

**PRIVATE LAW ENFORCEMENT AGENCY CERTIFICATION**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Candice B. Pierucci

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**LONG TITLE**

**General Description:**

This bill addresses the regulation and authority of a law enforcement agency established by a private institution of higher education.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ grants rulemaking authority to the commissioner of the Department of Public Safety;
- ▶ establishes a process and requirements for certification, and certification renewal, of a law enforcement agency established by a private institution of higher education (a private law enforcement agency);
- ▶ describes the authority of a private law enforcement agency;
- ▶ describes policy and procedure requirements for a private law enforcement agency;
- ▶ provides for access to records of, and periodic audits of, a private law enforcement agency;
- ▶ provides for enforcement of the provisions of this bill, including informal and formal action;
- ▶ establishes due process procedures for taking formal action against a private law enforcement agency, including placing the private law enforcement agency on probation, or revoking or refusing to renew a private law enforcement agency's



28 certification; and

29       ▶ makes a private law enforcement agency subject to the Government Records Access  
30 and Management Act.

31 **Money Appropriated in this Bill:**

32       None

33 **Other Special Clauses:**

34       None

35 **Utah Code Sections Affected:**

36 AMENDS:

37       **53-13-103**, as last amended by Laws of Utah 2019, Chapter 280

38       **63G-2-103**, as last amended by Laws of Utah 2020, Chapter 365

39 ENACTS:

40       **53-19-101**, Utah Code Annotated 1953

41       **53-19-102**, Utah Code Annotated 1953

42       **53-19-103**, Utah Code Annotated 1953

43       **53-19-201**, Utah Code Annotated 1953

44       **53-19-202**, Utah Code Annotated 1953

45       **53-19-203**, Utah Code Annotated 1953

46       **53-19-204**, Utah Code Annotated 1953

47       **53-19-301**, Utah Code Annotated 1953

48       **53-19-302**, Utah Code Annotated 1953

49       **53-19-303**, Utah Code Annotated 1953



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

52       Section 1. Section **53-13-103** is amended to read:

53       **53-13-103. Law enforcement officer.**

54       (1) (a) "Law enforcement officer" means a sworn and certified peace officer:

55       (i) who is an employee of a law enforcement agency; and

56       (ii) whose primary and principal duties consist of the prevention and detection of crime

57 and the enforcement of criminal statutes or ordinances of this state or any of its political

58 subdivisions.

- 59 (b) "Law enforcement officer" includes the following:
- 60 (i) any sheriff or deputy sheriff, chief of police, police officer, or marshal of any  
61 county, city, or town;
- 62 (ii) the commissioner of public safety and any member of the Department of Public  
63 Safety certified as a peace officer;
- 64 (iii) all persons specified in Sections 23-20-1.5 and 79-4-501;
- 65 (iv) any police officer employed by any college or university;
- 66 (v) investigators for the Motor Vehicle Enforcement Division;
- 67 (vi) investigators for the Department of Insurance, Fraud Division;
- 68 (vii) special agents or investigators employed by the attorney general, district attorneys,  
69 and county attorneys;
- 70 (viii) employees of the Department of Natural Resources designated as peace officers  
71 by law;
- 72 (ix) school district police officers as designated by the board of education for the  
73 school district;
- 74 (x) the executive director of the Department of Corrections and any correctional  
75 enforcement or investigative officer designated by the executive director and approved by the  
76 commissioner of public safety and certified by the division;
- 77 (xi) correctional enforcement, investigative, or adult probation and parole officers  
78 employed by the Department of Corrections serving on or before July 1, 1993;
- 79 (xii) members of a law enforcement agency established by a private college or  
80 university [~~provided that~~] if the college or university [has been] is certified by the  
81 commissioner of public safety [according to rules of the Department of Public Safety] under  
82 Title 53, Chapter 19, Certification of Private Law Enforcement Agency;
- 83 (xiii) airport police officers of any airport owned or operated by the state or any of its  
84 political subdivisions; and
- 85 (xiv) transit police officers designated under Section 17B-2a-822.
- 86 (2) Law enforcement officers may serve criminal process and arrest violators of any  
87 law of this state and have the right to require aid in executing their lawful duties.
- 88 (3) (a) A law enforcement officer has statewide full-spectrum peace officer authority,  
89 but the authority extends to other counties, cities, or towns only when the officer is acting

90 under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is  
91 employed by the state.

