

Representative Ken Ivory proposes the following substitute bill:

CRIME VICTIM RECORDS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill places restrictions on certain records relating to crime victims.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that certain records relating to the payment of reparations by the Utah Office for Victims of Crime are not public records;
- ▶ allows for the release of certain records relating to the payment of reparations by the Utah Office for Victims of Crime under certain circumstances; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-22-30, as last amended by Laws of Utah 2022, Chapter 415

52-4-205, as last amended by Laws of Utah 2023, Chapters 263, 328, 374, and 521



26 **63G-2-305**, as last amended by Laws of Utah 2023, Chapters 1, 16, 205, and 329
 27 **63G-2-305.5**, as last amended by Laws of Utah 2021, Chapter 231
 28 **63M-7-502**, as last amended by Laws of Utah 2022, Chapters 148, 185 and 430
 29 **63M-14-205**, as enacted by Laws of Utah 2021, Chapter 179
 30 **63N-16-201**, as last amended by Laws of Utah 2022, Chapter 332

31 ENACTS:

32 **63M-7-527**, Utah Code Annotated 1953

33

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

35 Section 1. Section **17-22-30** is amended to read:

36 **17-22-30. Prohibition on providing copy of booking photograph -- Statement**
37 **required -- Criminal liability for false statement -- Remedy for failure to remove or**
38 **delete.**

39 (1) As used in this section:

40 (a) "Booking photograph" means a photograph or image of an individual that is
41 generated:

- 42 (i) for identification purposes; and
- 43 (ii) when the individual is booked into a county jail.

44 (b) "Publish-for-pay publication" or "publish-for-pay website" means a publication or
45 website that requires the payment of a fee or other consideration in order to remove or delete a
46 booking photograph from the publication or website.

47 (2) A sheriff may not provide a copy of a booking photograph in any format to a person
48 requesting a copy of the booking photograph if:

49 (a) the booking photograph will be placed in a publish-for-pay publication or posted to
50 a publish-for-pay website; or

51 (b) the booking photograph is a protected record under Subsection **63G-2-305**~~[(81)]~~
52 (80).

53 (3) (a) A person who requests a copy of a booking photograph from a sheriff shall, at
54 the time of making the request, submit a statement signed by the person affirming that the
55 booking photograph will not be placed in a publish-for-pay publication or posted to a
56 publish-for-pay website.

57 (b) A person who submits a false statement under Subsection (3)(a) is subject to
58 criminal liability as provided in Section 76-8-504.

59 (4) (a) Except as provided in Subsection (5), a publish-for-pay publication or a
60 publish-for-pay website shall remove and destroy a booking photograph of an individual who
61 submits a request for removal and destruction within 30 calendar days after the day on which
62 the individual makes the request.

63 (b) A publish-for-pay publication or publish-for-pay website described in Subsection
64 (4)(a) may not condition removal or destruction of the booking photograph on the payment of a
65 fee in an amount greater than \$50.

66 (c) If the publish-for-pay publication or publish-for-pay website described in
67 Subsection (4)(a) does not remove and destroy the booking photograph in accordance with
68 Subsection (4)(a), the publish-for-pay publication or publish-for-pay website is liable for:

69 (i) all costs, including reasonable attorney fees, resulting from any legal action the
70 individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay
71 website to remove and destroy the booking photograph; and

72 (ii) a civil penalty of \$50 per day for each day after the 30-day deadline described in
73 Subsection (4)(a) on which the booking photograph is visible or publicly accessible in the
74 publish-for-pay publication or on the publish-for-pay website.

75 (5) (a) A publish-for-pay publication or a publish-for-pay website shall remove and
76 destroy a booking photograph of an individual who submits a request for removal and
77 destruction within seven calendar days after the day on which the individual makes the request
78 if:

79 (i) the booking photograph relates to a criminal charge:

80 (A) on which the individual was acquitted or not prosecuted; or

81 (B) that was expunged, vacated, or pardoned; and

82 (ii) the individual submits, in relation to the request, evidence of a disposition
83 described in Subsection (5)(a)(i).

84 (b) If the publish-for-pay publication or publish-for-pay website described in
85 Subsection (5)(a) does not remove and destroy the booking photograph in accordance with
86 Subsection (5)(a), the publish-for-pay publication or publish-for-pay website is liable for:

87 (i) all costs, including reasonable attorney fees, resulting from any legal action that the

88 individual brings in relation to the failure of the publish-for-pay publication or publish-for-pay
89 website to remove and destroy the booking photograph; and

90 (ii) a civil penalty of \$100 per day for each day after the seven-day deadline described
91 in Subsection (5)(a) on which the booking photograph is visible or publicly accessible in the
92 publish-for-pay publication or on the publish-for-pay website.

93 (c) An act of a publish-for-pay publication or publish-for-pay website described in
94 Subsection (5)(a) that seeks to condition removal or destruction of the booking photograph on
95 the payment of any fee or amount constitutes theft by extortion under Section 76-6-406.

96 Section 2. Section 52-4-205 is amended to read:

97 **52-4-205. Purposes of closed meetings -- Certain issues prohibited in closed**
98 **meetings.**

99 (1) A closed meeting described under Section 52-4-204 may only be held for:

100 (a) except as provided in Subsection (3), discussion of the character, professional
101 competence, or physical or mental health of an individual;

102 (b) strategy sessions to discuss collective bargaining;

103 (c) strategy sessions to discuss pending or reasonably imminent litigation;

104 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,
105 including any form of a water right or water shares, or to discuss a proposed development
106 agreement, project proposal, or financing proposal related to the development of land owned by
107 the state, if public discussion would:

108 (i) disclose the appraisal or estimated value of the property under consideration; or

109 (ii) prevent the public body from completing the transaction on the best possible terms;

110 (e) strategy sessions to discuss the sale of real property, including any form of a water
111 right or water shares, if:

112 (i) public discussion of the transaction would:

113 (A) disclose the appraisal or estimated value of the property under consideration; or

114 (B) prevent the public body from completing the transaction on the best possible terms;

115 (ii) the public body previously gave public notice that the property would be offered for
116 sale; and

117 (iii) the terms of the sale are publicly disclosed before the public body approves the
118 sale;

- 119 (f) discussion regarding deployment of security personnel, devices, or systems;
- 120 (g) investigative proceedings regarding allegations of criminal misconduct;
- 121 (h) as relates to the Independent Legislative Ethics Commission, conducting business
122 relating to the receipt or review of ethics complaints;
- 123 (i) as relates to an ethics committee of the Legislature, a purpose permitted under
124 Subsection [52-4-204\(1\)\(a\)\(iii\)\(C\)](#);
- 125 (j) as relates to the Independent Executive Branch Ethics Commission created in
126 Section [63A-14-202](#), conducting business relating to an ethics complaint;
- 127 (k) as relates to a county legislative body, discussing commercial information as
128 defined in Section [59-1-404](#);
- 129 (l) as relates to the Utah Higher Education Savings Board of Trustees and its appointed
130 board of directors, discussing fiduciary or commercial information;
- 131 (m) deliberations, not including any information gathering activities, of a public body
132 acting in the capacity of:
 - 133 (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code,
134 during the process of evaluating responses to a solicitation, as defined in Section [63G-6a-103](#);
 - 135 (ii) a protest officer, defined in Section [63G-6a-103](#), during the process of making a
136 decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or
 - 137 (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement
138 Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part 17,
139 Procurement Appeals Board;
- 140 (n) the purpose of considering information that is designated as a trade secret, as
141 defined in Section [13-24-2](#), if the public body's consideration of the information is necessary to
142 properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;
- 143 (o) the purpose of discussing information provided to the public body during the
144 procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of
145 the meeting:
 - 146 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be
147 disclosed to a member of the public or to a participant in the procurement process; and
 - 148 (ii) the public body needs to review or discuss the information to properly fulfill its
149 role and responsibilities in the procurement process;

