

Representative Keven J. Stratton proposes the following substitute bill:

JAIL PHOTO DISTRIBUTION PROHIBITION

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill amends provisions relating to the disclosure of an image taken during the process of booking an individual into jail.

Highlighted Provisions:

This bill:

- ▶ subject to certain exceptions, classifies as a protected record an image taken of an individual during the process of booking the individual into jail; and
- ▶ prohibits a sheriff from disclosing a protected record described in this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-22-30, as last amended by Laws of Utah 2019, Chapter 93

63G-2-305, as last amended by Laws of Utah 2020, Chapters 112, 198, 339, 349, 382,
and 393



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

27 Section 1. Section 17-22-30 is amended to read:

28 **17-22-30. Prohibition on providing copy of booking photograph -- Statement**
29 **required -- Criminal liability for false statement -- Remedy for failure to remove or**
30 **delete.**

31 (1) As used in this section:

32 (a) "Booking photograph" means a photograph or image of an individual that is
33 generated:

34 (i) for identification purposes; and

35 (ii) when the individual is booked into a county jail.

36 (b) "Publish-for-pay publication" or "publish-for-pay website" means a publication or
37 website that requires the payment of a fee or other consideration in order to remove or delete a
38 booking photograph from the publication or website.

39 (2) A sheriff may not provide a copy of a booking photograph in any format to a person
40 requesting a copy of the booking photograph if:

41 (a) the booking photograph will be placed in a publish-for-pay publication or posted to
42 a publish-for-pay website[-]; or

43 (b) the booking photograph is a protected record under Subsection [63G-2-305\(82\)](#).

44 (3) (a) A person who requests a copy of a booking photograph from a sheriff shall, at
45 the time of making the request, submit a statement signed by the person affirming that the
46 booking photograph will not be placed in a publish-for-pay publication or posted to a
47 publish-for-pay website.

48 (b) A person who submits a false statement under Subsection (3)(a) is subject to
49 criminal liability as provided in Section [76-8-504](#).

50 (4) (a) Except as provided in Subsection (5), a publish-for-pay publication or a
51 publish-for-pay website shall remove and destroy a booking photograph of an individual who
52 submits a request for removal and destruction within 30 calendar days after the day on which
53 the individual makes the request.

54 (b) A publish-for-pay publication or publish-for-pay website described in Subsection
55 (4)(a) may not condition removal or destruction of the booking photograph on the payment of a
56 fee in an amount greater than \$50.

57 (c) If the publish-for-pay publication or publish-for-pay website described in
58 Subsection (4)(a) does not remove and destroy the booking photograph in accordance with
59 Subsection (4)(a), the publish-for-pay publication or publish-for-pay website is liable for:

60 (i) all costs, including reasonable attorney fees, resulting from any legal action the
61 individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay
62 website to remove and destroy the booking photograph; and

63 (ii) a civil penalty of \$50 per day for each day after the 30-day deadline described in
64 Subsection (4)(a) on which the booking photograph is visible or publicly accessible in the
65 publish-for-pay publication or on the publish-for-pay website.

66 (5) (a) A publish-for-pay publication or a publish-for-pay website shall remove and
67 destroy a booking photograph of an individual who submits a request for removal and
68 destruction within seven calendar days after the day on which the individual makes the request
69 if:

70 (i) the booking photograph relates to a criminal charge:

71 (A) on which the individual was acquitted or not prosecuted; or

72 (B) that was expunged, vacated, or pardoned; and

73 (ii) the individual submits, in relation to the request, evidence of a disposition
74 described in Subsection (5)(a)(i).

75 (b) If the publish-for-pay publication or publish-for-pay website described in
76 Subsection (5)(a) does not remove and destroy the booking photograph in accordance with
77 Subsection (5)(a), the publish-for-pay publication or publish-for-pay website is liable for:

78 (i) all costs, including reasonable attorney fees, resulting from any legal action that the
79 individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay
80 website to remove and destroy the booking photograph; and

81 (ii) a civil penalty of \$100 per day for each day after the seven-day deadline described
82 in Subsection (5)(a) on which the booking photograph is visible or publicly accessible in the
83 publish-for-pay publication or on the publish-for-pay website.

