

Todd Weiler proposes the following substitute bill:

Evidence Declaration Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:

LONG TITLE

General Description:

This bill requires a signed statement regarding evidence collected in a criminal case for a felony offense.

Highlighted Provisions:

This bill:

- defines terms;
- requires certain individuals to sign a statement that evidence of a felony offense was obtained or provided in compliance with state and federal law;
- requires a prosecuting attorney to sign a statement regarding evidentiary disclosures in a criminal case for a felony offense; and
- makes it a crime to fail to comply with the requirements of a signed statement.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

77-4-202, Utah Code Annotated 1953

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

Section 1. Section **77-4-202** is enacted to read:

77-4-202 . Declaration requirement for evidence in a criminal case.

(1) As used in this section:

- (a) "Auditor" means an employee or officer of the Office of the State Auditor.
- (b) "Investigator" means an employee of a prosecuting agency that conducts

- 29 investigations on behalf of the prosecuting agency.
- 30 (c) "Unsworn declaration" means the same as that term is defined in Section
- 31 78B-18a-102.
- 32 (2) If an auditor or investigator provides or obtains evidence in a criminal case that will be
- 33 used to prosecute an individual for a felony offense, the auditor or investigator shall sign
- 34 a statement attesting that the evidence was obtained or provided in compliance with state
- 35 and federal law.
- 36 (3) When a prosecuting attorney discloses evidence to a defendant in a criminal case for a
- 37 felony offense, the prosecuting attorney shall sign a statement attesting that the
- 38 prosecuting attorney has complied with state and federal laws on the disclosure of
- 39 exculpatory evidence to a defendant, including Rule 16 of the Utah Rules of Criminal
- 40 Procedure.
- 41 (4) A signed statement described in Subsection (2) or (3) shall include an unsworn
- 42 declaration.
- 43 (5) An individual who fails to comply with Subsection (2) or (3) is guilty of a class A
- 44 misdemeanor.

45 Section 2. **Effective Date.**

46 This bill takes effect on May 6, 2026.