

Effective 5/1/2024

Chapter 25 Law Enforcement Requirements

Part 1 Disclosure and General Reporting Requirements

53-25-101 Prohibition on disclosure of identity of minor homicide victim.

- (1) As used in this section:
 - (a) "Criminal homicide" means the same as that term is defined in Section 76-5-201.
 - (b) "Media outlet" means a bona fide newspaper, magazine, or broadcast media enterprise, whether conducted on a for-profit or nonprofit basis, engaged in the business of providing news and information to the general public.
 - (c) "Minor victim" means the victim of a criminal homicide if the victim is younger than 18 years old.
 - (d) "Parent or legal guardian" does not include an individual who is a suspect or defendant with respect to the criminal homicide.
- (2) A law enforcement agency or a law enforcement officer may not disclose the name or other personally identifying information of a minor victim to a representative of a media outlet unless the law enforcement agency or law enforcement officer has made a reasonable effort to obtain the consent of the minor victim's parent or legal guardian for the disclosure.

Amended by Chapter 111, 2024 General Session

53-25-102 Standards for oral fluid and portable breath tests -- Rulemaking.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to establish standards for the proper use of oral fluid and portable breath testing as part of a field sobriety test.
- (2) Each law enforcement agency shall provide training to ensure that:
 - (a) oral fluid and portable breath testing techniques and practices comply with the rules described in Subsection (1); and
 - (b) oral fluid and portable breath testing equipment is used in a manner consistent with manufacturer and industry standards.

Enacted by Chapter 106, 2024 General Session

53-25-103 Airport dangerous weapon possession reporting requirements.

- (1) As used in this section, "commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
- (2) Beginning on January 1, 2026, a law enforcement agency having law enforcement jurisdiction over an airport shall annually, on or before April 30, submit a report to the commission detailing:
 - (a) for an offense described in Subsection 76-11-218(2)(a):
 - (i) the number of issued written warnings;
 - (ii) the number of issued citations;
 - (iii) the number of referrals to a detective; and
 - (iv) the number of referrals to a prosecutor; and
 - (b) for an offense described in Subsection 76-11-218(2)(b):

- (i) the number of issued written warnings; and
 - (ii) if applicable, the number of issued citations, including the number of individuals who have received more than one citation for the offense.
- (3) The commission shall:
- (a) develop a standardized format for reporting the data described in Subsection (2);
 - (b) compile the data submitted under Subsection (2); and
 - (c) annually on or before August 1, publish a report of the data described in Subsection (2) on the commission's website.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 208, 2025 General Session

53-25-104 Driving under the influence reporting requirements.

Beginning on January 1, 2026, a law enforcement agency shall collect and provide to the department's Criminal Investigations and Technical Services Division the driving under the influence crash and arrest data described in Section 53-10-118.

Enacted by Chapter 252, 2025 General Session

53-25-105 Sharing information with statewide criminal intelligence system.

Beginning on July 1, 2025, a law enforcement agency shall:

- (1) share information from the law enforcement agency's record management system with the department's statewide criminal intelligence system as described in Subsection 53-10-302(8); and
- (2) coordinate with the department to enter into a memorandum of understanding or related agreement that may be necessary for the sharing of the information described in Subsection (1).

Enacted by Chapter 252, 2025 General Session

Part 2

Sexual assault offense policy and reporting requirements

53-25-201 Sexual assault offense policy and public information requirements for law enforcement agencies.

- (1)
- (a) Beginning January 1, 2024, a law enforcement agency shall create and maintain a policy regarding the law enforcement agency's processes for handling sexual assault investigations.
 - (b) A policy described under Subsection (1)(a) shall include current best practices for handling sexual assault investigations, including:
 - (i) protocols and training on responses to sexual trauma;
 - (ii) emergency response procedures, including prompt contact with the victim and the preservation of evidence; and
 - (iii) referrals to sexual assault support services.
 - (c) A law enforcement agency shall publicly post on the law enforcement agency's website the policy described in Subsection (1)(a).

- (2) Beginning January 1, 2024, a law enforcement agency shall create and publicly post on the law enforcement agency's website a guide for victims of sexual assault that includes:
- (a) a description of the law enforcement agency's processes for handling sexual assault investigations;
 - (b) contact information for victims of sexual assault to obtain more information from the law enforcement agency; and
 - (c) referral information for sexual assault victim support services.