92 (b) (i) A local law enforcement agency may limit the jurisdiction in which its law  
93 enforcement officers may exercise their peace officer authority to a certain geographic area.

94 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise  
95 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act  
96 on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the  
97 limited geographic area.

98 (c) The authority of law enforcement officers employed by the Department of  
99 Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.

100 (4) A law enforcement officer shall, prior to exercising peace officer authority:

101 (a) (i) have satisfactorily completed the requirements of Section 53-6-205; or

102 (ii) have met the waiver requirements in Section 53-6-206; and

103 (b) have satisfactorily completed annual certified training of at least 40 hours per year  
104 as directed by the director of the division, with the advice and consent of the council.

105 Section 2. Section 53-19-101 is enacted to read:

106 **CHAPTER 19. CERTIFICATION OF PRIVATE LAW ENFORCEMENT AGENCY**

107 **Part 1. General Provisions**

108 **53-19-101. Title.**

109 This chapter is known as "Certification of Private Law Enforcement Agency."

110 Section 3. Section 53-19-102 is enacted to read:

111 **53-19-102. Definitions.**

112 (1) "Informal action" against a private law enforcement agency includes:

113 (a) an oral or written warning;

114 (b) a written reprimand; or

115 (c) a written order to remedy noncompliance with a provision of this chapter, which  
116 may include a deadline for compliance and verification of compliance.

117 (2) "Formal action" against a private law enforcement agency includes:

118 (a) placing a private law enforcement agency on probation;

119 (b) extending the probation of a private law enforcement agency;

120 (c) revoking the certification of a private law enforcement agency; or

121 (d) refusing to renew the certification of a private law enforcement agency.

122 (3) "Monitor" means an individual designated by the commissioner to provide  
123 oversight of a private law enforcement agency that is on probation.

124 (4) "Private law enforcement agency" means a law enforcement agency operated by,  
125 and at, a private institution of higher education.

126 Section 4. Section **53-19-103** is enacted to read:

127 **53-19-103. Rulemaking authority.**

128 The commissioner shall make rules, in accordance with Title 63G, Chapter 3, Utah  
129 Administrative Rulemaking Act, relating to:

130 (1) the forms and process to apply for or renew certification of a private law  
131 enforcement agency;

132 (2) methods for the commissioner, the department, or the Peace Officer Standards and  
133 Training Division to obtain, review, use, and protect, any and all records and information of a  
134 private law enforcement agency;

135 (3) the conduct of a formal hearing under Part 3, Enforcement, including requirements  
136 for proceedings, discovery, subpoenas, and witnesses;

137 (4) monitoring compliance with probation, including the function of a monitor;

138 (5) audit procedures; and

139 (6) requirements for the contents of the policy and procedure manuals of a private law  
140 enforcement agency.

141 Section 5. Section **53-19-201** is enacted to read:

142 **Part 2. Private Law Enforcement Agencies**

143 **53-19-201. Certification of private law enforcement agency -- Certification**  
144 **renewal.**

145 (1) A private institution of higher education may operate a private law enforcement  
146 agency if the private law enforcement agency is certified by the commissioner.

147 (2) A private law enforcement agency certified before May 5, 2021:

148 (a) is not required to apply for an initial certification under Subsection (4);

149 (b) retains the private law enforcement agency's certification until May 5, 2024, unless  
150 the commissioner revokes the certification in accordance with this chapter; and

151 (c) is required to renew the private law enforcement agency's certification on May 5,

152 2024, and every three years after May 5, 2024.

153 (3) A private law enforcement agency certified on or after May 5, 2021:

154 (a) retains the private law enforcement agency's certification for three years, unless the  
155 commissioner revokes the certification in accordance with this chapter; and

156 (b) is required to renew the private law enforcement agency's certification every three  
157 years.

158 (4) To receive initial certification for a private law enforcement agency, the private  
159 institution of higher education seeking the certification shall submit to the department an  
160 application for certification, designed by the department, that includes:

161 (a) a description of the proposed private law enforcement agency, including the number  
162 of officers that the private law enforcement agency intends to initially employ;

163 (b) the command structure for the proposed private law enforcement agency;

164 (c) the private law enforcement agency's proposed policies and procedures manual; and

165 (d) any other information required by the commissioner, by a rule described in Section  
166 53-19-103.

