title 76, Chapter 6, Part 11, Identity Fraud Act.
- 325 Section 6. Section **17-72-505** is amended to read:
- 326 **17-72-505 . Citizenship determination of prisoners -- Notification to and**
- 327 **coordination with federal authorities when releasing certain individuals.**
- 328 (1) The sheriff shall make a reasonable effort to determine the citizenship status of a
- 329 prisoner charged with a felony or driving under the influence under Section 41-6a-502.
- 330 (2) If a prisoner described in Subsection (1) is a foreign national, the sheriff shall make a
- 331 reasonable effort to verify that:
- 332 (a) the individual has been lawfully admitted into the United States; and
- 333 (b) the individual's lawful status has not expired.
- 334 (3)(a) If the sheriff cannot verify the lawful status of a prisoner described in Subsection
- 335 (1) from documents in the prisoner's possession, the sheriff shall attempt to verify
- 336 that status within 48 hours of the prisoner's confinement at the jail through contacting:

- 337 (i) the Law Enforcement Support Center of the United States Department of  
 338 Homeland Security; or
- 339 (ii) an office or agency designated for citizenship status verification by the United  
 340 States Department of Homeland Security.
- 341 (b) The sheriff shall notify the United States Department of Homeland Security of a  
 342 prisoner whose lawful citizenship status cannot be verified under Subsection (2) or  
 343 (3)(a).
- 344 (4) In accordance with Title 77, Chapter 20, Bail, it is a rebuttable presumption for the  
 345 purpose of determining whether to grant pretrial release that an individual who is  
 346 verified under this section as a foreign national not lawfully admitted into the United  
 347 States is at risk of flight.
- 348 (5)(a) As soon as practicable before the day of release, the sheriff shall notify the United  
 349 States Department of Homeland Security, or other relevant federal agency in charge  
 350 of handling immigration violations or deportations, when the sheriff is preparing to  
 351 release an individual from the county jail who:
- 352 (i) is being released after serving the individual's jail sentence for:
- 353 (A) a class A misdemeanor described under Subsection 76-3-204(1)(b)(i); or  
 354 (B) a felony; and
- 355 (ii) is unlawfully present in the United States.
- 356 (b) The sheriff shall coordinate with federal authorities to transfer the custody of a  
 357 released individual into federal custody as may be required under Subsection (5)(a).
- 358 (c) The requirements described in Subsection (5)(a) do not prohibit a sheriff from  
 359 notifying or working with the United States Department of Homeland Security, or  
 360 other relevant federal agency in charge of handling immigration violations or  
 361 deportations, at any time with regard to an individual who is at the county jail or  
 362 otherwise in the sheriff's custody.
- 363 (6) In accordance with Section 76-14-205, a sheriff or sheriff's designee who operates a  
 364 county jail shall, upon request from a federal immigration agency, provide the  
 365 requesting federal immigration agency:
- 366 (a) a list of all prisoners who are held at the county jail; and  
 367 (b) information regarding each prisoner's immigration status.
- 368 Section 7. Section **34A-2-104** is amended to read:
- 369 **34A-2-104 . "Employee," "worker," and "operative" defined -- Specific**  
 370 **circumstances -- Exemptions.**

- 371 (1) As used in this chapter and Chapter 3, Utah Occupational Disease Act, "employee,"  
372 "worker," and "operative" mean:
- 373 (a)(i) an elective or appointive officer and any other person:
- 374 (A) in the service of:
- 375 (I) the state;
- 376 (II) a county, city, or town within the state; or
- 377 (III) a school district within the state;
- 378 (B) serving the state, or any county, city, town, or school district under:
- 379 (I) an election;
- 380 (II) appointment; or
- 381 (III) any contract of hire, express or implied, written or oral; and
- 382 (ii) including:
- 383 (A) an officer or employee of the state institutions of learning; and
- 384 (B) a member of the Utah National Guard or Utah State Defense Force while on  
385 state active duty; and
- 386 (b) a person in the service of any employer, as defined in Section 34A-2-103, who  
387 employs one or more workers or operatives regularly in the same business, or in or  
388 about the same establishment:
- 389 (i) under any contract of hire:
- 390 (A) express or implied; and
- 391 (B) oral or written;
- 392 (ii) including:
- 393 (A) [-]aliens authorized to work under federal law; and
- 394 (B) minors, whether legally or illegally working for hire; and
- 395 (iii) not including any person whose employment:
- 396 (A) is casual; and
- 397 (B) not in the usual course of the trade, business, or occupation of the employee's  
398 employer.
- 399 (2)(a) Unless a lessee provides coverage as an employer under this chapter and Chapter  
400 3, Utah Occupational Disease Act, any lessee in mines or of mining property and  
401 each employee and sublessee of the lessee shall be:
- 402 (i) covered for compensation by the lessor under this chapter and Chapter 3, Utah  
403 Occupational Disease Act;
- 404 (ii) subject to this chapter and Chapter 3, Utah Occupational Disease Act; and

- 405 (iii) entitled to the benefits of this chapter and Chapter 3, Utah Occupational Disease  
406 Act, to the same extent as if the lessee, employee, or sublessee were employees of  
407 the lessor drawing the wages paid employees for substantially similar work.
- 408 (b) The lessor may deduct from the proceeds of ores mined by the lessees an amount  
409 equal to the insurance premium for that type of work.
- 410 (3)(a)(i) Except as provided in Subsection (3)(b), a partnership or sole proprietorship  
411 may elect to include any partner of the partnership or owner of the sole  
412 proprietorship as an employee of the partnership or sole proprietorship under this  
413 chapter and Chapter 3, Utah Occupational Disease Act.
- 414 (ii) If a partnership or sole proprietorship makes an election under Subsection (3)(a),  
415 the partnership or sole proprietorship shall serve written notice upon its insurance  
416 carrier naming the persons to be covered.
- 417 (iii) A partner of a partnership or owner of a sole proprietorship may not be  
418 considered an employee of the partner's partnership or the owner's sole  
419 proprietorship under this chapter or Chapter 3, Utah Occupational Disease Act,  
420 until the notice described in Subsection (3)(a)(ii) is given.
- 421 (iv) For premium rate making, the insurance carrier shall assume the salary or wage  
422 of the partner or sole proprietor electing coverage under Subsection (3)(a)(i) to be  
423 100% of the state's average weekly wage.
- 424 (b) A partner of a partnership or an owner of a sole proprietorship is an employee of the  
425 partnership or sole proprietorship under this chapter and Chapter 3, Utah  
426 Occupational Disease Act, if:
- 427 (i) the partnership or sole proprietorship:
- 428 (A) is a motor carrier; and
- 429 (B) employs at least one individual who is not a partner or an owner; and
- 430 (ii) the partner or owner personally operates a motor vehicle for the motor carrier.
- 431 (4)(a) Except as provided in Subsection (4)(g), a corporation may elect not to include  
432 any director or officer of the corporation as an employee under this chapter and  
433 Chapter 3, Utah Occupational Disease Act.
- 434 (b) If a corporation makes an election under Subsection (4)(a), the corporation shall  
435 serve written notice naming the individuals who are directors or officers to be  
436 excluded from coverage:
- 437 (i) upon its insurance carrier, if any; or
- 438 (ii) upon the commission if the corporation is self-insured or has no employee other

