

Ryan D. Wilcox proposes the following substitute bill:

Public Safety Data Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

LONG TITLE

General Description:

This bill amends provisions related to public safety data.

Highlighted Provisions:

This bill:

- removes a report required to be submitted by the Bureau of Criminal Identification to the Law Enforcement and Criminal Justice Interim Committee regarding attempted weapons purchases by individuals who are restricted from purchasing, possessing, or transferring a firearm as a result of a conviction for an offense involving domestic violence and requires the report to be submitted to the State Commission on Criminal and Juvenile Justice (commission) to be included in the public safety portal;
- removes a report required to be submitted by the Division of Juvenile Justice and Youth Services to the Law Enforcement and Criminal Justice Interim Committee regarding data of sexual assaults in detention and secure care facilities and requires the report to be submitted to the commission to be included in the public safety portal;
- removes a report required to be submitted by the Department of Corrections to the Law Enforcement and Criminal Justice Interim Committee regarding data of sexual assaults in correctional facilities and requires the report to be submitted to the commission to be included in the public safety portal;
- requires institutions of higher education to provide data of crime in student housing to the commission to be included in the public safety portal;
- requires the multi-agency strike force to combat violent and other major felony crimes to submit the strike force's annual report to the commission to be included in the public safety portal;
- requires the commission to include a report from the Board of Pardons and Parole regarding metrics of offenders in the public safety portal;

- 29 ▸ requires the Prosecutor Conduct Commission to provide the Prosecutor Conduct
30 Commission's annual report on prosecutorial complaints to the commission to be
31 included in the public safety portal;
- 32 ▸ requires the Department of Public Safety and the Bureau of Forensic Services to provide
33 an annual report on sexual assault kits to the commission to be included in the public
34 safety portal;
- 35 ▸ adds requirements for the commission regarding the public safety portal;
- 36 ▸ clarifies that the commission is not required to provide records in response to a record
37 request under the Government Records Access and Management Act for records
38 received by the commission for the public safety portal;
- 39 ▸ requires entities involved in criminal justice to provide anonymized criminal justice
40 information to researchers in certain circumstances; and
- 41 ▸ makes technical can conforming changes.

Money Appropriated in this Bill:

42 None

Other Special Clauses:

43 None

Utah Code Sections Affected:

AMENDS:

44 **53-5a-602**, as renumbered and amended by Laws of Utah 2025, Chapter 208

45 **53-10-910**, as last amended by Laws of Utah 2025, Chapter 271

46 **53H-7-603**, as renumbered and amended by Laws of Utah 2025, First Special Session,
47 Chapter 8

48 **63A-16-1002**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

49 **63G-2-201**, as last amended by Laws of Utah 2025, Chapters 299, 476

50 **63M-7-1106**, as enacted by Laws of Utah 2025, Chapter 360

51 **64-13-47**, as enacted by Laws of Utah 2021, Chapter 44

52 **67-5-22.7**, as last amended by Laws of Utah 2025, Chapter 173

53 **77-27-32**, as last amended by Laws of Utah 2024, Chapter 208

54 **80-5-202**, as last amended by Laws of Utah 2024, Chapter 256

ENACTS:

55 **63A-16-1301**, Utah Code Annotated 1953

56 **63A-16-1302**, Utah Code Annotated 1953

REPEALS:

63 **63A-16-101**, as renumbered and amended by Laws of Utah 2021, Chapter 344

64

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

66 Section 1. Section **53-5a-602** is amended to read:

67 **53-5a-602 . Criminal background check before purchase of a firearm -- Fee --**
68 **Exemption for concealed firearm permit holders and law enforcement officers.**

69 (1)(a) To establish personal identification and residence in this state for purposes of this
70 part, a dealer shall require an individual receiving a firearm to present one photo
71 identification on a form issued by a governmental agency of the state.

72 (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as
73 proof of identification for the purpose of establishing personal identification and
74 residence in this state as required under this Subsection (1).

75 (2)(a) A criminal history background check is required for the sale of a firearm by a
76 licensed firearm dealer in the state.

77 (b) Subsection (2)(a) does not apply to the sale of a firearm to a Federal Firearms
78 Licensee.

79 (3)(a) An individual purchasing a firearm from a dealer shall consent in writing to a
80 criminal background check, on a form provided by the bureau.

81 (b) The form shall contain the following information:

82 (i) the dealer identification number;

83 (ii) the name and address of the individual receiving the firearm;

84 (iii) the date of birth, height, weight, eye color, and hair color of the individual
85 receiving the firearm; and

86 (iv) the social security number or any other identification number of the individual
87 receiving the firearm.

88 (4)(a) The dealer shall send the information required by Subsection (3) to the bureau
89 immediately upon its receipt by the dealer.

90 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has
91 provided the bureau with the information in Subsection (3) and has received approval
92 from the bureau under Subsection (6).

93 (5) The dealer shall make a request for criminal history background information by
94 telephone or other electronic means to the bureau and shall receive approval or denial of
95 the inquiry by telephone or other electronic means.

96 (6) When the dealer calls for or requests a criminal history background check, the bureau

97 shall:

- 98 (a) review the criminal history files, including juvenile court records, and the temporary
99 restricted file created under Section 53-5a-504, to determine if the individual is
100 prohibited from purchasing, possessing, or transferring a firearm by state or federal
101 law;
- 102 (b) inform the dealer that:
- 103 (i) the records indicate the individual is prohibited; or
104 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;
- 105 (c) provide the dealer with a unique transaction number for that inquiry; and
106 (d) provide a response to the requesting dealer during the call for a criminal background
107 check, or by return call, or other electronic means, without delay, except in case of
108 electronic failure or other circumstances beyond the control of the bureau, the bureau
109 shall advise the dealer of the reason for the delay and give the dealer an estimate of
110 the length of the delay.

111 (7)(a) The bureau may not maintain any records of the criminal history background
112 check longer than 20 days from the date of the dealer's request, if the bureau
113 determines that the individual receiving the firearm is not prohibited from
114 purchasing, possessing, or transferring the firearm under state or federal law.