167 (5) To receive a renewal of certification, the private law enforcement agency shall, no  
168 sooner than 180 days before, and no later than 90 days before, the day on which the private law  
169 enforcement agency's certification expires, submit to the department an application for  
170 certification renewal, designed by the department, that includes:

171 (a) a description of the private law enforcement agency, including the number of  
172 officers that the private law enforcement agency currently employs and the number of  
173 additional officers that the private law enforcement agency plans to hire in the next three years;

174 (b) the command structure of the private law enforcement agency;

175 (c) the private law enforcement agency's policies and procedures manual; and

176 (d) any other information required by the commissioner, by a rule described in Section  
177 53-19-103.

178 (6) The department shall, within 90 days after the day on which the department  
179 receives a completed application for certification described in Subsection (4), or a completed  
180 application for certification renewal described in Subsection (5), grant or deny the application.

181 (7) The commissioner shall:

182 (a) grant an application for certification of a private law enforcement agency, if:

- 183 (i) the application is complete;
- 184 (ii) the proposed policies and procedures manual complies with Section 53-19-203,
- 185 including the rules described in Section 53-19-103;
- 186 (iii) the proposed private law enforcement agency will be organized and operated in a
- 187 manner that is consistent with the requirements of law, the requirements of administrative
- 188 rules, and best practices; and

189 (iv) the private institution of higher education submitting the application has never had  
 190 certification of a private law enforcement agency revoked by the commissioner; and

191 (b) advise and consult with the applicant to cure any barriers to obtaining certification.

192 (8) The commissioner may grant an application for certification of a private law  
 193 enforcement agency whose certification was previously revoked if:

194 (a) the private institution of higher education applying for certification:

195 (i) complies with the provisions described in Subsections (7)(a)(i) through (iii); and

196 (ii) convinces the commissioner that the reasons for the previous revocation will not  
 197 reoccur; and

198 (b) the application is filed at least three years after the day on which the certification  
 199 was revoked.

200 Section 6. Section 53-19-202 is enacted to read:

201 **53-19-202. Authority of private law enforcement agency -- Requirements.**

202 (1) A certified private law enforcement agency may function as a law enforcement  
 203 agency under the authority of the state, within the confines of the campus of the private  
 204 institution of higher education, to:

205 (a) prevent, detect, and investigate crime; and

206 (b) enforce traffic laws and criminal statutes and ordinances.

207 (2) The authority of a private law enforcement agency does not extend beyond the  
 208 confines of the campus of the private institution of higher education, except as provided under  
 209 Subsection 53-13-103(3).

210 (3) A private law enforcement agency shall:

211 (a) comply with:

212 (i) the requirements of this chapter;

213 (ii) rules made under Section 53-19-103; and

- 214 (iii) all other requirements of state and federal law;
- 215 (b) (i) comply with and enforce the provisions of Section 53-6-211;
- 216 (ii) conduct an internal administrative investigation after becoming aware of a credible
- 217 allegation of misconduct under Section 53-6-211; and
- 218 (iii) report findings following an internal administrative investigation to the Peace
- 219 Officer Standards and Training Division within 14 days after the day on which the
- 220 investigation is complete;
- 221 (c) only employ peace officers and dispatchers who are certified under this title;
- 222 (d) if the private law enforcement agency is placed on probation:
- 223 (i) comply with requirements imposed during the period of probation; and
- 224 (ii) cooperate and comply with a monitor appointed by the commissioner;
- 225 (e) provide any and all records and information relating to the private law enforcement
- 226 agency that are requested by the commissioner, the department, or the Peace Officer Standards
- 227 and Training Division; and
- 228 (f) cooperate with the commissioner or the commissioner's designee in relation to an
- 229 audit.

230 Section 7. Section 53-19-203 is enacted to read:

231 **53-19-203. Policies and procedures -- Approval -- Modification.**

- 232 (1) A private law enforcement agency shall:
- 233 (a) develop a policy and procedures manual that:
- 234 (i) includes clear definitions and clearly and fully explains the policies and procedures;
- 235 (ii) complies with the requirements of law and administrative rules;
- 236 (iii) reflects best practices; and
- 237 (iv) includes all policies and procedures of the private law enforcement agency;
- 238 (b) review, and revise and update as needed, the policy and procedures on at least on
- 239 annual basis; and
- 240 (c) maintain, and uniformly apply and enforce, the policies and procedures contained in
- 241 the manual.
- 242 (2) A private law enforcement agency shall:
- 243 (a) if the private law enforcement agency was certified before May 5, 2021, submit the
- 244 private law enforcement agency's policies and procedures manual to the commissioner for

