

## SB0031S01 compared with SB0031

~~{deleted text}~~ shows text that was in SB0031 but was deleted in SB0031S01.

Inserted text shows text that was not in SB0031 but was inserted into SB0031S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Don L. Ipson proposes the following substitute bill:

### PROTECTION OF LAW ENFORCEMENT OFFICERS'

#### PERSONAL INFORMATION

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Don L. Ipson**

House Sponsor: ~~{\_\_\_\_\_}~~ Paul Ray

---

---

#### LONG TITLE

~~{Committee Note:~~

~~\_\_\_\_\_The Law Enforcement and Criminal Justice Interim Committee recommended this bill.~~

~~}~~**General Description:**

This bill amends the ~~{Utah Criminal}~~ Public Safety Code regarding protection of personal information of law enforcement officers.

#### Highlighted Provisions:

This bill:

- ▶ provides criminal penalties for posting on the Internet a law enforcement officer's address and phone numbers, or posting the same information regarding an officer's ~~{spouse and children}~~ immediate family member;

## SB0031S01 compared with SB0031

- ▶ prohibits the solicitation or sale of the officer's private information and provides for civil damages and the cost of attorney fees; and
- ▶ provides definitions, including a definition of "personal information."

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

~~{76-18-101}~~53-18-101, Utah Code Annotated 1953

~~{76-18-102}~~53-18-102, Utah Code Annotated 1953

~~{76-18-103}~~53-18-103, Utah Code Annotated 1953

53-18-104, Utah Code Annotated 1953

---

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

Section 1. Section ~~{76}~~53-18-101 is enacted to read:

### CHAPTER 18. PROTECTION OF PERSONAL INFORMATION OF LAW ENFORCEMENT OFFICERS

~~{76-18-101}~~53-18-101. **Title.**

This chapter is known as "Protection of Personal Information of Law Enforcement Officers."

Section 2. Section ~~{76}~~53-18-102 is enacted to read:

~~{76-18-102}~~53-18-102. **Definitions.**

As used in this chapter:

(1) "Access software provider" means a provider of software, including client or server software, or enabling tools that do any one or more of the following:

(a) filter, screen, allow, or disallow content;

(b) pick, choose, analyze, or digest content; or

(c) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content.

(2) "Immediate family member" means a law enforcement officer's spouse, child or

## SB0031S01 compared with SB0031

spouse of a child, sibling or spouse of a sibling, or parent.

(3) "Interactive computer service" means ~~any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and systems operated or services offered by libraries or educational institutions.~~

~~(3)~~ the same as that term is defined in Subsection 47 U.S.C. 230(f).

(4) "Law enforcement officer" or "officer":

(a) means the same as that term is defined in Section 53-13-103; ~~and~~

(b) ~~includes "correctional offers" as defined in Section 53-13-104; and~~

(c) refers only to officers who are currently employed by, ~~retired from, or were killed in the line of duty while in the employ of~~ a state or local governmental law enforcement agency.

~~(4)~~(5) "Personal information" means a law enforcement officer's ~~home~~ or law enforcement officer's immediate family member's address, ~~home~~ telephone number, personal mobile telephone number, pager number, personal email address, personal photograph, directions to locate the law enforcement officer's home, or photographs of the law enforcement officer's or the officer's immediate family member's home or vehicle.

~~(5)~~(6) "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

Section 3. Section ~~76~~53-18-103 is enacted to read:

~~76-18-103~~53-18-103. Internet posting of personal information of law enforcement officers -- Prohibitions.

(1) A state or local governmental agency may not post the ~~home address or telephone number~~ personal information of any law enforcement officer employed by the state or any political subdivision on the Internet unless the agency has obtained written permission from the officer and has the written permission in the agency's possession.

(2) ~~(a)~~ An individual may not knowingly post on the Internet the personal information of any law enforcement officer or of the officer's ~~spouse and children who reside at the officer's residence:~~

~~(i)~~ immediate family members knowing the person is a law enforcement officer or that the person is the ~~spouse or child~~ immediate family member of a law enforcement officer; ~~and~~

## SB0031S01 compared with SB0031

~~(ii) with the intent to cause imminent bodily harm that is likely to occur or threatening to cause imminent bodily harm to that individual.~~

~~(b)a~~ A violation of this Subsection (2) is a class B misdemeanor.

~~(c)b~~ A violation of this Subsection (2) that results in ~~the~~ bodily injury ~~of~~ to the officer, or ~~a member of~~ the officer's ~~residing spouse or child~~ immediate family, is a class A misdemeanor.