- 439 than the one or more directors or officers being excluded.
- 440 (c) A corporation may exclude no more than five individuals who are directors or  
441 officers under Subsection (4)(b)(ii).
- 442 (d) An exclusion under this Subsection (4) is subject to Subsection 34A-2-103(7)(d).
- 443 (e) A director or officer of a corporation is considered an employee under this chapter  
444 and Chapter 3, Utah Occupational Disease Act, until the notice described in  
445 Subsection (4)(b) is given.
- 446 (f) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah  
447 Administrative Rulemaking Act, regarding the form of the notice described in  
448 Subsection (4)(b)(ii), including a requirement to provide documentation, if any.
- 449 (g) Subsection (4)(a) does not apply to a director or an officer of a motor carrier if the  
450 director or officer personally operates a motor vehicle for the motor carrier.
- 451 (5) As used in this chapter and Chapter 3, Utah Occupational Disease Act, "employee,"  
452 "worker," and "operative" do not include:
- 453 (a) a sales agent or associate broker, as defined in Section 61-2f-102, who performs  
454 services in that capacity for a principal broker if:
- 455 (i) substantially all of the sales agent's or associate broker's income for services is  
456 from real estate commissions; and
- 457 (ii) the sales agent's or associate broker's services are performed under a written  
458 contract that provides that:
- 459 (A) the real estate agent is an independent contractor; and
- 460 (B) the sales agent or associate broker is not to be treated as an employee for  
461 federal income tax purposes;
- 462 (b) an offender performing labor under Section 64-13-16 or 64-13-19, except as required  
463 by federal statute or regulation;
- 464 (c) an individual who for an insurance producer, as defined in Section 31A-1-301,  
465 solicits, negotiates, places, or procures insurance if:
- 466 (i) substantially all of the individual's income from those services is from insurance  
467 commissions; and
- 468 (ii) the services of the individual are performed under a written contract that states  
469 that the individual:
- 470 (A) is an independent contractor;
- 471 (B) is not to be treated as an employee for federal income tax purposes; and
- 472 (C) can derive income from more than one insurance company; or

- 473 (d) subject to Subsections (6), (7), and (8), an individual who:
- 474 (i)(A) owns a motor vehicle; or
- 475 (B) leases a motor vehicle to a motor carrier;
- 476 (ii) personally operates the motor vehicle described in Subsection (5)(d)(i);
- 477 (iii) operates the motor vehicle described in Subsection (5)(d)(i) under a written
- 478 agreement with the motor carrier that states that the individual operates the motor
- 479 vehicle as an independent contractor; and
- 480 (iv)(A) provides to the motor carrier at the time the written agreement described in
- 481 Subsection (5)(d)(iii) is executed or as soon after the execution as provided by
- 482 the commission, a copy of a workers' compensation coverage waiver issued
- 483 pursuant to Part 10, Workers' Compensation Coverage Waivers Act, to the
- 484 individual; and
- 485 (B) provides to the motor carrier at the time the written agreement described in
- 486 Subsection (5)(d)(iii) is executed or as soon after the execution as provided by
- 487 an insurer, proof that the individual is covered by occupational accident related
- 488 insurance with the coverage and benefit limits listed in Subsection (7)(c); or
- 489 (e) an individual who is:
- 490 (i) 18 years old or older; and
- 491 (ii) an unauthorized alien as that term is defined in Section 34A-2-104.6.
- 492 (6) An individual described in Subsection (5)(d) may become an employee under this
- 493 chapter and Chapter 3, Utah Occupational Disease Act, if the employer of the individual
- 494 complies with:
- 495 (a) this chapter and Chapter 3, Utah Occupational Disease Act; and
- 496 (b) commission rules.
- 497 (7) As used in this section:
- 498 (a) "Motor carrier" means a person engaged in the business of transporting freight,
- 499 merchandise, or other property by a commercial vehicle on a highway within this
- 500 state.
- 501 (b) "Motor vehicle" means a self-propelled vehicle intended primarily for use and
- 502 operation on the highways, including a trailer or semitrailer designed for use with
- 503 another motorized vehicle.
- 504 (c) "Occupational accident related insurance" means insurance that provides the
- 505 following coverage at a minimum aggregate policy limit of \$1,000,000 for all
- 506 benefits paid, including medical expense benefits, for an injury sustained in the

507 course of working under a written agreement described in Subsection (5)(d)(iii):

508 (i) disability benefits;

509 (ii) death benefits; and

510 (iii) medical expense benefits, which include:

511 (A) hospital coverage;

512 (B) surgical coverage;

513 (C) prescription drug coverage; and

514 (D) dental coverage.

515 (8) For an individual described in Subsection (5)(d):

516 (a) if the individual is not covered by a workers' compensation policy, the individual  
517 shall obtain:

518 (i) occupational accident related insurance; and

519 (ii) a waiver in accordance with Part 10, Workers' Compensation Coverage Waivers  
520 Act; and

521 (b) the commission shall verify the existence of occupational accident insurance  
522 coverage with the coverage and benefit limits listed in Subsection (7)(c) before the  
523 commission may issue a workers' compensation coverage waiver to the individual  
524 pursuant to Part 10, Workers' Compensation Coverage Waivers Act.

525 Section 8. Section **34A-2-104.6** is enacted to read:

526 **34A-2-104.6 . Employer liability for employment-based injuries to unauthorized**  
527 **aliens.**

528 (1) As used in this section, "unauthorized alien" means an individual who is unlawfully  
529 present in the United States according to the terms of the federal Immigration and  
530 Nationality Act, 8 U.S.C. Sec. 1101 et seq.

531 (2) An employer who knowingly hires or employs an unauthorized alien is personally and  
532 fully liable for all medical and treatment costs and related expenses resulting from an  
533 injury sustained by the unauthorized alien in the scope of the unauthorized alien's  
534 employment.

535 (3) An employer may not transfer or otherwise shift financial responsibility for medical or  
536 treatment costs or related expenses resulting from an unauthorized alien's injury to any  
537 third party, including an insurance company, a state agency, or any other entity.

538 (4) An employer who violates this section is subject to:

539 (a) a fine not to exceed \$50,000 per violation;

540 (b) an order for reimbursement of any public funds expended to provide medical care or

541 related expenses for the unauthorized alien; and  
 542 (c) revocation of the employer's business license, registration, or certification issued by  
 543 the appropriate licensing authority.

544 (5) The division shall investigate and enforce a violation of this section in accordance with  
 545 the procedures in this chapter.

546 Section 9. Section **34A-2-115** is enacted to read:

547 **34A-2-115 . Verification requirements before submitting a workers'**  
 548 **compensation claim.**

549 (1) As used in this section, "status verification system" means the same as that term is  
 550 defined in Section 13-47-102.

