

1 **PEACE OFFICER AMENDMENT**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Michael G. Waddoups**

5 **This act modifies the Government Records Access and Management Act regarding**
6 **private information by providing that peace officers in specified classifications are**
7 **"at-risk government employees" regarding specified personal information. This act**
8 **takes effect July 1, 2003.**

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **63-2-302.5 (Effective 07/01/03)**, as enacted by Chapter 191, Laws of Utah 2002

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

13 Section 1. Section **63-2-302.5 (Effective 07/01/03)** is amended to read:

14 **63-2-302.5 (Effective 07/01/03). Private information concerning certain**
15 **government employees.**

16 (1) As used in this section:

17 (a) "At-risk government employee" means a current or former:

18 (i) peace officer as specified in Section [~~53-13-104~~] 53-13-102;

19 (ii) supreme court justice;

20 (iii) judge of an appellate, district, or juvenile court;

21 (iv) justice court judge;

22 (v) judge authorized by Title 39, Chapter 6, Utah Code of Military Justice;

23 (vi) federal judge;

24 (vii) federal magistrate judge;

25 (viii) judge authorized by Armed Forces, Title 10, United States Code;

26 (ix) United States Attorney;

27 (x) Assistant United States Attorney;



- 28 (xi) a prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;
- 29 (xii) a law enforcement official as defined in Section 53-5-711; or
- 30 (xiii) a prosecutor authorized by Title 39, Chapter 6, Utah Code of Military Justice.

31 (b) "Family member" means the spouse, child, sibling, parent, or grandparent of an
32 at-risk government employee who is living with the employee.

33 (2) (a) Pursuant to Subsection 63-2-302(1)(g), an at-risk government employee may
34 file a written application that:

35 (i) gives notice of the employee's status to each agency of a government entity holding
36 a record or a part of a record that would disclose the employee's or the employee's family
37 member's home address, home telephone number, Social Security number, insurance coverage,
38 marital status, or payroll deductions; and

39 (ii) requests that the government agency classify those records or parts of records
40 private.

41 (b) An at-risk government employee desiring to file an application under this section
42 may request assistance from the government agency to identify the individual records
43 containing the private information specified in Subsection (2)(a)(i).

44 (c) Each government agency shall develop a form that:

45 (i) requires the at-risk government employee to provide evidence of qualifying
46 employment;

47 (ii) requires the at-risk government employee to designate each specific record or part
48 of a record containing the employee's home address, home telephone number, Social Security
49 number, insurance coverage, marital status, or payroll deductions that the applicant desires to
50 be classified as private; and

51 (iii) affirmatively requests that the government entity holding those records classify
52 them as private.

53 (3) A county recorder, county treasurer, county auditor, or a county tax assessor may
54 fully satisfy the requirements of this section by:

55 (a) providing a method for the assessment roll and index and the tax roll and index that
56 will block public access to the home address, home telephone number, situs address, and Social
57 Security number; and

58 (b) providing the at-risk government employee requesting the classification with a

59 disclaimer informing the employee that the employee may not receive official announcements
60 affecting the employee's property, including notices about proposed annexations,
61 incorporations, or zoning modifications.

62 (4) A government agency holding records of an at-risk government employee classified
63 as private under this section may release the record or part of the record if:

64 (a) the employee or former employee gives written consent;

65 (b) a court orders release of the records; or

66 (c) the government agency receives a certified death certificate for the employee or
67 former employee.

68 (5) (a) If the government agency holding the private record receives a subpoena for the
69 records, the government agency shall attempt to notify the at-risk government employee or
70 former employee by mailing a copy of the subpoena to the employee's last-known mailing
71 address together with a request that the employee either:

72 (i) authorize release of the record; or

73 (ii) within ten days of the date that the copy and request are mailed, deliver to the
74 government agency holding the private record a copy of a motion to quash filed with the court
75 who issued the subpoena.

76 (b) The government agency shall comply with the subpoena if the government agency
77 has:

78 (i) received permission from the at-risk government employee or former employee to
79 comply with the subpoena;

80 (ii) has not received a copy of a motion to quash within ten days of the date that the
81 copy of the subpoena was mailed; or

82 (iii) receives a court order requiring release of the records.

83 **Section 2. Effective date.**

84 This act takes effect on July 1, 2003.

Legislative Review Note

as of 2-4-03 11:44 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0202

Peace Officer Amendment

11-Feb-03

10:16 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst