

1                   **FINANCIAL EXPLOITATION OF VULNERABLE ADULTS**

2                                   2018 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Curtis S. Bramble**

5                           House Sponsor: James A. Dunnigan

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7   **LONG TITLE**

8   **General Description:**

9           This bill enacts provisions related to the financial exploitation of vulnerable adults.

10 **Highlighted Provisions:**

11       This bill:

- 12           ▶ defines terms;
- 13           ▶ addresses reporting requirements when a broker-dealer; an investment adviser; an  
14 agent; an investment adviser representative; or an individual who serves in a  
15 supervisory, compliance, or legal capacity for a broker-dealer or an investment  
16 adviser believes a person has engaged in or attempted to engage in the financial  
17 exploitation of an elderly or vulnerable adult;
- 18           ▶ allows a broker-dealer or an investment adviser to delay a disbursement or  
19 transaction from an account when the broker-dealer or investment adviser suspects  
20 the disbursement or transaction will result in the financial exploitation of an elderly  
21 or vulnerable adult;
- 22           ▶ allows certain agencies to extend a broker-dealer's or an investment adviser's delay  
23 of a disbursement or transaction;
- 24           ▶ provides that a court may terminate or extend the delay of a disbursement or  
25 transaction;
- 26           ▶ requires a broker-dealer or an investment adviser to provide certain agencies access  
27 to records related to the financial exploitation of an elderly or vulnerable adult;
- 28           ▶ addresses the classification of a record that a broker-dealer or an investment adviser  
29 provides to an agency under the provisions of this bill; and

30           ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32           None

33 **Other Special Clauses:**

34           None

35 **Utah Code Sections Affected:**

36 AMENDS:

37           **63G-2-305**, as last amended by Laws of Utah 2017, Chapters 374, 382, and 415

38 ENACTS:

39           **61-1-201**, Utah Code Annotated 1953

40           **61-1-202**, Utah Code Annotated 1953

41           **61-1-203**, Utah Code Annotated 1953

42           **61-1-204**, Utah Code Annotated 1953

43           **61-1-205**, Utah Code Annotated 1953

44           **61-1-206**, Utah Code Annotated 1953



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

47           Section 1. Section **61-1-201** is enacted to read:

48                   **Part 2. Protection of Vulnerable Adults from Financial Exploitation Act**

49                   **61-1-201. Definitions.**

50                   As used in this part:

51                   (1) "Adult Protective Services" means the same as that term is defined in Section

52 [62A-3-301](#).

53                   (2) "Eligible adult" means:

54                   (a) an individual who is 65 years of age or older; or

55                   (b) a vulnerable adult as defined in Section [62A-3-301](#).

56                   (3) "Financial exploitation of an eligible adult" means:

57                   (a) the wrongful or unauthorized taking, withholding, appropriation, or use of money,

58 assets, or other property of an eligible adult; or

59 (b) an act or omission, including through a power of attorney, guardianship, or  
60 conservatorship of an eligible adult, to:

61 (i) obtain control, through deception, intimidation, or undue influence, over an eligible  
62 adult's money, assets, or other property to deprive the eligible adult of the ownership, use,  
63 benefit, or possession of the eligible adult's money, assets, or other property; or

64 (ii) convert an eligible adult's money, assets, or other property to deprive the eligible  
65 adult of the ownership, use, benefit, or possession of the eligible adult's money, assets, or other  
66 property.

67 (4) "Law enforcement agency" means the same as that term is defined in Section  
68 53-1-102.

69 (5) "Qualified individual" means:

70 (a) an agent;

71 (b) an investment adviser representative; or

72 (c) an individual who serves in a supervisory, compliance, or legal capacity for a  
73 broker-dealer or an investment adviser.

74 Section 2. Section **61-1-202** is enacted to read:

75 **61-1-202. Governmental and third party disclosures.**

76 (1) If a broker-dealer, an investment adviser, or a qualified individual reasonably  
77 believes that a person has engaged in or attempted to engage in the financial exploitation of an  
78 eligible adult, the broker-dealer, investment adviser, or qualified individual:

79 (a) shall promptly notify the division and Adult Protective Services; and

80 (b) subject to Subsection (2), may notify a person previously designated by the eligible  
81 adult, a person allowed to receive notification under applicable law or any customer agreement,  
82 or an individual reasonably associated with the eligible adult.

83 (2) A broker-dealer, an investment adviser, or a qualified individual may not notify a  
84 third party under Subsection (1)(b) if the third party is suspected of engaging in the financial  
85 exploitation of the eligible adult or other abuse of the eligible adult.