84 (c) An act of a publish-for-pay publication or publish-for-pay website described in
85 Subsection (5)(a) that seeks to condition removal or destruction of the booking photograph on
86 the payment of any fee or amount constitutes theft by extortion under Section [76-6-406](#).

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

88 **63G-2-305. Protected records.**

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

90 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret
91 has provided the governmental entity with the information specified in Section 63G-2-309;

92 (2) commercial information or nonindividual financial information obtained from a
93 person if:

94 (a) disclosure of the information could reasonably be expected to result in unfair
95 competitive injury to the person submitting the information or would impair the ability of the
96 governmental entity to obtain necessary information in the future;

97 (b) the person submitting the information has a greater interest in prohibiting access
98 than the public in obtaining access; and

99 (c) the person submitting the information has provided the governmental entity with
100 the information specified in Section 63G-2-309;

101 (3) commercial or financial information acquired or prepared by a governmental entity
102 to the extent that disclosure would lead to financial speculations in currencies, securities, or
103 commodities that will interfere with a planned transaction by the governmental entity or cause
104 substantial financial injury to the governmental entity or state economy;

105 (4) records, the disclosure of which could cause commercial injury to, or confer a
106 competitive advantage upon a potential or actual competitor of, a commercial project entity as
107 defined in Subsection 11-13-103(4);

108 (5) test questions and answers to be used in future license, certification, registration,
109 employment, or academic examinations;

110 (6) records, the disclosure of which would impair governmental procurement
111 proceedings or give an unfair advantage to any person proposing to enter into a contract or
112 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
113 Subsection (6) does not restrict the right of a person to have access to, after the contract or
114 grant has been awarded and signed by all parties:

115 (a) a bid, proposal, application, or other information submitted to or by a governmental
116 entity in response to:

117 (i) an invitation for bids;

118 (ii) a request for proposals;

- 119 (iii) a request for quotes;
- 120 (iv) a grant; or
- 121 (v) other similar document; or
- 122 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);
- 123 (7) information submitted to or by a governmental entity in response to a request for
- 124 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
- 125 the right of a person to have access to the information, after:
 - 126 (a) a contract directly relating to the subject of the request for information has been
 - 127 awarded and signed by all parties; or
 - 128 (b) (i) a final determination is made not to enter into a contract that relates to the
 - 129 subject of the request for information; and
 - 130 (ii) at least two years have passed after the day on which the request for information is
 - 131 issued;
 - 132 (8) records that would identify real property or the appraisal or estimated value of real
 - 133 or personal property, including intellectual property, under consideration for public acquisition
 - 134 before any rights to the property are acquired unless:
 - 135 (a) public interest in obtaining access to the information is greater than or equal to the
 - 136 governmental entity's need to acquire the property on the best terms possible;
 - 137 (b) the information has already been disclosed to persons not employed by or under a
 - 138 duty of confidentiality to the entity;
 - 139 (c) in the case of records that would identify property, potential sellers of the described
 - 140 property have already learned of the governmental entity's plans to acquire the property;
 - 141 (d) in the case of records that would identify the appraisal or estimated value of
 - 142 property, the potential sellers have already learned of the governmental entity's estimated value
 - 143 of the property; or
 - 144 (e) the property under consideration for public acquisition is a single family residence
 - 145 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
 - 146 the property as required under Section [78B-6-505](#);
 - 147 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
 - 148 compensated transaction of real or personal property including intellectual property, which, if
 - 149 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value

150 of the subject property, unless:

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

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

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

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

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

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

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

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

173 (11) records the disclosure of which would jeopardize the life or safety of an
174 individual;

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

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

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

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

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

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

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

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

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

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

201 (A) members of a legislative body;

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

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

204 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
205 legislative action or policy may not be classified as protected under this section;

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

210 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
211 Office of Legislative Research and General Counsel is a public document unless a legislator

212 asks that the records requesting the legislation be maintained as protected records until such
213 time as the legislator elects to make the legislation or course of action public;

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

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

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

219 (a) collective bargaining; or

220 (b) imminent or pending litigation;