245 approval:

246 (i) on or before July 1, 2021; and

247 (ii) at any time the private law enforcement agency modifies the private law  
248 enforcement agency's policies and procedures manual; or

249 (b) if the private law enforcement agency is certified on or after May 5, 2021, submit  
250 the private law enforcement agency's policies and procedures manual:

251 (i) for initial approval in accordance with Subsection 53-19-201(4)(c); and

252 (ii) for approval at any time the private law enforcement agency modifies the private  
253 law enforcement agency's policies and procedures manual.

254 Section 8. Section **53-19-204** is enacted to read:

255 **53-19-204. Audits.**

256 (1) The commissioner shall conduct periodic audits of a private law enforcement  
257 agency to ensure compliance with the requirements of this chapter.

258 (2) A private law enforcement agency shall fully cooperate with an audit conducted by,  
259 or under the direction of, the commissioner.

260 Section 9. Section **53-19-301** is enacted to read:

261 **Part 3. Enforcement**

262 **53-19-301. Violation by private law enforcement agency -- Action by**  
263 **commissioner.**

264 (1) If a private law enforcement agency is in violation of, or has violated, a provision  
265 of this chapter, the commissioner may:

266 (a) take informal action to remedy the violation;

267 (b) place the private law enforcement agency on probation;

268 (c) revoke the certification of the private law enforcement agency; or

269 (d) refuse to renew the certification of the private law enforcement agency.

270 (2) If a private law enforcement agency on probation is in violation of, or has violated,  
271 a condition of probation, the commissioner may:

272 (a) take informal action to remedy the violation;

273 (b) extend the term of the probation;

274 (c) revoke the certification of the private law enforcement agency; or

275 (d) refuse to renew the certification of the private law enforcement agency.

276 Section 10. Section **53-19-302** is enacted to read:

277 **53-19-302. Formal action against a private law enforcement agency.**

278 (1) If the commissioner determines that a private law enforcement agency violated a  
279 provision of this chapter or a requirement of probation, the commissioner may take formal  
280 action against the private law enforcement agency in accordance with this section.

281 (2) Before taking formal action against a private law enforcement agency, the  
282 commissioner shall provide written notice to the private law enforcement agency that the  
283 commissioner intends to take formal action against the private law enforcement agency, that  
284 includes:

285 (a) a statement that the commissioner intends to take formal action against the private  
286 law enforcement agency;

287 (b) a description of the violations upon which the formal action is based;

288 (c) a statement that the private law enforcement agency has the right to request a  
289 formal hearing on the action before an administrative law judge selected by the commissioner;  
290 and

291 (d) information regarding the process and deadline for requesting a hearing.

292 (3) Within 30 days after the day on which the commissioner provides the notice  
293 described in Subsection (2), the private law enforcement agency may request a formal hearing  
294 before an administrative law judge selected by the commissioner by submitting the request, in  
295 writing, to the commissioner.

296 (4) If the private law enforcement agency fails to timely request a formal hearing under  
297 Subsection (3):

298 (a) the commissioner may:

299 (i) revoke or refuse to renew the certification of the private law enforcement agency;

300 (ii) place the private law enforcement agency on probation; or

301 (iii) extend an existing period of probation; and

302 (b) the action of the commissioner is final.

303 (5) If a private law enforcement agency timely requests a formal hearing under  
304 Subsection (3), an administrative law judge shall conduct a formal hearing on the action in  
305 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

306 (6) The formal hearing shall be recorded and shall address the issue of whether the

307 private law enforcement agency committed the violations included in the notice described in  
308 Subsection (2)(b).

309 (7) If, after the hearing, the administrative law judge issues findings of fact and  
310 conclusions of law stating that there is sufficient evidence to demonstrate that the private law  
311 enforcement agency committed one or more of the violations included in the notice described  
312 in Subsection (2)(b), the commissioner shall review the findings and may:

313 (a) revoke or refuse to renew the certification of the private law enforcement agency;

314 (b) place the private law enforcement agency on probation; or

315 (c) extend an existing period of probation.

316 (8) If the administrative law judge finds that there is insufficient evidence to  
317 demonstrate that the private law enforcement agency committed any of the violations included  
318 in the notice described in Subsection (2)(b), the administrative law judge shall dismiss the  
319 formal action sought by the commissioner.

