

**LAW ENFORCEMENT USE OF BIOMETRIC INFORMATION**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Adam Robertson**

Senate Sponsor: \_\_\_\_\_

---

**LONG TITLE****General Description:**

This bill creates requirements related to law enforcement's authority to compel the use of biometric information to access an electronic device.

**Highlighted Provisions:**

This bill:

- defines terms; and
- provides that an individual may refuse to provide the individual's biometric information to a requesting law enforcement officer for purposes of unlocking the individual's electronic device, unless the law enforcement officer has a warrant.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**77-23-214**, Utah Code Annotated 1953

---

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

Section 1. Section **77-23-214** is enacted to read:

**77-23-214. Use of biometric security information to access an electronic device.**



(1) As used in this section:

(a) "Biometric security" means facial recognition, iris recognition, fingerprint scanning, voice recognition, hand geometry, or any other method of using physical characteristics to authenticate an individual's identity to secure the individual's electronic device.

(b) "Electronic device" means a computer, tablet, cell phone, or any other similar personal device.

(c) "Law enforcement officer" means the same as that term is defined in Section [53-13-103](#).

(d) "Unlock" means to provide access to the contents of an electronic device using:

(i) an alphanumeric or other form of passcode; or

(ii) biometric security.

(2) An individual may refuse to unlock, or otherwise provide access to the contents of an electronic device at the request of a law enforcement officer, unless the law enforcement officer obtains a search warrant in accordance with Subsection (3).

(3) (a) A court may issue a search warrant, in accordance with Utah Rules of Criminal Procedure, Rule 40, to compel an individual to unlock the individual's electronic device and allow a law enforcement officer to search specified contents of the electronic device if a law enforcement officer demonstrates, through affidavit, that the officer has probable cause to believe the electronic device:

(i) is owned by the individual; and

(ii) contains:

(A) evidence of a crime; or

(B) information that, if discovered by law enforcement, is likely to prevent serious harm to an individual.

(b) The warrant described in Subsection (3)(a) shall specify the files and applications that the law enforcement officer is authorized to search after the individual who owns the electronic device unlocks the electronic device.