

1 **LEGISLATIVE HIRING PRACTICES AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne L. Niederhauser**

5 House Sponsor: Brad R. Wilson

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Open and Public Meetings Act and the Government Records
10 Access and Management Act in relation to the employment recommendation process
11 for Legislative Management subcommittees.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that **§**→ **certain** ←**§** meetings of the following subcommittees of the
14a Legislative
15 Management Committee are not subject to the provisions of the Open and Public
16 Meetings Act when they are meeting in relation to making an employment
17 recommendation to the Legislature:

- 18 • the Research and General Counsel Subcommittee;
- 19 • the Budget Subcommittee; and
- 20 • the Audit Subcommittee; and

21 ▶ classifies certain records relating to subcommittee employment recommendations of
22 the Legislature as protected records.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 **52-4-103**, as last amended by Laws of Utah 2017, Chapters 196, 277, and 441

30 **63G-2-305**, as last amended by Laws of Utah 2017, Chapters 374, 382, and 415

31

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

33 Section 1. Section **52-4-103** is amended to read:

34 **52-4-103. Definitions.**

35 As used in this chapter:

36 (1) "Anchor location" means the physical location from which:

37 (a) an electronic meeting originates; or

38 (b) the participants are connected.

39 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by

40 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake

41 City.

42 (3) "Convening" means the calling together of a public body by a person authorized to

43 do so for the express purpose of discussing or acting upon a subject over which that public

44 body has jurisdiction or advisory power.

45 (4) "Electronic meeting" means a public meeting convened or conducted by means of a

46 conference using electronic communications.

47 (5) "Electronic message" means a communication transmitted electronically, including:

48 (a) electronic mail;

49 (b) instant messaging;

50 (c) electronic chat;

51 (d) text messaging as defined in Section **76-4-401**; or

52 (e) any other method that conveys a message or facilitates communication

53 electronically.

54 (6) (a) "Meeting" means the convening of a public body or a specified body, with a

55 quorum present, including a workshop or an executive session, whether in person or by means

56 of electronic communications, for the purpose of discussing, receiving comments from the

57 public about, or acting upon a matter over which the public body or specific body has

58 jurisdiction or advisory power.

59 (b) "Meeting" does not mean:
60 (i) a chance gathering or social gathering; or
61 (ii) a convening of the State Tax Commission to consider a confidential tax matter in
62 accordance with Section 59-1-405.

63 (c) "Meeting" does not mean the convening of a public body that has both legislative
64 and executive responsibilities if:

65 (i) no public funds are appropriated for expenditure during the time the public body is
66 convened; and

67 (ii) the public body is convened solely for the discussion or implementation of
68 administrative or operational matters:

69 (A) for which no formal action by the public body is required; or
70 (B) that would not come before the public body for discussion or action.

71 (7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the
72 public statements of each member of the public body who is participating in a meeting.

73 (8) "Participate" means the ability to communicate with all of the members of a public
74 body, either verbally or electronically, so that each member of the public body can hear or
75 observe the communication.

76 (9) (a) "Public body" means:
77 (i) any administrative, advisory, executive, or legislative body of the state or its
78 political subdivisions that:

79 (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

80 (B) consists of two or more persons;

81 (C) expends, disburses, or is supported in whole or in part by tax revenue; and

82 (D) is vested with the authority to make decisions regarding the public's business; or

83 (ii) any administrative, advisory, executive, or policymaking body of an association, as
84 defined in Section 53A-1-1601, that:

85 (A) consists of two or more persons;

86 (B) expends, disburses, or is supported in whole or in part by dues paid by a public
87 school or whose employees participate in a benefit or program described in Title 49, Utah State
88 Retirement and Insurance Benefit Act; and

89 (C) is vested with authority to make decisions regarding the participation of a public

90 school or student in an interscholastic activity as defined in Section 53A-1-1601.

91 (b) "Public body" includes:

92 (i) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
93 undertaking; and

94 (ii) as defined in Section 11-13a-102, a governmental nonprofit corporation.

95 (c) "Public body" does not include:

96 (i) a political party, a political group, or a political caucus;

97 (ii) a conference committee, a rules committee, or a sifting committee of the

98 Legislature;

99 (iii) a school community council or charter trust land council as defined in Section

100 53A-1a-108.1; [or]

101 (iv) the Economic Development Legislative Liaison Committee created in Section

102 36-30-201[-]; or

103 (v) the following Legislative Management subcommittees, which are established in

104 Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to

105 recommend for employment ~~§~~→, **except that the meeting in which a subcommittee votes to**

105a **recommend that a candidate be employed shall be subject to the provisions of this act** ←~~§~~ :

106 (A) the Research and General Counsel Subcommittee;

107 (B) the Budget Subcommittee; and

108 (C) the Audit Subcommittee.