320 (9) A private law enforcement agency may appeal the decision of the administrative  
321 law judge and the action taken by the commissioner under Subsection (7), under Title 63G,  
322 Chapter 4, Part 4, Judicial Review.

323 (10) The commissioner may appeal the decision of the administrative law judge under  
324 Title 63G, Chapter 4, Part 4, Judicial Review.

325 Section 11. Section **53-19-303** is enacted to read:

326 **53-19-303. Probation -- Monitor.**

327 (1) If the commissioner places a private law enforcement agency on probation, the  
328 commissioner:

329 (a) shall provide a written document to the private law enforcement agency that  
330 describes the length and conditions of the probation; and

331 (b) may designate a monitor to provide oversight of the private law enforcement  
332 agency during all, or any portion of, the period of probation.

333 (2) The private law enforcement agency is responsible for payment of all costs  
334 associated with the employment of a monitor designated by the commissioner.

335 (3) The monitor:

336 (a) shall report to the commissioner;

337 (b) may be terminated only by the commissioner;

338 (c) shall perform audits to ensure compliance with the terms of probation and the  
339 requirements of this chapter; and

340 (d) report to the commissioner on the performance and progress of the private law  
341 enforcement agency.

342 (4) The monitor may recommend new policies and procedures and, if directed by the  
343 commissioner, shall oversee implementation of the new policies and procedures and report  
344 deficiencies to the commissioner.

345 Section 12. Section **63G-2-103** is amended to read:

346 **63G-2-103. Definitions.**

347 As used in this chapter:

348 (1) "Audit" means:

349 (a) a systematic examination of financial, management, program, and related records  
350 for the purpose of determining the fair presentation of financial statements, adequacy of  
351 internal controls, or compliance with laws and regulations; or

352 (b) a systematic examination of program procedures and operations for the purpose of  
353 determining their effectiveness, economy, efficiency, and compliance with statutes and  
354 regulations.

355 (2) "Chronological logs" mean the regular and customary summary records of law  
356 enforcement agencies and other public safety agencies that show:

357 (a) the time and general nature of police, fire, and paramedic calls made to the agency;  
358 and

359 (b) any arrests or jail bookings made by the agency.

360 (3) "Classification," "classify," and their derivative forms mean determining whether a  
361 record series, record, or information within a record is public, private, controlled, protected, or  
362 exempt from disclosure under Subsection [63G-2-201\(3\)\(b\)](#).

363 (4) (a) "Computer program" means:

364 (i) a series of instructions or statements that permit the functioning of a computer  
365 system in a manner designed to provide storage, retrieval, and manipulation of data from the  
366 computer system; and

367 (ii) any associated documentation and source material that explain how to operate the  
368 computer program.

- 369 (b) "Computer program" does not mean:
- 370 (i) the original data, including numbers, text, voice, graphics, and images;
- 371 (ii) analysis, compilation, and other manipulated forms of the original data produced by
- 372 use of the program; or
- 373 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
- 374 algorithms contained in the program, that would be used if the manipulated forms of the
- 375 original data were to be produced manually.
- 376 (5) (a) "Contractor" means:
- 377 (i) any person who contracts with a governmental entity to provide goods or services
- 378 directly to a governmental entity; or
- 379 (ii) any private, nonprofit organization that receives funds from a governmental entity.
- 380 (b) "Contractor" does not mean a private provider.
- 381 (6) "Controlled record" means a record containing data on individuals that is controlled
- 382 as provided by Section [63G-2-304](#).
- 383 (7) "Designation," "designate," and their derivative forms mean indicating, based on a
- 384 governmental entity's familiarity with a record series or based on a governmental entity's
- 385 review of a reasonable sample of a record series, the primary classification that a majority of
- 386 records in a record series would be given if classified and the classification that other records
- 387 typically present in the record series would be given if classified.
- 388 (8) "Elected official" means each person elected to a state office, county office,
- 389 municipal office, school board or school district office, local district office, or special service
- 390 district office, but does not include judges.
- 391 (9) "Explosive" means a chemical compound, device, or mixture:
- 392 (a) commonly used or intended for the purpose of producing an explosion; and
- 393 (b) that contains oxidizing or combustive units or other ingredients in proportions,
- 394 quantities, or packing so that:
- 395 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
- 396 compound or mixture may cause a sudden generation of highly heated gases; and
- 397 (ii) the resultant gaseous pressures are capable of:
- 398 (A) producing destructive effects on contiguous objects; or
- 399 (B) causing death or serious bodily injury.