551 (2) Before an employer may submit a claim for workers' compensation benefits for an  
 552 employee, the employer must first verify the employee's employment eligibility through  
 553 the status verification system.

554 (3) If an employer fails to check an employee's employment eligibility through the status  
 555 verification system before submitting a claim for workers' compensation benefits, the  
 556 employer is:

557 (a) ineligible to receive indemnity or medical coverage from the employer's workers'  
 558 compensation insurance provider for injuries sustained by the employee; and

559 (b) personally liable for all costs, expenses, and benefits that would have otherwise been  
 560 covered under this chapter.

561 (4)(a) An employer shall retain a copy of the documentation provided and any  
 562 verification generated, if applicable, by the status verification system for each  
 563 employee.

564 (b) The employer shall provide such documentation or verification to the division or  
 565 insurer upon request.

566 (5) This section does not provide any employment rights or legal status for an individual  
 567 who is verified through the status verification system.

568 (6) The division may adopt rules to implement and enforce this section in accordance with  
 569 the procedures in this chapter.

570 Section 10. Section **53-3-407** is amended to read:

571 **53-3-407 . Qualifications for commercial driver license -- Fee -- Third parties**  
 572 **may administer skills test.**

573 (1)(a) As used in this section, "CDL driver training school" means a business enterprise  
 574 conducted by an individual, association, partnership, or corporation that:

- 575 (i) educates and trains persons, either practically or theoretically, or both, to drive  
576 commercial motor vehicles; and
- 577 (ii) prepares an applicant for an examination under Subsection (2)(a)(iii).
- 578 (b) A CDL driver training school may charge a consideration or tuition for the services  
579 provided under Subsection (1)(a).
- 580 (2)(a) Except as provided in Subsection (2)(c), a CDL may be issued only to a person  
581 who:
- 582 (i) is a resident of this state or is an out-of-state resident if the person qualifies for a  
583 non-domiciled CDL as defined in 49 C.F.R. Part 383;
- 584 (ii) has held a CDIP for a minimum of 14 days prior to taking the skills test under 49  
585 C.F.R. Part 383, including a person who is upgrading a CDL class or endorsement  
586 requiring a skills test under 49 C.F.R. Part 383;
- 587 (iii) has passed a test of knowledge and skills for driving a commercial motor vehicle,  
588 that complies with minimum standards established by federal regulation in 49  
589 C.F.R. Part 383, Subparts G and H; and
- 590 (iv) has complied with all requirements of 49 C.F.R. Part 383 and other applicable  
591 state laws and federal regulations.
- 592 (b) A person who applies for a CDL is exempt from the requirement to pass a skills test  
593 to be eligible for the license if the person:
- 594 (i) is a resident of the state of Utah;
- 595 (ii) has successfully completed a skills test administered by a state or a party  
596 authorized by a state or jurisdiction that is compliant with 49 C.F.R. Part 383; and
- 597 (iii) held a valid Utah CDIP at the time the test was administered.
- 598 (c) The department shall waive any tests specified in this section for a commercial driver  
599 license applicant who, subject to the limitations and requirements of 49 C.F.R. Sec.  
600 383.77, meets all certifications required for a waiver under 49 C.F.R. Sec. 383.77 and  
601 certifies that the applicant:
- 602 (i) is a member of the active or reserve components of any branch or unit of the  
603 armed forces or a veteran who received an honorable or general discharge from  
604 any branch or unit of the active or reserve components of the United States Armed  
605 Forces;
- 606 (ii) is or was regularly employed in a position in the armed forces requiring operation  
607 of a commercial motor vehicle; and
- 608 (iii) has legally operated, while on active duty for at least two years immediately

609 preceding application for a commercial driver license, a vehicle representative of  
610 the commercial motor vehicle the driver applicant operates or expects to operate.

611 (d) An applicant who requests a waiver under Subsection (2)(c) shall present a  
612 completed application for a military skills test waiver at the time of the request.

613 (3) Tests required under this section shall be prescribed and administered by the division.

614 (4) The division shall authorize a person, an agency of this state, an employer, a private  
615 driver training facility or other private institution, or a department, agency, or entity of  
616 local government to administer the skills test required under this section if:

617 (a) the test is the same test as prescribed by the division, and is administered in the same  
618 manner; and

619 (b) the party authorized under this section to administer the test has entered into an  
620 agreement with the state that complies with the requirements of 49 C.F.R. Sec.  
621 383.75.

622 (5)(a) An out-of-state resident who holds a valid CDIP issued by a state or jurisdiction  
623 that is compliant with 49 C.F.R. Part 383 may take a skills test administered by a  
624 party authorized under this section.

625 (b) A person authorized under this section to administer the skills test may charge a fee  
626 for administration of the skills test.

627 (c) A person authorized under this section to administer the skills test shall:

628 (i) electronically transmit skills test results for an out-of-state resident to the licensing  
629 agency in the state or jurisdiction in which the person has obtained a valid CDIP;  
630 and

631 (ii) provide the out-of-state resident with documentary evidence upon successful  
632 completion of the skills test.

633 (6) A person who has an appointment with the division for testing and fails to keep the  
634 appointment or to cancel at least 48 hours in advance of the appointment shall pay the  
635 fee under Section 53-3-105.

636 (7) A person authorized under this section to administer the skills test is not criminally or  
637 civilly liable for the administration of the test unless he administers the test in a grossly  
638 negligent manner.

639 (8) The division may waive the skills test required under this section if it determines that  
640 the applicant meets the requirements of 49 C.F.R. Sec. 383.77.

641 (9) Except as allowed under federal law, the division shall:

642 (a) require that all licensing procedures, prelicensing instruction, and licensing testing

643 under this part is conducted only in English; and  
 644 (b) prohibit the use of an interpreter, translator, or alternative language accommodations.

645 Section 11. Section **53-13-106.8** is amended to read:

646 **53-13-106.8 . State and local law enforcement officers and federal employees --**  
 647 **Use of correctional and communication facilities.**

648 [~~State and local government agencies~~] Except as provided in Section 76-14-205, a state  
 649 or local government agency may not allow any federal agency access to or use of the  
 650 correctional and communication facilities and equipment of any state or local law enforcement  
 651 agency without the express written consent of the appropriate responsible official of the state  
 652 or local law enforcement agency.

653 Section 12. Section **63A-4-101.1** is amended to read:

654 **63A-4-101.1 . Definitions.**

655 As used in this chapter:

- 656 (1) "Captive insurance company" means the same as that term is defined in Section  
 657 31A-37-102.
- 658 (2) "Covered entity" means a participating entity of:
- 659 (a) the Risk Management Fund; or
- 660 (b) any captive insurance company created by the risk manager.
- 661 (3) "Unauthorized alien" means an individual who is unlawfully present in the United  
 662 States according to the terms of the federal Immigration and Nationality Act, 8 U.S.C.  
 663 Sec. 1101 et seq.