Renumbered and Amended by Chapter 111, 2024 General Session

53-25-202 Sexual assault offense reporting requirements for law enforcement agencies.

- (1) As used in this section:
- (a) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (b) "Sexual assault offense" means:
 - (i) rape, Section 76-5-402;
 - (ii) rape of a child, Section 76-5-402.1;
 - (iii) object rape, Section 76-5-402.2;
 - (iv) object rape of a child, Section 76-5-402.3;
 - (v) forcible sodomy, Section 76-5-403;
 - (vi) sodomy on a child, Section 76-5-403.1;
 - (vii) forcible sexual abuse, Section 76-5-404;
 - (viii) sexual abuse of a child, Section 76-5-404.1;
 - (ix) aggravated sexual abuse of a child, Section 76-5-404.3;
 - (x) aggravated sexual assault, Section 76-5-405; or
 - (xi) sexual battery, Section 76-5-418.
- (2)
- (a) Beginning January 1, 2025, a law enforcement agency shall:
 - (i) annually, on or before April 30, submit a report to the commission for the previous calendar year containing the number of each type of sexual assault offense that:
 - (A) was reported to the law enforcement agency;
 - (B) was investigated by a detective; and
 - (C) was referred to a prosecutor for prosecution; and
 - (ii) submit a report to the commission on whether the law enforcement agency has created and publicly posted on the law enforcement agency's website:
 - (A) the policy described in Subsection 53-24-101(1)(a); and
 - (B) the guide described in Subsection 53-24-101(2)(a).
 - (b) A law enforcement agency shall:
 - (i) compile the report described in Subsection (2)(a)(i) for each calendar year in the standardized format developed by the commission under Subsection (3); and
 - (ii) publicly post the information reported in Subsection (2)(a)(i) on the law enforcement agency's website.
- (3) The commission shall:
- (a) develop a standardized format for reporting the data described in Subsection (2);
 - (b) compile the data submitted under Subsection (2); and
 - (c) annually on or before August 1, publish a report of the data described in Subsection (2) on the commission's website.

Amended by Chapter 173, 2025 General Session

53-25-203 Exemption.

The provisions of this part do not apply to a law enforcement agency created under Section 41-3-104.

Renumbered and Amended by Chapter 111, 2024 General Session

Part 3
Reporting requirements for reverse-location warrants

53-25-301 Reporting requirements for reverse-location warrants.

- (1) As used in this section:
 - (a) "Anonymized" means the same as that term is defined in Section 77-23f-101.
 - (b) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (c) "Electronic device" means the same as that term is defined in Section 77-23f-101.
 - (d) "Law enforcement agency" means the same as that term is defined in Section 77-23c-101.2.
 - (e) "Reverse-location information" means the same as that term is defined in Section 77-23f-101.
 - (f) "Reverse-location warrant" means a warrant seeking reverse-location information under Section 77-23f-102, 77-23f-103, or 77-23f-104.
- (2)
 - (a) Beginning January 1, 2024, a law enforcement agency shall annually on or before April 30 submit a report to the commission with the following data for the previous calendar year:
 - (i) the number of reverse-location warrants requested by the law enforcement agency under Section 77-23f-102, 77-23f-103, or 77-23f-104;
 - (ii) the number of reverse-location warrants that a court or magistrate granted after a request described in Subsection (2)(a)(i);
 - (iii) the number of investigations that used information obtained under a reverse-location warrant to investigate a crime that was not the subject of the reverse-location warrant;
 - (iv) the number of times reverse-location information was obtained under an exception listed in Section 77-23f-106;
 - (v) the warrant identification number for each warrant described under Subsection (2)(a)(ii) or (iii); and
 - (vi) the number of electronic devices for which anonymized electronic device data was obtained under each reverse-location warrant described under Subsection (2)(a)(ii).
 - (b) A law enforcement agency shall compile the report described in Subsection (2)(a) for each year in the standardized format developed by the commission under Subsection (4).
- (3) If a reverse-location warrant is requested by a multijurisdictional team of law enforcement officers, the reporting requirement in this section is the responsibility of the commanding agency or governing authority of the multijurisdictional team.
- (4) The commission shall:
 - (a) develop a standardized format for reporting the data described in Subsection (2);
 - (b) compile the data submitted under Subsection (2); and
 - (c) annually on or before August 1, publish on the commission's website a report of the data described in Subsection (2).

