

**SEX-BASED DESIGNATIONS FOR PRIVACY,
ANTI-BULLYING, AND WOMEN'S OPPORTUNITIES**

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kera Birkeland

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill establishes a standard regarding distinctions on the basis of sex and applies the standard in certain facilities and opportunities where designations on the basis of sex address individual privacy, bullying, and women's opportunities.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ defines certain terms for the entire Utah Code;
- ▶ establishes a legal standard for distinctions on the basis of sex in certain publicly owned and publicly funded circumstances;
- ▶ establishes acceptable and prohibited distinctions on the basis of sex;
- ▶ enacts provisions regarding publicly owned or publicly funded sex-designated restroom, shower, or locker room facilities where the general public has an expectation of privacy;
- ▶ requires local education agencies to establish a privacy plan with parents and students in certain cases to address gender identity and fear of bullying;
- ▶ **provides indemnification for government entities for certain claims;**
- ▶ establishes components of the crimes of voyeurism and criminal trespass for certain actions within a covered sex-designated facility;
- ▶ requires government entities to:

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- 28 • provide ~~H→~~ [~~a certain number of single-occupant restroom and locker room~~] single-
- 28a occupant ~~←H~~ facilities
- 29 in new construction; and
- 30 • ~~H→~~ [~~—study~~] consider ~~←H~~ the feasibility of certain retrofit or remodel projects;
- 31 ▶ requires the attorney general to investigate violations of and enforce protections for
- 32 standards regarding distinctions on the basis of sex;
- 33 ▶ establishes elements of the crime of emergency reporting abuse for making repeated
- 34 false reports alleging a violation of a sex-designation in a publicly owned or
- 35 publicly funded restroom, shower, or locker room facility where the general public
- 36 has an expectation of privacy; and
- 37 ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 44 **53G-6-1101**, as enacted by Laws of Utah 2022, Chapter 398
- 45 **53G-8-211**, as last amended by Laws of Utah 2023, Chapter 161
- 46 **67-5-1**, as last amended by Laws of Utah 2023, Chapter 330
- 47 **68-3-12.5**, as last amended by Laws of Utah 2021, Chapter 93
- 48 **76-6-206**, as last amended by Laws of Utah 2023, Chapter 111
- 49 **76-9-202**, as last amended by Laws of Utah 2022, Chapter 161

ENACTS:

- 51 **63G-31-101**, Utah Code Annotated 1953
- 52 **63G-31-201**, Utah Code Annotated 1953
- 53 **63G-31-202**, Utah Code Annotated 1953
- 54 **63G-31-203**, Utah Code Annotated 1953
- 55 **63G-31-204**, Utah Code Annotated 1953
- 56 **63G-31-301**, Utah Code Annotated 1953
- 57 **63G-31-302**, Utah Code Annotated 1953
- 58 **63G-31-303**, Utah Code Annotated 1953

59 **63G-31-304**, Utah Code Annotated 1953

60 **63G-31-401**, Utah Code Annotated 1953

61

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

63 Section 1. Section **53G-6-1101** is amended to read:

64 **53G-6-1101. Report -- Action plan.**

65 (1) As used in this section:

66 (a) "Gender-designated interscholastic sport" means a sport that is specifically
67 designated for female or male students.

68 (b) "Interscholastic sport" means an activity in which a student represents the student's
69 school in the sport in competition against another school.

70 (c) "School" means a public school that sponsors or offers an interscholastic sport in
71 which students enrolled at the school may participate.

72 (d) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. Sec.
73 1681 et seq.

74 (2) Before the beginning of each academic year, the athletic director or another
75 administrator of each school shall report to the school's local governing board regarding:

76 (a) the number and type of interscholastic sports available at the school, categorized by
77 gender designation;

78 (b) the number of students competing in a gender-designated interscholastic sport at the
79 school, categorized by gender;

80 (c) the amount of spending that the school devotes to each gender-designated sport,
81 reported in total amount and on a per-student basis;

82 (d) a comparison and evaluation of designated practice and game locations in
83 gender-designated interscholastic sports;

84 (e) any information regarding the school's efforts in compliance with Title 63G,
85 Chapter 31, Part 2, Distinctions on the Basis of Sex, and Title IX [compliance]; and

86 (f) if there is a discrepancy between male-designated and female-designated sports of
87 10% or greater, an action plan that the school develops to address the discrepancy.

88 (3) An LEA governing board that receives the report described in Subsection (2) shall
89 review the report in a public board meeting.

90 Section 2. Section **53G-8-211** is amended to read:

91 **53G-8-211. Responses to school-based behavior.**

92 (1) As used in this section:

93 (a) "Evidence-based" means a program or practice that has:

94 (i) had multiple randomized control studies or a meta-analysis demonstrating that the
95 program or practice is effective for a specific population;

96 (ii) been rated as effective by a standardized program evaluation tool; or

97 (iii) been approved by the state board.

98 (b) "Habitual truant" means a school-age child who:

99 (i) is in grade 7 or above, unless the school-age child is under 12 years old;

100 (ii) is subject to the requirements of Section **53G-6-202**; and

101 (iii) (A) is truant at least 10 times during one school year; or

102 (B) fails to cooperate with efforts on the part of school authorities to resolve the
103 school-age child's attendance problem as required under Section **53G-6-206**.

104 (c) "Minor" means the same as that term is defined in Section **80-1-102**.

105 (d) "Mobile crisis outreach team" means the same as that term is defined in Section
106 **62A-15-102**.

107 (e) "Prosecuting attorney" means the same as that term is defined in Subsections
108 **80-1-102(65)(b)** and (c).

109 (f) "Restorative justice program" means a school-based program or a program used or
110 adopted by a local education agency that is designed:

111 (i) to enhance school safety, reduce school suspensions, and limit referrals to law
112 enforcement agencies and courts; and

113 (ii) to help minors take responsibility for and repair harmful behavior that occurs in
114 school.

115 (g) "School administrator" means a principal of a school.

116 (h) "School is in session" means a day during which the school conducts instruction for
117 which student attendance is counted toward calculating average daily membership.

118 (i) "School resource officer" means a law enforcement officer, as defined in Section
119 **53-13-103**, who contracts with, is employed by, or whose law enforcement agency contracts
120 with a local education agency to provide law enforcement services for the local education

121 agency.

122 (j) "School-age child" means the same as that term is defined in Section 53G-6-201.