150 (p) as relates to the governing board of a governmental nonprofit corporation, as that
151 term is defined in Section 11-13a-102, the purpose of discussing information that is designated
152 as a trade secret, as that term is defined in Section 13-24-2, if:

153 (i) public knowledge of the discussion would reasonably be expected to result in injury
154 to the owner of the trade secret; and

155 (ii) discussion of the information is necessary for the governing board to properly
156 discharge the board's duties and conduct the board's business;

157 (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board,
158 to review confidential information regarding violations and security requirements in relation to
159 the operation of cannabis production establishments;

160 (r) considering a loan application, if public discussion of the loan application would
161 disclose:

162 (i) nonpublic personal financial information; or

163 (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business
164 financial information the disclosure of which would reasonably be expected to result in unfair
165 competitive injury to the person submitting the information;

166 (s) a discussion of the board of the Point of the Mountain State Land Authority, created
167 in Section 11-59-201, regarding a potential tenant of point of the mountain state land, as
168 defined in Section 11-59-102; or

169 (t) a purpose for which a meeting is required to be closed under Subsection (2).

170 (2) The following meetings shall be closed:

171 (a) a meeting of the Health and Human Services Interim Committee to review a report
172 described in Subsection 26B-1-506(1)(a), and the responses to the report described in
173 Subsections 26B-1-506(2) and (4);

174 (b) a meeting of the Child Welfare Legislative Oversight Panel to:

175 (i) review a report described in Subsection 26B-1-506(1)(a), and the responses to the
176 report described in Subsections 26B-1-506(2) and (4); or

177 (ii) review and discuss an individual case, as described in Subsection 36-33-103(2);

178 (c) a meeting of the Opioid and Overdose Fatality Review Committee, created in
179 Section 26B-1-403, to review and discuss an individual case, as described in Subsection
180 26B-1-403(10);

- 181 (d) a meeting of a conservation district as defined in Section 17D-3-102 for the
182 purpose of advising the Natural Resource Conservation Service of the United States
183 Department of Agriculture on a farm improvement project if the discussed information is
184 protected information under federal law;
- 185 (e) a meeting of the Compassionate Use Board established in Section 26B-1-421 for
186 the purpose of reviewing petitions for a medical cannabis card in accordance with Section
187 26B-1-421;
- 188 (f) a meeting of the Colorado River Authority of Utah if:
- 189 (i) the purpose of the meeting is to discuss an interstate claim to the use of the water in
190 the Colorado River system; and
- 191 (ii) failing to close the meeting would:
- 192 (A) reveal the contents of a record classified as protected under Subsection
193 [~~63G-2-305(82)~~] 63G-2-305(81);
- 194 (B) reveal a legal strategy relating to the state's claim to the use of the water in the
195 Colorado River system;
- 196 (C) harm the ability of the Colorado River Authority of Utah or river commissioner to
197 negotiate the best terms and conditions regarding the use of water in the Colorado River
198 system; or
- 199 (D) give an advantage to another state or to the federal government in negotiations
200 regarding the use of water in the Colorado River system;
- 201 (g) a meeting of the General Regulatory Sandbox Program Advisory Committee if:
- 202 (i) the purpose of the meeting is to discuss an application for participation in the
203 regulatory sandbox as defined in Section 63N-16-102; and
- 204 (ii) failing to close the meeting would reveal the contents of a record classified as
205 protected under Subsection [~~63G-2-305(83)~~] 63G-2-305(82);
- 206 (h) a meeting of a project entity if:
- 207 (i) the purpose of the meeting is to conduct a strategy session to discuss market
208 conditions relevant to a business decision regarding the value of a project entity asset if the
209 terms of the business decision are publicly disclosed before the decision is finalized and a
210 public discussion would:
- 211 (A) disclose the appraisal or estimated value of the project entity asset under

212 consideration; or

213 (B) prevent the project entity from completing on the best possible terms a
214 contemplated transaction concerning the project entity asset;

215 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could
216 cause commercial injury to, or confer a competitive advantage upon a potential or actual
217 competitor of, the project entity;

218 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of
219 which could cause commercial injury to, or confer a competitive advantage upon a potential or
220 actual competitor of, the project entity; or

221 (iv) failing to close the meeting would prevent the project entity from getting the best
222 price on the market; and

223 (i) a meeting of the School Activity Eligibility Commission, described in Section
224 53G-6-1003, if the commission is in effect in accordance with Section 53G-6-1002, to
225 consider, discuss, or determine, in accordance with Section 53G-6-1004, an individual student's
226 eligibility to participate in an interscholastic activity, as that term is defined in Section
227 53G-6-1001, including the commission's determinative vote on the student's eligibility.

228 (3) In a closed meeting, a public body may not:

229 (a) interview a person applying to fill an elected position;

230 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A,
231 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office;
232 or

233 (c) discuss the character, professional competence, or physical or mental health of the
234 person whose name was submitted for consideration to fill a midterm vacancy or temporary
235 absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and
236 Temporary Absence in Elected Office.

237 Section 3. Section 63G-2-305 is amended to read:

238 **63G-2-305. Protected records.**

239 The following records are protected if properly classified by a governmental entity:

240 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret
241 has provided the governmental entity with the information specified in Section 63G-2-309;

242 (2) commercial information or nonindividual financial information obtained from a

243 person if:

244 (a) disclosure of the information could reasonably be expected to result in unfair
245 competitive injury to the person submitting the information or would impair the ability of the
246 governmental entity to obtain necessary information in the future;

247 (b) the person submitting the information has a greater interest in prohibiting access
248 than the public in obtaining access; and

249 (c) the person submitting the information has provided the governmental entity with
250 the information specified in Section 63G-2-309;

251 (3) commercial or financial information acquired or prepared by a governmental entity
252 to the extent that disclosure would lead to financial speculations in currencies, securities, or
253 commodities that will interfere with a planned transaction by the governmental entity or cause
254 substantial financial injury to the governmental entity or state economy;

255 (4) records, the disclosure of which could cause commercial injury to, or confer a
256 competitive advantage upon a potential or actual competitor of, a commercial project entity as
257 defined in Subsection 11-13-103(4);

258 (5) test questions and answers to be used in future license, certification, registration,
259 employment, or academic examinations;

260 (6) records, the disclosure of which would impair governmental procurement
261 proceedings or give an unfair advantage to any person proposing to enter into a contract or
262 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
263 Subsection (6) does not restrict the right of a person to have access to, after the contract or
264 grant has been awarded and signed by all parties:

265 (a) a bid, proposal, application, or other information submitted to or by a governmental
266 entity in response to:

267 (i) an invitation for bids;

268 (ii) a request for proposals;

269 (iii) a request for quotes;

270 (iv) a grant; or

271 (v) other similar document; or

272 (b) an unsolicited proposal, as defined in Section 63G-6a-712;

273 (7) information submitted to or by a governmental entity in response to a request for

274 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
275 the right of a person to have access to the information, after:

276 (a) a contract directly relating to the subject of the request for information has been
277 awarded and signed by all parties; or

278 (b) (i) a final determination is made not to enter into a contract that relates to the
279 subject of the request for information; and

280 (ii) at least two years have passed after the day on which the request for information is
281 issued;

282 (8) records that would identify real property or the appraisal or estimated value of real
283 or personal property, including intellectual property, under consideration for public acquisition
284 before any rights to the property are acquired unless:

285 (a) public interest in obtaining access to the information is greater than or equal to the
286 governmental entity's need to acquire the property on the best terms possible;