Renumbered and Amended by Chapter 111, 2024 General Session

Part 4

Reporting requirements for genetic genealogy database utilizations

53-25-401 Law enforcement reporting requirements for genetic genealogy database utilizations .

- (1) As used in this section:
- (a) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (b) "Genetic genealogy database utilization" means the same as that term is defined in Section 53-10-403.7.
 - (c) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
 - (d) "Qualifying case" means the same as that term is defined in Section 53-10-403.7.
- (2)
- (a) Beginning on January 1, 2024, a law enforcement agency shall annually on or before April 30 submit a report to the commission with the following data for the previous calendar year:
 - (i) the number of genetic genealogy database utilizations requested by the law enforcement agency under Section 53-10-403.7; and
 - (ii) for each utilization described in Subsection (2)(a)(i):
 - (A) if applicable, the type of qualifying case;
 - (B) for a criminal investigation, the alleged offense;
 - (C) whether the case was a cold case, as that term is defined in Section 53-10-115, at the time of the request for the utilization; and
 - (D) whether the results of the utilization revealed the identity of the owner of the DNA specimen.
 - (b) A law enforcement agency shall compile the report described in Subsection (2)(a) for each year in the standardized format developed by the commission under Subsection (4).
- (3) If a genetic genealogy database utilization is requested by a multijurisdictional team of law enforcement officers, the reporting requirement in this section is the responsibility of the commanding agency or governing authority of the multijurisdictional team.
- (4) The commission shall:
- (a) develop a standardized format for reporting the data described in Subsection (2);
 - (b) compile the data submitted under Subsection (2), including the number of genetic genealogy database utilizations requested by each reporting law enforcement agency; and
 - (c) annually on or before August 1, publish a report of the data described in Subsection (2) on the commission's website.

Renumbered and Amended by Chapter 111, 2024 General Session

Part 5

Firearm Reporting Requirements

53-25-501 Reporting requirements for seized firearms.

- (1) As used in this section:
 - (a) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (b) "Firearm" means the same as that term is defined in Section 76-11-101.
 - (c) "Restricted person" means a Category I or Category II restricted person under Section 76-11-302 or 76-11-303.
- (2) Beginning on July 1, 2026, a law enforcement agency, not including the Department of Corrections, shall annually on or before April 30 report to the commission the following data for the previous calendar year:
 - (a) the number of firearms the law enforcement agency lawfully seized from restricted persons;
 - (b) the types of firearms the law enforcement agency lawfully seized from restricted persons;
 - (c) information on where the restricted persons obtained the firearms seized by the law enforcement agency if the information is known or discoverable by the law enforcement agency; and
 - (d) the reasons under Section 76-11-302 or 76-11-303 that made the individuals who had weapons seized restricted persons.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 208, 2025 General Session

53-25-502 Law enforcement agency reporting requirements for certain firearm data.

- (1) As used in this section:
 - (a) "Antique firearm" means the same as that term is defined in Section 76-11-101.
 - (b) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (c) "Firearm" means the same as that term is defined in Section 76-11-101.
 - (d)
 - (i) "Untraceable firearm" means a firearm:
 - (A) that was manufactured, assembled, or otherwise created in a manner such that a serial number or other legally required identifying number or marking is not affixed to the firearm;
 - (B) that is made of plastic, fiberglass, or another material that would not be detectable by a detection device commonly used at an airport or other public building for security screening; or
 - (C) on which the identifying serial number or other legally required identifying number or marking has been removed or altered such that the firearm's provenance cannot be traced.
 - (ii) "Untraceable firearm" does not include an antique firearm.
- (2)
 - (a) Beginning on July 1, 2027, a law enforcement agency shall collect and annually, on or before April 30, report to the commission the following data for the previous calendar year:
 - (i) the number of criminal offenses reported to, or investigated by, the law enforcement agency in which the law enforcement agency determined that a lost, stolen, or untraceable firearm was used in the commission of the criminal offense, categorized by the type of offense; and
 - (ii) the number of firearms, separated by each category described in Subsections (2)(a)(ii)(A) through (E), in the custody of the law enforcement agency that were:
 - (A) returned to the property owner;
 - (B) destroyed;
 - (C) retained in evidence or other storage;