115 (b) However, the bureau shall maintain a log of requests containing the dealer's federal
116 firearms number, the transaction number, and the transaction date for a period of 12
117 months.

118 (8)(a) If the criminal history background check discloses information indicating that the
119 individual attempting to purchase the firearm is prohibited from purchasing,
120 possessing, or transferring a firearm, the bureau shall:

- 121 (i) within 24 hours after determining that the purchaser is prohibited from purchasing,
122 possessing, or transferring a firearm, notify the law enforcement agency in the
123 jurisdiction where the dealer is located; and
124 (ii) inform the law enforcement agency in the jurisdiction where the individual
125 resides.

126 (b) Subsection (8)(a) does not apply to an individual prohibited from purchasing a
127 firearm solely due to placement on the temporary restricted list under Section
128 53-5a-504.

129 (c) A law enforcement agency that receives information from the bureau under
130 Subsection (8)(a) shall provide a report before August 1 of each year to the bureau

- 131 that includes:
- 132 (i) based on the information the bureau provides to the law enforcement agency under
133 Subsection (8)(a), the number of cases that involve an individual who is
134 prohibited from purchasing, possessing, or transferring a firearm as a result of a
135 conviction for an offense involving domestic violence; and
- 136 (ii) of the cases described in Subsection (8)(c)(i):
- 137 (A) the number of cases the law enforcement agency investigates; and
138 (B) the number of cases the law enforcement agency investigates that result in a
139 criminal charge.
- 140 (d) The bureau shall:
- 141 (i) compile the information from the reports described in Subsection (8)(c);
142 (ii) omit or redact any identifying information in the compilation; and
143 (iii) submit the compilation to the [~~Law Enforcement and Criminal Justice Interim~~
144 ~~Committee]~~ State Commission on Criminal and Juvenile Justice created in Section
145 63M-7-201 before November 1 of each year.
- 146 (9) If an individual is denied the right to purchase a firearm under this section, the
147 individual may review the individual's criminal history information and may challenge
148 or amend the information as provided in Section 53-10-108.
- 149 (10) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah
150 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of
151 all records provided by the bureau under this part are in conformance with the
152 requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107
153 Stat. 1536 (1993).
- 154 (11)(a) A dealer shall collect a criminal history background check fee for the sale of a
155 firearm under this section.
- 156 (b) The fee described under Subsection (11)(a) remains in effect until changed by the
157 bureau through the process described in Section 63J-1-504.
- 158 (c)(i) The dealer shall forward at one time all fees collected for criminal history
159 background checks performed during the month to the bureau by the last day of
160 the month following the sale of a firearm.
- 161 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to
162 cover the cost of administering and conducting the criminal history background
163 check program.
- 164 (12)(a) An individual with a concealed firearm permit issued under Section 53-5a-303 or

165 a provisional concealed firearm permit issued under Section 53-5a-304 is exempt
166 from the background check and corresponding fee required in this section for the
167 purchase of a firearm if:

168 (i) the individual presents the individual's concealed firearm permit to the dealer [
169 ~~prior to~~] before purchase of the firearm; and

170 (ii) the dealer verifies with the bureau that the individual's concealed firearm permit
171 is valid.

172 (b) An individual with a temporary permit to carry a concealed firearm issued under
173 Section 53-5a-305 is not exempt from a background check and the corresponding fee
174 required in this section for the purchase of a firearm.

175 (13)(a) A law enforcement officer, as defined in Section 53-13-103, is exempt from the
176 background check fee required in this section for the purchase of a personal firearm
177 to be carried while off-duty if the law enforcement officer verifies current
178 employment by providing a letter of good standing from the officer's commanding
179 officer and current law enforcement photo identification.

180 (b) Subsection (13)(a) may only be used by a law enforcement officer to purchase a
181 personal firearm once in a 24-month period.

182 (14) A dealer engaged in the business of selling, leasing, or otherwise transferring a firearm
183 shall:

184 (a) make the firearm safety brochure described in Subsection 26B-5-211(3) available to
185 a customer free of charge; and

186 (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under
187 Subsection 26B-5-211(3) to a customer purchasing a shotgun, short barreled shotgun,
188 short barreled rifle, rifle, or another firearm that federal law does not require be
189 accompanied by a gun lock at the time of purchase.

190 Section 2. Section **53-10-910** is amended to read:

191 **53-10-910 . Reporting requirement.**

192 The Department of Public Safety and the Utah Bureau of Forensic Services shall report
193 by July 31 of each year to the State Commission on Criminal and Juvenile Justice created in
194 Section 63M-7-201, the Law Enforcement and Criminal Justice Interim Committee, and the
195 Criminal Justice Appropriations Subcommittee regarding:

196 (1) the timelines set for testing all sexual assault kits submitted to the Utah Bureau of
197 Forensic Services as provided in Subsection 53-10-903(2);

198 (2) the goals established in Section 53-10-909;

- 199 (3) the status of meeting those goals;
- 200 (4) the number of sexual assault kits that are sent to the Utah Bureau of Forensic Services
201 for testing;
- 202 (5) the number of restricted kits held by law enforcement;
- 203 (6) the number of sexual assault kits that are not processed in accordance with the timelines
204 established in this part; and
- 205 (7) future appropriations requests that will ensure that all DNA cases can be processed
206 according to the timelines established by this part.

207 Section 3. Section **53H-7-603** is amended to read:

208 **53H-7-603 . Student housing crime reporting.**

- 209 (1) As used in this section:
- 210 (a) "Campus law enforcement" means an institution's police department.
- 211 (b) "Crime statistics" means the number of each of the crimes in 34 C.F.R. Sec.
212 668.46(c)(1) that are reported to a local police agency or campus law enforcement,
213 listed by type of crime.
- 214 (c)(i) "Institution noncampus housing facility" means a building or property that:
- 215 (A) is used for housing students;
- 216 (B) is not part of the institution's campus; and
- 217 (C) the institution owns, manages, controls, or leases;
- 218 (ii) "Institution noncampus housing facility" includes real property that is adjacent to,
219 and is used in direct support of, the building or property described in Subsection
220 (1)(c)(i).
- 221 (d) "Local law enforcement agency" means a state or local law enforcement agency
222 other than campus law enforcement.
- 223 (e)(i) "On-campus housing facility" means a building or property that is:
- 224 (A) used for housing students; and
- 225 (B) part of the institution's campus.
- 226 (ii) "On-campus housing facility" includes real property that is:
- 227 (A) adjacent to the on-campus housing facility; and
- 228 (B) used in direct support of the on-campus housing facility.
- 229 (f) "Student housing" means:
- 230 (i) an institution noncampus housing facility;
- 231 (ii) an on-campus housing facility; or
- 232 (iii) a student organization noncampus housing facility.

