

1 **Law Enforcement Modifications**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses due process rights for peace officers in certain circumstances.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ addresses the procedures a prosecution agency is required to follow when the prosecution
9 agency creates a system for tracking past peace officer misconduct that the agency has to
10 disclose to a defendant in certain circumstances; and

11 ▶ makes technical and conforming changes.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **63I-2-253**, as last amended by Laws of Utah 2024, Third Special Session, Chapters 5, 5

19 ENACTS:

20 **53-25-601**, Utah Code Annotated 1953

21 **53-25-602**, Utah Code Annotated 1953

22 **53-25-603**, Utah Code Annotated 1953

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

25 Section 1. Section **53-25-601** is enacted to read:

26 **Part 6. Requirements Related to Brady Material**

27 **53-25-601 . Definitions.**

28 As used in this part:

29 (1) "Brady identification system" means any type of system used by a prosecution agency
30 to assist in tracking and disclosing Brady material to defendants being prosecuted by the

31 prosecution agency.

32 (2) "Brady material" means potential impeachment information that a prosecutor has
33 disclosed or may disclose to a defendant being prosecuted for a criminal offense relating
34 to conduct of a peace officer who was involved in the arrest or investigation of the
35 defendant.

36 (3) "Law enforcement agency" means a public agency having general police power and
37 charged with making arrests in connection with enforcement of the criminal laws,
38 statutes, or ordinances of this state or political subdivisions of this state.

39 (4)(a) "Peace officer" means any officer certified in accordance with Chapter 13, Peace
40 Officer Classifications.

41 (b) "Peace officer" includes any employee of a law enforcement agency whose job
42 duties include providing courtroom testimony in support of the enforcement of
43 criminal laws, statutes, or ordinances.

44 (5) "POST" means the Peace Officer Standards and Training Division created in Section
45 53-6-103.

46 (6) "Prosecution agency" means a city attorney, county attorney, district attorney, the
47 attorney general, or other prosecution agency.

48 Section 3. Section **53-25-602** is enacted to read:

49 **53-25-602 . Prosecution agency's requirements related to Brady material.**

50 (1)(a) A prosecution agency may use a Brady identification system to fulfill the
51 prosecution agency's discovery obligations regarding Brady material under federal
52 law, state law, court order, or court rule.

53 (b) A prosecution agency is not required to maintain a Brady identification system and
54 may determine that the prosecution agency's discovery obligations regarding Brady
55 material can be met through another procedure.

56 (2) A prosecution agency that uses a Brady identification system may make disclosures of
57 Brady material to a defendant in a prosecution even if the prosecution agency has not
58 made a final decision regarding whether the peace officer who is the subject of the
59 Brady material will be placed onto the prosecution agency's Brady identification system.

60 (3)(a) Except as provided in Subsection (3)(b), before a prosecution agency may
61 initially place a peace officer on the prosecution agency's Brady identification
62 system, or add additional information to the prosecution agency's Brady identification
63 system regarding a peace officer already on the prosecution agency's Brady
64 identification system for a reason unrelated to the initial placement, the prosecution

65 agency shall:

66 (i) provide the peace officer with written notice that the prosecution agency intends
67 to:

68 (A) place the peace officer onto the prosecution agency's Brady identification
69 system; or

70 (B) if the peace officer is already on the prosecution agency's Brady identification
71 system, add additional information about the peace officer onto the prosecution
72 agency's Brady identification system;

73 (ii) provide the peace officer with copies of any documents, records, and other
74 evidence relied upon by the prosecution agency that is seeking to place the peace
75 officer, or add additional information regarding the peace officer, onto the Brady
76 identification system; and

77 (iii) provide the peace officer with an opportunity to dispute the peace officer's
78 placement, or addition of information regarding the peace officer, onto the Brady
79 identification system.

80 (b) A prosecution agency is not required to provide the procedures described in
81 Subsection (3)(a) if the Brady material underlying the peace officer's placement onto
82 the Brady identification system relates to a criminal conviction ~~that~~ **← or a finalized POST**
83 **decision related to Brady material.** ~~]~~ ← ~~that~~

84 (4)(a) If a peace officer is employed by a law enforcement agency and is placed onto a
85 prosecution agency's Brady identification system in accordance with this section, the
86 prosecution agency shall notify the peace officer's employer regarding the placement.

87 (b) A peace officer who is placed onto a prosecution agency's Brady identification
88 system before May 7, 2025, may request within 180 calendar days after May 7, 2025,
89 a review by the prosecution agency regarding the peace officer's placement and, if the
90 prosecution agency receives the request, the prosecution agency shall undertake the
91 review.