664 Section 13. Section **63A-4-102** is amended to read:

665 **63A-4-102 . Risk manager -- Powers.**

- 666 (1) The risk manager may:
- 667 (a) enter into contracts;
- 668 (b) form one or more captive insurance companies authorized under Title 31A, Chapter  
 669 37, Captive Insurance Companies Act;
- 670 (c) purchase insurance or reinsurance;
- 671 (d) except as provided in Subsection (5), adjust, settle, and pay claims;
- 672 (e) pay expenses and costs;
- 673 (f) study the risks of all covered entities and properties;
- 674 (g) issue certificates of coverage or insurance for covered entities with respect to any  
 675 risks covered by the Risk Management Fund or any captive insurance company  
 676 created by the risk manager;

- 677 (h) make recommendations about risk management and risk reduction strategies to  
678 covered entities;
- 679 (i) in consultation with the attorney general, prescribe insurance, indemnification, and  
680 liability provisions to be included in all state contracts;
- 681 (j) review covered entity building construction, major remodeling plans, program plans,  
682 and make recommendations to the covered entity about needed changes to address  
683 risk considerations;
- 684 (k) attend covered entity planning and management meetings when necessary;
- 685 (l) review any proposed legislation and communicate with legislators and legislative  
686 committees about the liability or risk management issues connected with any  
687 legislation; and
- 688 (m) solicit any needed information about covered entity plans, programs, or risks  
689 necessary to perform the risk manager's responsibilities under this part.
- 690 (2)(a) The risk manager may expend money from the Risk Management Fund to procure  
691 and provide coverage to all covered entities and their indemnified employees, except  
692 those entities or employees specifically exempted by statute.
- 693 (b) The risk manager shall apportion the costs of that coverage according to the  
694 requirements of this part.
- 695 (3) Before charging a rate, fee, or other amount to an executive branch agency, or to a  
696 subscriber of services other than an executive branch agency, the director shall:
- 697 (a) submit the proposed rates, fees, or other amount and cost analysis to the Rate  
698 Committee established in Section 63A-1-114; and
- 699 (b) obtain the approval of the Legislature as required by Section 63J-1-410.
- 700 (4) The director shall conduct a market analysis by July 1, 2005, and periodically thereafter,  
701 of proposed rates and premiums, which analysis shall include a comparison of the  
702 division's rates and premiums with the rates and premiums of other public or private  
703 sector providers where comparable services and rates are reasonably available.
- 704 (5)(a) Except as provided in Subsection (5)(b), the risk manager may not adjust, settle,  
705 or pay a claim relating to:
- 706 (i) an unauthorized alien; or
- 707 (ii) an individual who fails to provide lawful documentation of citizenship to the risk  
708 manager.
- 709 (b) A risk manager may adjust, settle, or pay a claim relating to an individual described  
710 in Subsection (5)(a) who is 17 years old or younger.

711 Section 14. Section **63G-12-402** is amended to read:

712 **63G-12-402 . Receipt of state, local, or federal public benefits -- Verification --**  
 713 **Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**

714 (1)(a) Except as provided in Subsection (3) or when exempted by federal law, an agency  
 715 or political subdivision of the state shall verify the lawful presence in the United  
 716 States of an individual at least 18 years old who applies for:

- 717 (i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; [or]
- 718 (ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by  
 719 an agency or political subdivision of this state;
- 720 (iii) a license or certification issued under:
  - 721 (A) Title 13, Commerce and Trade;
  - 722 (B) Title 31A, Insurance Code;
  - 723 (C) Title 58, Occupations and Professions; or
  - 724 (D) Title 61, Securities Division - Real Estate Division; or
- 725 (iv) assistance as a first-time home buyer under Title 63H, Chapter 8, Part 5,  
 726 First-Time Homebuyer Assistance Program.

727 (b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction Trades  
 728 Licensing Act, to an applicant that is an unincorporated entity, the Department of  
 729 Commerce shall verify in accordance with this Subsection (1) the lawful presence in  
 730 the United States of each individual who:

- 731 (i) owns an interest in the contractor that is an unincorporated entity; and
- 732 (ii) engages, or will engage, in a construction trade in Utah as an owner of the  
 733 contractor described in Subsection (1)(b)(i).

734 (2) This section shall be enforced without regard to race, religion, gender, ethnicity, or  
 735 national origin.

736 (3) Verification of lawful presence under this section is not required for:

- 737 (a) any purpose for which lawful presence in the United States is not restricted by law,  
 738 ordinance, or regulation;
- 739 (b) assistance for health care items and services that:
  - 740 (i) are necessary for the treatment of an emergency medical condition, as defined in  
 741 42 U.S.C. Sec. 1396b(v)(3), of the individual involved; and
  - 742 (ii) are not related to an organ transplant procedure;
- 743 (c) short-term, noncash, in-kind emergency disaster relief;
- 744 (d) public health assistance for immunizations with respect to immunizable diseases and

- 745 for testing and treatment of symptoms of communicable diseases whether or not the  
 746 symptoms are caused by the communicable disease;
- 747 (e) programs, services, or assistance such as soup kitchens, crisis counseling and  
 748 intervention, and short-term shelter, specified by the United States Attorney General,  
 749 in the sole and unreviewable discretion of the United States Attorney General after  
 750 consultation with appropriate federal agencies and departments, that:
- 751 (i) deliver in-kind services at the community level, including through public or  
 752 private nonprofit agencies;
- 753 (ii) do not condition the provision of assistance, the amount of assistance provided, or  
 754 the cost of assistance provided on the income or resources of the individual  
 755 recipient; and
- 756 (iii) are necessary for the protection of life or safety;
- 757 (f) the exemption for paying the nonresident portion of total tuition as set forth in  
 758 Section 53H-11-203;
- 759 ~~[(g) an applicant for a license under Section 61-1-4, if the applicant:]~~
- 760 ~~[(i) is registered with the Financial Industry Regulatory Authority; and]~~
- 761 ~~[(ii) files an application with the state Division of Securities through the Central~~  
 762 ~~Registration Depository;]~~
- 763 ~~[(h)] (g) a state public benefit to be given to an individual under Title 49, Utah State~~  
 764 ~~Retirement and Insurance Benefit Act;~~
- 765 ~~[(i)] (h) a home loan that will be insured, guaranteed, or purchased by:~~
- 766 (i) the Federal Housing Administration, the Veterans Administration, or any other  
 767 federal agency; or
- 768 (ii) an enterprise as defined in 12 U.S.C. Sec. 4502;
- 769 ~~[(j)] (i) a subordinate loan or a grant that will be made to an applicant in connection with~~  
 770 ~~a home loan that does not require verification under Subsection [(3)(i)] (3)(h); and~~
- 771 ~~[(k) an applicant for a license issued by the Department of Commerce or individual~~  
 772 ~~described in Subsection (1)(b), if the applicant or individual provides the Department~~  
 773 ~~of Commerce:]~~
- 774 ~~[(i) certification, under penalty of perjury, that the applicant or individual is:]~~
- 775 ~~[(A) a United States citizen;]~~
- 776 ~~[(B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or]~~
- 777 ~~[(C) lawfully present in the United States; and]~~
- 778 ~~[(ii)(A) the number assigned to a driver license or identification card issued under~~