109 (10) "Public statement" means a statement made in the ordinary course of business of
110 the public body with the intent that all other members of the public body receive it.

111 (11) (a) "Quorum" means a simple majority of the membership of a public body, unless
112 otherwise defined by applicable law.

113 (b) "Quorum" does not include a meeting of two elected officials by themselves when
114 no action, either formal or informal, is taken on a subject over which these elected officials
115 have advisory power.

116 (12) "Recording" means an audio, or an audio and video, record of the proceedings of a
117 meeting that can be used to review the proceedings of the meeting.

118 (13) "Specified body":

119 (a) means an administrative, advisory, executive, or legislative body that:

120 (i) is not a public body;

- 121 (ii) consists of three or more members; and
- 122 (iii) includes at least one member who is:
- 123 (A) a legislator; and
- 124 (B) officially appointed to the body by the president of the Senate, speaker of the
- 125 House of Representatives, or governor; and
- 126 (b) does not include a body listed in Subsection (9)(c)(ii) or (9)(c)(v).
- 127 (14) "Transmit" means to send, convey, or communicate an electronic message by
- 128 electronic means.

129 Section 2. Section **63G-2-305** is amended to read:

130 **63G-2-305. Protected records.**

131 The following records are protected if properly classified by a governmental entity:

- 132 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret
- 133 has provided the governmental entity with the information specified in Section [63G-2-309](#);
- 134 (2) commercial information or nonindividual financial information obtained from a
- 135 person if:
- 136 (a) disclosure of the information could reasonably be expected to result in unfair
- 137 competitive injury to the person submitting the information or would impair the ability of the
- 138 governmental entity to obtain necessary information in the future;
- 139 (b) the person submitting the information has a greater interest in prohibiting access
- 140 than the public in obtaining access; and
- 141 (c) the person submitting the information has provided the governmental entity with
- 142 the information specified in Section [63G-2-309](#);
- 143 (3) commercial or financial information acquired or prepared by a governmental entity
- 144 to the extent that disclosure would lead to financial speculations in currencies, securities, or
- 145 commodities that will interfere with a planned transaction by the governmental entity or cause
- 146 substantial financial injury to the governmental entity or state economy;
- 147 (4) records, the disclosure of which could cause commercial injury to, or confer a
- 148 competitive advantage upon a potential or actual competitor of, a commercial project entity as
- 149 defined in Subsection [11-13-103\(4\)](#);
- 150 (5) test questions and answers to be used in future license, certification, registration,
- 151 employment, or academic examinations;

152 (6) records, the disclosure of which would impair governmental procurement
153 proceedings or give an unfair advantage to any person proposing to enter into a contract or
154 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
155 Subsection (6) does not restrict the right of a person to have access to, after the contract or
156 grant has been awarded and signed by all parties, a bid, proposal, application, or other
157 information submitted to or by a governmental entity in response to:

- 158 (a) an invitation for bids;
- 159 (b) a request for proposals;
- 160 (c) a request for quotes;
- 161 (d) a grant; or
- 162 (e) other similar document;

163 (7) information submitted to or by a governmental entity in response to a request for
164 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
165 the right of a person to have access to the information, after:

166 (a) a contract directly relating to the subject of the request for information has been
167 awarded and signed by all parties; or

168 (b) (i) a final determination is made not to enter into a contract that relates to the
169 subject of the request for information; and

170 (ii) at least two years have passed after the day on which the request for information is
171 issued;

172 (8) records that would identify real property or the appraisal or estimated value of real
173 or personal property, including intellectual property, under consideration for public acquisition
174 before any rights to the property are acquired unless:

175 (a) public interest in obtaining access to the information is greater than or equal to the
176 governmental entity's need to acquire the property on the best terms possible;

177 (b) the information has already been disclosed to persons not employed by or under a
178 duty of confidentiality to the entity;

179 (c) in the case of records that would identify property, potential sellers of the described
180 property have already learned of the governmental entity's plans to acquire the property;

181 (d) in the case of records that would identify the appraisal or estimated value of
182 property, the potential sellers have already learned of the governmental entity's estimated value

183 of the property; or

184 (e) the property under consideration for public acquisition is a single family residence
185 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
186 the property as required under Section 78B-6-505;

187 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
188 compensated transaction of real or personal property including intellectual property, which, if
189 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
190 of the subject property, unless:

