

1 **Peace Officer Disclosure Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill requires a peace officer to make certain disclosures before testifying in a criminal
5 case.
6

7 **Highlighted Provisions:**

8 This bill:

9 ▶ requires a peace officer to provide certain disclosures relating to potential Brady material
10 to a prosecutor before the peace officer may testify in a criminal case;

11 ▶ requires a prosecutor to provide a peace officer's disclosures to defense counsel in a
12 criminal case; and

13 ▶ includes specific information that a peace officer must disclose.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 ENACTS:

20 **53-25-1004**, Utah Code Annotated 1953

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

22 Section 1. Section **53-25-1004** is enacted to read:

23 **53-25-1004 . Testifying peace officer affirmative disclosure requirements related**
24 **to Brady material.**

25 (1)(a) Except as provided in Subsection (1)(c), a peace officer may not be called to
26 testify at a trial by a prosecutor in a criminal case unless the peace officer has
27 provided a disclosure of information relating to potential Brady material to the
28 prosecutor that complies with Subsection (1)(b).

29 (b) The disclosure described in Subsection (1)(a) shall include:
30

- 31 (i) the information described in Subsection (3);
32 (ii) any relevant contextual or explanatory information for a specific disclosure that
33 indicates potential Brady material; and
34 (iii) the peace officer's signature and acknowledgment described in Subsection (4).
35 (c) If a peace officer has provided a disclosure described in Subsection (1)(a) to a
36 prosecutor within the 12 months before the day on which the peace officer is
37 testifying at a trial in a different criminal case, the peace officer may testify at the
38 trial if the peace officer provides the prosecutor for the criminal case:
39 (i) a copy of the peace officer's previous disclosure described in Subsection (1)(a);
40 (ii) information regarding the case-specific disclosures described in Subsection (3)(j);
41 and
42 (iii)(A) updated information to any other information contained in the disclosure
43 described in Subsection (1)(c)(i); or
44 (B) an affirmation that there is no other updated information to provide to the
45 disclosure described in Subsection (1)(c)(i).
46 (2)(a) A peace officer shall provide the disclosure described in Subsection (1)(a) or (1)(c)
47 as soon as practicable to the prosecutor in the criminal case in which the peace officer
48 will testify.
49 (b) A prosecutor shall provide a disclosure received under Subsection (2)(a) to defense
50 counsel as soon as practicable and in accordance with any applicable laws and rules.
51 (3) The required disclosure described in Subsection (1)(a) shall include:
52 (a) the peace officer's professional identifying information, including:
53 (i) the peace officer's:
54 (A) name;
55 (B) employing law enforcement agency;
56 (C) position; and
57 (D) badge or identification number; and
58 (ii) the number of years the peace officer has worked in law enforcement;
59 (b) information about the peace officer's employment history, including:
60 (i) if the peace officer's law enforcement certification has ever been suspended,
61 revoked, or denied;
62 (ii) if the peace officer:
63 (A) is currently certified as a law enforcement officer in good standing;
64 (B) has ever been terminated, suspended, demoted, or resigned in lieu of

- 65 termination, from any law enforcement agency;
66 (C) has ever been the subject of an internal affairs investigation; or
67 (D) currently is under investigation by any entity for work-related misconduct; and
68 (iii) if a law enforcement agency has ever disciplined, reprimanded, or cautioned the
69 peace officer for:
70 (A) dishonesty, a false statement, or a misleading report;
71 (B) misconduct involving the handling of evidence, tampering with evidence,
72 failure to collect evidence, or failure to disclose evidence;
73 (C) a constitutional violation;
74 (D) an improper search or seizure;
75 (E) bias or discrimination;
76 (F) a body-worn camera violation;
77 (G) excessive force;
78 (H) a deficiency with writing a report; or
79 (I) any other conduct affecting the peace officer's credibility;
80 (c) information about the peace officer's criminal history, including if the peace officer:
81 (i) has ever been arrested, charged, cited, or indicted for any criminal offense,
82 excluding minor traffic or parking violations; or
83 (ii) has ever been granted immunity from prosecution or entered into a cooperation
84 agreement with a prosecuting authority;
85 (d) information about whether the peace officer is, or has ever been, a defendant in a
86 civil lawsuit based on the peace officer's workplace conduct, including a lawsuit
87 involving:
88 (i) excessive force;
89 (ii) false arrest;
90 (iii) malicious prosecution; or
91 (iv) a civil rights violation;
92 (e) information about the peace officer's knowledge of any previous adverse judicial
93 finding relating to the peace officer, including whether a court:
94 (i) has made an adverse credibility finding against the peace officer;
95 (ii) declined to credit the peace officer's testimony; or
96 (iii) found that the peace officer:
97 (A) conducted a stop, search, or arrest that violated an individual's state or federal
98 constitutional right;

