

Digital Evidence Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Ryan D. Wilcox

LONG TITLE**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 9 voting for 0 voting against 7 absent

General Description:

This bill concerns digital evidence examination.

Highlighted Provisions:

This bill:

- defines terms;
- requires certain cities and counties to:
 - have a digital forensics laboratory;
 - have a contract, partnership, or agreement with another entity that allows the city or county to share in the use of a digital forensics laboratory, not including the Regional Computer Forensics Laboratory;
- have the city's or county's law enforcement agency provide specified support to the Regional Computer Forensics Laboratory; or
- pay an annual fee to the Department of Public Safety (department);
- requires the department to:
 - collect fees from cities and counties and apply the fee proceeds to department expenditures incurred in staffing and other costs associated with the Regional Computer Forensics Laboratory; and
 - annually report any nonpayment of fees to the Law Enforcement and Criminal Justice Interim Committee; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53-10-105.1, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **53-10-105.1** is enacted to read:**53-10-105.1 . Analysis of digital evidence -- City and county requirements -- Fee option -- Collection -- Reporting.**(1) As used in this section:(a) "Digital forensics laboratory" means a facility that provides digital forensic evidence services by collecting and examining digital evidence.(b) "Participating agency" means a law enforcement agency that is providing, or otherwise paying for, adequately trained personnel to staff the Regional Computer Forensics Laboratory for at least 2,000 hours a year.(c) "Regional Computer Forensics Laboratory" means the digital forensics laboratory that is operated by the Federal Bureau of Investigation in partnership with other federal, state, and local law enforcement agencies, for the region that includes Utah.(2)(a) On or before July 1, 2026, a city of the first or second class, and a city of the third class that has a population of at least 40,000 people, shall:(i) have the city's own digital forensics laboratory;(ii) have a contract, partnership, or agreement with another entity that allows the city to share in the use of a digital forensics laboratory, not including the Regional Computer Forensics Laboratory;(iii) have the city's law enforcement agency qualify as a participating agency; or(iv) pay to the department, on an annual basis determined by the department, the applicable fee described in Subsection (4)(a).(b) On or before July 1, 2026, a county of the first, second, or third class shall:(i) have the county's own digital forensics laboratory;(ii) have a contract, partnership, or agreement with another entity that allows the county to share in the use of a digital forensics laboratory, not including the Regional Computer Forensics Laboratory;(iii) have the county's law enforcement agency qualify as a participating agency; or(iv) pay to the department, on an annual basis determined by the department, the applicable fee described in Subsection (4)(b).

- (3) The department shall, on an annual basis:
- (a) determine which cities and counties are required to pay a fee under Subsection (2) and, as applicable, the amount of the city's or county's fee under Subsection (4);
 - (b) notify each city and county described in Subsection (3)(a) of the fee amount due and the deadline for payment;
 - (c) collect the fees described under Subsection (3)(b) and apply the fees toward the department's expenditures incurred in staffing and other costs associated with the Regional Computer Forensics Laboratory; and
 - (d) on or before September 1 of each year, provide to the Law Enforcement and Criminal Justice Interim Committee, if applicable, a list of the names of each city and county that has not paid a past-due fee under Subsection (3)(c).
- (4)(a) The fees for a city described in Subsection (2)(a) are:
- (i) for a city of the first class with a population:
 - (A) over 200,000, \$20,000;
 - (B) from 150,000 to 200,000, \$15,000; or
 - (C) from 100,000 to 149,000, \$10,000;
 - (ii) for a city of the second class, \$5,000; or
 - (iii) for a city of the third class that has a population of least 40,000, \$5,000.
- (b) The fees for a county described in Subsection (2)(b) are:
- (i) for a county of the first class, \$50,000;
 - (ii) for a county of the second class with a population:
 - (A) over 500,000, \$35,000; or
 - (B) 260,000 to 500,000, \$20,000; or
 - (iii) for a county of the third class with a population:
 - (A) over 100,000, \$15,000; or
 - (B) from 40,000 to 100,000, \$10,000.
- (5) In determining the applicable fee requirements under Subsection (4), a city's or county's population is determined by:
- (a) the estimate of the Utah Population Committee created in Section 63C-20-103; or
 - (b) if the Utah Population Committee estimate is not available, the most recent census or census estimate of the United States Bureau of the Census.

Section 2. Effective Date.

This bill takes effect on May 6, 2026.