

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

PUBLIC SURVEILLANCE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Utah Code of Criminal Procedure.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ prohibits a governmental entity from implementing technologies to create a public network of surveillance footage or to contract with a private entity to gather surveillance footage.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-23d-102, as enacted by Laws of Utah 2015, Chapter 447

ENACTS:

77-23d-201, Utah Code Annotated 1953

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

Section 1. Section **77-23d-102** is amended to read:



28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

CHAPTER 23d. SURVEILLANCE PRIVACY

77-23d-102. Definitions.

As used in this chapter:

(1) (a) "Authorized public property" means property on which a government building is located.

(b) "Authorized public property" does not include public streets or public sidewalks.

(2) (a) "Government entity" means the state, a county, a municipality, a higher education institution, a local district, a special service district, or any other political subdivision of the state or an administrative subunit of any political subdivision[~~, including~~].

(b) Government entity includes a law enforcement entity or any other investigative entity, agency, department, division, bureau, board, or commission, or an individual acting or purporting to act for or on behalf of a state or local agency.

~~[(2)]~~ (3) "Imaging surveillance device" means a device that uses radar, sonar, infrared, or other remote sensing or detection technology used by the individual operating the device to obtain information, not otherwise directly observable, about individuals, items, or activities within a closed structure.

(4) "Private surveillance footage" means video, audio, or other real-time monitoring that is:

(a) created or generated by a non-government entity; and

(b) used to facilitate tracking an individual's location or actions over time.

(5) "Public surveillance footage network" means video, audio, or other real-time monitoring that is:

(a) created or generated by one or more government owned or leased cameras; and

(b) used to facilitate tracking an individual's location or actions over time when that individual is not located on authorized public property.

~~[(3)]~~ (6) "Target" means [a person] an individual or a structure upon which a government entity intentionally collects or attempts to collect information using an imaging surveillance device.

Section 2. Section **77-23d-201** is enacted to read:

Part 2. No Government Surveillance Footage

77-23d-201. Prohibition on gathering government surveillance footage.

59 A government entity may not:

60 (1) create, operate, or use a public surveillance footage network; or

61 (2) contract with a private person to obtain, use, or copy private surveillance footage.