123 (k) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
124 clinic, or other event or activity that is authorized by a specific local education agency or public
125 school, according to LEA governing board policy, and satisfies at least one of the following
126 conditions:

127 (A) the activity is managed or supervised by a local education agency or public school,
128 or local education agency or public school employee;

129 (B) the activity uses the local education agency's or public school's facilities,
130 equipment, or other school resources; or

131 (C) the activity is supported or subsidized, more than inconsequentially, by public
132 funds, including the public school's activity funds or Minimum School Program dollars.

133 (ii) "School-sponsored activity" includes preparation for and involvement in a public
134 performance, contest, athletic competition, demonstration, display, or club activity.

135 (l) (i) "Status offense" means an offense that would not be an offense but for the age of
136 the offender.

137 (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or
138 felony.

139 (2) This section applies to a minor enrolled in school who is alleged to have committed
140 an offense on school property where the student is enrolled:

141 (a) when school is in session; or

142 (b) during a school-sponsored activity.

143 (3) If a minor is alleged to have committed an offense on school property that is a class
144 C misdemeanor, an infraction, or a status offense, the school administrator, the school
145 administrator's designee, or a school resource officer may refer the minor:

146 (a) to an evidence-based alternative intervention, including:

147 (i) a mobile crisis outreach team;

148 (ii) a youth services center, as defined in Section 80-5-102;

149 (iii) a youth court or comparable restorative justice program;

150 (iv) an evidence-based alternative intervention created and developed by the school or
151 school district;

152 (v) an evidence-based alternative intervention that is jointly created and developed by a
153 local education agency, the state board, the juvenile court, local counties and municipalities,
154 the Department of Health and Human Services; or

155 (vi) a tobacco cessation or education program if the offense is a violation of Section
156 76-10-105; or

157 (b) for prevention and early intervention youth services, as described in Section
158 80-5-201, by the Division of Juvenile Justice Services if the minor refuses to participate in an
159 evidence-based alternative intervention described in Subsection (3)(a).

160 (4) Except as provided in Subsection (5), if a minor is alleged to have committed an
161 offense on school property that is a class C misdemeanor, an infraction, or a status offense, a
162 school administrator, the school administrator's designee, or a school resource officer may refer
163 a minor to a law enforcement officer or agency or a court only if:

164 (a) the minor allegedly committed the same offense on school property on two previous
165 occasions; and

166 (b) the minor was referred to an evidence-based alternative intervention, or to
167 prevention or early intervention youth services, as described in Subsection (3) for both of the
168 two previous offenses.

169 (5) If a minor is alleged to have committed a traffic offense that is an infraction, a
170 school administrator, the school administrator's designee, or a school resource officer may refer
171 the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the
172 traffic offense.

173 (6) Notwithstanding Subsection (4), a school resource officer may:

174 (a) investigate possible criminal offenses and conduct, including conducting probable
175 cause searches;

176 (b) consult with school administration about the conduct of a minor enrolled in a
177 school;

178 (c) transport a minor enrolled in a school to a location if the location is permitted by
179 law;

180 (d) take temporary custody of a minor in accordance with Section 80-6-201; or

181 (e) protect the safety of students and the school community, including the use of
182 reasonable and necessary physical force when appropriate based on the totality of the

183 circumstances.

184 (7) (a) If a minor is referred to a court or a law enforcement officer or agency under
185 Subsection (4), the school or the school district shall appoint a school representative to
186 continue to engage with the minor and the minor's family through the court process.

187 (b) A school representative appointed under Subsection (7)(a) may not be a school
188 resource officer.

189 (c) A school district or school shall include the following in the school district's or
190 school's referral to the court or the law enforcement officer or agency:

191 (i) attendance records for the minor;

192 (ii) a report of evidence-based alternative interventions used by the school before the
193 referral, including outcomes;

194 (iii) the name and contact information of the school representative assigned to actively
195 participate in the court process with the minor and the minor's family;

196 (iv) if the minor was referred to prevention or early intervention youth services under
197 Subsection (3)(b), a report from the Division of Juvenile Justice Services that demonstrates the
198 minor's failure to complete or participate in prevention and early intervention youth services
199 under Subsection (3)(b); and

200 (v) any other information that the school district or school considers relevant.

201 (d) A minor referred to a court under Subsection (4) may not be ordered to or placed in
202 secure detention, including for a contempt charge or violation of a valid court order under
203 Section [78A-6-353](#), when the underlying offense is a status offense or infraction.

204 (e) If a minor is referred to a court under Subsection (4), the court may use, when
205 available, the resources of the Division of Juvenile Justice Services or the Division of
206 Substance Abuse and Mental Health to address the minor.

207 (8) If a minor is alleged to have committed an offense on school property that is a class
208 B misdemeanor or a class A misdemeanor, the school administrator, the school administrator's
209 designee, or a school resource officer may refer the minor directly to a court or to the
210 evidence-based alternative interventions in Subsection (3)(a).

211 (9) A school administrator, a school administrator's designee, and a school resource
212 officer retain the discretion described under this section if the offense is a violation of Section
213 [63G-31-201](#).

214 Section 3. Section 63G-31-101 is enacted to read:

215 **CHAPTER 31. DISTINCTIONS ON THE BASIS OF SEX**

216 **Part 1. General Provisions**

217 **63G-31-101. Definitions.**

218 (1) (a) "Facility" means a publicly funded or publicly owned building, structure, or
219 other improvement.

220 (b) "Facility" includes a subset of a publicly funded or publicly owned building,
221 structure, or other improvement, including a restroom or locker room.

222 (2) "Government entity" means:

223 (a) the state; or

224 (b) any county, municipality, special district, special service district, or other political
225 subdivision or administrative unit of the state, including:

226 (i) a state institution of higher education as defined in Section 53B-2-101; or

227 (ii) a local education agency as defined in Section 53G-7-401.

228 (3) "Intersex individual" means the same as that term is defined in Section 26B-8-101.

228a **Œ→ (4) (a) "Open to the general public" means that a privacy space is:**

228b **(i) freely accessible to a member of the general public;**

228c **(ii) accessible to an individual who has purchased a ticket, paid an entry fee, paid a**

228d **membership fee, or otherwise paid to access the facility containing the relevant privacy space;**

228e **or**

228f **(iii) accessible to a student of an institution of higher education described in Section 52B-2-101,**

228g **either freely or as described in Subsection (4)(a)(ii).**

228h **(b) "Open to the general public" does not include a privacy space that is:**

228i **(i) only accessible to employees of a government entity; or**

228j **(ii) any area that is not normally accessible to the public. ←Œ**

229 **Œ→ [(4)] (5) ←Œ "Privacy space" means the following spaces in which an individual has an**
230 **expectation of privacy within a publicly funded or publicly owned facility:**

231 (a) a restroom or any other space that includes a toilet;

232 (b) a locker room, changing facility, or any other space designated for an individual to
233 dress and undress; and

234 (c) any room or space that includes a shower.

