

Effective 5/6/2026

77-23c-102 Electronic information privacy -- Warrant required for disclosure.

- (1)
- (a) Except as provided in Subsection (2), (4), or Section 77-23c-104.1, and subject to Section 77-23c-105, for a criminal investigation or prosecution, a law enforcement agency may not obtain, copy, or use the following information or data except through the use of a search warrant issued by a court upon probable cause:
 - (i) the location information, stored data, or transmitted data of an electronic device; or
 - (ii) electronic information transmitted by the owner of the electronic information:
 - (A) to a provider of a remote computing service; or
 - (B) through a provider of an electronic communication service.
 - (b)
 - (i) Except as provided in Subsection (1)(b)(ii) and subject to Subsection (1)(c), if a law enforcement agency, in response to a warrant obtained under Subsection (1)(a), obtains information or data described in Subsection (1)(a)(i) or (ii), the law enforcement agency may not use, copy, or disclose, for any purpose, any information or data described in Subsection (1)(a)(i) or (ii) that:
 - (A) is not the subject of the warrant obtained under Subsection (1)(a); and
 - (B) is collected as part of an effort to obtain the information or data described in Subsection (1)(a)(i) or (ii) that is the subject of the warrant obtained under Subsection (1)(a).
 - (ii) A law enforcement agency may use, copy, or disclose the transmitted data of an electronic device used to communicate with the electronic device that is the subject of the warrant if the law enforcement agency reasonably believes that the transmitted data is necessary to achieve the objective of the warrant.
 - (c) The electronic information described in Subsection (1)(b) shall be destroyed in an unrecoverable manner by the law enforcement agency as soon as reasonably possible after the electronic information is collected.
- (2)
- (a) Except as provided in Subsection (2)(c) or Section 77-23c-104.1 and subject to Section 77-23c-105, a law enforcement agency may obtain location information without a warrant for an electronic device only:
 - (i) in accordance with Section 53-10-104.5;
 - (ii) if the device is reported stolen by the owner;
 - (iii) with the informed, affirmative consent of the owner or user of the electronic device;
 - (iv) except for the automobile exception to the warrant requirement, in accordance with a judicially recognized exception to warrant requirements;
 - (v) if the owner has voluntarily and publicly disclosed the location information; or
 - (vi) from a provider of a remote computing service or an electronic communications service if the provider voluntarily discloses the location information:
 - (A) under a belief that an emergency exists involving an imminent risk to an individual of death, serious physical injury, sexual abuse, live-streamed sexual exploitation, kidnapping, or human trafficking; or
 - (B) that is inadvertently discovered by the provider and appears to pertain to the commission of a felony, or of a misdemeanor involving physical violence, sexual abuse, or dishonesty.
 - (b) Except as provided in Subsection (2)(c) or Section 77-23c-104.1 and subject to Section 77-23c-105, a law enforcement agency may obtain stored data or transmitted data from an electronic device or electronic information transmitted by the owner of the electronic

information to a provider of a remote computing service or through a provider of an electronic communication service, without a warrant, only:

- (i) with the informed consent of the owner of the electronic device or electronic information;
 - (ii) except for the automobile exception to the warrant requirement, in accordance with a judicially recognized exception to warrant requirements; or
 - (iii) subject to Subsection (2)(a)(vi)(B), from a provider of a remote computing service or an electronic communication service if the provider voluntarily discloses the stored or transmitted data as otherwise permitted under 18 U.S.C. Sec. 2702.
- (c) A prosecutor may obtain a judicial order as described in Section 77-22-2.5 for the purposes described in Section 77-22-2.5.
- (3) A provider of an electronic communication service or a remote computing service, the provider's officers, employees, or agents, or other specified persons may not be held liable for information, facilities, or assistance provided in good faith reliance under this section.

Amended by Chapter 338, 2026 General Session