287 (b) the information has already been disclosed to persons not employed by or under a
288 duty of confidentiality to the entity;

289 (c) in the case of records that would identify property, potential sellers of the described
290 property have already learned of the governmental entity's plans to acquire the property;

291 (d) in the case of records that would identify the appraisal or estimated value of
292 property, the potential sellers have already learned of the governmental entity's estimated value
293 of the property; or

294 (e) the property under consideration for public acquisition is a single family residence
295 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
296 the property as required under Section [78B-6-505](#);

297 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
298 compensated transaction of real or personal property including intellectual property, which, if
299 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
300 of the subject property, unless:

301 (a) the public interest in access is greater than or equal to the interests in restricting
302 access, including the governmental entity's interest in maximizing the financial benefit of the
303 transaction; or

304 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of

305 the value of the subject property have already been disclosed to persons not employed by or
306 under a duty of confidentiality to the entity;

307 (10) records created or maintained for civil, criminal, or administrative enforcement
308 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
309 release of the records:

310 (a) reasonably could be expected to interfere with investigations undertaken for
311 enforcement, discipline, licensing, certification, or registration purposes;

312 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
313 proceedings;

314 (c) would create a danger of depriving a person of a right to a fair trial or impartial
315 hearing;

316 (d) reasonably could be expected to disclose the identity of a source who is not
317 generally known outside of government and, in the case of a record compiled in the course of
318 an investigation, disclose information furnished by a source not generally known outside of
319 government if disclosure would compromise the source; or

320 (e) reasonably could be expected to disclose investigative or audit techniques,
321 procedures, policies, or orders not generally known outside of government if disclosure would
322 interfere with enforcement or audit efforts;

323 (11) records the disclosure of which would jeopardize the life or safety of an
324 individual;

325 (12) records the disclosure of which would jeopardize the security of governmental
326 property, governmental programs, or governmental recordkeeping systems from damage, theft,
327 or other appropriation or use contrary to law or public policy;

328 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
329 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
330 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

331 (14) records that, if disclosed, would reveal recommendations made to the Board of
332 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
333 Board of Pardons and Parole, or the Department of Health and Human Services that are based
334 on the employee's or contractor's supervision, diagnosis, or treatment of any person within the
335 board's jurisdiction;

336 (15) records and audit workpapers that identify audit, collection, and operational
337 procedures and methods used by the State Tax Commission, if disclosure would interfere with
338 audits or collections;

339 (16) records of a governmental audit agency relating to an ongoing or planned audit
340 until the final audit is released;

341 (17) records that are subject to the attorney client privilege;

342 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
343 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
344 quasi-judicial, or administrative proceeding;

345 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
346 from a member of the Legislature; and

347 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
348 legislative action or policy may not be classified as protected under this section; and

349 (b) (i) an internal communication that is part of the deliberative process in connection
350 with the preparation of legislation between:

351 (A) members of a legislative body;

352 (B) a member of a legislative body and a member of the legislative body's staff; or

353 (C) members of a legislative body's staff; and

354 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
355 legislative action or policy may not be classified as protected under this section;

356 (20) (a) records in the custody or control of the Office of Legislative Research and
357 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
358 legislation or contemplated course of action before the legislator has elected to support the
359 legislation or course of action, or made the legislation or course of action public; and

360 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
361 Office of Legislative Research and General Counsel is a public document unless a legislator
362 asks that the records requesting the legislation be maintained as protected records until such
363 time as the legislator elects to make the legislation or course of action public;

364 (21) research requests from legislators to the Office of Legislative Research and
365 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
366 in response to these requests;

- 367 (22) drafts, unless otherwise classified as public;
- 368 (23) records concerning a governmental entity's strategy about:
- 369 (a) collective bargaining; or
- 370 (b) imminent or pending litigation;
- 371 (24) records of investigations of loss occurrences and analyses of loss occurrences that
- 372 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
- 373 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 374 (25) records, other than personnel evaluations, that contain a personal recommendation
- 375 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
- 376 personal privacy, or disclosure is not in the public interest;
- 377 (26) records that reveal the location of historic, prehistoric, paleontological, or
- 378 biological resources that if known would jeopardize the security of those resources or of
- 379 valuable historic, scientific, educational, or cultural information;
- 380 (27) records of independent state agencies if the disclosure of the records would
- 381 conflict with the fiduciary obligations of the agency;
- 382 (28) records of an institution within the state system of higher education defined in
- 383 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
- 384 retention decisions, and promotions, which could be properly discussed in a meeting closed in
- 385 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
- 386 the final decisions about tenure, appointments, retention, promotions, or those students
- 387 admitted, may not be classified as protected under this section;
- 388 (29) records of the governor's office, including budget recommendations, legislative
- 389 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
- 390 policies or contemplated courses of action before the governor has implemented or rejected
- 391 those policies or courses of action or made them public;
- 392 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
- 393 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
- 394 recommendations in these areas;
- 395 (31) records provided by the United States or by a government entity outside the state
- 396 that are given to the governmental entity with a requirement that they be managed as protected
- 397 records if the providing entity certifies that the record would not be subject to public disclosure

398 if retained by it;

399 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
400 public body except as provided in Section [52-4-206](#);

401 (33) records that would reveal the contents of settlement negotiations but not including
402 final settlements or empirical data to the extent that they are not otherwise exempt from
403 disclosure;

404 (34) memoranda prepared by staff and used in the decision-making process by an
405 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
406 other body charged by law with performing a quasi-judicial function;

407 (35) records that would reveal negotiations regarding assistance or incentives offered
408 by or requested from a governmental entity for the purpose of encouraging a person to expand
409 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
410 person or place the governmental entity at a competitive disadvantage, but this section may not
411 be used to restrict access to a record evidencing a final contract;

412 (36) materials to which access must be limited for purposes of securing or maintaining
413 the governmental entity's proprietary protection of intellectual property rights including patents,
414 copyrights, and trade secrets;

415 (37) the name of a donor or a prospective donor to a governmental entity, including an
416 institution within the state system of higher education defined in Section [53B-1-102](#), and other
417 information concerning the donation that could reasonably be expected to reveal the identity of
418 the donor, provided that:

419 (a) the donor requests anonymity in writing;

420 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
421 classified protected by the governmental entity under this Subsection (37); and

422 (c) except for an institution within the state system of higher education defined in
423 Section [53B-1-102](#), the governmental unit to which the donation is made is primarily engaged
424 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
425 over the donor, a member of the donor's immediate family, or any entity owned or controlled
426 by the donor or the donor's immediate family;

427 (38) accident reports, except as provided in Sections [41-6a-404](#), [41-12a-202](#), and
428 [73-18-13](#);

429 (39) a notification of workers' compensation insurance coverage described in Section
430 34A-2-205;

431 (40) (a) the following records of an institution within the state system of higher
432 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
433 or received by or on behalf of faculty, staff, employees, or students of the institution:

434 (i) unpublished lecture notes;

435 (ii) unpublished notes, data, and information:

436 (A) relating to research; and

437 (B) of:

438 (I) the institution within the state system of higher education defined in Section
439 53B-1-102; or

440 (II) a sponsor of sponsored research;

441 (iii) unpublished manuscripts;

442 (iv) creative works in process;

443 (v) scholarly correspondence; and

444 (vi) confidential information contained in research proposals;

445 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
446 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

447 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

448 (41) (a) records in the custody or control of the Office of the Legislative Auditor
449 General that would reveal the name of a particular legislator who requests a legislative audit
450 prior to the date that audit is completed and made public; and

451 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
452 Office of the Legislative Auditor General is a public document unless the legislator asks that
453 the records in the custody or control of the Office of the Legislative Auditor General that would
454 reveal the name of a particular legislator who requests a legislative audit be maintained as
455 protected records until the audit is completed and made public;