- 233 (g) "Student organization" means the same as that term is defined in Section 53H-7-101.
- 234 (h) "Student organization noncampus housing facility" means a building or property that:
- 235 (i) is used for housing students;
- 236 (ii) is not part of the institution's campus; and
- 237 (iii)(A) a student organization owns, manages, controls, or leases; or
- 238 (B) is real property that is adjacent to the student organization noncampus housing
- 239 facility and is used in direct support of the noncampus housing facility.
- 240 (2) An institution with the types of housing facilities described in this Subsection (2) shall:
- 241 (a) create a report of crime statistics aggregated by:
- 242 (i) on-campus housing facility, identified and listed individually using the institution's
- 243 system for inventorying institution facilities;
- 244 (ii) institution noncampus housing facility, identified and listed individually using the
- 245 institution's system for inventorying institution facilities; and
- 246 (iii) student organization noncampus housing facilities, identified and listed
- 247 individually using the institution's system for identifying student organization
- 248 noncampus housing facilities; ~~and~~
- 249 (b) report annually to the Education Interim Committee and the Law Enforcement and
- 250 Criminal Justice Interim Committee, at or before the committee's November
- 251 meetings, on crime statistics aggregated by housing facility as described in
- 252 Subsection(2)(a)[-] ; and
- 253 (c) on or before November 1 of each year, provide the crime statistics aggregated by
- 254 housing facility as described in Subsection (2)(a) to the State Commission on
- 255 Criminal and Juvenile Justice created in Section 63M-7-201.
- 256 (3) An institution that does not have the types of housing described in Subsection (2) shall
- 257 report the crime statistics as required by 20 U.S.C. Section 1092(f), the Jeanne Clery
- 258 Disclosure of Campus Security Policy and Campus Crime Statistics Act, to the entities
- 259 specified in Subsection (2).
- 260 (4) Upon request from an institution, a local law enforcement agency shall provide to the
- 261 institution crime statistics for each student housing facility over which the local law
- 262 enforcement agency has jurisdiction.
- 263 (5) Except as provided in Section 53H-7-503, when campus law enforcement receives a
- 264 complaint or report of a crime that campus law enforcement reasonably determines
- 265 occurred outside of campus law enforcement's jurisdiction, campus law enforcement
- 266 shall share any record of the complaint or report with the local law enforcement agency

267 with jurisdiction.

268 Section 4. Section **63A-16-1002** is amended to read:

269 **CHAPTER 16. Governance of Technology**

270 **63A-16-1002 . Public safety portal.**

271 (1) The commission shall oversee the creation and management of a public safety portal for
272 information and data required to be reported to the commission and accessible to all
273 criminal justice agencies in the state.

274 (2) The division shall assist with the development and management of the public safety
275 portal.

276 (3) The division, in collaboration with the commission, shall create:

277 (a) master standards and formats for information submitted to the public safety portal;

278 (b) a gateway, bridge, website, or other method for reporting entities to provide the
279 information;

280 (c) a master data management index or system to assist in the retrieval of information
281 from the public safety portal;

282 (d) a protocol for accessing information in the public safety portal that complies with
283 state privacy regulations;[~~and~~]

284 (e) a protocol for real-time audit capability of all data accessed from the public safety
285 portal by participating data source, data use entities, and regulators[-] ;

286 (f) a protocol for de-identifying the data described in Subsection (4) for public use;

287 (g) a searchable website available to the public that displays the de-identified data as
288 described in Subsection (3)(f); and

289 (h) subject to the restrictions in this section, a policy concerning the use and
290 dissemination of data obtained under this section.

291 (4) The public safety portal shall be the repository for the statutorily required data,
292 information, or reports described in:

293 (a) Section 13-53-111, Recidivism reporting requirements;

294 (b) Section 17-72-408, County jail reporting requirements;

295 (c) Section 17E-2-201, Criminal Justice Coordinating Councils reporting;

296 (d) Section 26B-1-427, Alcohol Abuse Tracking Committee;

297 (e) Section 41-6a-511, Courts to collect and maintain data;

298 (f) Section 53-5a-602, regarding data of attempted weapons purchases by restricted
299 persons;

300 [(f)] (g) Section 53-10-118, [~~Regarding~~] regarding driving under the influence data;