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

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

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

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

232 (28) records of an institution within the state system of higher education defined in
233 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
234 retention decisions, and promotions, which could be properly discussed in a meeting closed in
235 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
236 the final decisions about tenure, appointments, retention, promotions, or those students
237 admitted, may not be classified as protected under this section;

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

242 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,

243 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
244 recommendations in these areas;

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

249 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
250 public body except as provided in Section 52-4-206;

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

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

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

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

265 (37) the name of a donor or a prospective donor to a governmental entity, including an
266 institution within the state system of higher education defined in Section 53B-1-102, and other
267 information concerning the donation that could reasonably be expected to reveal the identity of
268 the donor, provided that:

269 (a) the donor requests anonymity in writing;

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

272 (c) except for an institution within the state system of higher education defined in
273 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged

274 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
275 over the donor, a member of the donor's immediate family, or any entity owned or controlled
276 by the donor or the donor's immediate family;

277 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
278 73-18-13;

279 (39) a notification of workers' compensation insurance coverage described in Section
280 34A-2-205;

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

284 (i) unpublished lecture notes;

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

286 (A) relating to research; and

287 (B) of:

288 (I) the institution within the state system of higher education defined in Section
289 53B-1-102; or

290 (II) a sponsor of sponsored research;

291 (iii) unpublished manuscripts;

292 (iv) creative works in process;

293 (v) scholarly correspondence; and

294 (vi) confidential information contained in research proposals;

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

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

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

301 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
302 Office of the Legislative Auditor General is a public document unless the legislator asks that
303 the records in the custody or control of the Office of Legislative Auditor General that would
304 reveal the name of a particular legislator who requests a legislative audit be maintained as

305 protected records until the audit is completed and made public;

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

308 (a) a production facility; or
309 (b) a magazine;

310 (43) information:

311 (a) contained in the statewide database of the Division of Aging and Adult Services
312 created by Section [62A-3-311.1](#); or
313 (b) received or maintained in relation to the Identity Theft Reporting Information
314 System (IRIS) established under Section [67-5-22](#);

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

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

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

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

324 (48) except to the extent that the record is exempt from this chapter pursuant to Section
325 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
326 prepared or maintained by the Division of Emergency Management, and the disclosure of
327 which would jeopardize:

328 (a) the safety of the general public; or
329 (b) the security of:

330 (i) governmental property;
331 (ii) governmental programs; or
332 (iii) the property of a private person who provides the Division of Emergency
333 Management information;

334 (49) records of the Department of Agriculture and Food that provides for the
335 identification, tracing, or control of livestock diseases, including any program established under

336 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
337 of Animal Disease;

338 (50) as provided in Section 26-39-501:

339 (a) information or records held by the Department of Health related to a complaint
340 regarding a child care program or residential child care which the department is unable to
341 substantiate; and

342 (b) information or records related to a complaint received by the Department of Health
343 from an anonymous complainant regarding a child care program or residential child care;

344 (51) unless otherwise classified as public under Section 63G-2-301 and except as
345 provided under Section 41-1a-116, an individual's home address, home telephone number, or
346 personal mobile phone number, if:

347 (a) the individual is required to provide the information in order to comply with a law,
348 ordinance, rule, or order of a government entity; and

349 (b) the subject of the record has a reasonable expectation that this information will be
350 kept confidential due to:

351 (i) the nature of the law, ordinance, rule, or order; and

352 (ii) the individual complying with the law, ordinance, rule, or order;

353 (52) the portion of the following documents that contains a candidate's residential or
354 mailing address, if the candidate provides to the filing officer another address or phone number
355 where the candidate may be contacted:

356 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
357 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
358 20A-9-408.5, 20A-9-502, or 20A-9-601;

359 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

360 (c) a notice of intent to gather signatures for candidacy, described in Section
361 20A-9-408;

362 (53) the name, home address, work addresses, and telephone numbers of an individual
363 that is engaged in, or that provides goods or services for, medical or scientific research that is:

364 (a) conducted within the state system of higher education, as defined in Section
365 53B-1-102; and

366 (b) conducted using animals;