456 (42) records that provide detail as to the location of an explosive, including a map or
457 other document that indicates the location of:

458 (a) a production facility; or

459 (b) a magazine;

460 (43) information contained in the statewide database of the Division of Aging and
461 Adult Services created by Section [26B-6-210](#);

462 (44) information contained in the Licensing Information System described in Title 80,
463 Chapter 2, Child Welfare Services;

464 (45) information regarding National Guard operations or activities in support of the
465 National Guard's federal mission;

466 (46) records provided by any pawn or secondhand business to a law enforcement
467 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,
468 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

469 (47) information regarding food security, risk, and vulnerability assessments performed
470 by the Department of Agriculture and Food;

471 (48) except to the extent that the record is exempt from this chapter pursuant to Section
472 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
473 prepared or maintained by the Division of Emergency Management, and the disclosure of
474 which would jeopardize:

- 475 (a) the safety of the general public; or
- 476 (b) the security of:
 - 477 (i) governmental property;
 - 478 (ii) governmental programs; or
 - 479 (iii) the property of a private person who provides the Division of Emergency
480 Management information;

481 (49) records of the Department of Agriculture and Food that provides for the
482 identification, tracing, or control of livestock diseases, including any program established under
483 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
484 of Animal Disease;

485 (50) as provided in Section [26B-2-408](#):

- 486 (a) information or records held by the Department of Health and Human Services
487 related to a complaint regarding a child care program or residential child care which the
488 department is unable to substantiate; and
- 489 (b) information or records related to a complaint received by the Department of Health
490 and Human Services from an anonymous complainant regarding a child care program or

491 residential child care;

492 (51) unless otherwise classified as public under Section 63G-2-301 and except as
493 provided under Section 41-1a-116, an individual's home address, home telephone number, or
494 personal mobile phone number, if:

495 (a) the individual is required to provide the information in order to comply with a law,
496 ordinance, rule, or order of a government entity; and

497 (b) the subject of the record has a reasonable expectation that this information will be
498 kept confidential due to:

499 (i) the nature of the law, ordinance, rule, or order; and

500 (ii) the individual complying with the law, ordinance, rule, or order;

501 (52) the portion of the following documents that contains a candidate's residential or
502 mailing address, if the candidate provides to the filing officer another address or phone number
503 where the candidate may be contacted:

504 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
505 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
506 20A-9-408.5, 20A-9-502, or 20A-9-601;

507 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

508 (c) a notice of intent to gather signatures for candidacy, described in Section
509 20A-9-408;

510 (53) the name, home address, work addresses, and telephone numbers of an individual
511 that is engaged in, or that provides goods or services for, medical or scientific research that is:

512 (a) conducted within the state system of higher education, as defined in Section
513 53B-1-102; and

514 (b) conducted using animals;

515 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
516 Evaluation Commission concerning an individual commissioner's vote, in relation to whether a
517 judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and
518 information disclosed under Subsection 78A-12-203(5)(e);

519 (55) information collected and a report prepared by the Judicial Performance
520 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
521 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,

522 the information or report;

523 (56) records provided or received by the Public Lands Policy Coordinating Office in
524 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

525 (57) information requested by and provided to the 911 Division under Section
526 63H-7a-302;

527 (58) in accordance with Section 73-10-33:

528 (a) a management plan for a water conveyance facility in the possession of the Division
529 of Water Resources or the Board of Water Resources; or

530 (b) an outline of an emergency response plan in possession of the state or a county or
531 municipality;

532 (59) the following records in the custody or control of the Office of Inspector General
533 of Medicaid Services, created in Section 63A-13-201:

534 (a) records that would disclose information relating to allegations of personal
535 misconduct, gross mismanagement, or illegal activity of a person if the information or
536 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
537 through other documents or evidence, and the records relating to the allegation are not relied
538 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
539 report or final audit report;

540 (b) records and audit workpapers to the extent they would disclose the identity of a
541 person who, during the course of an investigation or audit, communicated the existence of any
542 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
543 regulation adopted under the laws of this state, a political subdivision of the state, or any
544 recognized entity of the United States, if the information was disclosed on the condition that
545 the identity of the person be protected;

546 (c) before the time that an investigation or audit is completed and the final
547 investigation or final audit report is released, records or drafts circulated to a person who is not
548 an employee or head of a governmental entity for the person's response or information;

549 (d) records that would disclose an outline or part of any investigation, audit survey
550 plan, or audit program; or

551 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
552 investigation or audit;

553 (60) records that reveal methods used by the Office of Inspector General of Medicaid
554 Services, the fraud unit, or the Department of Health and Human Services, to discover
555 Medicaid fraud, waste, or abuse;

556 (61) information provided to the Department of Health and Human Services or the
557 Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
558 58-68-304(3) and (4);

559 (62) a record described in Section 63G-12-210;

560 (63) captured plate data that is obtained through an automatic license plate reader
561 system used by a governmental entity as authorized in Section 41-6a-2003;

562 [~~(64) any record in the custody of the Utah Office for Victims of Crime relating to a~~
563 ~~victim, including:~~]

564 [~~(a) a victim's application or request for benefits;~~]

565 [~~(b) a victim's receipt or denial of benefits; and~~]

566 [~~(c) any administrative notes or records made or created for the purpose of, or used to,~~
567 ~~evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim~~
568 ~~Reparations Fund;~~]

569 [~~(65)~~] (64) an audio or video recording created by a body-worn camera, as that term is
570 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
571 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
572 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
573 that term is defined in Section 26B-2-101, except for recordings that:

574 (a) depict the commission of an alleged crime;

575 (b) record any encounter between a law enforcement officer and a person that results in
576 death or bodily injury, or includes an instance when an officer fires a weapon;

577 (c) record any encounter that is the subject of a complaint or a legal proceeding against
578 a law enforcement officer or law enforcement agency;

579 (d) contain an officer involved critical incident as defined in Subsection
580 76-2-408(1)(f); or

581 (e) have been requested for reclassification as a public record by a subject or
582 authorized agent of a subject featured in the recording;

583 [~~(66)~~] (65) a record pertaining to the search process for a president of an institution of

584 higher education described in Section 53B-2-102, except for application materials for a
585 publicly announced finalist;

586 [~~(67)~~] (66) an audio recording that is:

587 (a) produced by an audio recording device that is used in conjunction with a device or
588 piece of equipment designed or intended for resuscitating an individual or for treating an
589 individual with a life-threatening condition;

590 (b) produced during an emergency event when an individual employed to provide law
591 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

592 (i) is responding to an individual needing resuscitation or with a life-threatening
593 condition; and

594 (ii) uses a device or piece of equipment designed or intended for resuscitating an
595 individual or for treating an individual with a life-threatening condition; and

596 (c) intended and used for purposes of training emergency responders how to improve
597 their response to an emergency situation;

598 [~~(68)~~] (67) records submitted by or prepared in relation to an applicant seeking a
599 recommendation by the Research and General Counsel Subcommittee, the Budget
600 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
601 employment position with the Legislature;

602 [~~(69)~~] (68) work papers as defined in Section 31A-2-204;

603 [~~(70)~~] (69) a record made available to Adult Protective Services or a law enforcement
604 agency under Section 61-1-206;

605 [~~(71)~~] (70) a record submitted to the Insurance Department in accordance with Section
606 31A-37-201;

607 [~~(72)~~] (71) a record described in Section 31A-37-503;

608 [~~(73)~~] (72) any record created by the Division of Professional Licensing as a result of
609 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

610 [~~(74)~~] (73) a record described in Section 72-16-306 that relates to the reporting of an
611 injury involving an amusement ride;