235 **Œ→ [(5)] (6) ←Œ "Publicly funded or publicly owned" means that:**

236 (a) a facility, program, or event operates, at least in part, using funds that a government
237 entity provides for the facility, program, or event; or

238 (b) a government entity has at least a partial ownership interest in a facility, program,
239 or event.

240 ~~§~~ → [(6)] (7) ← ~~§~~ "Sex-designated" means that a facility, program, or event is designated
240a specifically
241 for males or females and not the opposite sex.

242 ~~§~~ → [(7)] (8) ← ~~§~~ "Single-occupant facility" means a restroom facility or locker room
242a facility:

243 (a) with floor-to-ceiling walls;

244 (b) with an entirely encased and locking door; and

245 (c) that is designated for single occupancy.

246 ~~§~~ → ~~(8)~~ (9) ← ~~§~~ "Unisex facility" means a facility that:

247 (a) is designated for the use of both sexes; or

248 (b) is not sex-designated.

249 Section 4. Section **63G-31-201** is enacted to read:

Part 2. Distinctions on the Basis of Sex

63G-31-201. Distinctions on the basis of sex.

252 (1) A government entity may not, on the basis of sex, exclude an individual from
253 participation in, deny an individual from the benefits of, or subject an individual to a sex-based
254 distinction in or under any government or otherwise publicly funded or publicly owned facility,
255 program, or event, unless the distinction is substantially related to an important government
256 objective.

257 (2) Each government entity shall ensure the preservation of distinctions on the basis of
258 sex that protect individual privacy and competitive opportunity, as described in this chapter.

259 (3) (a) To preserve the individual privacy and competitive opportunity of females, an
260 individual is not entitled to and may not access, use, or benefit from a government or otherwise
261 publicly funded facility, program, or event if:

262 (i) the facility, program, or event is designated for females; and

263 (ii) the individual is not female.

264 (b) To preserve the individual privacy and competitive opportunity of males, an
265 individual is not entitled to and may not access, use, or benefit from a government or otherwise
266 publicly funded facility, program, or event if:

267 (i) the facility, program, or event is designated for males; and

268 (ii) the individual is not male.

269 Section 5. Section **63G-31-202** is enacted to read:

63G-31-202. Sex-based distinctions to protect individual privacy.

271 A distinction on the basis of sex that provides separate accommodations for the sexes is
272 substantially related to the important government objective of protecting individual privacy in
273 the following contexts:

274 (1) a privacy space;

275 (2) a temporary shelter for an individual who is a victim of abuse, as defined in Section

276 78B-7-102;

277 (3) a rape crisis and services center as defined in Section 77-38-203;

278 (4) a qualified institutional victim services provider as defined in Section 53B-28-201;

279 and

280 (5) a correctional facility as defined in Section 77-16b-102.

281 Section 6. Section **63G-31-203** is enacted to read:

282 **63G-31-203. Sex-based distinctions to protect athletic health and competitive**
283 **opportunity.**

284 A distinction on the basis of sex to provide separate accommodations for the sexes is
285 substantially related to the important government objective of protecting health and
286 competitive opportunity in the availability or quality of an athletic venue, event, or program
287 within the public education system.

288 Section 7. Section **63G-31-204** is enacted to read:

289 **63G-31-204. Prohibited sex-based distinctions.**

290 The following actions ~~§~~→ **within the public education system** ←~~§~~ constitute a violation of
290a Section 63G-31-201:

291 (1) providing a sex-designated facility, program, or event of a higher quality to one sex
292 and of a lesser quality to the opposite sex rather than ensuring equivalent quality or rotational
293 sharing, including the use of athletic facilities or venues;

294 (2) providing males or females preferred or more advantageous scheduling of facilities,
295 programs, or events in comparison to the opposite sex rather than ensuring equivalent
296 scheduling practices or rotational sharing, including the scheduling of athletic events or
297 practices;

298 (3) providing males or females with more sex-designated opportunities than the
299 opposite sex in excess of a 10% disparity;

300 (4) requiring males or females to participate or compete against the opposite sex in any
301 sex-designated facility, program, or event; or

302 (5) requiring or knowingly allowing males or females to use a sex-designated facility in
303 the presence of the opposite sex.

304 Section 8. Section **63G-31-301** is enacted to read:

305 **Part 3. Sex-based Distinctions in Privacy Spaces**

306 **63G-31-301. Sex-designated privacy spaces in public schools.**

307 (1) To preserve the individual privacy of male and female students in the public
308 education system, a student may only access an operational sex-designated privacy space
309 within a public school that is designated for student use if the student's sex corresponds with
310 the sex designation of the privacy space.

311 (2) For a student who makes a request to use a privacy space other than the
312 corresponding sex-designated privacy space described in Subsection (1) because of the
313 student's gender identity, as defined in Section 34A-5-102, or reasonable fear of bullying, the
314 local education agency, as defined in Section 53E-1-102, shall coordinate with the student's
315 parent or legal guardian to develop a privacy plan that provides the student with:

316 (a) (i) reasonable access to a unisex or single-occupant facility; or

317 (ii) reasonable access to a faculty or staff restroom; or

318 (b) if the access described in Subsection (2)(a) is unavailable, reasonable access to
319 private use of an otherwise sex-designated privacy space through staggered scheduling or
320 another policy provision that provides for temporary private access.

321 (3) A student in a privacy space has a reasonable expectation of privacy, satisfying the
322 privacy element of the offense of voyeurism in Section 76-9-702.7.

323 (4) An individual may use the following evidence as a defense to an allegation that the
324 student is not eligible to access and use a sex-designated privacy space under Subsection (1):

325 (a) the student's unamended birth certificate that corresponds with the sex designation
326 of privacy space, which may be supported with a review of any amendment history obtained
327 under Section 26B-8-125; or

328 (b) documentation of a medical treatment or procedure that is consistent only with the
329 sex designation of the privacy space.

330 (5) Subsection (1) does not apply to:

331 (a) a unisex or single-occupant facility; or

332 (b) an intersex individual.