- 779 Title 53, Chapter 3, Uniform Driver License Act; or]
- 780 [~~(B)~~ the number assigned to a driver license or identification card issued by a state
- 781 other than Utah if, as part of issuing the driver license or identification card,
- 782 the state verifies an individual's lawful presence in the United States; and]
- 783 [(+) (j)] an applicant for:
- 784 (i) an Opportunity scholarship described in Section 53H-11-402;
- 785 (ii) a New Century scholarship described in Section 53H-11-407;
- 786 (iii) a promise grant described in Section 53H-11-414; or
- 787 (iv) a scholarship:
- 788 (A) for an individual who is a graduate of a high school located within Utah; and
- 789 (B) administered by an institution of higher education as defined in Section
- 790 53H-1-101.
- 791 (4)(a) An agency or political subdivision required to verify the lawful presence in the
- 792 United States of an applicant under this section shall require the applicant to certify
- 793 under penalty of perjury that:
- 794 (i) the applicant is a United States citizen; or
- 795 (ii) the applicant is:
- 796 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and
- 797 (B) lawfully present in the United States.
- 798 (b) The certificate required under this Subsection (4) shall include a statement advising
- 799 the signer that providing false information subjects the signer to penalties for perjury.
- 800 (5) An agency or political subdivision shall verify a certification required under Subsection
- 801 (4)(a)(ii) through the federal SAVE program.
- 802 (6)(a) An individual who knowingly and willfully makes a false, fictitious, or fraudulent
- 803 statement or representation in a certification under Subsection [~~(3)(k) or~~](4) is
- 804 subject to the criminal penalties applicable in this state for:
- 805 (i) making a written false statement under Section 76-8-504; and
- 806 (ii) fraudulently obtaining:
- 807 (A) public assistance program benefits under Section 76-8-1203.1; or
- 808 (B) unemployment compensation under Section 76-8-1301, 76-8-1302, 76-8-1303,
- 809 or 76-8-1304.
- 810 (b) If the certification constitutes a false claim of United States citizenship under 18
- 811 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the
- 812 United States Attorney General for the applicable district based upon the venue in

- 813 which the application was made.
- 814 (c) If an agency or political subdivision receives verification that a person making an  
815 application for a benefit, service, or license is not a qualified alien, the agency or  
816 political subdivision shall provide the information to the Office of the Attorney  
817 General unless prohibited by federal mandate.
- 818 (7) An agency or political subdivision may adopt variations to the requirements of this  
819 section that:
- 820 (a) clearly improve the efficiency of or reduce delay in the verification process; or  
821 (b) provide for adjudication of unique individual circumstances where the verification  
822 procedures in this section would impose an unusual hardship on a legal resident of  
823 Utah.
- 824 (8) It is unlawful for an agency or a political subdivision of this state to provide a state,  
825 local, or federal benefit, as defined in 8 U.S.C. Sec. 1611 and 1621, in violation of this  
826 section.
- 827 (9) A state agency or department that administers a program of state or local public benefits  
828 shall:
- 829 (a) provide an annual report to the governor, the president of the Senate, and the speaker  
830 of the House regarding its compliance with this section; and  
831 (b)(i) monitor the federal SAVE program for application verification errors and  
832 significant delays;  
833 (ii) provide an annual report on the errors and delays to ensure that the application of  
834 the federal SAVE program is not erroneously denying a state or local benefit to a  
835 legal resident of the state; and  
836 (iii) report delays and errors in the federal SAVE program to the United States  
837 Department of Homeland Security.
- 838 Section 15. Section **63H-8-501** is amended to read:  
839 **63H-8-501 . Definitions.**  
840 As used in this part:
- 841 (1)(a) "First-time homebuyer" means an individual who is lawfully present in the United  
842 States and who satisfies:
- 843 (i) the three-year requirement described in Section 143(d) of the Internal Revenue  
844 Code of 1986, as amended, and any corresponding federal regulations; and  
845 (ii) requirements made by the corporation by rule, as described in Section 63H-8-502.  
846 (b) "First-time homebuyer" includes a single parent, as defined by the corporation by

- 847 rule made as described in Section 63H-8-502, who would meet the three-year  
848 requirement described in Subsection (1)(a)(i) but for a present ownership interest in a  
849 principal residence in which the single parent:
- 850 (i) had a present ownership interest with the single parent's former spouse during the  
851 three-year period;
  - 852 (ii) resided while married during the three-year period; and
  - 853 (iii) no longer:
    - 854 (A) has a present ownership interest; or
    - 855 (B) resides.
- 856 (2) "Home equity amount" means the difference between:
- 857 (a)(i) in the case of a sale, the sales price for which the qualifying residential unit is  
858 sold by the recipient in a bona fide sale to a third party with no right to repurchase  
859 less an amount up to 1% of the sales price used for seller-paid closing costs; or
  - 860 (ii) in the case of a refinance, the current appraised value of the qualifying residential  
861 unit; and
  - 862 (b) the total payoff amount of any qualifying mortgage loan that was used to finance the  
863 purchase of the qualifying residential unit.
- 864 (3) "Program" means the First-Time Homebuyer Assistance Program created in Section  
865 63H-8-502.
- 866 (4) "Program funds" means money appropriated for the program.
- 867 (5) "Qualifying mortgage loan" means a mortgage loan that:
- 868 (a) is purchased by the corporation; and
  - 869 (b) is subject to a document that is recorded in the office of the county recorder of the  
870 county in which the residential unit is located.
- 871 (6) "Qualifying residential unit" means a residential unit that:
- 872 (a) is located in the state;
  - 873 (b) is new construction or newly constructed but not yet inhabited;
  - 874 (c) is financed by a qualifying mortgage loan;
  - 875 (d) is owner-occupied within 60 days of purchase, or in the case of a two-unit dwelling,  
876 at least one unit is owner-occupied within 60 days of purchase; and
  - 877 (e) is purchased for an amount that does not exceed:
    - 878 (i) \$450,000; or
    - 879 (ii) if applicable, the maximum purchase price established by the corporation under  
880 Section 63H-8-502.

- 881 (7) "Recipient" means a first-time homebuyer who receives program funds.
- 882 (8)(a) "Residential unit" means a house, condominium, townhome, or similar residential  
883 structure that serves as a one-unit dwelling or forms part of a two-unit dwelling.
- 884 (b) "Residential unit" includes a manufactured home or modular home that is attached to  
885 a permanent foundation.

