

121 be in the public interest.

122 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections
123 granted to the governmental entity under federal copyright or patent law as a result of its
124 ownership of the intellectual property right.

125 (11) A governmental entity may not use the physical form, electronic or otherwise, in
126 which a record is stored to deny, or unreasonably hinder the rights of a person to inspect and
127 receive a copy of a record under this chapter.

128 (12) Subject to the requirements of Subsection (8), a governmental entity shall provide
129 access to an electronic copy of a record in lieu of providing access to its paper equivalent if:

130 (a) the person making the request requests or states a preference for an electronic copy;

131 (b) the governmental entity currently maintains the record in an electronic format that
132 is reproducible and may be provided without reformatting or conversion; and

133 (c) the electronic copy of the record:

134 (i) does not disclose other records that are exempt from disclosure; or

135 (ii) may be segregated to protect private, protected, or controlled information from
136 disclosure without the undue expenditure of public resources or funds.

137 (13) In determining whether a record is properly classified as private under Subsection
138 63G-2-302(2)(d), the governmental entity, State Records Committee, ~~it~~ → local appeals board, ← ~~it~~
138a or court shall consider
139 and weigh:

140 (a) any personal privacy interests, including those in images, that would be affected by
141 disclosure of the records in question; and

142 (b) any public interests served by disclosure.

143 Section 2. Section **63G-2-302** is amended to read:

144 **63G-2-302. Private records.**

145 (1) The following records are private:

146 (a) records concerning an individual's eligibility for unemployment insurance benefits,
147 social services, welfare benefits, or the determination of benefit levels;

148 (b) records containing data on individuals describing medical history, diagnosis,
149 condition, treatment, evaluation, or similar medical data;

150 (c) records of publicly funded libraries that when examined alone or with other records
151 identify a patron;

245 defined in Section 77-7a-103, that:

246 (i) are made inside a home or residence; ~~and~~ [and] or ~~or~~

247 (ii) contain images of minors or nudity.

248 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
249 records, statements, history, diagnosis, condition, treatment, and evaluation.

250 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
251 doctors, or affiliated entities are not private records or controlled records under Section
252 63G-2-304 when the records are sought:

253 (i) in connection with any legal or administrative proceeding in which the patient's
254 physical, mental, or emotional condition is an element of any claim or defense; or

255 (ii) after a patient's death, in any legal or administrative proceeding in which any party
256 relies upon the condition as an element of the claim or defense.

257 (c) Medical records are subject to production in a legal or administrative proceeding
258 according to state or federal statutes or rules of procedure and evidence as if the medical
259 records were in the possession of a nongovernmental medical care provider.

260 Section 3. Section **77-7a-101** is enacted to read:

261 **CHAPTER 7a. LAW ENFORCEMENT USE OF BODY-WORN CAMERAS**

262 **77-7a-101. Title.**

263 This chapter is known as "Law Enforcement Use of Body-Worn Cameras."

264 Section 4. Section **77-7a-102** is enacted to read:

265 **77-7a-102. Body-worn cameras -- Written policies and procedures.**

266 (1) Any law enforcement agency that uses body-worn cameras shall have a written
267 policy governing the use of body-worn cameras that is consistent with the provisions of this
268 chapter.

269 (2) (a) Any written policy regarding the use of body-worn cameras by a law
270 enforcement agency shall, at a minimum, comply with and include the requirements in this
271 chapter.

272 (b) This chapter does not prohibit a law enforcement agency from adopting body-worn
273 camera policies that are more expansive than the minimum guidelines provided in this chapter.

274 (3) This chapter does not require an officer to jeopardize the safety of the public, other
275 law enforcement officers, or himself or herself in order to activate or deactivate a body-worn

307 properly at any time while the officer is on duty.

308 (3) An officer shall wear the body-worn camera so that it is clearly visible to the person
 309 being recorded.

310 (4) An officer shall activate the body-worn camera prior to any law enforcement
 311 encounter, or as soon as reasonably possible.

312 (5) An officer shall record in an uninterrupted manner until after the conclusion of a
 313 law enforcement encounter, except as an interruption of a recording is allowed under this
 314 section.

315 (6) When going on duty and off duty, an officer who is issued a body-worn camera
 316 shall record the officer's name, identification number, and the current time and date, unless the
 317 information is already available due to the functionality of the body-worn camera.

318 (7) If a body-worn camera was present during a law enforcement encounter, the officer
 319 shall document the presence of the body-worn camera in any report or other official record of a
 320 contact.

321 (8) When a body-worn camera has been activated, the officer may not deactivate the
 322 body-worn camera until the officer's direct participation in the law enforcement encounter is
 323 complete, except as provided in Subsection (9).

324 (9) An officer may deactivate a body-worn camera:

325 (a) to consult with a supervisor or another officer;

326 (b) during a significant period of inactivity; and

327 (c) during a conversation with a sensitive victim of crime, a witness of a crime, or an
 328 individual who wishes to report or discuss criminal activity if:

329 (i) the individual who is the subject of the recording requests that the officer deactivate
 330 the officer's body-worn camera; and

331 (ii) the officer believes that the value of the information outweighs the value of the
 332 potential recording and records the request by the individual to deactivate the body-worn
 333 camera.

334 (10) If an officer deactivates a body-worn camera, the officer shall ~~H~~→ [:

335 ~~—— (a) vocalize the purpose for which the body-worn camera is being deactivated so that~~
 336 ~~the reason for deactivation is captured on the recording; and~~

337 ~~—— (b)] ←H~~ document the reason for deactivating a body-worn camera in a written report.