- (D) transferred to another governmental entity; or
- (E) submitted to a non-governmental entity for sale or disposal under Section 77-11a-403.
- (b) A law enforcement agency shall compile the data described in Subsection (2)(a) for each calendar year in the standardized format developed by the commission under Subsection (3).
- (c) The reporting requirements under Subsection (2)(a)(i) do not apply to a criminal offense or investigation for an offense under Title 23A, Wildlife Resources Act, that involves a firearm.
- (3) The commission shall:
 - (a) develop a standardized format for reporting the data described in Subsection (2);
 - (b) compile the data submitted under Subsection (2); and
 - (c) annually on or before August 1, publish a report of the data described in Subsection (2) on the commission's website.
- (4) This section does not apply to:
 - (a) the Department of Corrections; or
 - (b) a law enforcement agency created under Section 41-3-104.

Enacted by Chapter 252, 2025 General Session

Part 6

Requirements Related to Criminal Street Gangs

53-25-601 Definitions.

As used in this part:

- (1) "Criminal street gang" means the same as that term is defined in Section 76-9-802.
- (2) "Gang loitering" means the same as that term is defined in Section 76-9-802.
- (3) "Public place" means the same as that term is defined in Section 76-9-802.

Enacted by Chapter 173, 2025 General Session

53-25-602 Law enforcement officer responsibilities for gang loitering.

- (1) If a law enforcement officer observes an individual whom the law enforcement officer reasonably believes to be a member of a criminal street gang engaging in gang loitering in the presence of one or more other individuals in a public place that is designated by a municipal or county legislative body as an area where gang loitering is prohibited under Section 11-48-104 and subject to the penalties under Section 76-9-805, the law enforcement officer shall:
 - (a) inform the individual and all other individuals engaging in gang loitering with the individual in a group that the area in which the group is loitering by a group containing one or more criminal street gang members is prohibited;
 - (b) order the individual to disperse and remove the individual from within sight and hearing of the location where the officer issues the order to disperse; and
 - (c) inform the individuals that any individual in the group will be subject to being charged with a criminal offense and will also be subject to arrest if the individual fails to promptly obey the order to disperse.
- (2) The law enforcement officer under Subsection (1) shall also advise the individuals the law enforcement officer is directing to disperse that each of the individuals directed to disperse is subject to being charged with a criminal offense and will also be subject to arrest if the individual is again, within eight hours after the current order to disperse is made:

- (a) present in a public place with a group that includes one or more individuals a law enforcement officer reasonably believes to be a member of a criminal street gang; and
- (b) within sight or hearing of the location where the law enforcement officer is currently issuing the order to disperse.
- (3) This section does not affect or limit an individual's constitutional right to engage in collective advocacy activities that are protected by the constitution or laws of this state or by the constitution or laws of the United States.
- (4) A sheriff or chief of police implementing this section shall:
 - (a) issue a written directive to all agency employees that provides information on preventing the enforcement of this section against individuals who are engaged in constitutionally protected collective advocacy activities;
 - (b) ensure that all law enforcement officers charged with enforcing this section successfully complete appropriate training on identification of gang members and criminal street gangs; and
 - (c) ensure that any training described in this section complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 7

Requirements for School Safety

53-25-701 Requirements for school safety.

- (1) As used in this section:
 - (a) "Local law enforcement agency" means the law enforcement agency with primary jurisdiction over a school's physical location.
 - (b) "School safety needs assessment" means the assessment required under Section 53G-8-701.5.
 - (c) "Security camera system" means the system described in Section 53G-8-805.
- (2) Each local law enforcement agency shall:
 - (a) as coordinated with the county security chief described in Section 53-22-103, allocate adequate personnel to participate in the school safety needs assessments with a school's school safety and security specialist as required by Section 53G-8-701.5 for each school within the local law enforcement's jurisdiction;
 - (b) if a school within the local law enforcement agency's jurisdiction elects to satisfy the requirements described in Subsection 53G-8-701.5(2)(a)(ii) by employing school guardians, assign adequate personnel time as the county security chief determines to assist the county security chief in administering the trainings required under Section 53-22-105;
 - (c) ensure the school safety and security specialist for each school has all relevant information collected by the county security chief or the local law enforcement agency to submit the completed assessments to the School Safety Center created in Section 53G-8-802 by October 15 of each year;
 - (d) coordinate with each school within the local law enforcement's jurisdiction to obtain and maintain access to school security camera systems as described in Section 53G-8-805; and
 - (e) coordinate with the relevant county security chiefs as specified in Sections 53-22-103 and 53-22-105.