333 Section 9. Section **63G-31-302** is enacted to read:

334 **63G-31-302. Sex-designated privacy spaces in publicly owned facilities open to the**
335 **general public.**

336 (1) (a) Except as provided in Subsection (1)(b), to preserve the individual privacy of
337 males and females, an individual may only access an operational sex-designated privacy space

338 in a facility that is open to the general public if:

339 (i) the individual's sex corresponds with the sex designation of the privacy space; or

340 (ii) the individual has:

341 (A) legally amended the individual's birth certificate to correspond with the sex

342 designation of the privacy space, which may be supported with a review of any amendment

343 history obtained under Section [26B-8-125](#); and

344 (B) undergone a primary sex characteristic surgical procedure as defined in Section

345 [58-67-102](#) to correspond with the sex designation of the privacy space.

346 (b) Subsection (1)(a) does not apply to:

347 (i) a parent, guardian, or relative of a minor child requiring assistance to access or use
348 the privacy space;

349 (ii) a caretaker of a dependent minor, as defined in Section [76-5-110](#), or a dependent
350 adult, as defined in Section [76-5-111](#);

351 (iii) an individual providing public safety services, including law enforcement,
352 emergency medical services as defined in Section [26B-4-101](#), and fire protection;

353 (iv) an employee of a health care facility, as defined in Section [26B-2-201](#), to provide
354 health care services to a patient of the health care facility; or

355 (v) an individual whose employment duties include the maintenance or cleaning of the
356 privacy space.

357 (2) An individual in a privacy space has a reasonable expectation of privacy, satisfying
358 the privacy element of the offense of voyeurism in Section [76-9-702.7](#).

359 (3) An individual who enters a privacy space in violation of Subsection (1) commits
360 the offense of criminal trespass under Section [76-6-206](#) if the individual:

361 (a) under circumstances which ~~Ĥ~~→ **[the person should know will] a reasonable person**
361a **would expect to** ←Ĥ likely cause affront or

362 alarm to, on, or in the presence of another individual; or

363 (b) for any purpose other than the intended use of the privacy space.

364 (4) An individual may use the following evidence as a defense against an allegation
365 that the individual is not eligible to access and use a sex-designated privacy space under
366 Subsection (1):

367 (a) for an individual whose birth sex corresponds with the sex designation of the
368 privacy space:

369 (i) an individual's unamended birth certificate that corresponds with the sex
 370 designation of the privacy space, which may be supported with a review of any amendment
 371 history obtained under Section 26B-8-125; or

372 (ii) documentation of a medical treatment or procedure that is consistent only with the
 373 sex designation of the privacy space; or

374 (b) for an individual whose birth sex does not correspond with the sex designation of
 375 the privacy space:

376 (i) the individual's amended birth certificate, which may be supported with a review of
 377 any amendment history obtained under Section 26B-8-125; and

378 (ii) documentation that demonstrates that the individual has undergone a primary sex
 379 characteristic surgical procedure as defined in Section 58-67-102.

380 (5) Subsection (1) does not apply to:

381 (a) a unisex or single-occupant facility;

382 (b) a privacy space that is not open to the general public; or

383 (c) an intersex individual.

384 Section 10. Section 63G-31-303 is enacted to read:

385 **63G-31-303. Unisex or single-occupant facilities.**

386 The availability of a unisex facility or single-occupant facility ~~H→~~ [constitutes a reasonable
 387 accommodation for] satisfies a government entity's obligations regarding ~~←H~~ an individual who
 387a is uncomfortable using a privacy space in accordance
 388 with Section 63G-31-301 or 63G-31-302 because of the individual's gender identity, as defined
 389 in Section 34A-5-102, or reasonable fear of bullying.

390 Section 11. Section 63G-31-304 is enacted to read:

391 **63G-31-304. Facility compliance.**

392 To preserve the individual privacy of males and females in privacy spaces:

393 (1) for a new construction of a sex-designated privacy space, a government entity shall
 394 ensure that ~~H→~~ [an adequate percentage of all toilets and showers are single-occupant facilities] the
 394a new construction includes a single-occupant facility ~~←H~~ ;

395 (2) for existing privacy spaces, a government entity:

396 (a) shall ~~H→~~ [study] consider ~~←H~~ the feasibility of retrofitting or remodeling to include:

397 (i) floor-to-ceiling walls and doors or similar privacy protections;

398 (ii) curtains; or

399 (iii) other methods of improving individual privacy within the facility that are

400 comparable to the methods described in Subsections (2)(a)(i) and (ii); and

401 (b) may reduce the number of fixtures that state law requires by up to 20% to provide
 402 adequate space for the retrofitting or remodeling described in Subsection (2)(a); and

403 (3) a government entity shall ensure sufficient sex-designated privacy spaces through
 404 compliance with Sections [15A-3-112](#) and [15A-3-304](#) regarding unisex facilities.

405 Section 12. Section **63G-31-401** is enacted to read:

406 **Part 4. Enforcement Against Government Entities**

407 **63G-31-401. Enforcement ~~§~~ -- Indemnification ~~←§~~ .**

408 (1) The attorney general may enforce this chapter against any government entity in
 409 violation of this chapter by imposing a fine of up to \$10,000 per violation per day.

410 (2) The attorney general shall deposit fines under Subsection (1) into the General Fund.

410a **§ → (3) The state shall defend, indemnify, and hold harmless a government entity acting under**
 410b **color of state law to enforce this chapter for any claims or damages, including court costs and**
 410c **attorney fees, that:**

410d **(a) arise as a result of this chapter; and**

410e **(b) are not covered by the government entity's insurance policies or any coverage agreement**
 410f **that the State Risk Management Fund issues. ←§**

411 Section 13. Section **67-5-1** is amended to read:

412 **67-5-1. General duties.**

413 (1) The attorney general shall:

414 (a) perform all duties in a manner consistent with the attorney-client relationship under
 415 Section [67-5-17](#);

416 (b) except as provided in Sections [10-3-928](#) and [17-18a-403](#), attend the Supreme Court
 417 and the Court of Appeals of this state, and all courts of the United States, and prosecute or
 418 defend all causes to which the state or any officer, board, or commission of the state in an
 419 official capacity is a party, and take charge, as attorney, of all civil legal matters in which the
 420 state is interested;

421 (c) after judgment on any cause referred to in Subsection (1)(b), direct the issuance of
 422 process as necessary to execute the judgment;

423 (d) account for, and pay over to the proper officer, all money that comes into the
 424 attorney general's possession that belongs to the state;

425 (e) keep a file of all cases in which the attorney general is required to appear, including

426 any documents and papers showing the court in which the cases have been instituted and tried,
427 and whether they are civil or criminal, and:

