

Effective 5/12/2020

Superseded 5/5/2021

58-37f-302 Other restrictions on access to database.

- (1) A person who is a relative of a deceased individual is not entitled to access information from the database relating to the deceased individual based on the fact or claim that the person is:
 - (a) related to the deceased individual; or
 - (b) subrogated to the rights of the deceased individual.
- (2) Except as provided in Subsections (3) and (4), data provided to, maintained in, or accessed from the database that may be identified to, or with, a particular person is not subject to discovery, subpoena, or similar compulsory process in any civil, judicial, administrative, or legislative proceeding, nor shall any individual or organization with lawful access to the data be compelled to testify with regard to the data.
- (3) The restrictions described in Subsection (2) do not apply to a civil, judicial, or administrative action brought to enforce the provisions of this chapter.
- (4)
 - (a) Subject to the requirements of this Subsection (4), in a state criminal proceeding a court may:
 - (i) order the release of information contained in the database if the court determines good cause has been shown in accordance with Rule 16, Utah Rules of Criminal Procedure; and
 - (ii) at any time order that information released under this Subsection (4) be restricted, limited, or restrained from further dissemination as the court determines is appropriate.
 - (b) Upon the motion of a defendant, a court may only issue an order compelling the production of database information under this Subsection (4) that pertains to a victim if the court finds upon notice as provided in Subsection (4)(c), and after a hearing, that the defendant is entitled to production of the information under applicable state and federal law.
 - (c) A motion by a defendant for database information pertaining to a victim shall be served by the defendant on:
 - (i) the prosecutor and on counsel for the victim or victim's representative; or
 - (ii) the prosecutor if the victim is unrepresented by counsel.
 - (d) Upon a defendant's motion for database information pertaining to a victim, if the court determines that good cause exists to order release of database information pertaining to the victim, the court shall conduct an in camera review of the database information and may only disclose to the defense and prosecution those portions of database information that are relevant to the state criminal proceeding.