

## H.B. 12

# AMENDMENTS TO GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

HOUSE FLOOR AMENDMENTS

AMENDMENT 4

FEBRUARY 13, 2006 11:01 AM

Representative **Ralph Becker** proposes the following amendments:

1. *Page 2, Line 44:*

44 63-2-703, as last amended by Chapters 228 and 280, Laws of Utah 1992  
= 63-2-801, as last amended by Chapter 280, Laws of Utah 1992

2. *Page 16, Lines 475 through 476:*

475 (51) ~~{a communication between a citizen of the state and an elected official, unless one~~  
476 ~~of the parties to the communication elects to make the communication public}~~ any portions of a  
record reflecting communications, between a state legislator and an individual, the disclosure of which  
would constitute an clearly unwarranted invasion of personal privacy .

3. *Page 19, Line 583:*

583 to the executive branch of government, as provided in this chapter.

Section 7. Section 63-2-801 is amended to read:

**63-2-801. Criminal penalties.**

(1) (a) ~~{A}~~ Except for disclosure of a protected record under Subsection 63-2-304(51)  
regarding communications between a state legislator and an individual, a public employee or other  
person who has lawful access to any private, controlled, or protected record under this chapter, and who  
intentionally discloses or provides a copy of a private, controlled, or protected record to any person knowing  
that such disclosure is prohibited, is guilty of a class B misdemeanor.

(b) It is a defense to prosecution under Subsection (1)(a) that the actor released private, controlled, or  
protected information in the reasonable belief that the disclosure of the information was necessary to expose a  
violation of law involving government corruption, abuse of office, or misappropriation of public funds or  
property.

(c) It is a defense to prosecution under Subsection (1)(a) that the record could have lawfully been  
released to the recipient if it had been properly classified.

(2) (a) A person who by false pretenses, bribery, or theft, gains access to or obtains a copy of any private,  
controlled, or protected record to which he is not legally entitled is guilty of a class B misdemeanor.

(b) No person shall be guilty under Subsection (2)(a) who receives the record, information, or copy after  
the fact and without prior knowledge of or participation in the false pretenses, bribery, or theft.

(3) A public employee who intentionally refuses to release a record the disclosure of which the employee  
knows is required by law or by final unappealed order from a governmental entity, the records committee, or a

court, is guilty of a class B misdemeanor.