

Senator Don L. Ipson proposes the following substitute bill:

**PROTECTION OF LAW ENFORCEMENT OFFICERS'
PERSONAL INFORMATION**

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

House Sponsor: Paul Ray

LONG TITLE

General Description:

This bill amends the Public Safety Code regarding protection of personal information of law enforcement officers.

Highlighted Provisions:

This bill:

- ▶ provides criminal penalties for posting on the Internet a law enforcement officer's address and phone numbers, or posting the same information regarding an officer's immediate family member;
- ▶ prohibits the solicitation or sale of the officer's private information and provides for civil damages and the cost of attorney fees; and
- ▶ provides definitions, including a definition of "personal information."

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



- 26 [53-18-101](#), Utah Code Annotated 1953
- 27 [53-18-102](#), Utah Code Annotated 1953
- 28 [53-18-103](#), Utah Code Annotated 1953
- 29 [53-18-104](#), Utah Code Annotated 1953

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

32 Section 1. Section [53-18-101](#) is enacted to read:

33 **CHAPTER 18. PROTECTION OF PERSONAL INFORMATION OF LAW**
34 **ENFORCEMENT OFFICERS**

35 **53-18-101. Title.**

36 This chapter is known as "Protection of Personal Information of Law Enforcement
37 Officers."

38 Section 2. Section [53-18-102](#) is enacted to read:

39 **53-18-102. Definitions.**

40 As used in this chapter:

41 (1) "Access software provider" means a provider of software, including client or server
42 software, or enabling tools that do any one or more of the following:

43 (a) filter, screen, allow, or disallow content;

44 (b) pick, choose, analyze, or digest content; or

45 (c) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or
46 translate content.

47 (2) "Immediate family member" means a law enforcement officer's spouse, child or
48 spouse of a child, sibling or spouse of a sibling, or parent.

49 (3) "Interactive computer service" means the same as that term is defined in Subsection
50 47 U.S.C. 230(f).

51 (4) "Law enforcement officer" or "officer":

52 (a) means the same as that term is defined in Section [53-13-103](#);

53 (b) includes "correctional officers" as defined in Section [53-13-104](#); and

54 (c) refers only to officers who are currently employed by, retired from, or were killed in
55 the line of duty while in the employ of a state or local governmental law enforcement agency.

56 (5) "Personal information" means a law enforcement officer's or law enforcement

57 officer's immediate family member's address, telephone number, personal mobile telephone
58 number, pager number, personal email address, personal photograph, directions to locate the
59 law enforcement officer's home, or photographs of the law enforcement officer's or the officer's
60 immediate family member's home or vehicle.

61 (6) "Publicly post" or "publicly display" means to intentionally communicate or
62 otherwise make available to the general public.

63 Section 3. Section **53-18-103** is enacted to read:

64 **53-18-103. Internet posting of personal information of law enforcement officers --**
65 **Prohibitions.**

66 (1) A state or local governmental agency may not post the personal information of any
67 law enforcement officer employed by the state or any political subdivision on the Internet
68 unless the agency has obtained written permission from the officer and has the written
69 permission in the agency's possession.

70 (2) An individual may not knowingly post on the Internet the personal information of
71 any law enforcement officer or of the officer's immediate family members knowing the person
72 is a law enforcement officer or that the person is the immediate family member of a law
73 enforcement officer.

74 (a) A violation of this Subsection (2) is a class B misdemeanor.

75 (b) A violation of this Subsection (2) that results in bodily injury to the officer, or a
76 member of the officer's immediate family, is a class A misdemeanor.

77 (c) Each act against a separate individual in violation of this Subsection (2) is a
78 separate offense. The defendant may also be charged separately with the commission of any
79 other criminal conduct related to the commission of an offense under this Subsection (2).

80 (3) (a) A business or association may not publicly post or publicly display on the
81 Internet the personal information of any law enforcement officer if that officer has, either
82 directly or through an agent designated under Subsection (3)(c), provided to that business or
83 association a written demand to not disclose the officer's personal information.