301 (h) Section 53-10-910, regarding sexual assault kits;
302 ~~[(g)]~~ (i) Section 53-25-301, Reporting requirements for reverse-location warrants;
303 ~~[(h)]~~ (j) Section 53-25-202, Sexual assault offense reporting requirements for law
304 enforcement agencies;
305 ~~[(i)]~~ Section 53E-3-516, School disciplinary and law enforcement action report;]
306 ~~[(j)]~~ (k) Section 53-25-501, Reporting requirements for seized firearms;
307 ~~[(k)]~~ (l) Section 53-25-502, Law enforcement agency reporting requirements for certain
308 firearm data;
309 (m) Section 53E-3-516, School disciplinary and law enforcement action report;
310 (n) Section 53H-7-603, Student housing crime reporting;
311 ~~[(h)]~~ (o) Section 63M-7-214, Law enforcement agency grant reporting;
312 ~~[(m)]~~ (p) Section 63M-7-216, Prosecutorial data collection;
313 ~~[(n)]~~ (q) Section 63M-7-216.1, Prosecutorial data collection regarding certain
314 prosecutions, dismissals, and declinations to prosecute;
315 ~~[(o)]~~ (r) Section 63M-7-220, Domestic violence data collection;
316 (s) Section 63M-7-1106, regarding annual reporting from the Prosecutor Conduct
317 Commission;
318 (t) Section 64-13-47, regarding data of sexual assaults;
319 ~~[(p)]~~ (u) Section 64-14-204, Supervision of sentenced offenders placed in community;
320 ~~[(q)]~~ (v) Section 64-13-25, Standards for programs;
321 ~~[(r)]~~ (w) Section 64-13-45, Department reporting requirements;
322 ~~[(s)]~~ (x) Section 64-13e-104, County correctional facility reimbursement program for
323 state probationary inmates and state parole inmates;
324 (y) Section 67-5-22.7, regarding data from the multi-agency strike force to combat
325 violent and other major felony crimes;
326 ~~[(t)]~~ (z) Section 77-7-8.5, Use of tactical groups;
327 ~~[(u)]~~ (aa) Section 77-11b-404, Forfeiture reporting requirements;
328 ~~[(v)]~~ (bb) Section 77-20-103, Release data requirements;
329 ~~[(w)]~~ (cc) Section 77-22-2.5, Court orders for criminal investigations;
330 (dd) Section 77-27-32, regarding metrics from the Board of Pardons and Parole;
331 ~~[(x)]~~ (ee) Section 78A-2-109.5, Court data collection on criminal cases;
332 (ff) Section 80-5-202, regarding data of sexual assaults;
333 ~~[(y)]~~ (gg) Section 80-6-104, Data collection on offenses committed by minors; and
334 ~~[(z)]~~ (hh) any other statutes that require the collection of specific data and the reporting

335 of that data to the commission.

336 [~~(5)~~ Before October 1, 2025, the commission shall report all data collected to the Law
337 Enforcement and Criminal Justice Interim Committee.]

338 [~~(6)~~ (5) The commission may:

- 339 (a) enter into contracts with private or governmental entities to assist entities in
340 complying with the data reporting requirements of Subsection (4); and
341 (b) make, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
342 Act, rules to administer this section, including establishing requirements and
343 procedures for collecting the data, information, or reports described in Subsection (4).

344 Section 5. Section ~~63A-16-1301~~ is enacted to read:

345 **Part 13. Researcher Access to Criminal Justice Information**

346 **63A-16-1301 . Definitions.**

347 As used in this part:

348 (1) "Covered entity" means:

- 349 (a) the Board of Pardons and Parole;
350 (b) a court;
351 (c) a law enforcement agency;
352 (d) a prosecution agency;
353 (e) a county jail;
354 (f) the Department of Corrections; or
355 (g) another private or public entity that performs an activity directly relating to:
356 (i) the detection or investigation of crime;
357 (ii) the apprehension, pretrial release, post-trial release, prosecution, correctional
358 supervision, rehabilitation, evaluation, or treatment of individuals accused or
359 convicted of committing criminal offenses;
360 (iii) criminal identification activities; or
361 (iv) the collection, storage, or dissemination of information regarding arrests or other
362 criminal records.

363 (2)(a) "Criminal justice information" means anonymized data or records collected,
364 created, received, maintained, or disseminated by a covered entity relating to:

- 365 (i) a law enforcement stop, search, or seizure;
366 (ii) an issued warrant;
367 (iii) an arrest or citation;
368 (iv) an individual's participation in a diversion program, specialty court, or other

- 369 alternative resolution program;
- 370 (v) a criminal charge, disposition, or sentence;
- 371 (vi) pretrial or post-trial release from custody, including any term or condition of
- 372 release;
- 373 (vii) a grant, order, change in the terms of, or termination of, pretrial supervised
- 374 release, probation, parole, or participation in a correctional or rehabilitative
- 375 program; or
- 376 (viii) formal discipline, reclassification, or relocation of an individual who is
- 377 incarcerated.
- 378 (b) "Criminal justice information" includes anonymized demographic information
- 379 related to the information described in Subsection (2)(a).
- 380 (3) "Criminal justice researcher" means a person that:
- 381 (a) conducts research and statistical analysis regarding criminal justice information; and
- 382 (b) is employed by, volunteers for, or otherwise assists or works for an institution or
- 383 organization that has an institutional review board.
- 384 (4) "Institutional review board" means a board, committee, or other group that:
- 385 (a) reviews, approves initiation of, and conducts periodic review of research; and
- 386 (b) has received a national accreditation for research in reviewing, approving, and
- 387 conducting periodic review of research or is part of an accredited institution of higher
- 388 education.
- 389 (5) "Law enforcement agency" means an entity or division:
- 390 (a)(i) of the state, or a political subdivision of the state;
- 391 (ii) of a state institution of higher education; or
- 392 (iii) of a private institution of higher education, if the entity or division is certified by
- 393 the commissioner of public safety under Title 53, Chapter 19, Certification of
- 394 Private Law Enforcement Agency; and
- 395 (b) that exists primarily to prevent and detect crime and enforce criminal laws, statutes,
- 396 and ordinances.
- 397 (6) "Prosecution agency" means a city attorney, county attorney, district attorney, the
- 398 attorney general, or other entity that undertakes the prosecution of criminal offenses.
- 399 (7)(a) "Record" means any information kept, held, filed, produced, or reproduced in
- 400 physical or digital form.
- 401 (b) "Record" includes a report, statement, examination, memoranda, opinion, folder, file,
- 402 book, manual, pamphlet, papers, design, drawing, map, photo, letter, microfilm,

403 computer tape or disc, rule, regulation, or code.

404 Section 6. Section **63A-16-1302** is enacted to read:

405 **63A-16-1302 . Criminal justice information sharing with researcher.**

406 (1) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management
407 Act, if a criminal justice researcher submits a written request to a covered entity for
408 criminal justice information, the covered entity shall provide the requested criminal
409 justice information to the criminal justice researcher if:

410 (a) the criminal justice researcher's request complies with the requirements described in
411 Subsection (3); and

412 (b) the covered entity has determined that the release of the requested criminal justice
413 information would not compromise an active criminal investigation.

414 (2) A release of criminal justice information under this section is not considered a release of
415 data, records, or information to the public under Title 63G, Chapter 2, Government
416 Records Access and Management Act, and the covered entity does not waive the right to
417 assert that data, records, or information are private or controlled records under Title
418 63G, Chapter 2, Government Records Access and Management Act.

