Heard in the Law Enforcement and Criminal Justice Interim Committee meeting on 11-18-26.

Law Enforcement Technology Amendments

2027 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

Sponsor:

LONG TITLE

General Description:

This bill concerns law enforcement agency use of technology.

Highlighted Provisions:

This bill:

- defines terms;
- places restrictions on, and requires specific actions regarding, a law enforcement agency's ability to use of certain types of surveillance or investigatory technologies;
- requires a law enforcement agency to:
  - create, update, and publicly post a policy concerning the law enforcement agency's employees' use of certain types of surveillance or investigatory technologies;
  - conduct a quarterly internal audit on each surveillance or investigatory technology used by the law enforcement agency; and
  - investigate and, if appropriate, discipline an employee who improperly uses or accesses a surveillance or investigatory technology;
- requires the Department of Criminal Justice:
  - to determine whether a law enforcement agency is publicly posting the law enforcement agency's policy on surveillance or investigatory technologies and annually report any noncompliance to the Law Enforcement and Criminal Justice Interim Committee; and
  - to receive, compile, and submit to the Law Enforcement and Criminal Justice Interim Committee a report of submitted alleged violations of a law enforcement agency's compliance with statutory requirements concerning the use of surveillance or investigatory technologies;
- creates a sunset review for the Department of Criminal Justice's duties concerning the public posting of law enforcement agency policies on surveillance or investigatory technologies; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-275, as last amended by Laws of Utah 2026, Chapter 291

75E-2-202, as enacted by Laws of Utah 2026, Chapter 291

ENACTS:

53-25-903, Utah Code Annotated 1953

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

Section 1. Section **53-25-903** is enacted to read:

CHAPTER 25. Law Enforcement Requirements

Part 9. Law Enforcement Agency Policy and Procedure Requirements

53-25-903 . Law enforcement agency use of surveillance or investigatory technology -- Requirements -- Policy -- Investigations.

(1) As used in this section:

(a) "Automatic license plate reader system" means the same as that term is defined in Section 41-6a-2002.

(b) "Biometric surveillance information" means the same as that term is defined in Section 77-23d-102.

(c) "Facial recognition system" means the same as that term is defined in Section 77-23e-102.

(d) "Imaging surveillance device" means the same as that term is defined in Section 77-23d-102.

(e) "Location tracking" means information concerning the location of an individual or an electronic device.

(f) "Open-source data gathering" means the collection or analysis of information from social media platforms, websites, or other digital actions or communications.

(g) "Peace officer" means the same as that term is defined in Section 53-1-102.

(h) "Restricted foreign entity" means the same as that term is defined in Section 63L-13-101.

(i) "Reverse-keyword information" means the same as that term is defined in Section 77-23f-101.

(j) "Reverse-location information" means the same as that term is defined in Section 77-23f-101.

(k)(i) "Surveillance or investigatory technology" means a computer system, device, application, software, hardware, algorithm, program, or a similar product that can be used to:

(A) analyze information for an investigation into alleged criminal activity; or

(B) observe, collect, monitor, or record an individual's digital or physical activities or communications.

(ii) "Surveillance or investigatory technology" includes a computer system, device, application, software, hardware, algorithm, program, or a similar product that uses:

(A) an automatic license plate reader system;

(B) biometric surveillance information;

(C) a facial recognition system;

(D) an imaging surveillance device;

(E) location tracking;

(F) open-source data gathering;

(G) reverse-keyword information; or

(H) reverse-location data.

(iii) "Surveillance or investigatory technology" does not include a computer system, device, application, software, hardware, algorithm, program, or a similar product that is used for regular law enforcement operations or record management, such as:

(A) a record management system;

(B) a body camera; or

(C) a dispatch services or management system.