886 Section 16. Section **76-14-201** is amended to read:

887 **Part 2. Offenses and Requirements Related to Immigration Status**

888 **76-14-201 . Definitions.**

889 As used in this part:

- 890 (1) "Alien" means an individual who is not a citizen or national of the United States.
- 891 (2)(a) "Federal immigration authority" means a federal agency or entity that has the  
892 authority to detect, investigate, or enforce a violation of federal immigration law.
- 893 (b) "Federal immigration authority" includes:
- 894 (i) the United States Department of Homeland Security;
- 895 (ii) the United States Immigration and Customs Enforcement;
- 896 (iii) the United States Citizenship and Immigration Services; and
- 897 (iv) the United States Customs and Border Protection.
- 898 [~~2~~] (3) "ICE" means the federal Immigration and Customs Enforcement agency of the  
899 United States Department of Homeland Security.
- 900 (4) "Immigration detainer" means a written or electronic request issued by a federal  
901 immigration authority using that agency's official form to request that another law  
902 enforcement agency detain an individual based on probable cause to believe that the  
903 individual to be detained is a removable alien under federal immigration law.
- 904 (5) "Law enforcement agency" means an entity of the state, or a political subdivision of the  
905 state, that exists primarily to prevent and detect crime and enforce criminal laws,  
906 statutes, or ordinances.
- 907 [~~3~~] (6) "Law enforcement officer" has the same meaning as in Section 53-13-103.
- 908 [~~4~~] (7) "SAVE program" means the federal Systematic Alien Verification for Entitlements  
909 program operated by the federal Department of Homeland Security.
- 910 [~~5~~] (8) "State or local governmental agency" includes a private contractor or vendor that  
911 contracts with the agency to provide the agency's functions or services.
- 912 [~~6~~] (9) "Verify immigration status" or "verification of immigration status" means the  
913 determination of an individual's immigration status by:
- 914 (a) a law enforcement officer who is authorized by a federal agency to determine an

- 915 alien's immigration status; or
- 916 (b) the United States Department of Homeland Security, ICE, or other federal agency  
917 authorized to provide immigration status as provided by 8 U.S.C. Sec. 1373(c).
- 918 Section 17. Section **76-14-202** is amended to read:
- 919 **76-14-202 . Detention or arrest -- Determination of immigration status.**
- 920 (1)(a) Except as provided in Subsection (1)(b), (c), or (d), a law enforcement officer  
921 who, acting in the enforcement of a state law or local ordinance, conducts a lawful  
922 stop, detention, or arrest of an individual as specified in Subsection (1)(a)(i) or (ii),  
923 and the individual is unable to provide to the law enforcement officer a document  
924 listed in Subsection 76-14-203(1) and the law enforcement officer is otherwise  
925 unable to verify the identity of the individual, the law enforcement officer:
- 926 (i) shall request verification of the citizenship or the immigration status of the  
927 individual under 8 U.S.C. Sec. 1373(c), except as allowed under Subsection (1)(b),  
928 (c), or (d), if the individual is arrested for an alleged offense that is a class A  
929 misdemeanor or a felony; and
- 930 (ii) may attempt to verify the immigration status of the individual, except as  
931 exempted under Subsection (1)(b), (c), or (d), if the alleged offense is a class B or  
932 C misdemeanor, except that if the individual is arrested and booked for a class B  
933 or C misdemeanor, the arresting law enforcement officer or the law enforcement  
934 agency booking the individual shall attempt to verify the immigration status of the  
935 individual.
- 936 (b) In individual cases, the law enforcement officer may forego the verification of  
937 immigration status under Subsection (1)(a) if the determination could hinder or  
938 obstruct a criminal investigation.
- 939 (c) Subsection (1)(a) does not apply to a law enforcement officer who is acting as a  
940 school resource officer for an elementary or secondary school.
- 941 (d) Subsection (1)(a) does not apply to a county or municipality when it has only one  
942 law enforcement officer on duty and response support from another law enforcement  
943 agency is not available.
- 944 (2) When a law enforcement officer makes a lawful stop, detention, or arrest under  
945 Subsection (1) of the operator of a vehicle, and while investigating or processing the  
946 primary offense, the law enforcement officer makes observations that give the law  
947 enforcement officer reasonable suspicion that the operator or any of the passengers in  
948 the vehicle are violating Section 76-5-308, 76-5-308.1, 76-5-308.3, 76-5-308.5, 76-5-310,

949 76-5-310.1, or 76-14-209, which concern smuggling, human trafficking, or transporting  
 950 illegal aliens, the law enforcement officer shall, to the extent possible within a  
 951 reasonable period of time:

- 952 (a) detain the occupants of the vehicle to investigate the suspected violations; and  
 953 (b) inquire regarding the immigration status of the occupants of the vehicle.
- 954 (3) When an individual under Subsection (1) is arrested or booked into a jail, juvenile  
 955 detention facility, or correctional facility, the arresting officer or the booking officer  
 956 shall ensure that a request for verification of immigration status of the arrested or  
 957 booked individual is submitted as promptly as is reasonably possible.
- 958 (4) The law enforcement agency that has custody of an individual verified to be an illegal  
 959 alien shall request that the United States Department of Homeland Security issue [a] an  
 960 immigration detainer requesting transfer of the illegal alien into federal custody.
- 961 (5) A law enforcement officer may not consider race, color, or national origin in  
 962 implementing this section, except to the extent permitted by the constitutions of the  
 963 United States and this state.

964 Section 18. Section **76-14-205** is amended to read:

965 **76-14-205 . Enforcement of federal immigration laws -- Cooperation and**  
 966 **information requirements -- Exceptions -- Enforcement.**

- 967 (1) A state or local governmental agency of this state, or a representative of the agency,  
 968 may not limit or restrict by ordinance, regulation, or policy, the authority of a law  
 969 enforcement agency or other state or local governmental agency:
- 970 [~~(1)~~] (a) [~~limit or restrict by ordinance, regulation, or policy the authority of a law~~  
 971 ~~enforcement agency or other governmental agency~~] to assist the federal government  
 972 in the enforcement of any federal law or regulation governing immigration[~~;~~ or ] ,  
 973 including:
- 974 (i) complying with an immigration detainer;  
 975 (ii) complying with a request from a federal immigration authority to notify the  
 976 federal immigration authority before the release of an inmate or prisoner in the  
 977 custody of a law enforcement agency;  
 978 (iii) providing a federal immigration authority access to an inmate or prisoner for an  
 979 interview;  
 980 (iv) providing a federal immigration authority with an inmate's or prisoner's  
 981 incarceration status or release date;  
 982 (v) providing information to a state entity on the immigration status of an inmate,