Enacted by Chapter 388, 2025 General Session

Part 8

Law Enforcement Equipment Requirements

53-25-801 Definitions.

As used in this part:

- (1)
 - (a) "Biometric data" means data generated by automatic measurements of an individual's unique biological characteristics.
 - (b) "Biometric data" includes data described in Subsection (1)(a) that is generated by automatic measurements of an individual's fingerprint.
 - (c) "Biometric data" does not include:
 - (i) a physical or digital photograph;
 - (ii) a video or audio recording; or
 - (iii) data generated from an item described in Subsection (1)(c)(i) or (ii).
- (2) "Portable biometric capture device" means a device or electronic application that:
 - (a) is able to accurately capture at least one form of an individual's biometric data;
 - (b) can be carried by a law enforcement officer, either on the law enforcement officer's person or in the law enforcement officer's vehicle; and
 - (c) is capable of transmitting or allowing for the transfer of captured biometric data into a law enforcement database so that the captured biometric data can be used to identify an individual based on the individual's existing biometric data in the law enforcement database.

Enacted by Chapter 252, 2025 General Session

53-25-802 Portable biometric capture method requirement.

Beginning January 1, 2027, a law enforcement agency shall ensure that every law enforcement officer who is on duty outside of the law enforcement agency's facility is supplied with a portable biometric capture device.

Enacted by Chapter 252, 2025 General Session

Part 9

Law Enforcement Agency Procedure Requirements

53-25-901 Definitions.

As used in this part:

- (1) "Artificial intelligence" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments.
- (2) "Generative artificial intelligence" means artificial intelligence technology that is capable of creating content such as text, audio, image, or video based on patterns learned from large volumes of data rather than being explicitly programmed with rules.

Enacted by Chapter 330, 2025 General Session

53-25-902 Use of generative artificial intelligence by law enforcement -- Policy -- Requirements.

- (1)
 - (a) A law enforcement agency shall have a policy concerning the use of generative artificial intelligence by employees of the law enforcement agency in the course and scope of the law enforcement agency's work.
 - (b) The policy described in Subsection (1)(a) shall:
 - (i) include the requirements described in Subsection (2); and
 - (ii) provide employees of the law enforcement agency with information concerning the use of generative artificial intelligence, including:
 - (A) which generative artificial intelligence technologies the employees of the law enforcement agency may use;
 - (B) the uses and tasks for which generative artificial intelligence is permitted;
 - (C) the importance of reviewing content generated by generative artificial intelligence; and
 - (D) an acknowledgment that a violation of the policy described in Subsection (1)(a) may result in administrative disciplinary action by the head of the law enforcement agency.
- (2) A written police report or other law enforcement record that was created wholly or partially by using generative artificial intelligence shall:
 - (a) contain within the report or record a disclaimer that the report or record contains content generated by artificial intelligence; and
 - (b) include a certification by the author of the report or record that the author has read and reviewed the report or record for accuracy.

Enacted by Chapter 330, 2025 General Session

Part 10
Requirements Related to Brady Material

53-25-1001 Definitions.

As used in this part:

- (1) "Brady identification system" means any type of system used by a prosecution agency to assist in tracking and disclosing Brady material to defendants being prosecuted by the prosecution agency.
- (2) "Brady material" means potential impeachment information that a prosecutor has disclosed or may disclose to a defendant being prosecuted for a criminal offense relating to conduct of a peace officer who was involved in the arrest or investigation of the defendant.
- (3) "Law enforcement agency" means a public agency having general police power and charged with making arrests in connection with enforcement of the criminal laws, statutes, or ordinances of this state or political subdivisions of this state.
- (4)
 - (a) "Peace officer" means any officer certified in accordance with Chapter 13, Peace Officer Classifications.