419 (3) Before a criminal justice researcher may gain access to criminal justice information
420 under this section, the criminal justice researcher shall:

421 (a) agree that any personally identifiable information or confidential information
422 inadvertently provided by a covered entity may not be used for any purpose; and

423 (b) certify that:

424 (i) the criminal justice researcher's institutional review board has approved the
425 research or project that is the basis of the request;

426 (ii) the criminal justice researcher has security protocols and systems in place to
427 prevent unauthorized access to criminal justice information in the criminal justice
428 researcher's possession or criminal justice information to which the criminal
429 justice researcher has access; and

430 (iii) the security protocols and systems described in Subsection (3)(b)(ii) have been
431 approved by the criminal justice researcher's institutional review board.

432 (4) The attorney general shall issue guidance for covered entities regarding compliance with
433 this part, including a process for:

434 (a) determining whether a criminal justice researcher meets the requirements of this part;

435 (b) sharing criminal justice information with criminal justice researchers; and

436 (c) determining if requested criminal justice information would compromise an active

437 criminal investigation if released.

438 (5) A covered entity may assess reasonable fees, not to exceed actual costs, for the search,
439 retrieval, and sharing of criminal justice information requested under this part.

440 Section 7. Section **63G-2-201** is amended to read:

441 **63G-2-201 . Provisions relating to records -- Public records -- Private, controlled,**
442 **protected, and other restricted records -- Disclosure and nondisclosure of records --**
443 **Certified copy of record -- Limits on obligation to respond to record request.**

444 (1)(a) Except as provided in Subsection (1)(b), a person has the right to inspect a public
445 record free of charge, and the right to take a copy of a public record during normal
446 working hours, subject to Sections 63G-2-203 and 63G-2-204.

447 (b) A right under Subsection (1)(a) does not apply with respect to a record:

448 (i) a copy of which the governmental entity has already provided to the person;

449 (ii) that is the subject of a records request that the governmental entity is not required
450 to fill under Subsection (7)(a)(v); or

451 (iii)(A) that is accessible only by a computer or other electronic device owned or
452 controlled by the governmental entity;

453 (B) that is part of an electronic file that also contains a record that is private,
454 controlled, or protected; and

455 (C) that the governmental entity cannot readily segregate from the part of the
456 electronic file that contains a private, controlled, or protected record.

457 (2) A record is public unless otherwise expressly provided by statute.

458 (3) The following records are not public:

459 (a) a record that is private, controlled, or protected under Sections 63G-2-302, 63G-2-303,
460 63G-2-304, and 63G-2-305; and

461 (b) a record to which access is restricted [~~pursuant to~~] in accordance with court rule,
462 another state statute, federal statute, or federal regulation, including records for which
463 access is governed or restricted as a condition of participation in a state or federal
464 program or for receiving state or federal funds.

465 (4) Only a record specified in Section 63G-2-302, 63G-2-303, 63G-2-304, or 63G-2-305
466 may be classified private, controlled, or protected.

467 (5)(a) A governmental entity may not disclose a record that is private, controlled, or
468 protected to any person except as provided in Subsection (5)(b), Subsection (5)(c),
469 Section 63G-2-202, 63G-2-206, or 63G-2-303.

470 (b) A governmental entity may disclose a record that is private under Subsection

- 471 63G-2-302(2) or protected under Section 63G-2-305 to persons other than those
472 specified in Section 63G-2-202 or 63G-2-206 if the head of a governmental entity, or
473 a designee, determines that:
- 474 (i) there is no interest in restricting access to the record; or
 - 475 (ii) the interests favoring access are greater than or equal to the interest favoring
476 restriction of access.
- 477 (c) In addition to the disclosure under Subsection (5)(b), a governmental entity may
478 disclose a record that is protected under Subsection 63G-2-305(51) if:
- 479 (i) the head of the governmental entity, or a designee, determines that the disclosure:
 - 480 (A) is mutually beneficial to:
 - 481 (I) the subject of the record;
 - 482 (II) the governmental entity; and
 - 483 (III) the public; and
 - 484 (B) serves a public purpose related to:
 - 485 (I) public safety; or
 - 486 (II) consumer protection; and
 - 487 (ii) the person who receives the record from the governmental entity agrees not to use
488 or allow the use of the record for advertising or solicitation purposes.
- 489 (6) A governmental entity shall provide a person with a certified copy of a record if:
- 490 (a) the person requesting the record has a right to inspect it;
 - 491 (b) the person identifies the record with reasonable specificity; and
 - 492 (c) the person pays the lawful fees.
- 493 (7)(a) In response to a request, a governmental entity is not required to:
- 494 (i) create a record;
 - 495 (ii) compile, format, manipulate, package, summarize, or tailor information;
 - 496 (iii) provide a record in a particular format, medium, or program not currently
497 maintained by the governmental entity;
 - 498 (iv) fulfill a person's records request if the request unreasonably duplicates prior
499 records requests from that person;
 - 500 (v) fill a person's records request if:
 - 501 (A) the record requested is:
 - 502 (I) publicly accessible online; or
 - 503 (II) included in a public publication or product produced by the governmental
504 entity receiving the request; and

