

**LAW ENFORCEMENT AGENCY DISCLOSURE AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jani Iwamoto**

House Sponsor: Ryan D. Wilcox

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**LONG TITLE**

**General Description:**

This bill provides immunity for law enforcement agencies to disclose information to other law enforcement agencies regarding law enforcement officers.

**Highlighted Provisions:**

This bill:

- ▶ provides immunity for an employing law enforcement agency or training academy providing information to a prospective employer upon request; and
- ▶ provides immunity for information provided by authorized officers of law enforcement agencies to prospective employers or training academies.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63G-7-201**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 10

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

Section 1. Section **63G-7-201** is amended to read:

**63G-7-201. Immunity of governmental entities and employees from suit.**

(1) Except as otherwise provided in this chapter, each governmental entity and each employee of a governmental entity are immune from suit for any injury that results from the

30 exercise of a governmental function.

31 (2) Notwithstanding the waiver of immunity provisions of Section [63G-7-301](#), a  
32 governmental entity, its officers, and its employees are immune from suit:

33 (a) as provided in Section [78B-4-517](#); and

34 (b) for any injury or damage resulting from the implementation of or the failure to  
35 implement measures to:

36 (i) control the causes of epidemic and communicable diseases and other conditions  
37 significantly affecting the public health or necessary to protect the public health as set out in  
38 Title 26A, Chapter 1, Local Health Departments;

39 (ii) investigate and control suspected bioterrorism and disease as set out in Title 26,  
40 Chapter 23b, Detection of Public Health Emergencies Act;

41 (iii) respond to a national, state, or local emergency, a public health emergency as  
42 defined in Section [26-23b-102](#), or a declaration by the President of the United States or other  
43 federal official requesting public health related activities, including the use, provision,  
44 operation, and management of:

45 (A) an emergency shelter;

46 (B) housing;

47 (C) a staging place; or

48 (D) a medical facility; and

49 (iv) adopt methods or measures, in accordance with Section [26-1-30](#), for health care  
50 providers, public health entities, and health care insurers to coordinate among themselves to  
51 verify the identity of the individuals they serve.

52 (3) A governmental entity, its officers, and its employees are immune from suit, and  
53 immunity is not waived, for any injury if the injury arises out of or in connection with, or  
54 results from:

55 (a) a latent dangerous or latent defective condition of:

56 (i) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or  
57 viaduct; or

58 (ii) another structure located on any of the items listed in Subsection (3)(a)(i); or

59 (b) a latent dangerous or latent defective condition of any public building, structure,  
60 dam, reservoir, or other public improvement.

61 (4) A governmental entity, its officers, and its employees are immune from suit, and  
62 immunity is not waived, for any injury proximately caused by a negligent act or omission of an  
63 employee committed within the scope of employment, if the injury arises out of or in  
64 connection with, or results from:

65 (a) the exercise or performance, or the failure to exercise or perform, a discretionary  
66 function, whether or not the discretion is abused;

67 (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery,  
68 false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process,  
69 libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation  
70 of civil rights;

71 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue,  
72 deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar  
73 authorization;

74 (d) a failure to make an inspection or making an inadequate or negligent inspection;

75 (e) the institution or prosecution of any judicial or administrative proceeding, even if  
76 malicious or without probable cause;

77 (f) a misrepresentation by an employee whether or not the misrepresentation is  
78 negligent or intentional;

79 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;

80 (h) the collection or assessment of taxes;

81 (i) an activity of the Utah National Guard;

82 (j) the incarceration of a person in a state prison, county or city jail, or other place of  
83 legal confinement;

84 (k) a natural condition on publicly owned or controlled land;

85 (l) a condition existing in connection with an abandoned mine or mining operation;

86 (m) an activity authorized by the School and Institutional Trust Lands Administration  
87 or the Division of Forestry, Fire, and State Lands;

88 (n) the operation or existence of a pedestrian or equestrian trail that is along a ditch,  
89 canal, stream, or river, regardless of ownership or operation of the ditch, canal, stream, or river,  
90 if:

91 (i) the trail is designated under a general plan adopted by a municipality under Section  
92 10-9a-401 or by a county under Section 17-27a-401;

93 (ii) the trail right-of-way or the right-of-way where the trail is located is open to public  
94 use as evidenced by a written agreement between:

95 (A) the owner or operator of the trail right-of-way or of the right-of-way where the trail  
96 is located; and

97 (B) the municipality or county where the trail is located; and

98 (iii) the written agreement:

99 (A) contains a plan for operation and maintenance of the trail; and

100 (B) provides that an owner or operator of the trail right-of-way or of the right-of-way  
101 where the trail is located has, at a minimum, the same level of immunity from suit as the  
102 governmental entity in connection with or resulting from the use of the trail;

103 (o) research or implementation of cloud management or seeding for the clearing of fog;

104 (p) the management of flood waters, earthquakes, or natural disasters;

105 (q) the construction, repair, or operation of flood or storm systems;

106 (r) the operation of an emergency vehicle, while being driven in accordance with the  
107 requirements of Section 41-6a-212;

108 (s) the activity of:

109 (i) providing emergency medical assistance;

110 (ii) fighting fire;

111 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;

112 (iv) an emergency evacuation;

113 (v) transporting or removing an injured person to a place where emergency medical

114 assistance can be rendered or where the person can be transported by a licensed ambulance  
115 service; or

116 (vi) intervening during a dam emergency;

117 (t) the exercise or performance, or the failure to exercise or perform, any function  
118 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;

119 (u) an unauthorized access to government records, data, or electronic information  
120 systems by any person or entity; [or]

121 (v) an activity of wildlife, as defined in Section [23-13-2](#), that arises during the use of a  
122 public or private road[-]; or

123 (w) a communication between employees of one or more law enforcement agencies  
124 related to the employment, disciplinary history, character, professional competence, or physical  
125 or mental health of a peace officer, or a former, current, or prospective employee of a law  
126 enforcement agency, including any communication made in accordance with Section  
127 [53-14-101](#).