400 (10) "Government audit agency" means any governmental entity that conducts an audit.

401 (11) (a) "Governmental entity" means:

402 (i) executive department agencies of the state, the offices of the governor, lieutenant  
403 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,  
404 the Board of Examiners, the National Guard, the Career Service Review Office, the State  
405 Board of Education, the Utah Board of Higher Education, and the State Archives;

406 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal  
407 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative  
408 committees, except any political party, group, caucus, or rules or sifting committee of the  
409 Legislature;

410 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar  
411 administrative units in the judicial branch;

412 (iv) any state-funded institution of higher education or public education; or

413 (v) any political subdivision of the state, but, if a political subdivision has adopted an  
414 ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this  
415 chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or  
416 as specified in any other section of this chapter that specifically refers to political subdivisions.

417 (b) "Governmental entity" also means:

418 (i) every office, agency, board, bureau, committee, department, advisory board, or  
419 commission of an entity listed in Subsection (11)(a) that is funded or established by the  
420 government to carry out the public's business;

421 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative  
422 undertaking;

423 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;

424 (iv) an association as defined in Section 53G-7-1101;

425 (v) the Utah Independent Redistricting Commission; [~~and~~]

426 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or  
427 more law enforcement officers, as defined in Section 53-13-103[-]; and

428 (vii) a private law enforcement agency certified under Title 53, Chapter 19,  
429 Certification of Private Law Enforcement Agency.

430 (c) "Governmental entity" does not include the Utah Educational Savings Plan created

431 in Section [53B-8a-103](#).

432 (12) "Gross compensation" means every form of remuneration payable for a given  
433 period to an individual for services provided including salaries, commissions, vacation pay,  
434 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any  
435 similar benefit received from the individual's employer.

436 (13) "Individual" means a human being.

437 (14) (a) "Initial contact report" means an initial written or recorded report, however  
438 titled, prepared by peace officers engaged in public patrol or response duties describing official  
439 actions initially taken in response to either a public complaint about or the discovery of an  
440 apparent violation of law, which report may describe:

441 (i) the date, time, location, and nature of the complaint, the incident, or offense;

442 (ii) names of victims;

443 (iii) the nature or general scope of the agency's initial actions taken in response to the  
444 incident;

445 (iv) the general nature of any injuries or estimate of damages sustained in the incident;

446 (v) the name, address, and other identifying information about any person arrested or  
447 charged in connection with the incident; or

448 (vi) the identity of the public safety personnel, except undercover personnel, or  
449 prosecuting attorney involved in responding to the initial incident.

450 (b) Initial contact reports do not include follow-up or investigative reports prepared  
451 after the initial contact report. However, if the information specified in Subsection (14)(a)  
452 appears in follow-up or investigative reports, it may only be treated confidentially if it is  
453 private, controlled, protected, or exempt from disclosure under Subsection [63G-2-201\(3\)\(b\)](#).

454 (15) "Legislative body" means the Legislature.

455 (16) "Notice of compliance" means a statement confirming that a governmental entity  
456 has complied with an order of the State Records Committee.

457 (17) "Person" means:

458 (a) an individual;

459 (b) a nonprofit or profit corporation;

460 (c) a partnership;

461 (d) a sole proprietorship;

462 (e) other type of business organization; or

463 (f) any combination acting in concert with one another.

464 (18) "Private provider" means any person who contracts with a governmental entity to  
465 provide services directly to the public.

466 (19) "Private record" means a record containing data on individuals that is private as  
467 provided by Section 63G-2-302.

468 (20) "Protected record" means a record that is classified protected as provided by  
469 Section 63G-2-305.

470 (21) "Public record" means a record that is not private, controlled, or protected and that  
471 is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).

472 (22) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,  
473 card, tape, recording, electronic data, or other documentary material regardless of physical form  
474 or characteristics:

475 (i) that is prepared, owned, received, or retained by a governmental entity or political  
476 subdivision; and

477 (ii) where all of the information in the original is reproducible by photocopy or other  
478 mechanical or electronic means.

