

**ELECTRONIC DEVICE LOCATION DATA AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Knotwell**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill allows a government entity to collect anonymous electronic data.

**Highlighted Provisions:**

This bill:

- ▶ allows a government entity to collect anonymous electronic data; and
- ▶ prohibits the use of the collected data in a judicial proceeding.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**77-23c-102**, as enacted by Laws of Utah 2014, Chapter 223 and last amended by  
Coordination Clause, Laws of Utah 2014, Chapter 223

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

Section 1. Section **77-23c-102** is amended to read:

**77-23c-102. Location information privacy -- Warrant required for disclosure.**

(1) (a) Except as provided in Subsection (2), a government entity may not obtain the location information, stored data, or transmitted data of an electronic device without a search



28 warrant issued by a court upon probable cause.

29 (b) Except as provided in Subsection (1)(c), a government entity may not use, copy, or  
30 disclose, for any purpose, the location information, stored data, or transmitted data of an  
31 electronic device that is not the subject of the warrant that is collected as part of an effort to  
32 obtain the location information, stored data, or transmitted data of the electronic device that is  
33 the subject of the warrant in Subsection (1)(a).

34 (c) A government entity may use, copy, or disclose the transmitted data of an electronic  
35 device used to communicate with the electronic device that is the subject of the warrant if the  
36 government entity reasonably believes that the transmitted data is necessary to achieve the  
37 objective of the warrant.

38 (d) The data described in Subsection (1)(b) shall be destroyed in an unrecoverable  
39 manner by the government entity as soon as reasonably possible after the data is collected.

40 (2) (a) A government entity may obtain location information without a warrant for an  
41 electronic device:

- 42 (i) in accordance with Section 53-10-104.5;
- 43 (ii) if the device is reported stolen by the owner;
- 44 (iii) with the informed, affirmative consent of the owner or user of the electronic  
45 device;
- 46 (iv) in accordance with judicially recognized exceptions to warrant requirements; or
- 47 (v) if the owner has voluntarily and publicly disclosed the location information.

48 (b) A prosecutor may obtain a judicial order as defined in Section 77-22-2.5 for the  
49 purposes enumerated in Section 77-22-2.5.

50 (3) An electronic communication service provider, its officers, employees, agents, or  
51 other specified persons may not be held liable for providing information, facilities, or  
52 assistance in accordance with the terms of the warrant issued under this section or without a  
53 warrant pursuant to Subsection (2).

54 (4) (a) Notwithstanding Subsections (1) through (3), a government entity may collect  
55 and utilize electronic data as long as it is obtained in a manner that, prior to receipt by a  
56 government entity, maintains the anonymity of the information.

57 (b) Electronic data collected in accordance with this subsection may not be used as  
58 evidence in a judicial proceeding.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**