(2)(a) On or after July 1, 2027, a law enforcement agency may not use a surveillance or investigatory technology unless the surveillance or investigatory technology:

(i) complies with:

(A) any applicable privacy and security standards made by the Division of Technology Services created in Section 63A-16-103 and the Utah Data Privacy Commission created in Section 63A-19-203;

(B) applicable Utah Criminal Justice Information System security protocols; and

(C) applicable requirements under Title 63G, Chapter 2, Government Records

Access and Management Act;

(ii) ensures that:

(A) the law enforcement agency retains ownership and control over all data and information obtained or produced by the surveillance or investigatory technology;

(B) no data or information obtained or produced by the surveillance or investigatory technology can be sold, leased, or otherwise used by any other person that is not part of a law enforcement agency or a law enforcement investigation or prosecution;

(C) the surveillance or investigatory technology does not violate federal or state constitutional protections or laws, including for discrimination based on protected characteristics; and

(D) the surveillance or investigatory technology is compliant with, and used in compliance with, any applicable federal or state laws or regulations that govern the use of the specific surveillance or investigatory technology;

(iii) allows for each user to be assigned an individual access code or login so that specific access and queries can be traced to specific employees;

(iv) contains an auditing function that allows the law enforcement agency to conduct internal audits, including:

(A) a requirement that the law enforcement agency, not the vendor or any other person connected with the surveillance or investigatory technology, controls the information produced by an audit; and

(B) a mechanism that can produce an audit report that displays anonymized data; and

(v) is not sold, leased, or accessible by:

(A) a restricted foreign entity; or

(B) an entity on the list of restricted foreign entities maintained by the department under Section 63L-13-201.

(b) A law enforcement agency is required to comply with the requirements of this section regardless of whether:

(i) the law enforcement agency's use of the surveillance or investigatory technology is based on a purchase, contract, subscription, trial, pilot program, or demonstration; or

(ii) the law enforcement agency obtains information from the use of the surveillance

or investigatory technology by requesting or directing another person to use the surveillance or investigatory technology on the law enforcement agency's behalf.

(3) For each surveillance or investigatory technology used by a law enforcement agency, the law enforcement agency shall:

(a) ensure:

(i) that the law enforcement agency's employees' use of the surveillance or investigatory technology acts to supplement, and not replace, an employee's investigation and decision making; and

(ii) that before taking an enforcement action that is based on information obtained from the surveillance or investigatory technology, an employee of the law enforcement agency conducts, or makes a reasonable attempt to conduct, a verification of the information produced by the surveillance or investigatory technology;

(b)(i) conduct an internal audit on at least a quarterly basis, which shall include auditing for improper use or access;

(ii) classify an audit described in Subsection (3)(b)(i) that contains anonymized data as a public record under Title 63G, Chapter 2, Government Records Access and Management Act;

(iii) retain all audits for a period of 10 years; and

(iv) follow the procedures described in Subsection (6) for each instance of improper use or access that is identified in an audit;

(c) create minimum training standards and competencies for each surveillance or investigatory technology before an employee of the law enforcement agency may use the surveillance or investigatory technology;

(d) place any necessary restrictions on special functions or specific uses for each surveillance or investigatory technology by employees of the law enforcement agency; and

(e) provide employee training on each surveillance or investigatory technology, including:

(i) individual user training specific to each surveillance or investigatory technology;

(ii) training for the law enforcement agency's employee administrators of each surveillance or investigatory technology;

(iii) a verification that an employee of the law enforcement agency has received required training before allowing the employee access to the surveillance or

investigatory technology; and

(iv) a regular audit as to whether employees of the law enforcement agency have received required training.

(4)(a) Subject to Subsection (4)(b), a law enforcement agency shall have a policy concerning the use of surveillance or investigatory technology by employees of the law enforcement agency in the course and scope of the law enforcement agency's duties.

(b) The policy described in Subsection (4)(a) shall include:

(i) a requirement that the law enforcement agency's employee's use of a surveillance or investigatory technology:

(A) shall comply with all federal and state requirements, including constitutional requirements;

(B) shall be used only for a legitimate and articulable law enforcement purpose or function;

(C) where applicable, shall only be used if the applicable legal standard for a criminal investigation is met; and

(D) when required, shall include the employee's assigned login or access code;

(ii) an acknowledgment that a violation of the policy described in Subsection (4)(a) may result in administrative disciplinary action by the head of the law enforcement agency, as well as any other applicable discipline or criminal referral; and

(iii) a requirement that every employee of the law enforcement agency who is a potential user of a surveillance or investigatory technology shall acknowledge receipt of the policy described in Subsection (4)(a).