- (b) "Peace officer" includes any employee of a law enforcement agency whose job duties include providing courtroom testimony in support of the enforcement of criminal laws, statutes, or ordinances.
- (5) "POST" means the Peace Officer Standards and Training Division created in Section 53-6-103.
- (6) "Prosecution agency" means a city attorney, county attorney, district attorney, the attorney general, or other prosecution agency.

Enacted by Chapter 196, 2025 General Session

53-25-1002 Prosecution agency's requirements related to Brady material.

- (1)
 - (a) A prosecution agency may use a Brady identification system to fulfill the prosecution agency's discovery obligations regarding Brady material under federal law, state law, court order, or court rule.
 - (b) A prosecution agency is not required to maintain a Brady identification system and may determine that the prosecution agency's discovery obligations regarding Brady material can be met through another procedure.
- (2) A prosecution agency that uses a Brady identification system may make disclosures of Brady material to a defendant in a prosecution even if the prosecution agency has not made a final decision regarding whether the peace officer who is the subject of the Brady material will be placed onto the prosecution agency's Brady identification system.
- (3)
 - (a) Except as provided in Subsection (3)(b), before a prosecution agency may initially place a peace officer on the prosecution agency's Brady identification system, or add additional information to the prosecution agency's Brady identification system regarding a peace officer already on the prosecution agency's Brady identification system for a reason unrelated to the initial placement, the prosecution agency shall:
 - (i) provide the peace officer with written notice that the prosecution agency intends to:
 - (A) place the peace officer onto the prosecution agency's Brady identification system; or
 - (B) if the peace officer is already on the prosecution agency's Brady identification system, add additional information about the peace officer onto the prosecution agency's Brady identification system;
 - (ii) provide the peace officer with copies of any documents, records, and other evidence relied upon by the prosecution agency that is seeking to place the peace officer, or add additional information regarding the peace officer, onto the Brady identification system; and
 - (iii) provide the peace officer with an opportunity to dispute the peace officer's placement, or addition of information regarding the peace officer, onto the Brady identification system.
 - (b) A prosecution agency is not required to provide the procedures described in Subsection (3)
 - (a) if the Brady material underlying the peace officer's placement onto the Brady identification system relates to a criminal conviction.
- (4) If a peace officer is employed by a law enforcement agency and is placed onto a prosecution agency's Brady identification system in accordance with this section, the prosecution agency shall notify the peace officer's employer regarding the placement.
- (5) A prosecution agency that uses a Brady identification system shall adopt a policy, accessible to any peace officer in the prosecution agency's jurisdiction, that includes:
 - (a) the criteria used by the prosecution agency to place an officer on the prosecution agency's Brady identification system including:
 - (i) a description of what conduct qualifies as Brady material; and

- (ii) a description of other conduct not defined in this part that the prosecution agency determines will get a peace officer placed on the prosecution agency's Brady identification system; and
- (b) the rights, procedures, and limitations described in Subsection (3).
- (6) If a peace officer is placed onto a prosecution agency's Brady identification system and then is placed on another prosecution agency's Brady identification system, the other prosecution agency:
 - (a) does not have to provide the peace officer with the rights and procedures described in Subsection (3)(a), if the peace officer's placement is based on the same conduct that led to the peace officer being placed on the initial prosecution agency's Brady identification system and the peace officer was provided the rights and procedures described in Subsection (3)(a) by the initial prosecution agency; and
 - (b) shall:
 - (i) provide the peace officer with written notice that the prosecution agency has added the peace officer to the prosecution agency's Brady identification system;
 - (ii) provide the peace officer with an opportunity to respond in writing to the peace officer's placement on the prosecution agency's Brady identification system; and
 - (iii) review the peace officer's response described in Subsection (6)(b)(ii).
- (7) A peace officer may not seek judicial review of a prosecution agency's determination to place an officer on a Brady identification system in accordance with this section.
- (8) Any information or record maintained by a prosecution agency in a Brady identification system is not subject to disclosure under Title 63G, Chapter 2, Government Records Access and Management Act.
- (9) This section does not:
 - (a) create a private cause of action by a peace officer or by a law enforcement agency against a prosecution agency or the prosecution agency's employees for the procedures and determination related to the placement of a peace officer onto a Brady identification system; or
 - (b) restrict or limit a prosecution agency from fulfilling the prosecution agency's discovery obligations.