- 983           prisoner, or detainee in the custody of the law enforcement agency;
- 984           (vi) executing a lawful judicial warrant; or
- 985           (vii) participating in a federal immigration operation with a federal immigration
- 986           authority as permitted by federal and state law; or
- 987           ~~[(2)]~~ (b) ~~[limit or restrict by ordinance, regulation, or policy the authority of a law~~
- 988           enforcement agency]to investigate or enforce a violation of the federal misdemeanor
- 989           offenses of willful failure to register as an alien or willful failure to personally
- 990           possess an alien registration document as required by 8 U.S.C. Sec. 1304(e) or
- 991           1306(a).
- 992           (2)(a) A state or local law enforcement agency, including an official responsible for
- 993           directing or supervising a state or local law enforcement agency, shall use the
- 994           agency's or official's best efforts to support the enforcement of federal immigration
- 995           law.
- 996           (b) Subsection (2)(a) applies to an employee of a law enforcement agency while the
- 997           employee is acting within the scope of the employee's employment.
- 998           (3) A state or local governmental entity or law enforcement agency may not prohibit or in
- 999           any way restrict a law enforcement officer from executing or assisting in the execution
- 1000           of a lawful judicial warrant.
- 1001           (4) Except as provided in Subsection (5) or (6) or prohibited by federal law, a state or local
- 1002           governmental entity or law enforcement agency, or an employee, an agent, or a
- 1003           representative of the entity or agency, may not prohibit or in any way restrict a law
- 1004           enforcement agency from taking any of the following actions with respect to information
- 1005           regarding an individual's immigration status:
- 1006           (a) sending the information to, or requesting, receiving, or reviewing the information
- 1007           from, a federal immigration authority for purposes of this part;
- 1008           (b) recording and maintaining the information for purposes of this part;
- 1009           (c) exchanging the information with a federal immigration authority or another state
- 1010           entity or local governmental entity, or law enforcement agency, for purposes of this
- 1011           part;
- 1012           (d) using the information to comply with an immigration detainer;
- 1013           (e) using the information to confirm the identity of an individual who is detained by a
- 1014           law enforcement agency; or
- 1015           (f) providing the information under Section 17-72-505.
- 1016           (5)(a) This section does not require a state or local governmental entity, or law

- 1017 enforcement agency, to provide a federal immigration authority with information  
1018 related to a victim of, or a witness to, a criminal offense if:
- 1019 (i) the victim or witness is necessary to the investigation or prosecution of a crime,  
1020 and such crime occurred in the United States; and
  - 1021 (ii) the victim or witness timely and in good faith:
    - 1022 (A) responds to the entity's or agency's request for information; and
    - 1023 (B) cooperates in the investigation or prosecution of the offense.
- 1024 (b) A state or local governmental entity, or law enforcement agency, that withholds  
1025 information regarding the immigration information of a victim of, or witness to, a  
1026 criminal offense under Subsection (5)(a) shall:
- 1027 (i) document the victim's or witness's cooperation in the entity's or agency's  
1028 investigative records related to the offense; and
  - 1029 (ii) retain the records for at least 10 years for the purpose of an audit, verification, or  
1030 inspection by the state auditor.
- 1031 (6)(a)(i) This section does not apply to an alien unlawfully present in the United  
1032 States if the alien is or has been a necessary witness or victim of a crime  
1033 committed in the United States involving domestic violence, rape, sexual  
1034 exploitation, sexual assault, murder, manslaughter, assault, human trafficking,  
1035 kidnapping, extortion, or witness tampering.
- 1036 (ii) A law enforcement agency shall verify that the alien is a necessary witness or a  
1037 victim to a crime described in Subsection (6)(a)(i), including reviewing  
1038 documentation that may include a police report, testimony, a sworn statement, or a  
1039 victim impact statement.
- 1040 (b) This section does not apply to the release of information contained in education  
1041 records of an educational agency or institution, except in conformity with the Family  
1042 Educational Rights and Privacy Act of 1974, 20 U.S.C. Sec. 1232g.
- 1043 (7) This section does not authorize a law enforcement agency to detain an alien unlawfully  
1044 present in the United States in accordance with an immigration detainer solely because  
1045 the alien witnessed or reported a crime or was a victim of a criminal offense.
- 1046 (8)(a) The attorney general may investigate and file suit against a state or local  
1047 governmental entity for declaratory or injunctive relief for a violation of this section.
- 1048 (b) If an officer of a state or local entity fails to substantially comply with a provision of  
1049 this section:
    - 1050 (i) for an officer described in Section 77-5-1, the officer's failure may result in

1051 impeachment as provided in Title 77, Chapter 5, Impeachments; or  
1052 (ii) for an officer described in Section 77-6-1, the officer's failure constitutes  
1053 malfeasance in office under Section 77-6-1, and may result in removal from office  
1054 as provided in Title 77, Chapter 6, Removal by Judicial Proceedings.

1055 Section 19. Section **76-14-205.1** is enacted to read:

1056 **76-14-205.1 . Duties relating to an immigration detainer -- Enforcement.**

- 1057 (1) A law enforcement agency that has custody of an individual who is subject to an  
1058 immigration detainer shall:
- 1059 (a) provide notice that the individual is subject to an immigration detainer to the county  
1060 jail official, magistrate, or court that may make a determination regarding the  
1061 individual's pretrial release under Title 77, Chapter 20, Bail;
- 1062 (b) record in the individual's file that the individual is subject to an immigration detainer;
- 1063 (c) comply with the requests made in the immigration detainer; and
- 1064 (d) notify the attorney general that the individual is subject to an immigration detainer.
- 1065 (2) A law enforcement agency is not required to perform a duty imposed by Subsection  
1066 (1)(a) or (b) regarding an individual who is transferred to the custody of the agency by  
1067 another law enforcement agency if the transferring agency performed the duty before the  
1068 transfer.
- 1069 (3) A magistrate or court that receives notice that an individual is subject to an immigration  
1070 detainer shall include a reference in the court record to the immigration detainer.
- 1071 (4)(a) If a state or local governmental agency adopts an ordinance, regulation, rule, or  
1072 policy of refusing to comply with, or directing officials, employees, or others to  
1073 refuse to comply with, an immigration detainer, the attorney general shall initiate an  
1074 action to enforce compliance.
- 1075 (b) A court, upon finding a state or local governmental agency's noncompliance with  
1076 Subsection (4)(a), shall:
- 1077 (i) enjoin the application of the ordinance, regulation, rule, or policy; and
- 1078 (ii) issue a permanent injunction against the state or local government agency to  
1079 prohibit the state or local government agency from enforcing the ordinance,  
1080 regulation, rule, or policy.
- 1081 (c) It is not a defense to a violation of Subsection (4)(a) that the state or local  
1082 governmental agency, when enacting the ordinance, regulation, rule, or policy, was  
1083 acting in good faith or upon advice of counsel.
- 1084 (d) If a court determines that a violation of Subsection (4)(a) was knowing and willful,

1085 the court shall assess a civil fine of up to \$5,000 against the state or local  
 1086 governmental agency's elected or appointed official or officials or administrative  
 1087 agency head under whose jurisdiction the violation occurred.  
 1088 (e) Except as required by applicable law, public funds may not be used to defend or  
 1089 reimburse the unlawful conduct of any person found to have knowingly and willfully  
 1090 violated Subsection (4)(a).