612 [~~(75)~~] (74) except as provided in Subsection 63G-2-305.5(1), the signature of an
613 individual on a political petition, or on a request to withdraw a signature from a political
614 petition, including a petition or request described in the following titles:

- 615 (a) Title 10, Utah Municipal Code;
- 616 (b) Title 17, Counties;
- 617 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 618 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 619 (e) Title 20A, Election Code;
- 620 ~~[(76)]~~ (75) except as provided in Subsection 63G-2-305.5(2), the signature of an
- 621 individual in a voter registration record;
- 622 ~~[(77)]~~ (76) except as provided in Subsection 63G-2-305.5(3), any signature, other than
- 623 a signature described in Subsection ~~[(75) or (76)]~~ (74) or (75), in the custody of the lieutenant
- 624 governor or a local political subdivision collected or held under, or in relation to, Title 20A,
- 625 Election Code;
- 626 ~~[(78)]~~ (77) a Form I-918 Supplement B certification as described in Title 77, Chapter
- 627 38, Part 5, Victims Guidelines for Prosecutors Act;
- 628 ~~[(79)]~~ (78) a record submitted to the Insurance Department under Section 31A-48-103;
- 629 ~~[(80)]~~ (79) personal information, as defined in Section 63G-26-102, to the extent
- 630 disclosure is prohibited under Section 63G-26-103;
- 631 ~~[(81)]~~ (80) an image taken of an individual during the process of booking the
- 632 individual into jail, unless:
- 633 (a) the individual is convicted of a criminal offense based upon the conduct for which
- 634 the individual was incarcerated at the time the image was taken;
- 635 (b) a law enforcement agency releases or disseminates the image:
- 636 (i) after determining that the individual is a fugitive or an imminent threat to an
- 637 individual or to public safety and releasing or disseminating the image will assist in
- 638 apprehending the individual or reducing or eliminating the threat; or
- 639 (ii) to a potential witness or other individual with direct knowledge of events relevant
- 640 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an
- 641 individual in connection with the criminal investigation or criminal proceeding; or
- 642 (c) a judge orders the release or dissemination of the image based on a finding that the
- 643 release or dissemination is in furtherance of a legitimate law enforcement interest;
- 644 ~~[(82)]~~ (81) a record:
- 645 (a) concerning an interstate claim to the use of waters in the Colorado River system;

646 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
647 representative from another state or the federal government as provided in Section
648 [63M-14-205](#); and

649 (c) the disclosure of which would:

650 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
651 Colorado River system;

652 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
653 negotiate the best terms and conditions regarding the use of water in the Colorado River
654 system; or

655 (iii) give an advantage to another state or to the federal government in negotiations
656 regarding the use of water in the Colorado River system;

657 ~~[(83)]~~ (82) any part of an application described in Section [63N-16-201](#) that the
658 Governor's Office of Economic Opportunity determines is nonpublic, confidential information
659 that if disclosed would result in actual economic harm to the applicant, but this Subsection
660 ~~[(83)]~~ (82) may not be used to restrict access to a record evidencing a final contract or approval
661 decision;

662 ~~[(84)]~~ (83) the following records of a drinking water or wastewater facility:

663 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
664 and

665 (b) except as provided in Section [63G-2-106](#), a record detailing tools or processes the
666 drinking water or wastewater facility uses to secure, or prohibit access to, the records described
667 in Subsection ~~[(84)(a)]~~ (83)(a);

668 ~~[(85)]~~ (84) a statement that an employee of a governmental entity provides to the
669 governmental entity as part of the governmental entity's personnel or administrative
670 investigation into potential misconduct involving the employee if the governmental entity:

671 (a) requires the statement under threat of employment disciplinary action, including
672 possible termination of employment, for the employee's refusal to provide the statement; and

673 (b) provides the employee assurance that the statement cannot be used against the
674 employee in any criminal proceeding;

675 ~~[(86)]~~ (85) any part of an application for a Utah Fits All Scholarship account described
676 in Section [53F-6-402](#) or other information identifying a scholarship student as defined in

677 Section [53F-6-401](#); and

678 [~~87~~] (86) a record:

679 (a) concerning a claim to the use of waters in the Great Salt Lake;

680 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
681 person concerning the claim, including a representative from another state or the federal
682 government; and

683 (c) the disclosure of which would:

684 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great
685 Salt Lake;

686 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms
687 and conditions regarding the use of water in the Great Salt Lake; or

688 (iii) give an advantage to another person including another state or to the federal
689 government in negotiations regarding the use of water in the Great Salt Lake.

690 Section 4. Section **63G-2-305.5** is amended to read:

691 **63G-2-305.5. Viewing or obtaining lists of signatures.**

692 (1) The records custodian of a signature described in Subsection [~~63G-2-305(75)~~]
693 [63G-2-305\(74\)](#) shall, upon request, except for a name or signature classified as private under
694 Title 20A, Chapter 2, Voter Registration:

695 (a) provide a list of the names of the individuals who signed the petition or request; and

696 (b) permit an individual to view, but not take a copy or other image of, the signatures
697 on a political petition described in Subsection [~~63G-2-305(75)~~] [63G-2-305\(74\)](#).

698 (2) The records custodian of a signature described in Subsection [~~63G-2-305(76)~~]
699 [63G-2-305\(75\)](#) shall, upon request, except for a name or signature classified as private under
700 Title 20A, Chapter 2, Voter Registration:

701 (a) provide a list of the names of registered voters, excluding the names that are
702 classified as private under Title 20A, Chapter 2, Voter Registration; and

703 (b) except for a signature classified as private under Title 20A, Chapter 2, Voter
704 Registration, permit an individual to view, but not take a copy or other image of, the signature
705 on a voter registration record.

706 (3) Except for a signature classified as private under Title 20A, Chapter 2, Voter
707 Registration, the records custodian of a signature described in Subsection [~~63G-2-305(77)~~]

708 [63G-2-305\(76\)](#) shall, upon request, permit an individual to view, but not take a copy or other
709 image of, a signature.

710 Section 5. Section **63M-7-502** is amended to read:

711 **63M-7-502. Definitions.**

712 As used in this part:

713 (1) "Accomplice" means an individual who has engaged in criminal conduct as
714 described in Section [76-2-202](#).

715 (2) "Advocacy services provider" means the same as that term is defined in Section
716 [77-38-403](#).

717 (3) "Board" means the Crime Victim Reparations and Assistance Board created under
718 Section [63M-7-504](#).

719 (4) "Bodily injury" means physical pain, illness, or any impairment of physical
720 condition.

721 (5) "Claimant" means any of the following claiming reparations under this part:

722 (a) a victim;

723 (b) a dependent of a deceased victim; or

724 (c) an individual or representative who files a reparations claim on behalf of a victim.

725 (6) "Child" means an unemancipated individual who is under 18 years old.

726 (7) "Collateral source" means any source of benefits or advantages for economic loss
727 otherwise reparable under this part that [~~the victim or~~] claimant has received, or that is readily
728 available to the [~~victim~~] claimant from:

729 (a) the offender;

730 (b) the insurance of the offender or the [~~victim~~] claimant;

731 (c) the United States government or any of its agencies, a state or any of its political
732 subdivisions, or an instrumentality of two or more states, except in the case on nonobligatory
733 state-funded programs;

734 (d) social security, Medicare, and Medicaid;

735 (e) state-required temporary nonoccupational income replacement insurance or
736 disability income insurance;

737 (f) workers' compensation;

738 (g) wage continuation programs of any employer;

739 (h) proceeds of a contract of insurance payable to the [~~victim~~] claimant for the loss the
740 [~~victim~~] claimant sustained because of the criminally injurious conduct;

741 (i) a contract providing prepaid hospital and other health care services or benefits for
742 disability; or

743 (j) veteran's benefits, including veteran's hospitalization benefits.