479 (b) "Record" does not mean:

480 (i) a personal note or personal communication prepared or received by an employee or  
481 officer of a governmental entity:

482 (A) in a capacity other than the employee's or officer's governmental capacity; or

483 (B) that is unrelated to the conduct of the public's business;

484 (ii) a temporary draft or similar material prepared for the originator's personal use or  
485 prepared by the originator for the personal use of an individual for whom the originator is  
486 working;

487 (iii) material that is legally owned by an individual in the individual's private capacity;

488 (iv) material to which access is limited by the laws of copyright or patent unless the  
489 copyright or patent is owned by a governmental entity or political subdivision;

490 (v) proprietary software;

491 (vi) junk mail or a commercial publication received by a governmental entity or an  
492 official or employee of a governmental entity;

- 493 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections  
494 of a library open to the public;
- 495 (viii) material that is cataloged, indexed, or inventoried and contained in the collections  
496 of a library open to the public, regardless of physical form or characteristics of the material;
- 497 (ix) a daily calendar or other personal note prepared by the originator for the  
498 originator's personal use or for the personal use of an individual for whom the originator is  
499 working;
- 500 (x) a computer program that is developed or purchased by or for any governmental  
501 entity for its own use;
- 502 (xi) a note or internal memorandum prepared as part of the deliberative process by:
- 503 (A) a member of the judiciary;
- 504 (B) an administrative law judge;
- 505 (C) a member of the Board of Pardons and Parole; or
- 506 (D) a member of any other body, other than an association or appeals panel as defined  
507 in Section [53G-7-1101](#), charged by law with performing a quasi-judicial function;
- 508 (xii) a telephone number or similar code used to access a mobile communication  
509 device that is used by an employee or officer of a governmental entity, provided that the  
510 employee or officer of the governmental entity has designated at least one business telephone  
511 number that is a public record as provided in Section [63G-2-301](#);
- 512 (xiii) information provided by the Public Employees' Benefit and Insurance Program,  
513 created in Section [49-20-103](#), to a county to enable the county to calculate the amount to be  
514 paid to a health care provider under Subsection [17-50-319\(2\)\(e\)\(ii\)](#);
- 515 (xiv) information that an owner of unimproved property provides to a local entity as  
516 provided in Section [11-42-205](#);
- 517 (xv) a video or audio recording of an interview, or a transcript of the video or audio  
518 recording, that is conducted at a Children's Justice Center established under Section [67-5b-102](#);
- 519 (xvi) child pornography, as defined by Section [76-5b-103](#); or
- 520 (xvii) before final disposition of an ethics complaint occurs, a video or audio recording  
521 of the closed portion of a meeting or hearing of:
- 522 (A) a Senate or House Ethics Committee;
- 523 (B) the Independent Legislative Ethics Commission;

524 (C) the Independent Executive Branch Ethics Commission, created in Section  
525 63A-14-202; or

526 (D) the Political Subdivisions Ethics Review Commission established in Section  
527 63A-15-201.

528 (23) "Record series" means a group of records that may be treated as a unit for  
529 purposes of designation, description, management, or disposition.

530 (24) "Records officer" means the individual appointed by the chief administrative  
531 officer of each governmental entity, or the political subdivision to work with state archives in  
532 the care, maintenance, scheduling, designation, classification, disposal, and preservation of  
533 records.

534 (25) "Schedule," "scheduling," and their derivative forms mean the process of  
535 specifying the length of time each record series should be retained by a governmental entity for  
536 administrative, legal, fiscal, or historical purposes and when each record series should be  
537 transferred to the state archives or destroyed.

538 (26) "Sponsored research" means research, training, and other sponsored activities as  
539 defined by the federal Executive Office of the President, Office of Management and Budget:

540 (a) conducted:

541 (i) by an institution within the state system of higher education defined in Section  
542 53B-1-102; and

543 (ii) through an office responsible for sponsored projects or programs; and

544 (b) funded or otherwise supported by an external:

545 (i) person that is not created or controlled by the institution within the state system of  
546 higher education; or

547 (ii) federal, state, or local governmental entity.

548 (27) "State archives" means the Division of Archives and Records Service created in  
549 Section 63A-12-101.

550 (28) "State archivist" means the director of the state archives.

551 (29) "State Records Committee" means the State Records Committee created in  
552 Section 63G-2-501.

553 (30) "Summary data" means statistical records and compilations that contain data  
554 derived from private, controlled, or protected information but that do not disclose private,

555 controlled, or protected information.