428 (i) if civil, the nature of the demand, the stage of proceedings, and, when prosecuted to
429 judgment, a memorandum of the judgment and of any process issued if satisfied, and if not
430 satisfied, documentation of the return of the sheriff;

431 (ii) if criminal, the nature of the crime, the mode of prosecution, the stage of
432 proceedings, and, when prosecuted to sentence, a memorandum of the sentence and of the
433 execution, if the sentence has been executed, and, if not executed, the reason for the delay or
434 prevention; and

435 (iii) deliver this information to the attorney general's successor in office;

436 (f) exercise supervisory powers over the district and county attorneys of the state in all
437 matters pertaining to the duties of the district and county attorneys' offices, including the
438 authority described in Subsection (2);

439 (g) give the attorney general's opinion in writing and without fee, when required, upon
440 any question of law relating to the office of the requester:

441 (i) in accordance with Section 67-5-1.1, to the Legislature or either house;

442 (ii) to any state officer, board, or commission; and

443 (iii) to any county attorney or district attorney;

444 (h) when required by the public service or directed by the governor, assist any county,
445 district, or city attorney in the discharge of county, district, or city attorney's duties;

446 (i) purchase in the name of the state, under the direction of the state Board of
447 Examiners, any property offered for sale under execution issued upon judgments in favor of or
448 for the use of the state, and enter satisfaction in whole or in part of the judgments as the
449 consideration of the purchases;

450 (j) when the property of a judgment debtor in any judgment mentioned in Subsection
451 (1)(i) has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance
452 taking precedence of the judgment in favor of the state, redeem the property, under the
453 direction of the state Board of Examiners, from the prior judgment, lien, or encumbrance, and
454 pay all money necessary for the redemption, upon the order of the state Board of Examiners,
455 out of any money appropriated for these purposes;

456 (k) when in the attorney general's opinion it is necessary for the collection or
457 enforcement of any judgment, institute and prosecute on behalf of the state any action or
458 proceeding necessary to set aside and annul all conveyances fraudulently made by the judgment
459 debtors, and pay the cost necessary to the prosecution, when allowed by the state Board of
460 Examiners, out of any money not otherwise appropriated;

461 (l) discharge the duties of a member of all official boards of which the attorney general

462 is or may be made a member by the Utah Constitution or by the laws of the state, and other
463 duties prescribed by law;

464 (m) institute and prosecute proper proceedings in any court of the state or of the United
465 States to restrain and enjoin corporations organized under the laws of this or any other state or
466 territory from acting illegally or in excess of their corporate powers or contrary to public
467 policy, and in proper cases forfeit their corporate franchises, dissolve the corporations, and
468 wind up their affairs;

469 (n) institute investigations for the recovery of all real or personal property that may
470 have escheated or should escheat to the state, and for that purpose, subpoena any persons
471 before any of the district courts to answer inquiries and render accounts concerning any
472 property, examine all books and papers of any corporations, and when any real or personal
473 property is discovered that should escheat to the state, institute suit in the district court of the
474 county where the property is situated for its recovery, and escheat that property to the state;

475 (o) administer the Children's Justice Center as a program to be implemented in various
476 counties pursuant to Sections [67-5b-101](#) through [67-5b-107](#);

477 (p) assist the Constitutional Defense Council as provided in Title 63C, Chapter 4a,
478 Constitutional and Federalism Defense Act;

479 (q) pursue any appropriate legal action to implement the state's public lands policy
480 established in Section [63C-4a-103](#);

481 (r) investigate and prosecute violations of all applicable state laws relating to fraud in
482 connection with the state Medicaid program and any other medical assistance program
483 administered by the state, including violations of Title 26B, Chapter 3, Part 11, Utah False
484 Claims Act;

485 (s) investigate and prosecute complaints of abuse, neglect, or exploitation of patients:

486 (i) in health care facilities that receive payments under the state Medicaid program;

487 (ii) in board and care facilities, as defined in the federal Social Security Act, 42 U.S.C.
488 Sec. 1396b(q)(4)(B), regardless of the source of payment to the board and care facility; and

489 (iii) who are receiving medical assistance under the Medicaid program as defined in
490 Section [26B-3-101](#) in a noninstitutional or other setting;

491 (t) (i) report at least twice per year to the Legislative Management Committee on any
492 pending or anticipated lawsuits, other than eminent domain lawsuits, that might:

- 493 (A) cost the state more than \$500,000; or
- 494 (B) require the state to take legally binding action that would cost more than \$500,000
- 495 to implement; and
- 496 (ii) if the meeting is closed, include an estimate of the state's potential financial or
- 497 other legal exposure in that report;
- 498 (u) (i) submit a written report to the committees described in Subsection (1)(u)(ii) that
- 499 summarizes any lawsuit or decision in which a court or the Office of the Attorney General has
- 500 determined that a state statute is unconstitutional or unenforceable since the attorney general's
- 501 last report under this Subsection (1)(u), including any:
- 502 (A) settlements reached;
- 503 (B) consent decrees entered;
- 504 (C) judgments issued;
- 505 (D) preliminary injunctions issued;
- 506 (E) temporary restraining orders issued; or
- 507 (F) formal or informal policies of the Office of the Attorney General to not enforce a
- 508 law; and
- 509 (ii) at least 30 days before the Legislature's May and November interim meetings,
- 510 submit the report described in Subsection (1)(u)(i) to:
- 511 (A) the Legislative Management Committee;
- 512 (B) the Judiciary Interim Committee; and
- 513 (C) the Law Enforcement and Criminal Justice Interim Committee;
- 514 (v) if the attorney general operates the Office of the Attorney General or any portion of
- 515 the Office of the Attorney General as an internal service fund agency in accordance with
- 516 Section 67-5-4, submit to the rate committee established in Section 67-5-34:
- 517 (i) a proposed rate and fee schedule in accordance with Subsection 67-5-34(4); and
- 518 (ii) any other information or analysis requested by the rate committee;
- 519 (w) before the end of each calendar year, create an annual performance report for the
- 520 Office of the Attorney General and post the report on the attorney general's website;
- 521 (x) ensure that any training required under this chapter complies with Title 63G,
- 522 Chapter 22, State Training and Certification Requirements;
- 523 (y) notify the legislative general counsel in writing within three business days after the

524 day on which the attorney general is officially notified of a claim, regardless of whether the
525 claim is filed in state or federal court, that challenges:

- 526 (i) the constitutionality of a state statute;
- 527 (ii) the validity of legislation; or
- 528 (iii) any action of the Legislature; ~~and~~