744 (8) (a) "Confidential record" means a record in the custody of the office that relates to a
745 claimant's eligibility for a reparations award.

746 (b) "Confidential record" includes:

747 (i) a reparations claim;

748 (ii) any correspondence regarding:

749 (A) the approval or denial of a reparations claim; or

750 (B) the payment of a reparations award;

751 (iii) a document submitted to the office in support of a reparations award;

752 (iv) a medical or mental health treatment plan; and

753 (v) an investigative report provided to the office by a law enforcement agency.

754 [~~(8)~~] (9) "Criminal justice system victim advocate" means the same as that term is
755 defined in Section 77-38-403.

756 [~~(9)~~] (10) (a) "Criminally injurious conduct" other than acts of war declared or not
757 declared means conduct that:

758 (i) is or would be subject to prosecution in this state under Section 76-1-201;

759 (ii) occurs or is attempted;

760 (iii) causes, or poses a substantial threat of causing, bodily injury or death;

761 (iv) is punishable by fine, imprisonment, or death if the individual engaging in the
762 conduct possessed the capacity to commit the conduct; and

763 (v) does not arise out of the ownership, maintenance, or use of a motor vehicle,
764 aircraft, or water craft, unless the conduct is:

765 (A) intended to cause bodily injury or death;

766 (B) punishable under Title 76, Chapter 5, Offenses Against the Individual; or

767 (C) chargeable as an offense for driving under the influence of alcohol or drugs.

768 (b) "Criminally injurious conduct" includes a felony violation of Section 76-7-101 and
769 other conduct leading to the psychological injury of an individual resulting from living in a

770 setting that involves a bigamous relationship.

771 ~~[(10)]~~ (11) (a) "Dependent" means a natural person to whom the victim is wholly or
772 partially legally responsible for care or support.

773 (b) "Dependent" includes a child of the victim born after the victim's death.

774 ~~[(11)]~~ (12) "Dependent's economic loss" means loss after the victim's death of
775 contributions of things of economic value to the victim's dependent, not including services the
776 dependent would have received from the victim if the victim had not suffered the fatal injury,
777 less expenses of the dependent avoided by reason of victim's death.

778 ~~[(12)]~~ (13) "Dependent's replacement services loss" means loss reasonably and
779 necessarily incurred by the dependent after the victim's death in obtaining services in lieu of
780 those the decedent would have performed for the victim's benefit if the victim had not suffered
781 the fatal injury, less expenses of the dependent avoided by reason of the victim's death and not
782 subtracted in calculating the dependent's economic loss.

783 ~~[(13)]~~ (14) "Director" means the director of the office.

784 ~~[(14)]~~ (15) "Disposition" means the sentencing or determination of penalty or
785 punishment to be imposed upon an individual:

786 (a) convicted of a crime;

787 (b) found delinquent; or

788 (c) against whom a finding of sufficient facts for conviction or finding of delinquency
789 is made.

790 ~~[(15)]~~ (16) (a) "Economic loss" means economic detriment consisting only of
791 allowable expense, work loss, replacement services loss, and if injury causes death, dependent's
792 economic loss and dependent's replacement service loss.

793 (b) "Economic loss" includes economic detriment even if caused by pain and suffering
794 or physical impairment.

795 (c) "Economic loss" does not include noneconomic detriment.

796 ~~[(16)]~~ (17) "Elderly victim" means an individual who is 60 years old or older and who
797 is a victim.

798 ~~[(17)]~~ (18) "Fraudulent claim" means a filed reparations based on material
799 misrepresentation of fact and intended to deceive the reparations staff for the purpose of
800 obtaining reparation funds for which the claimant is not eligible.

801 [~~(18)~~] (19) "Fund" means the Crime Victim Reparations Fund created in Section
802 63M-7-526.

803 [~~(19)~~] (20) (a) "Interpersonal violence" means an act involving violence, physical
804 harm, or a threat of violence or physical harm, that is committed by an individual who is or has
805 been in a domestic, dating, sexual, or intimate relationship with the victim.

806 (b) "Interpersonal violence" includes any attempt, conspiracy, or solicitation of an act
807 described in Subsection [~~(19)(a)~~] (20)(a).

808 [~~(20)~~] (21) "Law enforcement officer" means the same as that term is defined in
809 Section 53-13-103.

810 [~~(21)~~] (22) (a) "Medical examination" means a physical examination necessary to
811 document criminally injurious conduct.

812 (b) "Medical examination" does not include mental health evaluations for the
813 prosecution and investigation of a crime.

814 [~~(22)~~] (23) "Mental health counseling" means outpatient and inpatient counseling
815 necessitated as a result of criminally injurious conduct, is subject to rules made by the board in
816 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

817 [~~(23)~~] (24) "Misconduct" means conduct by the victim that was attributable to the
818 injury or death of the victim as provided by rules made by the board in accordance with Title
819 63G, Chapter 3, Utah Administrative Rulemaking Act.

820 [~~(24)~~] (25) "Noneconomic detriment" means pain, suffering, inconvenience, physical
821 impairment, and other nonpecuniary damage, except as provided in this part.

822 [~~(25)~~] (26) "Nongovernment organization victim advocate" means the same as that
823 term is defined in Section 77-38-403.

824 (27) "Nonpublic restitution record" means a restitution record that contains a claimant's
825 medical or mental health information.

826 [~~(26)~~] (28) "Pecuniary loss" does not include loss attributable to pain and suffering
827 except as otherwise provided in this part.

828 [~~(27)~~] (29) "Offender" means an individual who has violated Title 76, Utah Criminal
829 Code, through criminally injurious conduct regardless of whether the individual is arrested,
830 prosecuted, or convicted.

831 [~~(28)~~] (30) "Offense" means a violation of Title 76, Utah Criminal Code.

832 ~~[(29)]~~ (31) "Office" means the director, the reparations and assistance officers, and any
833 other staff employed for the purpose of carrying out the provisions of this part.

834 ~~[(30)]~~ (32) "Perpetrator" means the individual who actually participated in the
835 criminally injurious conduct.

836 (33) "Public restitution record" means a restitution record that does not contain a
837 claimant's medical or mental health information.

838 ~~[(31)]~~ (34) "Reparations award" means money or other benefits provided to a claimant
839 or to another on behalf of a claimant after the day on which a reparations claim is approved by
840 the office.

841 ~~[(32)]~~ (35) "Reparations claim" means a claimant's request or application made to the
842 office for a reparations award.

843 ~~[(33)]~~ (36) (a) "Reparations officer" means an individual employed by the office to
844 investigate ~~[claims of victims]~~ a claimant's request for reparations and award reparations under
845 this part.

846 (b) "Reparations officer" includes the director when the director is acting as a
847 reparations officer.

848 ~~[(34)]~~ (37) "Replacement service loss" means expenses reasonably and necessarily
849 incurred in obtaining ordinary and necessary services in lieu of those the injured individual
850 would have performed, not for income but the benefit of the injured individual or the injured
851 individual's dependents if the injured individual had not been injured.

852 ~~[(35)]~~ (38) (a) "Representative" means the victim, immediate family member, legal
853 guardian, attorney, conservator, executor, or an heir of an individual.

854 (b) "Representative" does not include a service provider or collateral source.

855 ~~[(36)]~~ (39) "Restitution" means the same as that term is defined in Section [77-38b-102](#).

856 (40) (a) "Restitution record" means a record documenting payments made to, or on
857 behalf of, a claimant by the office that the office relies on to support a restitution request made
858 in accordance with Section [77-38b-205](#).

859 (b) "Restitution record" includes:

860 (i) a notice of restitution;

861 (ii) an itemized list of payments;

862 (iii) an invoice, receipt, or bill submitted to the office for reimbursement; and

863 (iv) any documentation that the office relies on to establish a nexus between an
864 offender's criminally injurious conduct and a reparations award made by the office.

