

Matt MacPherson proposes the following substitute bill:

Public Employee Attorney Fee Recovery Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Andrew Stoddard

LONG TITLE

General Description:

This bill amends a provision of law relating to the recovery of reasonable attorney fees and court costs incurred by an officer or employee of a public entity, under certain circumstances, to defend against criminal charges brought against the officer or employee in relation to the officer's or employee's public employment.

Highlighted Provisions:

This bill:

- provides that a court may order certain public entities to pay the reasonable attorney fees and court costs incurred in defending against a criminal charge brought in connection with the officer's or employee's public employment, if the court finds that the public entities acted in bad faith.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

REPEALS AND REENACTS:

52-6-201, as last amended by Laws of Utah 2023, Chapter 444

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

Section 1. Section **52-6-201** is repealed and reenacted to read:

52-6-201 . Indictment or information against officer or employee --

Reimbursement of attorney fees and court costs incurred in defense.

(1) Except as provided in Subsection (2), a court in which a criminal charge is, by indictment or information, brought against an officer or employee for violation of a state law may order a public entity described in Subsection (3) to pay the reasonable attorney

- 30 fees and court costs necessarily incurred by the officer or employee in defense of the
31 charge, if:
- 32 (a) the charge is brought in connection with, or arising out of, an alleged act or omission
33 of the officer or employee:
- 34 (i) during the performance of the officer's or employee's duties;
35 (ii) within the scope of the officer's or employee's employment; or
36 (iii) under color of the officer's or employee's authority;
- 37 (b) the charge, or the entire indictment or information, is quashed, dismissed, or results
38 in a judgment of acquittal; and
- 39 (c) the court finds that the public entity acted in bad faith in relation to the charge.
- 40 (2) An officer or employee is not entitled to recover attorney fees or court costs under
41 Subsection (1) if the officer or employee is found guilty of another violation of law for
42 substantially the same act or omission that formed the basis for the charge described in
43 Subsection (1).
- 44 (3) The court may order the following public entities to pay the reasonable attorney fees
45 and court costs described in Subsection (1) if the court finds, under Subsection (1)(c),
46 that the public entity acted in bad faith in relation to the charge:
- 47 (a) the public entity for which the officer or employee, in relation to the alleged
48 violation:
- 49 (i) was engaged in performing a duty described in Subsection (1)(a)(i);
50 (ii) acted, or failed to act, within the scope of the officer's or employee's employment;
51 or
52 (iii) acted, or failed to act, under color of the officer's or employee's authority; or
- 53 (b) the municipal prosecutor's office, the county attorney's office, the district attorney's
54 office, or the attorney general's office that pursued the charges.
- 55 (4) If the court finds that the entity described in Subsection (3)(a) and the entity described
56 in Subsection (3)(b) both acted in bad faith, the court may order each public entity to
57 pay half of the reasonable court costs and attorney fees.

58 **Section 2. Effective Date.**

59 This bill takes effect on May 6, 2026.