86 Section 3. Section **61-1-203** is enacted to read:

87 **61-1-203. Immunity for governmental and third party disclosures.**

88 A broker-dealer, an investment adviser, or a qualified individual who, in good faith and  
89 exercising reasonable care, notifies the division, Adult Protective Services, or a third party, in  
90 accordance with Section [61-1-202](#), is immune from administrative or civil liability that might  
91 otherwise arise from the notification.

92 Section 4. Section **61-1-204** is enacted to read:

93 **61-1-204. Delaying disbursements or transactions.**

94 (1) A broker-dealer or an investment adviser may delay a disbursement or transaction  
95 from an eligible adult's account or from an account on which the eligible adult is a beneficiary,  
96 if the broker-dealer or investment adviser:

97 (a) suspects that the disbursement or transaction may result in the financial exploitation  
98 of an eligible adult;

99 (b) initiates an internal review of the disbursement or transaction and the suspected  
100 financial exploitation of an eligible adult;

101 (c) after initiating the internal review, reasonably believes that the disbursement or  
102 transaction may result in the financial exploitation of an eligible adult;

103 (d) within two business days after the day on which the disbursement or transaction is  
104 delayed, provides written notification of the delay and the reason for the delay to:

105 (i) each party authorized to transact business on the account, unless the party is  
106 reasonably believed to have engaged in suspected or attempted financial exploitation of the  
107 eligible adult;

108 (ii) the division; and

109 (iii) Adult Protective Services;

110 (e) continues the broker-dealer's or investment adviser's internal review of the  
111 suspected or attempted financial exploitation of the eligible adult, as necessary; and

112 (f) upon request, provides a timely report on the status and results of the internal  
113 review to the division or Adult Protective Services.

114           (2) Except as provided in Subsection (3), a delay of a disbursement or transaction  
115 under Subsection (1) expires the earlier of:

116           (a) the day on which the broker-dealer or investment adviser determines that the  
117 disbursement or transaction will not result in the financial exploitation of an eligible adult; or

118           (b) 15 business days after the day on which the broker-dealer or investment adviser  
119 initially delayed the disbursement or transaction.

120           (3) If an internal review described in Subsection (1) supports a reasonable belief that a  
121 person has engaged in or attempted to engage in the financial exploitation of an eligible adult,  
122 the division or Adult Protective Services may extend the delay of the disbursement or  
123 transaction under Subsection (1) as reasonably necessary.

124           (4) A court of competent jurisdiction may enter an order terminating or extending a  
125 delay under this section or granting other protective relief.

126           Section 5. Section **61-1-205** is enacted to read:

127           **61-1-205. Immunity for delaying disbursements or transactions.**

128           A broker-dealer or investment adviser who, in good faith and exercising reasonable  
129 care, delays a disbursement or transaction in accordance with Section [61-1-204](#) is immune  
130 from administrative or civil liability that might otherwise arise from the delay.

131           Section 6. Section **61-1-206** is enacted to read:

132           **61-1-206. Records.**

133           (1) Upon request, a broker-dealer or investment adviser shall provide access to or a  
134 copy of any record, including a historical record, that is relevant to the suspected or attempted  
135 financial exploitation of an eligible adult to Adult Protective Services or a law enforcement  
136 agency.

137           (2) For purposes of Title 63G, Chapter 2, Government Records Access and  
138 Management Act, a record made available to Adult Protective Services or a law enforcement  
139 agency under this section is a protected record as defined in Section [63G-2-103](#).

140           (3) Nothing in this section affects the authority of the division to access or examine the  
141 books or records of a broker-dealer or investment adviser as otherwise provided by law.

142 Section 7. Section **63G-2-305** is amended to read:

143 **63G-2-305. Protected records.**

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

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

147 (2) commercial information or nonindividual financial information obtained from a  
148 person if:

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

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

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

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

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

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

165 (6) records, the disclosure of which would impair governmental procurement  
166 proceedings or give an unfair advantage to any person proposing to enter into a contract or  
167 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this  
168 Subsection (6) does not restrict the right of a person to have access to, after the contract or  
169 grant has been awarded and signed by all parties, a bid, proposal, application, or other

170 information submitted to or by a governmental entity in response to:

171 (a) an invitation for bids;

172 (b) a request for proposals;

173 (c) a request for quotes;

174 (d) a grant; or

175 (e) other similar document;

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

177 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict

178 the right of a person to have access to the information, after:

179 (a) a contract directly relating to the subject of the request for information has been

180 awarded and signed by all parties; or

181 (b) (i) a final determination is made not to enter into a contract that relates to the