529 (z) (i) notwithstanding Title 63G, Chapter 6a, Utah Procurement Code, provide a
530 special advisor to the Office of the Governor and the Office of the Attorney General in matters
531 relating to Native American and tribal issues to:

- 532 (A) establish outreach to the tribes and affected counties and communities; and
- 533 (B) foster better relations and a cooperative framework; and
- 534 (ii) annually report to the Executive Offices and Criminal Justice Appropriations

535 Subcommittee regarding:

- 536 (A) the status of the work of the special advisor described in Subsection (1)(z)(i); and
 - 537 (B) whether the need remains for the ongoing appropriation to fund the special advisor
- 538 described in Subsection (1)(z)(i)[-]; and

539 (aa) ensure compliance with Title 63, Chapter 31, Distinctions on the Basis of Sex,
540 including by:

- 541 (i) establishing a process to receive and investigate alleged violations;
- 542 (ii) enforcing statutory protections as described in Section [63G-31-401](#); and
- 543 (iii) reporting to the Legislative Management Committee upon request regarding the
544 attorney general's enforcement under this Subsection (1)(aa).

545 (2) (a) The attorney general may require a district attorney or county attorney of the
546 state to, upon request, report on the status of public business entrusted to the district or county
547 attorney's charge.

548 (b) The attorney general may review investigation results de novo and file criminal
549 charges, if warranted, in any case involving a first degree felony, if:

550 (i) a law enforcement agency submits investigation results to the county attorney or
551 district attorney of the jurisdiction where the incident occurred and the county attorney or
552 district attorney:

- 553 (A) declines to file criminal charges; or
- 554 (B) fails to screen the case for criminal charges within six months after the law

555 enforcement agency's submission of the investigation results; and

556 (ii) after consultation with the county attorney or district attorney of the jurisdiction
557 where the incident occurred, the attorney general reasonably believes action by the attorney
558 general would not interfere with an ongoing investigation or prosecution by the county attorney
559 or district attorney of the jurisdiction where the incident occurred.

560 (c) If the attorney general decides to conduct a review under Subsection (2)(b), the
561 district attorney, county attorney, and law enforcement agency shall, within 14 days after the
562 day on which the attorney general makes a request, provide the attorney general with:

563 (i) all information relating to the investigation, including all reports, witness lists,
564 witness statements, and other documents created or collected in relation to the investigation;

565 (ii) all recordings, photographs, and other physical or digital media created or collected
566 in relation to the investigation;

567 (iii) access to all evidence gathered or collected in relation to the investigation; and

568 (iv) the identification of, and access to, all officers or other persons who have
569 information relating to the investigation.

570 (d) If a district attorney, county attorney, or law enforcement agency fails to timely
571 comply with Subsection (2)(c), the attorney general may seek a court order compelling
572 compliance.

573 (e) If the attorney general seeks a court order under Subsection (2)(d), the court shall
574 grant the order unless the district attorney, county attorney, or law enforcement agency shows
575 good cause and a compelling interest for not complying with Subsection (2)(c).

576 Section 14. Section **68-3-12.5** is amended to read:

577 **68-3-12.5. Definitions for Utah Code.**

578 (1) The definitions listed in this section apply to the Utah Code, unless:

579 (a) the definition is inconsistent with the manifest intent of the Legislature or repugnant
580 to the context of the statute; or

581 (b) a different definition is expressly provided for the respective title, chapter, part,
582 section, or subsection.

583 (2) "Adjudicative proceeding" means:

584 (a) an action by a board, commission, department, officer, or other administrative unit
585 of the state that determines the legal rights, duties, privileges, immunities, or other legal

586 interests of one or more identifiable persons, including an action to grant, deny, revoke,
587 suspend, modify, annul, withdraw, or amend an authority, right, or license; and

588 (b) judicial review of an action described in Subsection (2)(a).

589 (3) "Administrator" includes "executor" when the subject matter justifies the use.

590 (4) "Advisory board," "advisory commission," and "advisory council" mean a board,
591 commission, committee, or council that:

592 (a) is created by, and whose duties are provided by, statute or executive order;

593 (b) performs its duties only under the supervision of another person as provided by
594 statute; and

595 (c) provides advice and makes recommendations to another person that makes policy
596 for the benefit of the general public.

597 (5) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,
598 Space Force, and Coast Guard.

599 (6) "City" includes, depending on population, a metro township as defined in Section
600 [10-3c-102](#).

601 (7) "County executive" means:

602 (a) the county commission, in the county commission or expanded county commission
603 form of government established under Title 17, Chapter 52a, Changing Forms of County
604 Government;

605 (b) the county executive, in the county executive-council optional form of government
606 authorized by Section [17-52a-203](#); or

607 (c) the county manager, in the council-manager optional form of government
608 authorized by Section [17-52a-204](#).

609 (8) "County legislative body" means:

610 (a) the county commission, in the county commission or expanded county commission
611 form of government established under Title 17, Chapter 52a, Changing Forms of County
612 Government;

613 (b) the county council, in the county executive-council optional form of government
614 authorized by Section [17-52a-203](#); and

615 (c) the county council, in the council-manager optional form of government authorized
616 by Section [17-52a-204](#).

- 617 (9) "Depose" means to make a written statement made under oath or affirmation.
- 618 (10) (a) "Equal" means, with respect to biological sex, of the same value.
- 619 (b) "Equal" does not mean, with respect to biological sex:
- 620 (i) a characteristic of being the same or identical; or
- 621 (ii) a requirement that biological sexes be ignored or co-mingled in every circumstance.
- 622 ~~[(10)]~~ (11) "Executor" includes "administrator" when the subject matter justifies the
- 623 use.
- 624 (12) "Father" means a parent of the male sex.
- 625 (13) "Female" means the characteristic of an individual whose biological reproductive
- 626 system is of the general type that functions ~~H~~→ ~~to~~ in a way that could ~~H~~← produce ova.
- 627 ~~[(11)]~~ (14) "Guardian" includes a person who:
- 628 (a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary
- 629 or court appointment; or
- 630 (b) is appointed by a court to manage the estate of a minor or incapacitated person.
- 631 ~~[(12)]~~ (15) "Highway" includes:
- 632 (a) a public bridge;
- 633 (b) a county way;
- 634 (c) a county road;
- 635 (d) a common road; and
- 636 (e) a state road.
- 637 ~~[(13)]~~ (16) "Intellectual disability" means a significant, subaverage general intellectual
- 638 functioning that:
- 639 (a) exists concurrently with deficits in adaptive behavior; and
- 640 (b) is manifested during the developmental period as defined in the current edition of
- 641 the Diagnostic and Statistical Manual of Mental Disorders, published by the American
- 642 Psychiatric Association.
- 643 ~~[(14)]~~ (17) "Intermediate care facility for people with an intellectual disability" means
- 644 an intermediate care facility for the mentally retarded, as defined in Title XIX of the Social
- 645 Security Act.
- 646 ~~[(15)]~~ (18) "Land" includes:
- 647 (a) land;

- 648 (b) a tenement;
- 649 (c) a hereditament;
- 650 (d) a water right;
- 651 (e) a possessory right; and
- 652 (f) a claim.