92 (5) A prosecution agency that uses a Brady identification system shall adopt a policy,
93 accessible to any peace officer in the prosecution agency's jurisdiction, that includes:

94 (a) the criteria used by the prosecution agency to place an officer on the prosecution
95 agency's Brady identification system including:

96 (i) a description of what conduct qualifies as Brady material; and

97 (ii) a description of other conduct not defined in this part that the prosecution agency
98 determines will get a peace officer placed on the prosecution agency's Brady

99 identification system; and

100 (b) the rights, procedures, and limitations described in Subsection (3).

101 (6) If a peace officer is placed onto a prosecution agency's Brady identification system and
102 then is placed on another prosecution agency's Brady identification system, the other
103 prosecution agency:

104 (a) does not have to provide the peace officer with the rights and procedures described in
105 Subsection (3)(a), if the peace officer's placement is based on the same conduct that
106 led to the peace officer being placed on the initial prosecution agency's Brady
107 identification system and the peace officer was provided the rights and procedures
108 described in Subsection (3)(a) by the initial prosecution agency; and

109 (b) shall:

110 (i) provide the peace officer with written notice that the prosecution agency has
111 added the peace officer to the prosecution agency's Brady identification system;

112 (ii) provide the peace officer with an opportunity to respond in writing to the peace
113 officer's placement on the prosecution agency's Brady identification system; and

114 (iii) review the peace officer's response described in Subsection (6)(b)(ii).

115 (7) A peace officer may not seek judicial review of a prosecution agency's determination to
116 place an officer on a Brady identification system in accordance with this section.

117 (8) Any information or record maintained by a prosecution agency in a Brady identification
118 system is not subject to disclosure under Title 63G, Chapter 2, Government Records
119 Access and Management Act.

120 (9) This section does not:

121 (a) create a private cause of action by a peace officer or by a law enforcement agency
122 against a prosecution agency or the prosecution agency's employees for the
123 procedures and determination related to the placement of a peace officer onto a Brady
124 identification system; or

125 (b) restrict or limit a prosecution agency from fulfilling the prosecution agency's
126 discovery obligations.

127 Section 5. Section **53-25-603** is enacted to read:

128 **53-25-603 . Peace officer and employing law enforcement agency requirements**
129 **related to Brady material.**

130 (1)(a) If a peace officer has been placed onto a prosecution agency's Brady
131 identification system after being provided the rights and procedures described in
132 Subsection 53-25-603(3) and the peace officer is subpoenaed by a different

133 prosecution agency to testify in court, the peace officer shall disclose that placement
134 to the prosecution agency that issued the subpoena as soon as practicable after
135 receiving the subpoena.

136 (b) If a peace officer fails to disclose the peace officer's placement on a Brady
137 identification system as described in Subsection (1)(a), the peace officer's employing
138 law enforcement agency may take disciplinary action against the peace officer.

139 (2)(a) A law enforcement agency may not use the placement of a peace officer onto a
140 Brady identification system as described in Section 53-25-603 as the sole reason for
141 taking or denying any of the following employment actions against the peace officer:

142 (i) demotion;

143 (ii) suspension;

144 (iii) termination; or

145 (iv) any other disciplinary action.

146 (b) Notwithstanding Subsection (2)(a), a law enforcement agency may use the
147 underlying facts of the Brady material that were the basis for the peace officer's
148 placement onto a Brady identification system for taking a disciplinary action against
149 the peace officer in accordance with the law enforcement agency's adopted policies
150 and procedures and governing law.

151 (3) A chief, sheriff, or administrative officer of a law enforcement agency who knows of an
152 allegation against a peace officer employed by the chief's, sheriff's, or administrative
153 officer's law enforcement agency involving Brady material shall conduct an
154 administrative or internal investigation into the allegation and, if after the law
155 enforcement agency's adopted policies and procedures are followed and the allegation is
156 substantiated, report the findings of the investigation to:

157 (a) if the law enforcement agency is a private law enforcement agency or a city, county,
158 or other local law enforcement agency, the county attorney of the jurisdiction where
159 the law enforcement agency is located; or

160 (b) if the law enforcement agency is a state law enforcement agency, to the attorney
161 general.

162 Section 4. Section **63I-2-253** is amended to read:

163 **63I-2-253 . Repeal dates: Titles 53 through 53G.**

164 (1) Subsection 53-1-104(1)(b), regarding the Air Ambulance Committee, is repealed July 1,
165 2024.