182 subject of the request for information; and

183 (ii) at least two years have passed after the day on which the request for information is

184 issued;

185 (8) records that would identify real property or the appraisal or estimated value of real

186 or personal property, including intellectual property, under consideration for public acquisition

187 before any rights to the property are acquired unless:

188 (a) public interest in obtaining access to the information is greater than or equal to the

189 governmental entity's need to acquire the property on the best terms possible;

190 (b) the information has already been disclosed to persons not employed by or under a

191 duty of confidentiality to the entity;

192 (c) in the case of records that would identify property, potential sellers of the described

193 property have already learned of the governmental entity's plans to acquire the property;

194 (d) in the case of records that would identify the appraisal or estimated value of

195 property, the potential sellers have already learned of the governmental entity's estimated value

196 of the property; or

197 (e) the property under consideration for public acquisition is a single family residence

198 and the governmental entity seeking to acquire the property has initiated negotiations to acquire  
199 the property as required under Section 78B-6-505;

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

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

207 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of  
208 the value of the subject property have already been disclosed to persons not employed by or  
209 under a duty of confidentiality to the entity;

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

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

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

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

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

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



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

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

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

234 (14) records that, if disclosed, would reveal recommendations made to the Board of  
235 Pardons and Parole by an employee of or contractor for the Department of Corrections, the  
236 Board of Pardons and Parole, or the Department of Human Services that are based on the  
237 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's  
238 jurisdiction;

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

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

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

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

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

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

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

254 (A) members of a legislative body;

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

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

257 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of

258 legislative action or policy may not be classified as protected under this section;

259 (20) (a) records in the custody or control of the Office of Legislative Research and

260 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated

261 legislation or contemplated course of action before the legislator has elected to support the

262 legislation or course of action, or made the legislation or course of action public; and

263 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the

264 Office of Legislative Research and General Counsel is a public document unless a legislator

265 asks that the records requesting the legislation be maintained as protected records until such

266 time as the legislator elects to make the legislation or course of action public;

267 (21) research requests from legislators to the Office of Legislative Research and

268 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared

269 in response to these requests;

270 (22) drafts, unless otherwise classified as public;

271 (23) records concerning a governmental entity's strategy about:

272 (a) collective bargaining; or

273 (b) imminent or pending litigation;

274 (24) records of investigations of loss occurrences and analyses of loss occurrences that

275 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the

276 Uninsured Employers' Fund, or similar divisions in other governmental entities;

277 (25) records, other than personnel evaluations, that contain a personal recommendation

278 concerning an individual if disclosure would constitute a clearly unwarranted invasion of

279 personal privacy, or disclosure is not in the public interest;

280 (26) records that reveal the location of historic, prehistoric, paleontological, or

281 biological resources that if known would jeopardize the security of those resources or of

282 valuable historic, scientific, educational, or cultural information;

283 (27) records of independent state agencies if the disclosure of the records would  
284 conflict with the fiduciary obligations of the agency;

285 (28) records of an institution within the state system of higher education defined in  
286 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,  
287 retention decisions, and promotions, which could be properly discussed in a meeting closed in  
288 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of  
289 the final decisions about tenure, appointments, retention, promotions, or those students  
290 admitted, may not be classified as protected under this section;

291 (29) records of the governor's office, including budget recommendations, legislative  
292 proposals, and policy statements, that if disclosed would reveal the governor's contemplated  
293 policies or contemplated courses of action before the governor has implemented or rejected  
294 those policies or courses of action or made them public;

295 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,  
296 revenue estimates, and fiscal notes of proposed legislation before issuance of the final  
297 recommendations in these areas;

298 (31) records provided by the United States or by a government entity outside the state  
299 that are given to the governmental entity with a requirement that they be managed as protected  
300 records if the providing entity certifies that the record would not be subject to public disclosure  
301 if retained by it;

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

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

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

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

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

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

322 (a) the donor requests anonymity in writing;

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

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

330 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
331 73-18-13;

332 (39) a notification of workers' compensation insurance coverage described in Section  
333 34A-2-205;

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

337 (i) unpublished lecture notes;