- 505 (B) the governmental entity:
- 506 (I) specifies to the person requesting the record where the record is accessible
- 507 online; or
- 508 (II) provides the person requesting the record with the public publication or
- 509 product and specifies where the record can be found in the public
- 510 publication or product; or
- 511 (vi) fulfill a person's records request if:
- 512 (A) the person has been determined under Section 63G-2-209 to be a vexatious
- 513 requester;
- 514 (B) the order of the director of the Government Records Office determining the
- 515 person to be a vexatious requester provides that the governmental entity is not
- 516 required to fulfill a request from the person for a period of time; and
- 517 (C) the period of time described in Subsection (7)(a)(vi)(B) has not expired.
- 518 (b) A governmental entity shall conduct a reasonable search for a requested record.
- 519 (8)(a) Although not required to do so, a governmental entity may, upon request from the
- 520 person who submitted the records request, compile, format, manipulate, package,
- 521 summarize, or tailor information or provide a record in a format, medium, or program
- 522 not currently maintained by the governmental entity.
- 523 (b) In determining whether to fulfill a request described in Subsection (8)(a), a
- 524 governmental entity may consider whether the governmental entity is able to fulfill
- 525 the request without unreasonably interfering with the governmental entity's duties
- 526 and responsibilities.
- 527 (c) A governmental entity may require a person who makes a request under Subsection
- 528 (8)(a) to pay the governmental entity, in accordance with Section 63G-2-203, for
- 529 providing the information or record as requested.
- 530 (9)(a) Notwithstanding any other provision of this chapter, and subject to Subsection
- 531 (9)(b), a governmental entity is not required to respond to, or provide a record in
- 532 response to, a record request if the request is submitted by or in behalf of an
- 533 individual who is on parole or confined in a jail or other correctional facility
- 534 following the individual's conviction.
- 535 (b) Subsection (9)(a) does not apply to:
- 536 (i) the first five record requests submitted to the governmental entity by or in behalf
- 537 of an individual described in Subsection (9)(a) during any calendar year
- 538 requesting only a record that contains a specific reference to the individual; or

- 539 (ii) a record request that is submitted by an attorney of an individual described in
540 Subsection (9)(a).
- 541 (10)(a) A governmental entity may allow a person requesting more than 50 pages of
542 records to copy the records if:
- 543 (i) the records are contained in files that do not contain records that are exempt from
544 disclosure, or the records may be segregated to remove private, protected, or
545 controlled information from disclosure; and
 - 546 (ii) the governmental entity provides reasonable safeguards to protect the public from
547 the potential for loss of a public record.
- 548 (b) If the requirements of Subsection (10)(a) are met, the governmental entity may:
- 549 (i) provide the requester with the facilities for copying the requested records and
550 require that the requester make the copies; or
 - 551 (ii) allow the requester to provide the requester's own copying facilities and personnel
552 to make the copies at the governmental entity's offices and waive the fees for
553 copying the records.
- 554 (11)(a) A governmental entity that owns an intellectual property right and that offers the
555 intellectual property right for sale or license may control by ordinance or policy the
556 duplication and distribution of the material based on terms the governmental entity
557 considers to be in the public interest.
- 558 (b) Nothing in this chapter shall be construed to limit or impair the rights or protections
559 granted to the governmental entity under federal copyright or patent law as a result of
560 its ownership of the intellectual property right.
- 561 (12) A governmental entity may not use the physical form, electronic or otherwise, in
562 which a record is stored to deny, or unreasonably hinder the rights of a person to inspect
563 and receive a copy of a record under this chapter.
- 564 (13) Subject to the requirements of Subsection (7), a governmental entity shall provide
565 access to an electronic copy of a record in lieu of providing access to its paper
566 equivalent if:
- 567 (a) the person making the request requests or states a preference for an electronic copy;
 - 568 (b) the governmental entity currently maintains the record in an electronic format that is
569 reproducible and may be provided without reformatting or conversion; and
 - 570 (c) the electronic copy of the record:
 - 571 (i) does not disclose other records that are exempt from disclosure; or
 - 572 (ii) may be segregated to protect private, protected, or controlled information from

- 573 disclosure without the undue expenditure of public resources or funds.
- 574 (14) In determining whether a record is properly classified as private under Subsection
- 575 63G-2-302(2)(d), the governmental entity, the director of the Government Records
- 576 Office, local appeals board, or court shall consider and weigh:
- 577 (a) any personal privacy interests, including those in images, that would be affected by
- 578 disclosure of the records in question; and
- 579 (b) any public interests served by disclosure.
- 580 (15) Notwithstanding any other provision of this chapter, the State Commission on
- 581 Criminal and Juvenile Justice created in Section 63M-7-201:
- 582 (a) is not required to provide a record in response to a record request that requests
- 583 records received by the State Commission on Criminal and Juvenile Justice under
- 584 Section 63A-16-1002; and
- 585 (b) shall inform the person making a record request for a record described in Subsection
- 586 (15)(a) of the governmental entity from which the State Commission on Criminal and
- 587 Juvenile Justice received the record.

588 Section 8. Section **63M-7-1106** is amended to read:

589 **63M-7-1106 . Annual reporting requirement to Legislature.**

- 590 (1) Before November 1 of each year, the commission shall report to the State Commission
- 591 on Criminal and Juvenile Justice created in Section 63M-7-201, the Law Enforcement
- 592 and Criminal Justice Interim Committee, and the Judiciary Interim Committee on:
- 593 (a) the number of complaints received;
- 594 (b) the general nature of the complaints;
- 595 (c) the number of complaints dismissed without an investigation;
- 596 (d) the number of complaints investigated;
- 597 (e) the general findings and outcomes of investigations; and
- 598 (f) the name of any prosecuting agency that refused, without reasonable cause, to
- 599 cooperate in an investigation by the commission.

- 600 (2) The commission may not include any personal identifying information regarding a
- 601 prosecuting attorney in a report described in Subsection (1).

602 Section 9. Section **64-13-47** is amended to read:

603 **64-13-47 . Prison Sexual Assault Prevention Program.**

- 604 (1) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative
- 605 Rulemaking Act, make rules establishing policies and procedures regarding sexual
- 606 assaults that occur in correctional facilities.