(c)(i) A law enforcement agency shall:

(A) update the policy described in Subsection (4)(a) at least once a year; and

(B) publicly post on the law enforcement agency's website the law enforcement agency's policy described in Subsection (4)(a).

(ii) If a law enforcement agency does not have a public website, the law enforcement agency shall post the information described in Subsection (4)(c)(i)(B) on the Utah Public Notice Website created in Section 63A-16-601.

(iii) A law enforcement agency shall update a public posting required under this Subsection (4)(c) no later than 30 days after the day on which any posted information has changed or is otherwise no longer current.

(5) A person may report an alleged violation of this section to the Department of Criminal Justice in accordance with Subsection 75E-2-202(22).

(6)(a) If a law enforcement agency identifies, through an audit or through other means, that an employee may have violated state law, federal law, or the law enforcement agency's policy regarding the use or access of a surveillance or investigatory technology, the law enforcement agency shall conduct an investigation of the employee's alleged violation to substantiate:

(i) whether the employee used or accessed a surveillance or investigatory technology unlawfully or in violation of the law enforcement agency's policy; and

(ii) if the employee did use or access the surveillance or investigatory technology unlawfully or in violation of the law enforcement agency's policy, whether the employee knew that the employee's use or access was unlawful or in violation of the law enforcement agency's policy.

(b) After conducting the investigation described in Subsection (6)(a):

(i) if the law enforcement agency substantiates that an employee used or accessed a surveillance or investigatory technology unlawfully or in violation of the law enforcement agency's policy, but the law enforcement agency concludes that the employee's use or access was not done knowingly, the law enforcement agency shall:

(A) proceed with training for the employee as well as any applicable discipline or criminal referral that the law enforcement agency determines is appropriate; and

(B) prohibit the employee from accessing the surveillance or investigatory technology that was the subject of the violation until all training and disciplinary proceedings have concluded; or

(ii) if the law enforcement agency substantiates that an employee knowingly used or accessed a surveillance or investigatory technology unlawfully or in violation of the law enforcement agency's policy, the law enforcement agency shall:

(A) proceed with administrative disciplinary action against the employee as well as any other applicable discipline or criminal referral;

(B) refer the employee to the Peace Officer Standards and Training Division for potential discipline under Section 53-6-211 if the employee is a peace officer and the law enforcement agency concludes the employee's violation included conduct that was dishonest or deceptive; and

(C) if the employee remains employed by the law enforcement agency, prohibit

the employee from accessing the surveillance or investigatory technology that was the subject of the violation until all disciplinary proceedings, including any conducted by the Peace Officer Standards and Training Division, have concluded.

Section 2. Section **63I-1-275** is amended to read:

63I-1-275 . Repeal dates: Titles 75 through 75E.

(1) Title 75E, Chapter 7, Domestic Violence Offender Treatment Board, is repealed July 1, 2027.

(2) Subsection 75E-2-202(23), concerning public posting of law enforcement agency policies, is repealed July 1, 2032.

(3) Section 75E-6-102, Creation -- Membership -- Terms -- Vacancies -- Expenses, is repealed July 1, 2029.

[~~(3)~~] (4) Section 75E-10-505, Interdisciplinary Parental Representation Pilot Program, is repealed December 31, 2031.

Section 3. Section **75E-2-202** is amended to read:

75E-2-202 . Department responsibilities.

The department shall:

(1) promote the communication and coordination of all criminal and juvenile justice agencies;

(2) study, evaluate, and report on:

(a) the status of crime in the state;

(b) the effectiveness of criminal justice policies, procedures, and programs that are directed toward the reduction of crime in the state;

(c) programs initiated by state and local agencies to address reducing recidivism, including:

(i) changes in penalties and sentencing guidelines intended to reduce recidivism;

(ii) cost savings associated with the reduction in the number of inmates; and

(iii) evaluation of expenses and resources needed to meet goals regarding the use of treatment as an alternative to incarceration, as resources allow; and

(d) policies, procedures, and programs of other jurisdictions that have effectively reduced crime;

(3) identify and promote the implementation of specific policies and programs the department determines will significantly reduce crime in the state;

(4) provide analysis, accountability, and supervision for state and federal criminal justice

grant money;

(5) make recommendations to the commission regarding state and federal criminal justice grant money;