84 (b) A written demand made under this Subsection (3) by a law enforcement officer is
85 effective for the four years beginning on the day the demand is delivered, regardless of whether
86 or not the law enforcement officer's employment as an officer has terminated during the four
87 years.

88 (c) A law enforcement officer may designate in writing the officer's employer or a
89 representative of any voluntary professional association of law enforcement officers to act on
90 behalf of the officer and as the officer's agent to make a written demand pursuant to this
91 chapter.

92 (d) (i) A business or association that receives a written demand from a law enforcement
93 officer under Subsection (3)(a) shall remove the officer's personal information from public
94 display on the Internet, including the removal of information provided to cellular telephone
95 applications, within 24 hours of the delivery of the written demand, and shall ensure that the
96 information is not posted again on the same Internet website or any other Internet website the
97 recipient of the written demand maintains or exercises control over.

98 (ii) After receiving the law enforcement officer's written demand, the person, business,
99 or association may not publicly post or publicly display on the Internet, the personal
100 information of the law enforcement officer.

101 (iii) This Subsection (3)(d) does not prohibit a telephone corporation, as defined in
102 Section 54-2-1, or its affiliate or other voice service provider, including providers of
103 interconnected voice over Internet protocol service as defined in 47 C.F.R. 9.3, from
104 transferring the law enforcement officer's personal information to any person, business, or
105 association, if the transfer is authorized by federal or state law, regulation, order, terms of
106 service, or tariff, or is necessary in the event of an emergency, or to collect a debt owed by the
107 officer to the telephone corporation or its affiliate.

108 (iv) This Subsection (3)(d) does not apply to a telephone corporation or other voice
109 service provider, including providers of interconnected voice over Internet protocol service,
110 with respect to directories or directories listings to the extent the entity offers a nonpublished
111 listing option.

112 (4) (a) A law enforcement officer whose personal information is made public as a
113 result of a violation of Subsection (3) may bring an action seeking injunctive or declarative
114 relief in any court of competent jurisdiction.

115 (b) If a court finds that a violation has occurred, it may grant injunctive or declarative
116 relief and shall award the law enforcement officer court costs and reasonable attorney fees.

117 (c) If the defendant fails to comply with an order of the court issued under this
118 Subsection (4), the court may impose a civil penalty of not more than \$1,000 for the

119 defendant's failure to comply with the court's order.

120 (5) (a) A person, business, or association may not solicit, sell, or trade on the Internet
 121 the personal information of a law enforcement officer, if the dissemination of the personal
 122 information poses an imminent and serious threat to the law enforcement officer's safety or the
 123 safety of the law enforcement officer's immediate family and the person making the
 124 information available on the Internet knows or reasonably should know of the imminent and
 125 serious threat.

126 (b) A law enforcement officer whose personal information is knowingly publicly
 127 posted or publicly displayed on the Internet may bring an action in any court of competent
 128 jurisdiction. If a jury or court finds that a defendant has committed a violation of Subsection
 129 (5)(a), the jury or court shall award damages to the officer in the amount of triple the cost of
 130 actual damages or \$4,000, whichever is greater.

131 (6) An interactive computer service or access software is not liable under Subsections
 132 (3)(d)(i) and (5) for information or content provided by another information
 132a content provider ~~It~~ → ~~[-of~~
 133 ~~the service or software]~~ ← ~~It~~ .

134 (7) Unless a law enforcement officer requests that certain information be removed or
 135 protected from disclosure in accordance with Section [63G-2-302](#), a county recorder who makes
 136 information available for public inspection in accordance with Section [17-21-19](#) is not in
 137 violation of this chapter.

138 Section 4. Section **53-18-104** is enacted to read:

139 **53-18-104. Protection of constitutional rights.**

140 This chapter does not affect, limit, or apply to, any conduct or activities that are
 141 protected by the constitution or laws of the state or by the constitution or laws of the United
 142 States.