~~(d)c~~ Each act against a separate individual in violation of this Subsection (2) is a separate offense. The defendant may also be charged separately with the commission of any other criminal conduct related to the commission of an offense under this Subsection (2).

(3) (a) A ~~person,~~ business~~,~~ or association may not publicly post or publicly display on the Internet the personal information of any law enforcement officer if that officer has, either directly or through an agent designated under Subsection (3)(c), provided to that ~~person,~~ business~~,~~ or association a written demand to not disclose the officer's personal information.

(b) A written demand made under this Subsection (3) by a law enforcement officer is effective for the four years beginning on the day the demand is delivered, regardless of whether or not the law enforcement officer's employment as an officer has terminated during the four years.

(c) A law enforcement officer may designate in writing the officer's employer or a representative of any voluntary professional association of law enforcement officers to act on behalf of the officer and as the officer's agent to make a written demand pursuant to this chapter.

(d) (i) A ~~person,~~ business~~,~~ or association that receives ~~the~~ a written demand from a law enforcement officer under Subsection (3)(a) shall remove the officer's personal information from public display on the Internet, including the removal of information provided to cellular telephone applications, within ~~48~~ 24 hours of the delivery of the written demand, and shall ensure that the information is not posted again on the same Internet website or any other Internet website the recipient of the written demand maintains or exercises control over.

(ii) After receiving the law enforcement officer's written demand, the person, business, or association may not ~~transfer~~ publicly post or ~~provide~~ publicly display on the Internet, the personal information of the law enforcement officer ~~to any other person, business, or association through any other medium, including electronic, verbal, or written means.~~

## SB0031S01 compared with SB0031

(iii) This Subsection (3)(d) does not prohibit a telephone corporation, as defined in Section 54-2-1, or its affiliate ~~or other voice service provider, including providers of interconnected voice over Internet protocol service as defined in 47 C.F.R. 9.3,~~ from transferring the law enforcement officer's personal information to any person, business, or association, if the transfer is authorized by federal or state law, regulation, order, ~~terms of service,~~ or tariff, or is necessary in the event of an emergency, or to collect a debt owed by the officer to the telephone corporation or its affiliate.

~~(iv) This Subsection (3)(d) does not apply to a telephone corporation or other voice service provider, including providers of interconnected voice over Internet protocol service, with respect to directories or directories listings to the extent the entity offers a nonpublished listing option.~~

(4) (a) A law enforcement officer whose personal information is made public as a result of a violation of Subsection (3) may bring an action seeking injunctive or declarative relief in any court of competent jurisdiction.

(b) If a court finds that a violation has occurred, it may grant injunctive or declarative relief and shall award the law enforcement officer court costs and reasonable attorney fees.

(c) If the defendant fails to comply with an order of the court issued under this Subsection (4), the court may impose a civil penalty of not more than \$1,000 for the defendant's failure to comply with the court's order.

(5) (a) A person, business, or association may not solicit, sell, or trade on the Internet the personal information of a law enforcement officer, ~~if the dissemination of the personal information poses an imminent and serious threat to the law enforcement officer's safety or the safety of the law enforcement officer's immediate family and the person making the information available on the Internet knows or reasonably should know of the imminent and serious threat.~~

(b) A law enforcement officer whose personal information is ~~solicited,~~ ~~sold,~~ ~~knowingly publicly posted~~ or ~~traded in violation of Subsection (5)(a),~~ ~~publicly displayed on the Internet~~ may bring an action in any court of competent jurisdiction. If a jury or court finds that a defendant has committed a violation of Subsection (5)(a), the jury or court shall award damages to the officer in the amount of triple the cost of actual damages or \$4,000, whichever is greater.

## SB0031S01 compared with SB0031

~~(f)6~~ An interactive computer service or access software is not liable under ~~this~~  
Subsection (5):

### Legislative Review Note

~~Office of Legislative Research and General Counsel~~ Subsections (3)(d)(i) and (5) for information or content provided by another information content provider of the service or software.

(7) Unless a law enforcement officer requests that certain information be removed or protected from disclosure in accordance with Section 63G-2-302, a county recorder who makes information available for public inspection in accordance with Section 17-21-19 is not in violation of this chapter.

Section 4. Section **53-18-104** is enacted to read:

#### **53-18-104. Protection of constitutional rights.**

This chapter does not affect, limit, or apply to, any conduct or activities that are protected by the constitution or laws of the state or by the constitution or laws of the United States.