865 [~~37~~] (41) "Secondary victim" means an individual who is traumatically affected by
866 the criminally injurious conduct subject to rules made by the board in accordance with Title
867 63G, Chapter 3, Utah Administrative Rulemaking Act.

868 [~~38~~] (42) "Service provider" means an individual or agency who provides a service to
869 a [~~victim~~] claimant for a monetary fee, except attorneys as provided in Section 63M-7-524.

870 [~~39~~] (43) "Serious bodily injury" means the same as that term is defined in Section
871 76-1-101.5.

872 [~~40~~] (44) "Sexual assault" means any criminal conduct described in Title 76, Chapter
873 5, Part 4, Sexual Offenses.

874 [~~41~~] (45) "Strangulation" means any act involving the use of unlawful force or
875 violence that:

876 (a) impedes breathing or the circulation of blood; and

877 (b) is likely to produce a loss of consciousness by:

878 (i) applying pressure to the neck or throat of an individual; or

879 (ii) obstructing the nose, mouth, or airway of an individual.

880 [~~42~~] (46) "Substantial bodily injury" means the same as that term is defined in
881 Section 76-1-101.5.

882 [~~43~~] (47) (a) "Victim" means an individual who suffers bodily or psychological injury
883 or death as a direct result of:

884 (i) criminally injurious conduct; or

885 (ii) the production of pornography in violation of Section 76-5b-201 or 76-5b-201.1 if
886 the individual is a minor.

887 (b) "Victim" does not include an individual who participated in or observed the judicial
888 proceedings against an offender unless otherwise provided by statute or rule made in
889 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

890 [~~44~~] (48) "Work loss" means loss of income from work the injured victim would
891 have performed if the injured victim had not been injured and expenses reasonably incurred by
892 the injured victim in obtaining services in lieu of those the injured victim would have
893 performed for income, reduced by any income from substitute work the injured victim was

894 capable of performing but unreasonably failed to undertake.

895 Section 6. Section **63M-7-527** is enacted to read:

896 **63M-7-527. Records -- Requirements for release.**

897 (1) Notwithstanding Title 63G, Chapter 2, Government Records Access and
898 Management Act, a confidential record, a public restitution record, and a nonpublic restitution
899 record may only be disclosed as provided in this section.

900 (2) A confidential record may be provided to:

901 (a) the claimant who is the subject of the record if the record requested does not
902 contain mental health treatment information; or

903 (b) the person who submitted the record to the office.

904 (3) A confidential record may be used in:

905 (a) a criminal investigation or prosecution when the office suspects that a reparations
906 claim may be fraudulent; or

907 (b) a subrogation action brought by the office in accordance with Section [63M-7-519](#).

908 (4) (a) The office may disclose a public restitution record for the purpose of carrying
909 out this part.

910 (b) The office shall disclose a public restitution record to the Board of Pardons and
911 Parole for a restitution matter.

912 (5) (a) If the office requests restitution in a criminal case and the offender requests a
913 restitution hearing, the office shall provide a nonpublic restitution record to the court, the
914 prosecuting attorney, and counsel for the offender.

915 (b) A person may not:

916 (i) disseminate a nonpublic restitution record obtained under this Subsection (5); or

917 (ii) share a nonpublic restitution record with the offender unless the office and claimant
918 agree, in writing, to the disclosure.

919 (6) Before the office may disclose a restitution record under Subsection (4) or (5), the
920 office shall redact:

921 (a) the name, not including the initials, of a minor or an individual who has been the
922 victim of a sexual assault;

923 (b) the contact information of a claimant or a witness, including a physical address,
924 phone number, or email address;

- 925 (c) a claimant's date of birth and social security number; and
- 926 (d) any information that would jeopardize the health or safety of a claimant.

927 Section 7. Section **63M-14-205** is amended to read:

928 **63M-14-205. Records.**

929 (1) The records of the authority and the river commissioner shall be maintained by the
930 authority.

931 (2) The authority may classify a record in accordance with Title 63G, Chapter 2,
932 Government Records Access and Management Act, including a record described in Subsection
933 [63G-2-305](#)~~[(82)]~~ (81).

934 Section 8. Section **63N-16-201** is amended to read:

935 **63N-16-201. General Regulatory Sandbox Program -- Application requirements.**

936 (1) There is created in the regulatory relief office the General Regulatory Sandbox
937 Program.

938 (2) In administering the regulatory sandbox, the regulatory relief office:

939 (a) shall consult with each applicable agency;

940 (b) shall establish a program to enable a person to obtain legal protections and limited
941 access to the market in the state to demonstrate an offering without obtaining a license or other
942 authorization that might otherwise be required;

943 (c) may enter into agreements with or adopt the best practices of corresponding federal
944 regulatory agencies or other states that are administering similar programs; and

945 (d) may consult with businesses in the state about existing or potential proposals for
946 the regulatory sandbox.

947 (3) (a) An applicant for the regulatory sandbox may contact the regulatory relief office
948 to request a consultation regarding the regulatory sandbox before submitting an application.

949 (b) The regulatory relief office shall provide relevant information regarding the
950 regulatory sandbox program.

951 (c) The regulatory relief office may provide assistance to an applicant in preparing an
952 application for submission.

953 (4) An applicant for the regulatory sandbox shall provide to the regulatory relief office
954 an application in a form prescribed by the regulatory relief office that:

955 (a) confirms the applicant is subject to the jurisdiction of the state;

956 (b) confirms the applicant has established a physical or virtual location in the state,
957 from which the demonstration of an offering will be developed and performed and where all
958 required records, documents, and data will be maintained;

959 (c) contains relevant personal and contact information for the applicant, including legal
960 names, addresses, telephone numbers, email addresses, website addresses, and other
961 information required by the regulatory relief office;

962 (d) discloses criminal convictions of the applicant or other participating personnel, if
963 any;

964 (e) contains a description of the offering to be demonstrated, including statements
965 regarding:

966 (i) how the offering is subject to licensing, legal prohibition, or other authorization
967 requirements outside of the regulatory sandbox;

968 (ii) each law or regulation that the applicant seeks to have waived or suspended while
969 participating in the regulatory sandbox program;

970 (iii) how the offering would benefit consumers;

971 (iv) how the offering is different from other offerings available in the state;

972 (v) what risks might exist for consumers who use or purchase the offering;

973 (vi) how participating in the regulatory sandbox would enable a successful
974 demonstration of the offering;

975 (vii) a description of the proposed demonstration plan, including estimated time
976 periods for beginning and ending the demonstration;

977 (viii) recognition that the applicant will be subject to all laws and regulations
978 pertaining to the applicant's offering after conclusion of the demonstration; and

979 (ix) how the applicant will end the demonstration and protect consumers if the
980 demonstration fails;

981 (f) lists each government agency, if any, that the applicant knows regulates the
982 applicant's business; and

983 (g) provides any other required information as determined by the regulatory relief
984 office.

985 (5) The regulatory relief office may collect an application fee from an applicant that is
986 set in accordance with Section [63J-1-504](#).

987 (6) An applicant shall file a separate application for each offering that the applicant
988 wishes to demonstrate.

989 (7) After an application is filed, the regulatory relief office shall:

990 (a) classify, as a protected record, any part of the application that the office determines
991 is nonpublic, confidential information that if disclosed would result in actual economic harm to
992 the applicant in accordance with Subsection ~~63G-2-305~~(83) (82);

993 (b) consult with each applicable government agency that regulates the applicant's
994 business regarding whether more information is needed from the applicant; and

995 (c) seek additional information from the applicant that the regulatory relief office
996 determines is necessary.

