

LAW ENFORCEMENT COURT ORDER REPORTING

AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: _____

LONG TITLE

General Description:

This bill concerns reporting requirements for reverse-location and reverse-keyword court orders.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes law enforcement reporting requirements for reverse-location and reverse-keyword court orders;
- ▶ requires the State Commission on Criminal and Juvenile Justice to receive, compile, and report on data concerning reverse-location and reverse-keyword court orders;
- and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63M-7-204, as last amended by Laws of Utah 2021, Chapters 64 and 426



28 ENACTS:

29 **53-20-101**, Utah Code Annotated 1953



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

32 Section 1. Section **53-20-101** is enacted to read:

33 **CHAPTER 20. REPORTING REQUIREMENTS FOR REVERSE-LOCATION AND**
34 **REVERSE-KEYWORD COURT ORDERS**

35 **53-20-101. Reporting requirements for reverse-location and reverse-keyword**
36 **court orders.**

37 (1) As used in this section:

38 (a) "Commission" means the State Commission on Criminal and Juvenile Justice
39 created in Section **63M-7-201**.

40 (b) "Law enforcement agency" means:

41 (i) an entity of the state or a political subdivision of the state that exists primarily to
42 prevent, detect, or prosecute crime and enforce criminal statutes or ordinances; or

43 (ii) an individual or entity acting for or on behalf of an entity described in Subsection
44 (1)(b)(i).

45 (c) "Reverse-keyword court order" means a court order, including a search warrant,
46 that:

47 (i) compels the disclosure of records or information identifying an unnamed person, by
48 name or other unique identifier, who:

49 (A) electronically searched for a particular word, phrase, character string, or website;
50 or

51 (B) visited a particular website through a link generated by a search; and
52 (ii) may be limited to a specific geographic area or time frame.

53 (d) "Reverse-location court order," commonly known as a "geofence court order,"
54 means a court order, including a search warrant, that:

55 (i) compels the disclosure of records or information pertaining to the location of an
56 unspecified electronic device or the named user or owner of the device; and

57 (ii) has a scope that extends to an unknown number of electronic devices present in a
58 specific geographic area at a given time, regardless of whether the location is measured by

59 global positioning system coordinates, cell tower connectivity, wi-fi positioning, or other form
60 of location detection.

61 (2) (a) Beginning January 1, 2023, a law enforcement agency shall annually on or
62 before April 30 submit a report to the commission with the following data for the previous
63 calendar year:

64 (i) the number of reverse-location court orders requested by the law enforcement
65 agency;

66 (ii) the number of reverse-location court orders that a court or magistrate granted after
67 a request described in Subsection (2)(a)(i);

68 (iii) the number of reverse-keyword court orders requested by the law enforcement
69 agency; and

70 (iv) the number of reverse-keyword court orders that a court or magistrate granted after
71 a request described in Subsection (2)(a)(iii).

72 (b) A law enforcement agency shall compile the report described in Subsection (2)(a)
73 for each year in the standardized format developed by the commission under Subsection (4).

74 (3) If a reverse-keyword court order or a reverse-location court order is requested by a
75 multijurisdictional team of law enforcement officers, the reporting requirement in this section
76 is the responsibility of the commanding agency or governing authority of the
77 multijurisdictional team.

78 (4) The commission shall:

79 (a) develop a standardized format for reporting the data described in Subsection (2);

80 (b) compile the data submitted under Subsection (2); and

81 (c) annually on or before August 1, submit a report of the data described in Subsection
82 (4)(b) to the Law Enforcement and Criminal Justice Interim Committee.