191 (a) the public interest in access is greater than or equal to the interests in restricting
192 access, including the governmental entity's interest in maximizing the financial benefit of the
193 transaction; or

194 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
195 the value of the subject property have already been disclosed to persons not employed by or
196 under a duty of confidentiality to the entity;

197 (10) records created or maintained for civil, criminal, or administrative enforcement
198 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
199 release of the records:

200 (a) reasonably could be expected to interfere with investigations undertaken for
201 enforcement, discipline, licensing, certification, or registration purposes;

202 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
203 proceedings;

204 (c) would create a danger of depriving a person of a right to a fair trial or impartial
205 hearing;

206 (d) reasonably could be expected to disclose the identity of a source who is not
207 generally known outside of government and, in the case of a record compiled in the course of
208 an investigation, disclose information furnished by a source not generally known outside of
209 government if disclosure would compromise the source; or

210 (e) reasonably could be expected to disclose investigative or audit techniques,
211 procedures, policies, or orders not generally known outside of government if disclosure would
212 interfere with enforcement or audit efforts;

213 (11) records the disclosure of which would jeopardize the life or safety of an

214 individual;

215 (12) records the disclosure of which would jeopardize the security of governmental
216 property, governmental programs, or governmental recordkeeping systems from damage, theft,
217 or other appropriation or use contrary to law or public policy;

218 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
219 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
220 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

221 (14) records that, if disclosed, would reveal recommendations made to the Board of
222 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
223 Board of Pardons and Parole, or the Department of Human Services that are based on the
224 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
225 jurisdiction;

226 (15) records and audit workpapers that identify audit, collection, and operational
227 procedures and methods used by the State Tax Commission, if disclosure would interfere with
228 audits or collections;

229 (16) records of a governmental audit agency relating to an ongoing or planned audit
230 until the final audit is released;

231 (17) records that are subject to the attorney client privilege;

232 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
233 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
234 quasi-judicial, or administrative proceeding;

235 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
236 from a member of the Legislature; and

237 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
238 legislative action or policy may not be classified as protected under this section; and

239 (b) (i) an internal communication that is part of the deliberative process in connection
240 with the preparation of legislation between:

241 (A) members of a legislative body;

242 (B) a member of a legislative body and a member of the legislative body's staff; or

243 (C) members of a legislative body's staff; and

244 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of

245 legislative action or policy may not be classified as protected under this section;

246 (20) (a) records in the custody or control of the Office of Legislative Research and
247 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
248 legislation or contemplated course of action before the legislator has elected to support the
249 legislation or course of action, or made the legislation or course of action public; and

250 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
251 Office of Legislative Research and General Counsel is a public document unless a legislator
252 asks that the records requesting the legislation be maintained as protected records until such
253 time as the legislator elects to make the legislation or course of action public;

254 (21) research requests from legislators to the Office of Legislative Research and
255 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
256 in response to these requests;

257 (22) drafts, unless otherwise classified as public;

258 (23) records concerning a governmental entity's strategy about:

259 (a) collective bargaining; or

260 (b) imminent or pending litigation;

261 (24) records of investigations of loss occurrences and analyses of loss occurrences that
262 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
263 Uninsured Employers' Fund, or similar divisions in other governmental entities;

264 (25) records, other than personnel evaluations, that contain a personal recommendation
265 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
266 personal privacy, or disclosure is not in the public interest;

267 (26) records that reveal the location of historic, prehistoric, paleontological, or
268 biological resources that if known would jeopardize the security of those resources or of
269 valuable historic, scientific, educational, or cultural information;

270 (27) records of independent state agencies if the disclosure of the records would
271 conflict with the fiduciary obligations of the agency;

272 (28) records of an institution within the state system of higher education defined in
273 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
274 retention decisions, and promotions, which could be properly discussed in a meeting closed in
275 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of

276 the final decisions about tenure, appointments, retention, promotions, or those students
277 admitted, may not be classified as protected under this section;

278 (29) records of the governor's office, including budget recommendations, legislative
279 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
280 policies or contemplated courses of action before the governor has implemented or rejected
281 those policies or courses of action or made them public;

282 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
283 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
284 recommendations in these areas;

285 (31) records provided by the United States or by a government entity outside the state
286 that are given to the governmental entity with a requirement that they be managed as protected
287 records if the providing entity certifies that the record would not be subject to public disclosure
288 if retained by it;

289 (32) transcripts, minutes, or reports of the closed portion of a meeting of a public body
290 except as provided in Section [52-4-206](#);