653 (19) "Male" means the characteristic of an individual whose biological reproductive
654 system is of the general type that functions to fertilize the ova of a female.

655 (20) "Man" means an adult human male.

656 [~~(16)~~] (21) "Month" means a calendar month, unless otherwise expressed.

657 (22) "Mother" means a parent of the female sex.

658 [~~(17)~~] (23) "Oath" includes "affirmation."

659 [~~(18)~~] (24) "Person" means:

- 660 (a) an individual;
- 661 (b) an association;
- 662 (c) an institution;
- 663 (d) a corporation;
- 664 (e) a company;
- 665 (f) a trust;
- 666 (g) a limited liability company;
- 667 (h) a partnership;
- 668 (i) a political subdivision;
- 669 (j) a government office, department, division, bureau, or other body of government;

670 and

671 (k) any other organization or entity.

672 [~~(19)~~] (25) "Personal property" includes:

- 673 (a) money;
- 674 (b) goods;
- 675 (c) chattels;
- 676 (d) effects;
- 677 (e) evidences of a right in action;
- 678 (f) a written instrument by which a pecuniary obligation, right, or title to property is

679 created, acknowledged, transferred, increased, defeated, discharged, or diminished; and

680 (g) a right or interest in an item described in Subsections [~~(19)(a)~~] (25)(a) through (f).

681 [~~(20)~~] (26) "Personal representative," "executor," and "administrator" include:

682 (a) an executor;

683 (b) an administrator;

684 (c) a successor personal representative;

685 (d) a special administrator; and

686 (e) a person who performs substantially the same function as a person described in

687 Subsections [~~(20)(a)~~] (26)(a) through (d) under the law governing the person's status.

688 [~~(21)~~] (27) "Policy board," "policy commission," or "policy council" means a board,
689 commission, or council that:

690 (a) is authorized to make policy for the benefit of the general public;

691 (b) is created by, and whose duties are provided by, the constitution or statute; and

692 (c) performs its duties according to its own rules without supervision other than under
693 the general control of another person as provided by statute.

694 [~~(22)~~] (28) "Population" is shown by the most recent state or national census, unless
695 expressly provided otherwise.

696 [~~(23)~~] (29) "Process" means a writ or summons issued in the course of a judicial
697 proceeding.

698 [~~(24)~~] (30) "Property" includes both real and personal property.

699 [~~(25)~~] (31) "Real estate" or "real property" includes:

700 (a) land;

701 (b) a tenement;

702 (c) a hereditament;

703 (d) a water right;

704 (e) a possessory right; and

705 (f) a claim.

706 [~~(26)~~] (32) "Review board," "review commission," and "review council" mean a board,
707 commission, committee, or council that:

708 (a) is authorized to approve policy made for the benefit of the general public by another
709 body or person;

710 (b) is created by, and whose duties are provided by, statute; and

711 (c) performs its duties according to its own rules without supervision other than under
712 the general control of another person as provided by statute.

713 ~~[(27)]~~ (33) "Road" includes:

714 (a) a public bridge;

715 (b) a county way;

716 (c) a county road;

717 (d) a common road; and

718 (e) a state road.

719 (34) "Sex" means, in relation to an individual, the individual's biological sex, either
720 male or female, at birth, according to distinct reproductive roles as manifested by:

721 (a) sex and reproductive organ anatomy;

722 (b) chromosomal makeup; and

723 (c) endogenous hormone profiles.

724 ~~[(28)]~~ (35) "Signature" includes a name, mark, or sign written with the intent to
725 authenticate an instrument or writing.

726 ~~[(29)]~~ (36) "State," when applied to the different parts of the United States, includes a
727 state, district, or territory of the United States.

728 ~~[(30)]~~ (37) "Swear" includes "affirm."

729 ~~[(31)]~~ (38) "Testify" means to make an oral statement under oath or affirmation.

730 ~~[(32)]~~ (39) "Town" includes, depending on population, a metro township as defined in
731 Section [10-3c-102](#).

732 ~~[(33)]~~ (40) "Uniformed services" means:

733 (a) the armed forces;

734 (b) the commissioned corps of the National Oceanic and Atmospheric Administration;
735 and

736 (c) the commissioned corps of the United States Public Health Service.

737 ~~[(34)]~~ (41) "United States" includes each state, district, and territory of the United
738 States of America.

739 ~~[(35)]~~ (42) "Utah Code" means the 1953 recodification of the Utah Code, as amended,
740 unless the text expressly references a portion of the 1953 recodification of the Utah Code as it

741 existed:

742 (a) on the day on which the 1953 recodification of the Utah Code was enacted; or

743 (b) (i) after the day described in Subsection [~~(35)~~(a)] (42)(a); and

744 (ii) before the most recent amendment to the referenced portion of the 1953

745 recodification of the Utah Code.

746 [~~(36)~~] (43) "Vessel," when used with reference to shipping, includes a steamboat, canal
747 boat, and every structure adapted to be navigated from place to place.

748 [~~(37)~~] (44) (a) "Veteran" means an individual who:

749 (i) has served in the United States Armed Forces for at least 180 days:

750 (A) on active duty; or

751 (B) in a reserve component, to include the National Guard; or

752 (ii) has incurred an actual service-related injury or disability while in the United States

753 Armed Forces regardless of whether the individual completed 180 days; and

754 (iii) was separated or retired under conditions characterized as honorable or general.

755 (b) This definition is not intended to confer eligibility for benefits.

756 [~~(38)~~] (45) "Will" includes a codicil.

757 (46) "Woman" means an adult human female.

758 [~~(39)~~] (47) "Writ" means an order or precept in writing, issued in the name of:

759 (a) the state;

760 (b) a court; or

761 (c) a judicial officer.

762 [~~(40)~~] (48) "Writing" includes:

763 (a) printing;

764 (b) handwriting; and

765 (c) information stored in an electronic or other medium if the information is retrievable

766 in a perceivable format.

