

**Effective 7/1/2026**

**77-38-502 Definitions.**

As used in this part:

- (1) "Certifying entity" means any of the following:
  - (a) a law enforcement agency, as defined in Section 77-7a-103;
  - (b) a prosecutor, as defined in Section 77-22-4.5;
  - (c) a court described in Section 78A-1-101;
  - (d) any other authority that has responsibility for the detection, investigation, or prosecution of a qualifying crime or criminal activity; and
  - (e) an agency that has criminal detection or investigative jurisdiction in the agency's respective areas of expertise, including:
    - (i) the Division of Child and Family Services; and
    - (ii) the Labor Commission.
- (2) "Certifying official" means:
  - (a) the head of the certifying entity;
  - (b) a person in a supervisory role who has been specifically designated by the head of the certifying entity to issue Form I-918 Supplement B certifications on behalf of that agency;
  - (c) a judge; or
  - (d) any other certifying official defined under 8 C.F.R. Sec. 214.14.
- (3) "Department" means the Department of Criminal Justice created in Section 75E-2-102.
- (4)
  - (a) "Qualifying criminal activity" means the same as that term is defined in 8 C.F.R. Sec. 214.14.
  - (b) "Qualifying criminal activity" includes criminal offenses for which the nature and elements of the offenses are substantially similar to the criminal activity described in Subsection (4)(a), and the attempt, conspiracy, or solicitation to commit any of those offenses.

Amended by Chapter 291, 2026 General Session