291 (33) records that would reveal the contents of settlement negotiations but not including
292 final settlements or empirical data to the extent that they are not otherwise exempt from
293 disclosure;

294 (34) memoranda prepared by staff and used in the decision-making process by an
295 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
296 other body charged by law with performing a quasi-judicial function;

297 (35) records that would reveal negotiations regarding assistance or incentives offered
298 by or requested from a governmental entity for the purpose of encouraging a person to expand
299 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
300 person or place the governmental entity at a competitive disadvantage, but this section may not
301 be used to restrict access to a record evidencing a final contract;

302 (36) materials to which access must be limited for purposes of securing or maintaining
303 the governmental entity's proprietary protection of intellectual property rights including patents,
304 copyrights, and trade secrets;

305 (37) the name of a donor or a prospective donor to a governmental entity, including an
306 institution within the state system of higher education defined in Section [53B-1-102](#), and other

307 information concerning the donation that could reasonably be expected to reveal the identity of
308 the donor, provided that:

309 (a) the donor requests anonymity in writing;

310 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
311 classified protected by the governmental entity under this Subsection (37); and

312 (c) except for an institution within the state system of higher education defined in
313 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
314 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
315 over the donor, a member of the donor's immediate family, or any entity owned or controlled
316 by the donor or the donor's immediate family;

317 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
318 73-18-13;

319 (39) a notification of workers' compensation insurance coverage described in Section
320 34A-2-205;

321 (40) (a) the following records of an institution within the state system of higher
322 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
323 or received by or on behalf of faculty, staff, employees, or students of the institution:

324 (i) unpublished lecture notes;

325 (ii) unpublished notes, data, and information:

326 (A) relating to research; and

327 (B) of:

328 (I) the institution within the state system of higher education defined in Section
329 53B-1-102; or

330 (II) a sponsor of sponsored research;

331 (iii) unpublished manuscripts;

332 (iv) creative works in process;

333 (v) scholarly correspondence; and

334 (vi) confidential information contained in research proposals;

335 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
336 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

337 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

338 (41) (a) records in the custody or control of the Office of Legislative Auditor General
339 that would reveal the name of a particular legislator who requests a legislative audit prior to the
340 date that audit is completed and made public; and

341 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
342 Office of the Legislative Auditor General is a public document unless the legislator asks that
343 the records in the custody or control of the Office of Legislative Auditor General that would
344 reveal the name of a particular legislator who requests a legislative audit be maintained as
345 protected records until the audit is completed and made public;

346 (42) records that provide detail as to the location of an explosive, including a map or
347 other document that indicates the location of:

348 (a) a production facility; or

349 (b) a magazine;

350 (43) information:

351 (a) contained in the statewide database of the Division of Aging and Adult Services
352 created by Section [62A-3-311.1](#); or

353 (b) received or maintained in relation to the Identity Theft Reporting Information
354 System (IRIS) established under Section [67-5-22](#);

355 (44) information contained in the Management Information System and Licensing
356 Information System described in Title 62A, Chapter 4a, Child and Family Services;

357 (45) information regarding National Guard operations or activities in support of the
358 National Guard's federal mission;

359 (46) records provided by any pawn or secondhand business to a law enforcement
360 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
361 Secondhand Merchandise Transaction Information Act;

362 (47) information regarding food security, risk, and vulnerability assessments performed
363 by the Department of Agriculture and Food;

364 (48) except to the extent that the record is exempt from this chapter pursuant to Section
365 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
366 prepared or maintained by the Division of Emergency Management, and the disclosure of
367 which would jeopardize:

368 (a) the safety of the general public; or

369 (b) the security of:
370 (i) governmental property;
371 (ii) governmental programs; or
372 (iii) the property of a private person who provides the Division of Emergency
373 Management information;
374 (49) records of the Department of Agriculture and Food that provides for the
375 identification, tracing, or control of livestock diseases, including any program established under
376 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
377 of Animal Disease;
378 (50) as provided in Section 26-39-501:
379 (a) information or records held by the Department of Health related to a complaint
380 regarding a child care program or residential child care which the department is unable to
381 substantiate; and
382 (b) information or records related to a complaint received by the Department of Health
383 from an anonymous complainant regarding a child care program or residential child care;
384 (51) unless otherwise classified as public under Section 63G-2-301 and except as
385 provided under Section 41-1a-116, an individual's home address, home telephone number, or
386 personal mobile phone number, if:
387 (a) the individual is required to provide the information in order to comply with a law,
388 ordinance, rule, or order of a government entity; and
389 (b) the subject of the record has a reasonable expectation that this information will be
390 kept confidential due to:
391 (i) the nature of the law, ordinance, rule, or order; and
392 (ii) the individual complying with the law, ordinance, rule, or order;
393 (52) the name, home address, work addresses, and telephone numbers of an individual
394 that is engaged in, or that provides goods or services for, medical or scientific research that is:
395 (a) conducted within the state system of higher education, as defined in Section
396 53B-1-102; and
397 (b) conducted using animals;
398 (53) an initial proposal under Title 63N, Chapter 13, Part 2, Government Procurement
399 Private Proposal Program, to the extent not made public by rules made under that chapter;