367 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
368 Evaluation Commission concerning an individual commissioner's vote on whether or not to
369 recommend that the voters retain a judge including information disclosed under Subsection
370 78A-12-203(5)(e);

371 (55) information collected and a report prepared by the Judicial Performance
372 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
373 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
374 the information or report;

375 (56) records contained in the Management Information System created in Section
376 62A-4a-1003;

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

379 (58) information requested by and provided to the 911 Division under Section
380 63H-7a-302;

381 (59) in accordance with Section 73-10-33:

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

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

386 (60) the following records in the custody or control of the Office of Inspector General
387 of Medicaid Services, created in Section 63A-13-201:

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

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

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

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

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

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

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

410 (62) information provided to the Department of Health or the Division of Occupational
411 and Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
412 58-68-304(3) and (4);

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

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

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

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

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

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

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

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

429 (b) record any encounter between a law enforcement officer and a person that results in
430 death or bodily injury, or includes an instance when an officer fires a weapon;

431 (c) record any encounter that is the subject of a complaint or a legal proceeding against
432 a law enforcement officer or law enforcement agency;

433 (d) contain an officer involved critical incident as defined in Subsection
434 76-2-408(1)(f); or

435 (e) have been requested for reclassification as a public record by a subject or
436 authorized agent of a subject featured in the recording;

437 (67) a record pertaining to the search process for a president of an institution of higher
438 education described in Section 53B-2-102, except for application materials for a publicly
439 announced finalist;

440 (68) an audio recording that is:

441 (a) produced by an audio recording device that is used in conjunction with a device or
442 piece of equipment designed or intended for resuscitating an individual or for treating an
443 individual with a life-threatening condition;

444 (b) produced during an emergency event when an individual employed to provide law
445 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

446 (i) is responding to an individual needing resuscitation or with a life-threatening
447 condition; and

448 (ii) uses a device or piece of equipment designed or intended for resuscitating an
449 individual or for treating an individual with a life-threatening condition; and

450 (c) intended and used for purposes of training emergency responders how to improve
451 their response to an emergency situation;

452 (69) records submitted by or prepared in relation to an applicant seeking a
453 recommendation by the Research and General Counsel Subcommittee, the Budget
454 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
455 employment position with the Legislature;

456 (70) work papers as defined in Section 31A-2-204;

457 (71) a record made available to Adult Protective Services or a law enforcement agency
458 under Section 61-1-206;

459 (72) a record submitted to the Insurance Department in accordance with Section

460 31A-37-201 or 31A-22-653;

461 (73) a record described in Section 31A-37-503[-];

462 (74) any record created by the Division of Occupational and Professional Licensing as
463 a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

464 (75) a record described in Section 72-16-306 that relates to the reporting of an injury
465 involving an amusement ride;

466 (76) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
467 on a political petition, or on a request to withdraw a signature from a political petition,
468 including a petition or request described in the following titles:

469 (a) Title 10, Utah Municipal Code;

470 (b) Title 17, Counties;

471 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;

472 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

473 (e) Title 20A, Election Code;

474 (77) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in
475 a voter registration record;

476 (78) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
477 signature described in Subsection (76) or (77), in the custody of the lieutenant governor or a
478 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

479 (79) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
480 5, Victims Guidelines for Prosecutors Act;

481 (80) a record submitted to the Insurance Department under Subsection

482 31A-47-103(1)(b); ~~and~~

483 (81) personal information, as defined in Section 63G-26-102, to the extent disclosure is
484 prohibited under Section 63G-26-103[-]; and

485 (82) (a) an image taken of an individual during the process of booking the individual
486 into jail, unless:

487 (i) the individual is convicted of a criminal offense based upon the conduct for which
488 the individual was incarcerated at the time the image was taken;

489 (ii) a law enforcement agency releases or disseminates the image after determining
490 that:

491 (A) the individual is a fugitive or an imminent threat to an individual or to public
492 safety; and

493 (B) releasing or disseminating the image will assist in apprehending the individual or
494 reducing or eliminating the threat; or

495 (iii) a judge orders the release or dissemination of the image based on a finding that the
496 release or dissemination is in furtherance of a legitimate law enforcement interest.