767 Section 15. Section **76-6-206** is amended to read:

768 **76-6-206. Criminal trespass.**

769 (1) (a) As used in this section:

770 (i) "Enter" means intrusion of the entire body or the entire unmanned aircraft.

771 (ii) "Graffiti" means the same as that term is defined in Section **76-6-101**.

772 (iii) "Remain unlawfully," as that term relates to an unmanned aircraft, means
773 remaining on or over private property when:

774 (A) the private property or any portion of the private property is not open to the public;
775 and

776 (B) the person operating the unmanned aircraft is not otherwise authorized to fly the
777 unmanned aircraft over the private property or any portion of the private property.

778 (b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.

779 (2) An actor commits criminal trespass if, under circumstances not amounting to
780 burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section
781 76-10-2402 regarding commercial obstruction:

782 (a) the actor enters or remains unlawfully on or causes an unmanned aircraft to enter
783 and remain unlawfully over property and:

784 (i) intends to cause annoyance or injury to any person or damage to any property,
785 including the use of graffiti;

786 (ii) intends to commit any crime, other than theft or a felony; or

787 (iii) is reckless as to whether the actor's or unmanned aircraft's presence will cause fear
788 for the safety of another;

789 (b) knowing the actor's or unmanned aircraft's entry or presence is unlawful, the actor
790 enters or remains on or causes an unmanned aircraft to enter or remain unlawfully over
791 property to which notice against entering is given by:

792 (i) personal communication to the actor by the owner or someone with apparent
793 authority to act for the owner;

794 (ii) fencing or other enclosure obviously designed to exclude intruders; or

795 (iii) posting of signs reasonably likely to come to the attention of intruders; ~~or~~

796 (c) the actor enters a condominium unit in violation of ~~[Subsection]~~ Section
797 57-8-7(8)~~[-];~~ or

798 (d) the actor enters a sex-designated privacy space in violation of Subsection
799 63G-31-302(3).

800 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2)(a) ~~or~~,
801 (b), or (d) is a class B misdemeanor.

802 (b) If a violation of Subsection (2)(a) or (b) is committed in a dwelling, the violation is

803 a class A misdemeanor.

804 (c) A violation of Subsection (2)(c) is an infraction.

805 (4) It is a defense to prosecution under this section that:

806 (a) the property was at the time open to the public; and

807 (b) the defendant complied with all lawful conditions imposed on access to or
808 remaining on the property.

809 (5) In addition to an order for restitution under Section 77-38b-205, an actor who
810 commits a violation of Subsection (2) may also be liable for:

811 (a) statutory damages in the amount of three times the value of damages resulting from
812 the violation of Subsection (2) or \$500, whichever is greater; and

813 (b) reasonable attorney fees not to exceed \$250, and court costs.

814 (6) Civil damages under Subsection (5) may be collected in a separate action by the
815 property owner or the owner's assignee.

816 Section 16. Section 76-9-202 is amended to read:

817 **76-9-202. Emergency reporting -- Interference -- False report.**

818 (1) As used in this section:

819 (a) "Emergency" means a situation in which property or human life is in jeopardy and
820 the prompt summoning of aid is essential to the preservation of human life or property.

821 (b) "Party line" means a subscriber's line or telephone circuit:

822 (i) that consists of two or more connected main telephone stations; and

823 (ii) where each telephone station has a distinctive ring or telephone number.

824 (2) An actor is guilty of emergency reporting abuse if the actor:

825 (a) intentionally refuses to yield or surrender the use of a party line or a public pay
826 telephone to another individual upon being informed that the telephone is needed to report a
827 fire or summon police, medical, or other aid in case of emergency, unless the telephone is
828 likewise being used for an emergency call;

829 (b) asks for or requests the use of a party line or a public pay telephone on the pretext
830 that an emergency exists, knowing that no emergency exists;

831 (c) reports an emergency or causes an emergency to be reported to any public, private,
832 or volunteer entity whose purpose is to respond to fire, police, or medical emergencies, when
833 the actor knows the reported emergency does not exist; [or]

834 (d) makes a false report, or intentionally aids, abets, or causes a third party to make a
835 false report, to an emergency response service, including a law enforcement dispatcher or a 911
836 emergency response service, if the false report claims that:

- 837 (i) an ongoing emergency exists;
- 838 (ii) the emergency described in Subsection (2)(d)(i) currently involves, or involves an
839 imminent threat of, serious bodily injury, serious physical injury, or death; and
- 840 (iii) the emergency described in Subsection (2)(d)(i) is occurring at a specified
841 location[-]; or

842 (e) makes a false report after having previously made a false report, or intentionally
843 aides, abets, or causes a third party to make a false report, to an emergency response service,
844 including a law enforcement dispatcher or a 911 emergency response service, alleging a
845 violation of Section [63G-31-201](#) regarding a sex-designated restroom facility or locker room
846 facility.

847 (3) (a) A violation of Subsection (2)(a) or (b) is a class C misdemeanor.

848 (b) A violation of Subsection (2)(c) is a class B misdemeanor, except as provided
849 under Subsection (3)(c).

850 (c) A violation of Subsection (2)(c) is a second degree felony if the report is regarding
851 a weapon of mass destruction, as defined in Section [76-10-401](#).

852 (d) A violation of Subsection (2)(d):

- 853 (i) except as provided in Subsection (3)(d)(ii), is a third degree felony; or
- 854 (ii) is a second degree felony if:

855 (A) while acting in response to the report, the emergency responder causes physical
856 injury to an individual at the location described in Subsection (2)(d)(iii); or

857 (B) the actor makes the false report or aids, abets, or causes a third party to make the
858 false report with intent to ambush, attack, or otherwise harm a responding law enforcement
859 officer or emergency responder.

860 (e) A violation of Subsection (2)(e) is a class B misdemeanor.

861 (4) (a) In addition to any other penalty authorized by law, a court shall order an actor
862 convicted of a violation of this section to reimburse:

- 863 (i) any federal, state, or local unit of government, or any private business, organization,
864 individual, or entity for all expenses and losses incurred in responding to the violation; and

865 (ii) an individual described in Subsection (3)(d)(ii) for the costs for the treatment of the
866 physical injury and any psychological injury caused by the offense.

867 (b) The court may order that the defendant pay less than the full amount of the costs
868 described in Subsection (4)(a) only if the court states on the record the reasons why the
869 reimbursement would be inappropriate.

870 Section 17. **Effective date.**

871 If approved by two-thirds of all the members elected to each house, this bill takes effect
872 upon approval by the governor, or the day following the constitutional time limit of Utah
873 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
874 the date of veto override.