Enacted by Chapter 196, 2025 General Session

53-25-1003 Peace officer and employing law enforcement agency requirements related to Brady material.

- (1)
 - (a) If a peace officer has been placed onto a prosecution agency's Brady identification system after being provided the rights and procedures described in Subsection 53-25-1002(3) and the peace officer is subpoenaed by a different prosecution agency to testify in court, the peace officer shall disclose that placement to the prosecution agency that issued the subpoena as soon as practicable after receiving the subpoena.
 - (b) If a peace officer fails to disclose the peace officer's placement on a Brady identification system as described in Subsection (1)(a), the peace officer's employing law enforcement agency may take disciplinary action against the peace officer.
- (2)
 - (a) A law enforcement agency may not use the placement of a peace officer onto a Brady identification system as described in Section 53-25-1003 as the sole reason for taking or denying any of the following employment actions against the peace officer:

- (i) demotion;
 - (ii) suspension;
 - (iii) termination; or
 - (iv) any other disciplinary action.
- (b) Notwithstanding Subsection (2)(a), a law enforcement agency may use the underlying facts of the Brady material that were the basis for the peace officer's placement onto a Brady identification system for taking a disciplinary action against the peace officer in accordance with the law enforcement agency's adopted policies and procedures and governing law.
- (3) A chief, sheriff, or administrative officer of a law enforcement agency who knows of an allegation against a peace officer employed by the chief's, sheriff's, or administrative officer's law enforcement agency involving Brady material shall conduct an administrative or internal investigation into the allegation and, if after the law enforcement agency's adopted policies and procedures are followed and the allegation is substantiated, report the findings of the investigation to:
- (a) if the law enforcement agency is a private law enforcement agency or a city, county, or other local law enforcement agency, the county attorney of the jurisdiction where the law enforcement agency is located; or
 - (b) if the law enforcement agency is a state law enforcement agency, to the attorney general.

Enacted by Chapter 196, 2025 General Session

Effective 1/1/2026

Part 11

Policy for Violation of Protective Orders and Injunctions

Effective 1/1/2026

53-25-1101 Definitions.

As used in this part:

- (1) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
- (2) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
- (3) "Law enforcement agency" means an entity of the state, a political subdivision of the state, or an entity operated by a private institution of higher education, that exists primarily to prevent and detect crime and enforce criminal laws, statutes, or ordinances.
- (4) "Protective order" means a protective order, or ex parte protective order, issued under:
 - (a) Title 78B, Chapter 7, Part 2, Child Protective Orders;
 - (b) Title 78B, Chapter 7, Part 4, Dating Violence Protective Orders;
 - (c) Title 78B, Chapter 7, Part 5, Sexual Violence Protective Orders;
 - (d) Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders;
 - (e) Title 78B, Chapter 7, Part 8, Criminal Protective Orders; or
 - (f) Title 78B, Chapter 7, Part 11, Workplace Violence Protective Orders.
- (5) "Stalking injunction" means an injunction, or ex parte injunction, issued under Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions, or Title 78B, Chapter 7, Part 9, Criminal Stalking Injunctions.

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53-25-1102 Policy and public information requirements for investigations into violations of protective orders or injunctions.

- (1) A law enforcement agency shall create and maintain a policy regarding the law enforcement agency's processes for handling an investigation into an alleged criminal violation of:
 - (a) a jail release agreement;
 - (b) a jail release court order;
 - (c) a protective order; or
 - (d) a stalking injunction.
- (2) A policy described in Subsection (1) shall include best practices for an employee of the law enforcement agency conducting an investigation into an alleged criminal violation of an agreement, order, or injunction described in Subsection (1), including the proper procedures for:
 - (a) investigating an individual who has previously violated an agreement, order, or injunction described in Subsection (1); and
 - (b) contacting the victim of a violation of an agreement, order, or injunction described in Subsection (1).
- (3) A policy created under Subsection (1) shall be posted on the law enforcement agency's website that includes:
 - (a) contact information for a victim of a violation of an agreement, order, or injunction described in Subsection (1) where the victim can obtain relevant information from the law enforcement agency; and
 - (b) victim services referral information for a victim of a violation of an agreement, order, or injunction described in Subsection (1).

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