338 (ii) unpublished notes, data, and information:  
339 (A) relating to research; and  
340 (B) of:  
341 (I) the institution within the state system of higher education defined in Section  
342 [53B-1-102](#); or  
343 (II) a sponsor of sponsored research;  
344 (iii) unpublished manuscripts;  
345 (iv) creative works in process;  
346 (v) scholarly correspondence; and  
347 (vi) confidential information contained in research proposals;  
348 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public  
349 information required pursuant to Subsection [53B-16-302](#)(2)(a) or (b); and  
350 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;  
351 (41) (a) records in the custody or control of the Office of Legislative Auditor General  
352 that would reveal the name of a particular legislator who requests a legislative audit prior to the  
353 date that audit is completed and made public; and  
354 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
355 Office of the Legislative Auditor General is a public document unless the legislator asks that  
356 the records in the custody or control of the Office of Legislative Auditor General that would  
357 reveal the name of a particular legislator who requests a legislative audit be maintained as  
358 protected records until the audit is completed and made public;  
359 (42) records that provide detail as to the location of an explosive, including a map or  
360 other document that indicates the location of:  
361 (a) a production facility; or  
362 (b) a magazine;  
363 (43) information:  
364 (a) contained in the statewide database of the Division of Aging and Adult Services  
365 created by Section [62A-3-311.1](#); or

366 (b) received or maintained in relation to the Identity Theft Reporting Information  
367 System (IRIS) established under Section [67-5-22](#);

368 (44) information contained in the Management Information System and Licensing  
369 Information System described in Title 62A, Chapter 4a, Child and Family Services;

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

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

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

377 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
378 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or  
379 prepared or maintained by the Division of Emergency Management, and the disclosure of  
380 which would jeopardize:

381 (a) the safety of the general public; or  
382 (b) the security of:

383 (i) governmental property;  
384 (ii) governmental programs; or  
385 (iii) the property of a private person who provides the Division of Emergency  
386 Management information;

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

391 (50) as provided in Section [26-39-501](#):

392 (a) information or records held by the Department of Health related to a complaint  
393 regarding a child care program or residential child care which the department is unable to

394 substantiate; and

395 (b) information or records related to a complaint received by the Department of Health  
396 from an anonymous complainant regarding a child care program or residential child care;

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

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

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

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

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

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

408 (a) conducted within the state system of higher education, as defined in Section  
409 53B-1-102; and

410 (b) conducted using animals;

411 (53) an initial proposal under Title 63N, Chapter 13, Part 2, Government Procurement  
412 Private Proposal Program, to the extent not made public by rules made under that chapter;

413 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance  
414 Evaluation Commission concerning an individual commissioner's vote on whether or not to  
415 recommend that the voters retain a judge including information disclosed under Subsection  
416 78A-12-203(5)(e);

417 (55) information collected and a report prepared by the Judicial Performance  
418 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter  
419 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,  
420 the information or report;

421 (56) records contained in the Management Information System created in Section

422 [62A-4a-1003](#);

423 (57) records provided or received by the Public Lands Policy Coordinating Office in  
424 furtherance of any contract or other agreement made in accordance with Section [63J-4-603](#);

425 (58) information requested by and provided to the 911 Division under Section  
426 [63H-7a-302](#);

427 (59) in accordance with Section [73-10-33](#):

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

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

432 (60) the following records in the custody or control of the Office of Inspector General  
433 of Medicaid Services, created in Section [63A-13-201](#):

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

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

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

449 (d) records that would disclose an outline or part of any investigation, audit survey



450 plan, or audit program; or

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

453 (61) records that reveal methods used by the Office of Inspector General of Medicaid  
454 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or  
455 abuse;

456 (62) information provided to the Department of Health or the Division of Occupational  
457 and Professional Licensing under Subsection 58-68-304(3) or (4);

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

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

461 (65) any record in the custody of the Utah Office for Victims of Crime relating to a  
462 victim, including:

463 (a) a victim's application or request for benefits;

464 (b) a victim's receipt or denial of benefits; and

465 (c) any administrative notes or records made or created for the purpose of, or used to,  
466 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim  
467 Reparations Fund;

468 (66) an audio or video recording created by a body-worn camera, as that term is  
469 defined in Section 77-7a-103, that records sound or images inside a hospital or health care  
470 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care  
471 provider, as that term is defined in Section 78B-3-403, or inside a human service program as  
472 that term is defined in Subsection 62A-2-101(19)(a)(vi), except for recordings that:

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

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

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

478 (d) contain an officer involved critical incident as defined in Subsection  
479 [76-2-408\(1\)\(d\)](#); or  
480 (e) have been requested for reclassification as a public record by a subject or  
481 authorized agent of a subject featured in the recording; [~~and~~]  
482 (67) a record pertaining to the search process for a president of an institution of higher  
483 education described in Section [53B-2-102](#), except for application materials for a publicly  
484 announced finalist[-]; and  
485 (68) a record made available to Adult Protective Services or a law enforcement agency  
486 under Section [61-1-206](#).