400 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance
401 Evaluation Commission concerning an individual commissioner's vote on whether or not to
402 recommend that the voters retain a judge including information disclosed under Subsection
403 [78A-12-203\(5\)\(e\)](#);

404 (55) information collected and a report prepared by the Judicial Performance
405 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter
406 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
407 the information or report;

408 (56) records contained in the Management Information System created in Section
409 [62A-4a-1003](#);

410 (57) records provided or received by the Public Lands Policy Coordinating Office in
411 furtherance of any contract or other agreement made in accordance with Section [63J-4-603](#);

412 (58) information requested by and provided to the 911 Division under Section
413 [63H-7a-302](#);

414 (59) in accordance with Section [73-10-33](#):

415 (a) a management plan for a water conveyance facility in the possession of the Division
416 of Water Resources or the Board of Water Resources; or

417 (b) an outline of an emergency response plan in possession of the state or a county or
418 municipality;

419 (60) the following records in the custody or control of the Office of Inspector General
420 of Medicaid Services, created in Section [63A-13-201](#):

421 (a) records that would disclose information relating to allegations of personal
422 misconduct, gross mismanagement, or illegal activity of a person if the information or
423 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
424 through other documents or evidence, and the records relating to the allegation are not relied
425 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
426 report or final audit report;

427 (b) records and audit workpapers to the extent they would disclose the identity of a
428 person who, during the course of an investigation or audit, communicated the existence of any
429 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
430 regulation adopted under the laws of this state, a political subdivision of the state, or any

431 recognized entity of the United States, if the information was disclosed on the condition that
432 the identity of the person be protected;

433 (c) before the time that an investigation or audit is completed and the final
434 investigation or final audit report is released, records or drafts circulated to a person who is not
435 an employee or head of a governmental entity for the person's response or information;

436 (d) records that would disclose an outline or part of any investigation, audit survey
437 plan, or audit program; or

438 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
439 investigation or audit;

440 (61) records that reveal methods used by the Office of Inspector General of Medicaid
441 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
442 abuse;

443 (62) information provided to the Department of Health or the Division of Occupational
444 and Professional Licensing under Subsection 58-68-304(3) or (4);

445 (63) a record described in Section 63G-12-210;

446 (64) captured plate data that is obtained through an automatic license plate reader
447 system used by a governmental entity as authorized in Section 41-6a-2003;

448 (65) any record in the custody of the Utah Office for Victims of Crime relating to a
449 victim, including:

450 (a) a victim's application or request for benefits;

451 (b) a victim's receipt or denial of benefits; and

452 (c) any administrative notes or records made or created for the purpose of, or used to,
453 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
454 Reparations Fund;

455 (66) an audio or video recording created by a body-worn camera, as that term is
456 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
457 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
458 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
459 that term is defined in Subsection 62A-2-101(19)(a)(vi), except for recordings that:

460 (a) depict the commission of an alleged crime;

461 (b) record any encounter between a law enforcement officer and a person that results in

462 death or bodily injury, or includes an instance when an officer fires a weapon;
463 (c) record any encounter that is the subject of a complaint or a legal proceeding against
464 a law enforcement officer or law enforcement agency;
465 (d) contain an officer involved critical incident as defined in Subsection
466 [76-2-408\(1\)\(d\)](#); or
467 (e) have been requested for reclassification as a public record by a subject or
468 authorized agent of a subject featured in the recording; ~~and~~
469 (67) a record pertaining to the search process for a president of an institution of higher
470 education described in Section [53B-2-102](#), except for application materials for a publicly
471 announced finalist[-]; and
472 (68) records submitted by or prepared in relation to an applicant seeking a
473 recommendation by the Research and General Counsel Subcommittee, the Budget
474 Subcommittee, or the Audit Subcommittee, established under Section [36-12-8](#), for an
475 employment position with the Legislature.

Legislative Review Note
Office of Legislative Research and General Counsel