166 (2) Section 53-1-118, Public Safety Honoring Heroes Restricted Account -- Creation --

- 167 Funding -- Distribution of funds by the commissioner, is repealed July 1, 2024.
- 168 (3) Section 53-1-120, Utah Law Enforcement Memorial Support Restricted Account --
169 Creation -- Funding -- Distribution of funds by the commissioner, is repealed July 1,
170 2024.
- 171 (4) Section 53-2a-303, Statewide mutual aid committee, is repealed October 1, 2024.
- 172 (5) Title 53, Chapter 2c, COVID-19 Health and Economic Response Act, is repealed July 1,
173 2026.
- 174 (6) Section 53-2d-101.1, Contracting authority -- Rulemaking authority, is repealed July 1,
175 2024.
- 176 (7) Section 53-2d-107, Air Ambulance Committee -- Membership -- Duties, is repealed
177 July 1, 2024.
- 178 (8) Section 53-2d-302, Trauma system advisory committee, is repealed October 1, 2024.
- 179 (9) Section 53-7-109, Firefighter Support Restricted Account, is repealed July 1, 2024.
- 180 (10) Section 53-9-104, Board -- Creation-- Qualifications -- Appointments -- Terms --
181 Immunity, is repealed October 1, 2024.
- 182 (11) Section 53-9-105, Powers and duties of the board, is repealed October 1, 2024.
- 183 (12) Section 53-9-106, Meetings -- Hearings, is repealed October 1, 2024.
- 184 (13) Section 53-22-104.1, School Security Task Force -- Membership -- Duties -- Per diem
185 -- Report -- Expiration, is repealed December 31, 2025.
- 186 (14) Section 53-22-104.2, The School Security Task Force -- Education Advisory Board, is
187 repealed December 31, 2025.
- 188 (15) Section 53-25-103, Airport dangerous weapon possession reporting requirements, is
189 repealed December 31, 2031.
- 190 (16) Subsection 53-25-602(4)(b), regarding the rights of a peace officer placed onto a
191 prosecution agency's Brady identification system before May 7, 2025, is repealed
192 December 1, 2025.
- 193 ~~[(16)]~~ (17) Section 53B-8-114, Continuation of previously authorized scholarships, is
194 repealed July 1, 2024.
- 195 ~~[(17)]~~ (18) Section 53B-10-101, Terrel H. Bell Teaching Incentive Loans program --
196 Eligible students -- Cancellation of incentive loans -- Repayment by recipient who fails
197 to meet requirements -- Duration of incentive loans, is repealed July 1, 2027.
- 198 ~~[(18)]~~ (19) Subsection 53F-2-504(6), regarding a report on the Salary Supplement for
199 Highly Needed Educators, is repealed July 1, 2026.
- 200 ~~[(19)]~~ (20) Section 53F-2-524, Teacher bonuses for extra assignments, is repealed July 1,

201 2024.

202 [~~(20)~~] (21) Section 53F-5-221, Management of energy and water use pilot program, is

203 repealed July 1, 2028.

204 [~~(21)~~] (22) Section 53F-5-222, Mentoring and Supporting Teacher Excellence and

205 Refinement Pilot Program, is repealed July 1, 2028.

206 [~~(22)~~] (23) Section 53F-5-223, Stipends for Future Educators Grant Program, is repealed

207 July 1, 2028.

208 [~~(23)~~] (24) Section 53F-9-401, Autism Awareness Restricted Account, is repealed July 1,

209 2024.

210 [~~(24)~~] (25) Section 53F-9-403, Kiwanis Education Support Fund, is repealed July 1, 2024.

211 [~~(25)~~] (26) Subsection 53G-11-502(1), regarding implementation of the educator evaluation

212 process, is repealed July 1, 2029.

213 [~~(26)~~] (27) Section 53G-11-506, Establishment of educator evaluation program -- Joint

214 committee, is repealed July 1, 2029.

215 [~~(27)~~] (28) Section 53G-11-507, Components of educator evaluation program, is repealed

216 July 1, 2029.

217 [~~(28)~~] (29) Section 53G-11-508, Summative evaluation timelines -- Review of summative

218 evaluations, is repealed July 1, 2029.

219 [~~(29)~~] (30) Section 53G-11-509, Mentor for provisional educator, is repealed July 1, 2029.

220 [~~(30)~~] (31) Section 53G-11-510, State board to describe a framework for the evaluation of

221 educators, is repealed July 1, 2029.

222 [~~(31)~~] (32) Section 53G-11-511, Rulemaking for privacy protection, is repealed July 1, 2029.

223 [~~(32)~~] (33) Subsection 53G-11-520(1), regarding optional alternative educator evaluation

224 processes, is repealed July 1, 2029.

225 [~~(33)~~] (34) Subsection 53G-11-520(2), regarding an exception from educator evaluation

226 process requirements, is repealed July 1, 2029.

227 Section 2. **Effective date.**

228 This bill takes effect on May 7, 2025.