



2014 Legislative Report

This article was first published in the [Liberty Reporter: 2014 Summer Newsletter](#)

The 2014 session, January 27 - March 13, was filled with many victories for the ACLU of Utah! Here's a brief summary of some of our successes.

VOTING RIGHTS

HB 156 – Election Day Voter Registration Pilot Program

The ACLU of Utah is thrilled to have been a part of the passage of HB 156 – Election Day Voter Registration Pilot Program. We have been supporting and encouraging legislators to pass Election Day Registration (EDR) since 2006. HB 156 creates a two-year, opt-in pilot program to implement EDR, which allows an individual to register and cast a ballot on Election Day. So far, Davis (population 315K), Salt Lake (population 1.6M) and Weber (population 236K) counties have all expressed interest in participating. Together those counties make up 74% of Utah's total population of 2.9M, who will now have access to EDR! At a time when much of the country is experiencing voter restrictions, it is exciting that we are passing progressive legislation in our state!

FOURTH AMENDMENT

HB 70 – Forcible Entry Amendments

The ACLU of Utah, along with the Libertas Institute and the Utah Association for Criminal Defense Lawyers, worked long and hard this session to place restrictions on how law enforcement may forcibly enter a residence. This work resulted in the passage of HB 70 – Forcible Entry Amendments. HB 70 requires probable cause before law enforcement can forcibly enter for reasons of preventing evidence destruction. The law additionally requires that only that force which is reasonable and necessary be used. Officers must verify location of the residence in question prior to forcibly entering. While this legislation is but a first step, we will work with legislators to do more to address the growing trend of police militarization in upcoming legislative sessions. In order to build on this momentum, we co-hosted a forum for lawmakers and the public on this very topic on June 17th, with the following featured speakers: Utah Attorney General Sean Reyes, Salt Lake County District Attorney Sim Gill, Utah Sheriff's Association president, Sheriff Tracy, former SWAT commander Chris Gephardt, and Kara Dansky, Senior Counsel with the ACLU.

HB 185 – Law Enforcement Transparency

Again working with partners, the ACLU of Utah worked to pass HB 185, which requires law enforcement to produce reports whenever forcible entry occurs or SWAT teams are deployed. The law requires that 16 different data points be collected and reported on an annual basis to the legislature. Utah is now the second state in the nation to pass legislation requiring this type of law enforcement transparency!

HB 128 – Electronic Device Location Amendments

With the passage of this bill, Utah became the first state in the nation to enact legislation simultaneously protecting location information and electronic communications content, regardless of age, from government access—ensuring that state and local law enforcement can only access that sensitive information when there is good reason to believe that it will reveal evidence of a crime, or in true emergencies. HB 128 also mandates that law enforcement delete data that doesn't pertain to a warrant, and that notification be provided to an individual if his or her information was obtained.

SB 167 – Regulation of Drones

With the enactment of SB 167, Utah joins the growing list of states that are requiring law enforcement to obtain a warrant before using a drone or obtaining information from a drone, except in limited circumstances. Utah has actively sought out drone development in the research and development sphere, recognizing that this technology can provide important benefits. Placing restrictions on law enforcement use of drones in order to protect our privacy will help reassure Utahns as drones become increasingly visible.

SB 46 – Administrative Subpoena Modifications

The ACLU of Utah has long voiced concern over the use of administrative subpoenas, which allow law enforcement to obtain information about people with no judicial oversight. Administrative subpoenas are typically served on a subject (usually a telecommunications provider) by law enforcement directly, along with a gag order, so that the target of the subpoena is not alerted. With the passage of this bill, law enforcement must first obtain a court order.

2014 Utah General Legislative Session

Check out the many issues and bills that the ACLU of Utah tracked, and engaged on, during the [2014 Legislative Session](#).