(6) provide public information on the criminal and juvenile justice system and give technical assistance to agencies or local units of government on methods to promote public awareness;

(7) promote research and program evaluation as an integral part of the criminal and juvenile justice system;

(8) annually provide the commission with a comprehensive criminal justice plan for review;

(9) review and make recommendations to the commission on agency forecasts regarding future demands on the criminal and juvenile justice system, including specific projections for secure bed space;

(10) promote the development of criminal and juvenile justice information systems that are consistent with common standards for data storage and are capable of appropriately sharing information with other criminal justice information systems by:

(a) developing and maintaining common data standards for use by all state criminal justice agencies;

(b) annually performing audits of criminal history record information maintained by state criminal justice agencies to assess accuracy, completeness, and adherence to standards;

(c) defining and developing state and local programs and projects associated with the improvement of information management for law enforcement and the administration of justice; and

(d) establishing general policies concerning criminal and juvenile justice information systems and making rules as necessary to carry out the duties under Subsection (8) and this Subsection (10);

(11) allocate and administer grants:

(a) for approved education programs to help prevent the sexual exploitation of children;

(b) for law enforcement operations and programs related to reducing illegal drug activity and related criminal activity; and

(c) for pilot qualifying education programs;

(12) request, receive, and evaluate:

(a) data and recommendations collected and reported by:

(i) agencies and contractors related to policies recommended by the commission

regarding recidivism reduction, including the data described in Section 13-53-111 and Subsection 26B-5-102(2)(jj); and

(ii) state agencies under Section 67-28-102; and

(b) the aggregate data collected from prosecutorial agencies and the Administrative Office of the Courts, in accordance with Sections 75E-2-205, 75E-2-206, and 78A-2-109.5;

(13) establish and administer a performance incentive grant program that allocates funds appropriated by the Legislature to programs and practices implemented by counties that reduce recidivism and reduce the number of offenders per capita who are incarcerated;

(14) oversee or designate an entity to oversee the implementation of juvenile justice reforms;

(15) make rules and administer the juvenile holding room standards and juvenile jail standards to align with the Juvenile Justice and Delinquency Prevention Act requirements in accordance with 42 U.S.C. Sec. 5633;

(16) provide staff to the Victim Services Commission and to any subcommittee of the Victim Services Commission;

(17) contract with a third party to assist the Victim Services Commission with reviewing and providing recommendations on:

(a) the best practices and policies for crime victim services;

(b) the structure and membership of the commission;

(c) the purpose and duties of the commission, including any overlapping duties that the commission has with another state office, board, or commission;

(d) the funding for crime victim services in this state, including the need for funding, the management of state funds for crime victim services, and the implementation of accountability and performance measures; and

(e) any other issue related to the duties of the commission with which the third party may provide assistance;

(18) compile a report of findings based on the data and recommendations provided under Section 13-53-111 that separates the data provided under Section 13-53-111 by each residential vocational or life skills program;

(19) publish the report described in Subsection (18) on the department's website and annually provide the report to the Judiciary Interim Committee, the Health and Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the related appropriations subcommittees;

(20) publish on the department's website:

(a) the reports on genetic genealogy database utilization described in Section 53-25-401; and

(b) the data and reports described in Subsection 75E-2-210(5); [~~and~~]

(21) assist the governor with responsibilities related to extradition as directed by the governor under Section 77-30-2.5[~~.~~] ;

(22) receive, compile, and annually submit a report by July 1 of each year to the Law Enforcement and Criminal Justice Interim Committee of alleged violations of a law enforcement agency's compliance with the requirements under Section 53-25-903 concerning surveillance and investigatory technology; and

(23)(a) determine, on an annual basis, whether each law enforcement agency has publicly posted a policy in accordance with Subsection 53-25-903(4);

(b) for each law enforcement agency that has not publicly posted a policy described in Subsection (23)(a):

(i) notify the law enforcement agency of the requirement; and

(ii) request that the law enforcement agency come into compliance before April 1 of that year; and

(c) compile and submit an annual report to the Law Enforcement and Criminal Justice Interim Committee, on or before June 1 of each year, listing each law enforcement agency that is not in compliance with the requirement as of April 1 of that year.

Section 4. **Effective Date.**

This bill takes effect on May 5, 2027.