- 607 (2) The rules described in Subsection (1) shall:
- 608 (a) require education and training, including:
- 609 (i) providing to inmates, at intake and periodically, department-approved,
- 610 easy-to-understand information developed by the department on sexual assault
- 611 prevention, treatment, reporting, and counseling in consultation with community
- 612 groups with expertise in sexual assault prevention, treatment, reporting, and
- 613 counseling; and
- 614 (ii) providing sexual-assault-specific training to department mental health
- 615 professionals and all employees who have direct contact with inmates regarding
- 616 treatment and methods of prevention and investigation;
- 617 (b) require reporting of sexual assault, including:
- 618 (i) ensuring the confidentiality of inmate sexual assault complaints and the protection
- 619 of inmates who make complaints of sexual assault; and
- 620 (ii) prohibiting retaliation and disincentives for reporting sexual assault;
- 621 (c) require safety and care for victims, including:
- 622 (i) providing, in situations in which there is reason to believe that a sexual assault has
- 623 occurred, reasonable and appropriate measures to ensure the victim's safety by
- 624 separating the victim from the assailant, if known;
- 625 (ii) providing acute trauma care for sexual assault victims, including treatment of
- 626 injuries, HIV prophylaxis measures, and testing for sexually transmitted infections;
- 627 (iii) providing confidential mental health counseling for victims of sexual assault,
- 628 including access to outside community groups or victim advocates that have
- 629 expertise in sexual assault counseling, and enable confidential communication
- 630 between inmates and those organizations and advocates; and
- 631 (iv) monitoring victims of sexual assault for suicidal impulses, post-traumatic stress
- 632 disorder, depression, and other mental health consequences resulting from the
- 633 sexual assault;
- 634 (d) require investigations and staff discipline, including:
- 635 (i) requiring all employees to report any knowledge, suspicion, or information
- 636 regarding an incident of sexual assault to the executive director or designee, and
- 637 require disciplinary action for employees who fail to report as required;
- 638 (ii) requiring investigations described in Subsection (3);
- 639 (iii) requiring corrections investigators to submit all completed sexual assault
- 640 allegations to the executive director or the executive director's designee, who [must]

641 shall then submit any substantiated findings that may constitute a crime under
 642 state law to the district attorney with jurisdiction over the facility in which the
 643 alleged sexual assault occurred; and
 644 (iv) requiring employees to be subject to disciplinary sanctions up to and including
 645 termination for violating agency sexual assault policies, with termination the
 646 presumptive disciplinary sanction for employees who have engaged in sexual
 647 assault, consistent with constitutional due process protections and state personnel
 648 laws and rules; and

649 (e) require data collection and reporting, including as provided in Subsection (4).

650 (3)(a) An investigator trained in the investigation of sex crimes shall conduct the
 651 investigation of a sexual assault involving an inmate.

652 (b) The investigation shall include:

653 (i) using a forensic rape kit, if appropriate;

654 (ii) questioning suspects and witnesses; and

655 (iii) gathering and preserving relevant evidence.

656 (4) The department shall:

657 (a) collect and report data regarding all allegations of sexual assault from each
 658 correctional facility in accordance with the federal Prison Rape Elimination Act of
 659 2003, Pub. L 108-79, as amended; and

660 (b) annually report the data described in Subsection (4)(a) to the [~~Law Enforcement and~~
 661 ~~Criminal Justice Interim Committee~~] the State Commission on Criminal and Juvenile
 662 Justice created in Section 63M-7-201.

663 Section 10. Section **67-5-22.7** is amended to read:

664 **67-5-22.7 . Multi-agency strike force to combat violent and other major felony**
 665 **crimes associated with illegal immigration and human trafficking -- Fraudulent**
 666 **Documents Identification Unit.**

667 (1) The Office of the Attorney General is authorized to administer and coordinate the
 668 operation of a multi-agency strike force to combat violent and other major felony crimes
 669 committed within the state that are associated with illegal immigration and human
 670 trafficking.

671 (2) The office shall invite officers of the [~~U.S.~~] United States Immigration and Customs
 672 Enforcement and state and local law enforcement personnel to participate in this
 673 mutually supportive, multi-agency strike force to more effectively utilize their combined
 674 skills, expertise, and resources.

- 675 (3) The strike force shall focus its efforts on detecting, investigating, deterring, and
676 eradicating violent and other major felony criminal activity related to illegal
677 immigration and human trafficking.
- 678 (4) In conjunction with the strike force and subject to available funding, the Office of the
679 Attorney General shall establish a Fraudulent Documents Identification Unit:
- 680 (a) for the primary purpose of investigating, apprehending, and prosecuting individuals
681 or entities that participate in the sale or distribution of fraudulent documents used for
682 identification purposes;
- 683 (b) to specialize in fraudulent identification documents created and prepared for
684 individuals who are unlawfully residing within the state; and
- 685 (c) to administer the Identity Theft Victims Restricted Account created under Subsection
686 (5).
- 687 (5)(a) There is created a restricted account in the General Fund known as the "Identity
688 Theft Victims Restricted Account."
- 689 (b) The Identity Theft Victims Restricted Account shall consist of money appropriated
690 to the Identity Theft Victims Restricted Account by the Legislature.
- 691 (c) Subject to appropriations from the Legislature, beginning on the program start date,
692 as defined in Section 63G-12-102, the Fraudulent Documents Identification Unit may
693 expend the money in the Identity Theft Victims Restricted Account to pay a claim as
694 provided in this Subsection (5) to a person who is a victim of identity theft
695 prosecuted under Section 76-11-215 or 76-6-1102.
- 696 (d) To obtain payment from the Identity Theft Victims Restricted Account, a person
697 shall file a claim with the Fraudulent Documents Identification Unit by no later than
698 one year after the day on which an individual is convicted, pleads guilty to, pleads no
699 contest to, pleads guilty in a similar manner to, or resolved by diversion or its
700 equivalent an offense under Section 76-11-215 or 76-6-1102 for the theft of the
701 identity of the person filing the claim.
- 702 (e) A claim filed under this Subsection (5) shall include evidence satisfactory to the
703 Fraudulent Documents Identification Unit:
- 704 (i) that the person is the victim of identity theft described in Subsection (5)(d); and
705 (ii) of the actual damages experienced by the person as a result of the identity theft
706 that are not recovered from a public or private source.
- 707 (f) The Fraudulent Documents Identification Unit shall pay a claim from the Identity
708 Theft Victims Restricted Account:

- 709 (i) if the Fraudulent Documents Identification Unit determines that the person has
 710 provided sufficient evidence to meet the requirements of Subsection (5)(e);
 711 (ii) in the order that claims are filed with the Fraudulent Documents Identification
 712 Unit; and
 713 (iii) to the extent that there is money in the Identity Theft Victims Restricted
 714 Account.
- 715 (g) If there is insufficient money in the Identity Theft Victims Restrict Account when a
 716 claim is filed under this Subsection (5) to pay the claim in full, the Fraudulent
 717 Documents Identification Unit may pay a claim when there is sufficient money in the
 718 account to pay the claim in the order that the claims are filed.
- 719 (6) The strike force shall make an annual report on ~~[its]~~ the strike force's activities to the
 720 governor~~[-and]~~ , the State Commission on Criminal and Juvenile Justice created in
 721 Section 63M-7-201, and the [Legislature's] Law Enforcement and Criminal Justice
 722 Interim Committee by December 1, together with any proposed recommendations for
 723 modifications to this section.