- 99 (B) suppressed evidence; or
- 100 (C) provided false or misleading testimony;
- 101 (f) information about:
- 102 (i) the peace officer's knowledge of whether a prosecutor has ever declined to file a
- 103 criminal charge, or dismissed a criminal charge, based on a concern about the
- 104 peace officer's credibility or conduct; or
- 105 (ii) whether the peace officer has ever been notified that the peace officer is included
- 106 in a Brady identification system;
- 107 (g) information about the peace officer's workplace conduct, including whether the
- 108 peace officer has, in a criminal investigation or case:
- 109 (i) written a report, affidavit, or given testimony that included false, misleading, or
- 110 embellished facts;
- 111 (ii) concealed, withheld, or failed to disclose exculpatory evidence, a witness
- 112 statement, or information about a witness's credibility or bias;
- 113 (iii) claimed personal knowledge of information that the peace officer did not
- 114 personally observe;
- 115 (iv) failed to follow legal requirements for:
- 116 (A) evidence collection;
- 117 (B) recording an interrogation;
- 118 (C) obtaining a consent for a search; or
- 119 (D) activating a body camera when required;
- 120 (v) made a promise, offered a benefit, or provided an inducement to a witness in
- 121 exchange for a statement or testimony that was not fully disclosed to the
- 122 prosecutor; or
- 123 (vi) coerced the waiver of a suspect's constitutional rights;
- 124 (h) information about the peace officer's potential substance abuse or impairment,
- 125 including if the peace officer:
- 126 (i) has ever been disciplined or treated for substance abuse; or
- 127 (ii) uses a medication, or has a condition, that could affect the peace officer's ability
- 128 to accurately perceive, recall, or testify about events;
- 129 (i) information about whether the peace officer has made an oral, written, or social
- 130 media statement that could be understood by a reasonable person as demonstrating
- 131 bias based on race, ethnicity, religion, gender, sexual orientation, or other legally
- 132 protected characteristic that would affect the peace officer's credibility; and

- 133 (j) information about the current criminal case in which the peace officer may be called
134 to testify at trial by the prosecutor, including if the peace officer:
135 (i) has a significant personal relationship with any of the following individuals
136 involved in the current criminal case, beyond being an acquaintance or work
137 colleague, that could influence the peace officer's testimony:
138 (A) a victim;
139 (B) a witness;
140 (C) an attorney;
141 (D) a judge; or
142 (E) a defendant;
143 (ii) has made a:
144 (A) derogatory statement toward the defendant; or
145 (B) statement about the defendant that could be understood by a reasonable person
146 as demonstrating the peace officer's personal bias, prejudice, or dislike of the
147 defendant; or
148 (iii) has a professional or personal incentive to initiate or pursue the criminal case,
149 such as meeting a quota, avoiding discipline, or winning an award.
150 (4) A peace officer's disclosure provided to a prosecutor as described in Subsection (1)(a)
151 or (1)(c) shall include the peace officer's:
152 (a) acknowledgment, under penalty of perjury, that:
153 (i) the peace officer's disclosures are complete and accurate to the best of the peace
154 officer's knowledge; and
155 (ii) the peace officer understands that the peace officer has a continuing duty to:
156 (A) update the peace officer's disclosures if a disclosure is no longer fully
157 complete or accurate; and
158 (B) disclose the updated information described in Subsection (4)(a)(ii)(A) to the
159 prosecutor;
160 (b) signature; and
161 (c) the date of the peace officer's signature.

162 Section 2. **Effective Date.**

163 This bill takes effect on May 6, 2026.