997 (8) No later than five business days after the day on which a complete application is
998 received by the regulatory relief office, the regulatory relief office shall:

999 (a) review the application and refer the application to each applicable government
1000 agency that regulates the applicant's business;

1001 (b) provide to the applicant:

1002 (i) an acknowledgment of receipt of the application; and

1003 (ii) the identity and contact information of each regulatory agency to which the
1004 application has been referred for review; and

1005 (c) provide public notice, on the office's website and through other appropriate means,
1006 of each law or regulation that the office is considering to suspend or waive under the
1007 application.

1008 (9) (a) Subject to Subsections (9)(c) and (9)(g), no later than 30 days after the day on
1009 which an applicable agency receives a complete application for review, the applicable agency
1010 shall provide a written report to the director of the applicable agency's findings.

1011 (b) The report shall:

1012 (i) describe any identifiable, likely, and significant harm to the health, safety, or
1013 financial well-being of consumers that the relevant law or regulation protects against; and

1014 (ii) make a recommendation to the regulatory relief office that the applicant either be
1015 admitted or denied entrance into the regulatory sandbox.

1016 (c) (i) The applicable agency may request an additional five business days to deliver
1017 the written report by providing notice to the director, which request shall automatically be

1018 granted.

1019 (ii) The applicable agency may only request one extension per application.

1020 (d) If the applicable agency recommends an applicant under this section be denied
1021 entrance into the regulatory sandbox, the written report shall include a description of the
1022 reasons for the recommendation, including why a temporary waiver or suspension of the
1023 relevant laws or regulations would potentially significantly harm the health, safety, or financial
1024 well-being of consumers or the public and the likelihood of such harm occurring.

1025 (e) If the agency determines that the consumer's or public's health, safety, or financial
1026 well-being can be protected through less restrictive means than the existing relevant laws or
1027 regulations, then the applicable agency shall provide a recommendation of how that can be
1028 achieved.

1029 (f) If an applicable agency fails to deliver a written report as described in this
1030 Subsection (9), the director shall assume that the applicable agency does not object to the
1031 temporary waiver or suspension of the relevant laws or regulations for an applicant seeking to
1032 participate in the regulatory sandbox.

1033 (g) Notwithstanding any other provision of this section, an applicable agency may by
1034 written notice to the regulatory relief office:

1035 (i) within the 30 days after the day on which the applicable agency receives a complete
1036 application for review, or within 35 days if an extension has been requested by the applicable
1037 agency, reject an application if the applicable agency determines, in the applicable agency's
1038 sole discretion, that the applicant's offering fails to comply with standards or specifications:

1039 (A) required by federal law or regulation; or

1040 (B) previously approved for use by a federal agency; or

1041 (ii) reject an application preliminarily approved by the regulatory relief office, if the
1042 applicable agency:

1043 (A) recommended rejection of the application in accordance with Subsection (9)(d) in
1044 the agency's written report; and

1045 (B) provides in the written notice under this Subsection (9)(g), a description of the
1046 applicable agency's reasons why approval of the application would create a substantial risk of
1047 harm to the health or safety of the public, or create unreasonable expenses for taxpayers in the
1048 state.

1049 (h) If an applicable agency rejects an application under Subsection (9)(g), the
1050 regulatory relief office may not approve the application.

1051 (10) (a) Upon receiving a written report described in Subsection (9), the director shall
1052 provide the application and the written report to the advisory committee.

1053 (b) The director may call the advisory committee to meet as needed, but not less than
1054 once per quarter if applications are available for review.

1055 (c) After receiving and reviewing the application and each written report, the advisory
1056 committee shall provide to the director the advisory committee's recommendation as to whether
1057 or not the applicant should be admitted as a sandbox participant under this chapter.

1058 (d) As part of the advisory committee's review of each written report, the advisory
1059 committee shall use the criteria required for an applicable agency as described in Subsection
1060 (9).

1061 (11) (a) In reviewing an application and each applicable agency's written report, the
1062 regulatory relief office shall consult with each applicable agency and the advisory committee
1063 before admitting an applicant into the regulatory sandbox.

1064 (b) The consultation with each applicable agency and the consultation with the
1065 advisory committee may include seeking information about whether:

1066 (i) the applicable agency has previously issued a license or other authorization to the
1067 applicant; and

1068 (ii) the applicable agency has previously investigated, sanctioned, or pursued legal
1069 action against the applicant.

1070 (12) In reviewing an application under this section, the regulatory relief office and each
1071 applicable agency shall consider whether a competitor to the applicant is or has been a sandbox
1072 participant and, if so, weigh that as a factor in favor of allowing the applicant to also become a
1073 sandbox participant.

1074 (13) In reviewing an application under this section, the regulatory relief office shall
1075 consider whether:

1076 (a) the applicant's plan will adequately protect consumers from potential harm
1077 identified by an applicable agency in the applicable agency's written report;

1078 (b) the risk of harm to consumers is outweighed by the potential benefits to consumers
1079 from the applicant's participation in the regulatory sandbox; and

1080 (c) certain state laws or regulations that regulate an offering should not be waived or
1081 suspended even if the applicant is approved as a sandbox participant, including applicable
1082 antifraud or disclosure provisions.

1083 (14) (a) An applicant becomes a sandbox participant if the regulatory relief office
1084 approves the application for the regulatory sandbox and enters into a written agreement with
1085 the applicant describing the specific laws and regulations that are waived or suspended as part
1086 of participation in the regulatory sandbox.

1087 (b) Notwithstanding any other provision of this chapter, the regulatory relief office may
1088 not enter into a written agreement with an applicant that waives or suspends a tax, fee, or
1089 charge that is administered by the State Tax Commission or that is described in Title 59,
1090 Revenue and Taxation.

1091 (15) (a) The director may deny at the director's sole discretion any application
1092 submitted under this section for any reason, including if the director determines that the
1093 preponderance of evidence demonstrates that suspending or waiving enforcement of a law or
1094 regulation would cause a significant risk of harm to consumers or residents of the state.

1095 (b) If the director denies an application submitted under this section, the regulatory
1096 relief office shall provide to the applicant a written description of the reasons for not allowing
1097 the applicant to be a sandbox participant.

1098 (c) The denial of an application submitted under this section is not subject to:

1099 (i) agency or judicial review; or

1100 (ii) the provisions of Title 63G, Chapter 4, Administrative Procedures Act.

1101 (16) The director shall deny an application for participation in the regulatory sandbox
1102 described by this section if the applicant or any person who seeks to participate with the
1103 applicant in demonstrating an offering has been convicted, entered a plea of nolo contendere, or
1104 entered a plea of guilty or nolo contendere held in abeyance, for any crime involving significant
1105 theft, fraud, or dishonesty if the crime bears a significant relationship to the applicant's or other
1106 participant's ability to safely and competently participate in the regulatory sandbox program.

1107 (17) (a) When an applicant is approved for participation in the regulatory sandbox, the
1108 director shall provide public notice of the approval on the office's website and through other
1109 appropriate means.

1110 (b) The public notice described in Subsection (17)(a) shall state:

- 1111 (i) the name of the sandbox participant;
1112 (ii) the industries the sandbox participant represents; and
1113 (iii) each law or regulation that is suspended or waived for the sandbox participant as
1114 allowed by the regulatory sandbox.

1115 (18) In addition to the information described in Subsection (17), the office shall make
1116 the following information available on the office's website and through other appropriate
1117 means:

1118 (a) documentation regarding the office's determination and grounds for approving each
1119 sandbox participant; and

1120 (b) public notice regarding any sandbox participant's revocation to participate in the
1121 regulatory sandbox.

1122 Section 9. **Effective date.**

1123 This bill takes effect on May 1, 2024.