724 Section 11. Section **77-27-32** is amended to read:

725 **77-27-32 . Reporting requirements.**

- 726 (1) The board shall publicly display metrics on the board's website, including:
 727 (a) a measure of recidivism;
 728 (b) a measure of time under board jurisdiction;
 729 (c) a measure of prison releases by category;
 730 (d) a measure of parole revocations;
 731 (e) a measure of alignment of board decisions with the adult sentencing and supervision
 732 length guidelines, as defined in Section 63M-7-401.1; and
 733 (f) a measure of the aggregate reasons for departing from the guidelines described in
 734 Subsection (1)(e).
- 735 (2) On or before September 30 of each year, the board shall submit to ~~[the commission and]~~
 736 the Law Enforcement and Criminal Justice Interim Committee a report for the previous
 737 fiscal year that summarizes the metrics in Subsection (1).
- 738 (3) On or before November 1 of each year, the board shall submit the metrics described in
 739 Subsection (1) to the commission.

740 Section 12. Section **80-5-202** is amended to read:

741 **80-5-202 . Division rulemaking authority -- Reports on sexual assault.**

- 742 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

- 743 division shall make rules to:
- 744 (a) establish standards for the admission of a minor to detention;
- 745 (b) describe good behavior for which credit may be earned under Subsection 80-6-704
- 746 (5);
- 747 (c) establish a formula, in consultation with the Office of the Legislative Fiscal Analyst, to
- 748 calculate savings from General Fund appropriations under 2017 Laws of Utah,
- 749 Chapter 330, resulting from the reduction in out-of-home placements for juvenile offenders
- 750 with the division;
- 751 (d) establish policies and procedures regarding sexual assaults that occur in detention
- 752 and secure care facilities; and
- 753 (e) establish the qualifications and conditions for services provided by the division under
- 754 Section 80-6-809.
- 755 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 756 division may make rules:
- 757 (a) that govern the operation of prevention and early intervention programs, youth
- 758 service programs, juvenile receiving centers, and other programs described in Section
- 759 80-5-401; and
- 760 (b) that govern the operation of detention and secure care facilities.
- 761 (3) A rule made by the division under Subsection (1)(a):
- 762 (a) may not permit secure detention based solely on the existence of multiple status
- 763 offenses, misdemeanors, or infractions arising out of a single criminal episode; and
- 764 (b) shall prioritize use of home detention for a minor who might otherwise be held in
- 765 secure detention.
- 766 (4) The rules described in Subsection (1)(d) shall:
- 767 (a) require education and training, including:
- 768 (i) providing to minors detained in secure care and detention facilities, at intake and
- 769 periodically, easy-to-understand information, which is developed and approved by
- 770 the division, on sexual assault prevention, treatment, reporting, and counseling in
- 771 consultation with community groups with expertise in sexual assault prevention,
- 772 treatment, reporting, and counseling; and
- 773 (ii) providing training specific to sexual assault to division mental health
- 774 professionals and all division employees who have direct contact with minors
- 775 regarding treatment and methods of prevention and investigation;
- 776 (b) require reporting of any incident of sexual assault, including:

- 777 (i) ensuring the confidentiality of sexual assault reports from minors and the
778 protection of minors who report sexual assault; and
- 779 (ii) prohibiting retaliation and disincentives for reporting sexual assault;
- 780 (c) require safety and care for minors who report sexual assault, including:
- 781 (i) providing, in situations in which there is reason to believe that a sexual assault has
782 occurred, reasonable and appropriate measures to ensure the minor's safety by
783 separating the minor from the minor's assailant, if known;
- 784 (ii) providing acute trauma care for minors who report sexual assault, including
785 treatment of injuries, HIV prophylaxis measures, and testing for sexually
786 transmitted infections;
- 787 (iii) providing confidential mental health counseling for minors who report sexual
788 assault, including:
- 789 (A) access to outside community groups or victim advocates that have expertise in
790 sexual assault counseling; and
- 791 (B) enabling confidential communication between minors and community groups
792 and victim advocates; and
- 793 (iv) monitoring minors who report sexual assault for suicidal impulses,
794 post-traumatic stress disorder, depression, and other mental health consequences
795 resulting from the sexual assault;
- 796 (d) require staff reporting of sexual assault and staff discipline for failure to report or for
797 violating sexual assault policies, including:
- 798 (i) requiring all division employees to report any knowledge, suspicion, or
799 information regarding an incident of sexual assault to the director or the director's
800 designee;
- 801 (ii) requiring disciplinary action for a division employee who fails to report as
802 required; and
- 803 (iii) requiring division employees to be subject to disciplinary sanctions up to and
804 including termination for violating agency sexual assault policies, with
805 termination the presumptive disciplinary sanction for division employees who
806 have engaged in sexual assault, consistent with constitutional due process
807 protections and state personnel laws and rules;
- 808 (e) require that any report of an incident of sexual assault be referred to the Division of
809 Child and Family Services or a law enforcement agency with jurisdiction over the
810 detention or secure care facility in which the alleged sexual assault occurred; and

811 (f) require data collection and reporting of all incidents of sexual assault from each
812 detention and secure care facility.

813 (5) The division shall annually report the data described in [~~Section~~] Subsection (4)(f) to the [
814 ~~Law Enforcement and Criminal Justice Interim Committee~~] State Commission on
815 Criminal and Juvenile Justice created in Section 63M-7-201.

816 Section 13. **Repealer.**

817 This bill repeals:

818 Section **63A-16-101, Title.**

819 Section 14. **Effective Date.**

820 This bill takes effect on May 6, 2026.