1091 Section 20. Section **76-14-206** is amended to read:

1092 **76-14-206 . Determining an alien's immigration status -- Transfer or**  
 1093 **maintenance of information.**

1094 Except as limited by federal law, and subject to Section 76-14-205, a state or local  
 1095 governmental agency is not restricted or prohibited in any way from sending, receiving, or  
 1096 maintaining information related to the lawful or unlawful immigration status of an individual  
 1097 by communicating with a federal, state, or local governmental entity for a lawful purpose,  
 1098 including:

- 1099 (1) determining an individual's eligibility for a public benefit, service, or license provided  
 1100 by a federal agency, by this state, or by a political subdivision of this state;  
 1101 (2) confirming an individual's claim of residence or domicile if determination is required by  
 1102 state law or a judicial order issued pursuant to a civil or criminal proceeding in this state;  
 1103 (3) if the individual is an alien, determining if the individual is in compliance with the  
 1104 federal registration laws of [Title H, Part 7,] the Immigration and Nationality Act, 8  
 1105 U.S.C. Sec. 1101 et seq; or  
 1106 (4) a valid request for verification of the citizenship or immigration status of an individual  
 1107 pursuant to 8 U.S.C. Sec. 1373.

1108 Section 21. Section **76-14-207** is amended to read:

1109 **76-14-207 . Proof of immigration status required to receive public benefits.**

- 1110 (1)(a) An agency that provides state or local public benefits as defined in 8 U.S.C. Sec.  
 1111 1621 shall comply with Section 63G-12-402 and shall also comply with this section,  
 1112 except[;]  
 1113 [~~i~~] ~~as provided in Subsection 63G-12-402(3)(g) or (k); or~~  
 1114 [(ii)] when compliance is exempted by federal law or when compliance could  
 1115 reasonably be expected to be grounds for the federal government to withhold  
 1116 federal Medicaid funding.  
 1117 (b) The agency shall verify an individual's lawful presence in the United States by  
 1118 requiring that the applicant under this section sign a certificate under penalty of

- 1119           perjury, stating that the applicant:
- 1120           (i) is a United States citizen; or
- 1121           (ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.
- 1122           (c) The certificate under Subsection (1)(b) shall include a statement advising the signer
- 1123           that providing false information subjects the signer to penalties for perjury.
- 1124           (d) The signature under this Subsection (1) may be executed in person or electronically.
- 1125           (e) When an applicant who is a qualified alien has executed the certificate under this
- 1126           section, the applicant's eligibility for benefits shall be verified by the agency through
- 1127           the federal SAVE program or an equivalent program designated by the United States
- 1128           Department of Homeland Security.
- 1129           (2) An individual who knowingly and willfully makes a false, fictitious, or fraudulent
- 1130           statement of representation in a certificate executed under this section is guilty of public
- 1131           assistance fraud by an applicant for public assistance under Section 76-8-1203.1.
- 1132           (3) If the certificate constitutes a false claim of United States citizenship under 18 U.S.C.
- 1133           Sec. 911, the agency requiring the certificate shall file a complaint with the United
- 1134           States Attorney for the applicable federal judicial district based upon the venue in which
- 1135           the certificate was executed.
- 1136           (4) Agencies may, with the concurrence of the Utah Attorney General, adopt variations to
- 1137           the requirements of the provisions of this section that provide for adjudication of unique
- 1138           individual circumstances in which the verification procedures in this section would
- 1139           impose unusual hardship on a legal resident of this state.
- 1140           (5) If an agency under Subsection (1) receives verification that an individual making an
- 1141           application for a benefit, service, or license is not a qualified alien, the agency shall
- 1142           provide the information to the local law enforcement agency for enforcement of public
- 1143           assistance fraud by an applicant for public assistance under Section 76-8-1203.1 unless
- 1144           prohibited by federal mandate.

1145           Section 22. Section **76-14-210** is enacted to read:

1146           **76-14-210 . Unlawful employment of multiple unauthorized aliens.**

- 1147           (1)(a) As used in this section, "unauthorized alien" means the same as that term is
- 1148           defined in Section 13-47-102.
- 1149           (b) Terms defined in Sections 76-1-101.5, 76-14-101, and 76-14-201 apply to this
- 1150           section.
- 1151           (2) An actor commits unlawful employment of multiple unauthorized aliens if the actor
- 1152           knowingly employs, either for the actor's self or on behalf of another, 50 or more

1153 unauthorized aliens.

1154 (3) A violation of Subsection (2) is a third degree felony.

1155 (4) A violation of this section is subject to the revocation of the actor's business license  
1156 under Section 13-47-104.

1157 Section 23. Section **77-38-503** is amended to read:

1158 **77-38-503 . Guidelines for prosecutors.**

1159 (1) Upon the request of the victim or victim's family member, a certifying official from a  
1160 certifying entity shall certify victim helpfulness on the Form I-918 Supplement B  
1161 certification, if the certifying entity determines the victim was a victim of a qualifying  
1162 criminal activity and has been helpful, is being helpful, or is likely to be helpful to the  
1163 detection, investigation, or prosecution of that qualifying criminal activity.

1164 (2) A certifying entity shall determine helpfulness as described in Subsection (1) in a  
1165 manner consistent with federal guidelines.

1166 (3) A certifying entity shall process a Form I-918 Supplement B certification within 90  
1167 days of request, unless the noncitizen is in removal proceedings, in which case the  
1168 certification shall be processed within 14 days of request.

1169 (4) A current investigation, the filing of charges, a prosecution, or a conviction are not  
1170 required for the victim to request the Form I-918 Supplement B certification from a  
1171 certifying official.

1172 (5) A certifying official may withdraw a Form I-918 Supplement B certification if:

1173 (a) the victim refuses to provide information and assistance when reasonably requested;  
1174 or

1175 (b) the certifying entity determines that the individual is not a victim of a qualifying  
1176 criminal activity.

1177 (6) A certifying entity is prohibited from disclosing the immigration status of a victim or  
1178 person requesting the Form I-918 Supplement B certification, except to comply with  
1179 federal law, or if authorized by the victim or person requesting the Form I-918  
1180 Supplement B certification.

1181 (7)(a) Each certifying entity shall maintain records of the following information related  
1182 to each request for a Form I-918 Supplement B certification:

1183 (i) the number of victims that requested Form I-918 Supplement B certifications from  
1184 the entity;

1185 (ii) the number of those Form I-918 Supplement B certifications that were signed; and

1186 (iii) the number of Form I-918 Supplement B certifications that were denied.

- 1187 (b) Each certifying entity shall report the information described in Subsection (7)(a) to  
1188 the commission before June 30, 2021, and each year thereafter.
- 1189 (c) The commission shall report the information received pursuant to Subsection (7)(b)  
1190 to the Judiciary Interim Committee of the Legislature on or before November 30 of  
1191 each year.
- 1192 (8)(a) A certifying entity may not disclose personal identifying information, or  
1193 information regarding the citizenship or immigration status of any victim of criminal  
1194 activity or trafficking who is requesting a certification unless:
- 1195 (i) required to do so by applicable state or federal law or court order, including under  
1196 Section 76-14-205; or
- 1197 (ii) the certifying agency has written authorization from:
- 1198 (A) the victim; or
- 1199 (B) if the victim is a minor or is otherwise not legally competent, from the victim's  
1200 parent or guardian.
- 1201 (b) Subsection (8)(a) does not modify legal obligations of a prosecutor or law  
1202 enforcement to disclose information and evidence to a defendant.
- 1203 Section 24. **Effective Date.**
- 1204 This bill takes effect on May 6, 2026.