83 Section 2. Section **63M-7-204** is amended to read:

84 **63M-7-204. Duties of commission.**

85 (1) The State Commission on Criminal and Juvenile Justice administration shall:

86 (a) promote the commission's purposes as enumerated in Section **63M-7-201**;

87 (b) promote the communication and coordination of all criminal and juvenile justice
88 agencies;

89 (c) study, evaluate, and report on the status of crime in the state and on the

90 effectiveness of criminal justice policies, procedures, and programs that are directed toward the
91 reduction of crime in the state;

92 (d) study, evaluate, and report on programs initiated by state and local agencies to
93 address reducing recidivism, including changes in penalties and sentencing guidelines intended
94 to reduce recidivism, costs savings associated with the reduction in the number of inmates, and
95 evaluation of expenses and resources needed to meet goals regarding the use of treatment as an
96 alternative to incarceration, as resources allow;

97 (e) study, evaluate, and report on policies, procedures, and programs of other
98 jurisdictions which have effectively reduced crime;

99 (f) identify and promote the implementation of specific policies and programs the
100 commission determines will significantly reduce crime in Utah;

101 (g) provide analysis and recommendations on all criminal and juvenile justice
102 legislation, state budget, and facility requests, including program and fiscal impact on all
103 components of the criminal and juvenile justice system;

104 (h) provide analysis, accountability, recommendations, and supervision for state and
105 federal criminal justice grant money;

106 (i) provide public information on the criminal and juvenile justice system and give
107 technical assistance to agencies or local units of government on methods to promote public
108 awareness;

109 (j) promote research and program evaluation as an integral part of the criminal and
110 juvenile justice system;

111 (k) provide a comprehensive criminal justice plan annually;

112 (l) review agency forecasts regarding future demands on the criminal and juvenile
113 justice systems, including specific projections for secure bed space;

114 (m) promote the development of criminal and juvenile justice information systems that
115 are consistent with common standards for data storage and are capable of appropriately sharing
116 information with other criminal justice information systems by:

117 (i) developing and maintaining common data standards for use by all state criminal
118 justice agencies;

119 (ii) annually performing audits of criminal history record information maintained by
120 state criminal justice agencies to assess their accuracy, completeness, and adherence to

- 121 standards;
- 122 (iii) defining and developing state and local programs and projects associated with the
123 improvement of information management for law enforcement and the administration of
124 justice; and
- 125 (iv) establishing general policies concerning criminal and juvenile justice information
126 systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this
127 Subsection (1)(m);
- 128 (n) allocate and administer grants, from money made available, for approved education
129 programs to help prevent the sexual exploitation of children;
- 130 (o) allocate and administer grants for law enforcement operations and programs related
131 to reducing illegal drug activity and related criminal activity;
- 132 (p) request, receive, and evaluate data and recommendations collected and reported by
133 agencies and contractors related to policies recommended by the commission regarding
134 recidivism reduction;
- 135 (q) establish and administer a performance incentive grant program that allocates funds
136 appropriated by the Legislature to programs and practices implemented by counties that reduce
137 recidivism and reduce the number of offenders per capita who are incarcerated;
- 138 (r) oversee or designate an entity to oversee the implementation of juvenile justice
139 reforms;
- 140 (s) make rules and administer the juvenile holding room standards and juvenile jail
141 standards to align with the Juvenile Justice and Delinquency Prevention Act requirements
142 pursuant to 42 U.S.C. Sec. 5633;
- 143 (t) allocate and administer grants, from money made available, for pilot qualifying
144 education programs;
- 145 (u) oversee the trauma-informed justice program described in Section [63M-7-209](#);
- 146 (v) request, receive, and evaluate the aggregate data collected from prosecutorial
147 agencies and the Administrative Office of the Courts, in accordance with Sections [63M-7-216](#)
148 and [78A-2-109.5](#); and
- 149 (w) report annually to the Law Enforcement and Criminal Justice Interim Committee
150 on;
- 151 (i) the progress made on each of the following goals of the Justice Reinvestment

152 Initiative:

153 ~~[(i)]~~ (A) ensuring oversight and accountability;

154 ~~[(ii)]~~ (B) supporting local corrections systems;

155 ~~[(iii)]~~ (C) improving and expanding reentry and treatment services; and

156 ~~[(iv)]~~ (D) strengthening probation and parole supervision~~[-];~~ and

157 (ii) the reverse-keyword and reverse-location data described in Section [53-20-101](#).

158 (2) If the commission designates an entity under Subsection (1)(r), the commission
159 shall ensure that the membership of the entity includes representation from the three branches
160 of government and, as determined by the commission, representation from relevant stakeholder
161 groups across all parts of the juvenile justice system, including county representation.