

28 77-23d-103, Utah Code Annotated 1953
29 77-23d-104, Utah Code Annotated 1953
30 77-23d-105, Utah Code Annotated 1953



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

33 Section 1. Section 77-23d-101 is enacted to read:

34 **CHAPTER 23d. IMAGING SURVEILLANCE PRIVACY**

35 **77-23d-101. Title.**

36 This chapter is known as "Imaging Surveillance Privacy."

37 Section 2. Section 77-23d-102 is enacted to read:

38 **77-23d-102. Definitions.**

39 As used in this chapter:

40 (1) "Government entity" means the state, a county, a municipality, a higher education
41 institution, a local district, a special service district, or any other political subdivision of the
42 state or an administrative subunit of any political subdivision, including a law enforcement
43 entity or any other investigative entity, agency, department, division, bureau, board, or
44 commission, or an individual acting or purporting to act for or on behalf of a state or local
45 agency.

46 (2) "Imaging surveillance device" means a device that uses radar, sonar, infrared, or
47 other remote sensing or detection technology ~~§→ [that enables]~~ used by ~~←§~~ the individual
47a operating the device to
48 obtain information, not otherwise directly observable, about individuals, items, or activities
49 within a closed structure.

50 (3) "Target" means a person or a structure upon which a government entity
51 intentionally collects or attempts to collect information using an imaging surveillance device.

52 Section 3. Section 77-23d-103 is enacted to read:

53 **77-23d-103. Use of imaging surveillance device -- Warrant required -- Exceptions.**

54 (1) Except as provided in Subsection (2), a government entity may not operate an
55 imaging surveillance device without a search ~~§→ [or-arrest]~~ ~~←§~~ warrant issued upon probable
55a cause.

56 (2) A government entity may operate an imaging surveillance device without a search
57 ~~§→ [or-arrest]~~ ~~←§~~ warrant:

58 (a) for testing equipment or training if the testing or training:

59 (i) is not conducted as part of an investigation or law enforcement activity; and

60 (ii) is conducted with the knowledge and consent of:

61 (A) each individual who is imaged; and

62 (B) ~~H~~→ [each] an ~~H~~ owner of ~~H~~→ [the] each ~~H~~ property that is imaged;

63 (b) in exigent circumstances; or

64 (c) in fresh pursuit of a person suspected of committing a felony.

65 ~~H~~→ [(3) A government entity may not operate an imaging surveillance device when

66 executing a search ~~S~~→ [or arrest] ~~S~~ warrant unless the application for the warrant:

67 —— (a) indicates that the government entity intends to use an imaging surveillance device;

68 —— (b) describes the capabilities of the imaging surveillance device; and

69 —— (c) describes the measures that the government entity will take to avoid the technology

70 being used in a manner that is beyond the scope of the warrant.] ~~H~~

71 Section 4. Section ~~77-23d-104~~ is enacted to read:

72 ~~77-23d-104. Notification required -- Delayed notification.~~

73 (1) Except as provided in Subsection (2), a government entity that executes a search ~~S~~→ [or

74 arrest] ~~S~~ warrant that authorizes the use of an imaging surveillance device shall, within 14 days

75 after the day on which the warrant is executed, provide notice to the individual who owns,

76 resides in, or rents the structure specified in the warrant that states:

77 (a) that a warrant was applied for and granted;

78 (b) the type of warrant issued;

79 (c) the period of time during which the collection of data from the structure was

80 authorized;

81 (d) the offense specified in the application for the warrant;

82 (e) the identity of the government entity that filed the application; and

83 (f) the ~~S~~→ [identity of the judge who] name of the court that ~~S~~ issued the warrant.

84 (2) A government entity seeking a warrant described in Subsection ~~77-23d-103~~(1) may

85 submit a request, and the court may grant permission, to delay the notification described in

86 Subsection (1) for a period not to exceed 30 days, if the court determines that there is probable

87 cause to believe that the notification may:

88 (a) endanger the life or physical safety of an individual;

89 (b) cause an individual to flee from prosecution;