Effective 7/1/2026

77-38-502 Definitions.

As used in this part:

(1) "Certifying entity" means any of the following:

(a) a law enforcement agency, as defined in Section 77-7a-103;

(b) a prosecutor, as defined in Section 77-22-4.5;

(c) a court described in Section 78A-1-101;

(d) any other authority that has responsibility for the detection, investigation, or prosecution of a qualifying crime or criminal activity; and

(e) an agency that has criminal detection or investigative jurisdiction in the agency's respective areas of expertise, including:

(i) the Division of Child and Family Services; and

(ii) the Labor Commission.

(2) "Certifying official" means:

(a) the head of the certifying entity;

(b) a person in a supervisory role who has been specifically designated by the head of the certifying entity to issue Form I-918 Supplement B certifications on behalf of that agency;

(c) a judge; or

(d) any other certifying official defined under 8 C.F.R. Sec. 214.14.

(3) "Department" means the Department of Criminal Justice created in Section 75E-2-102.

(4)

(a) "Qualifying criminal activity" means the same as that term is defined in 8 C.F.R. Sec. 214.14.

(b) "Qualifying criminal activity" includes criminal offenses for which the nature and elements of the offenses are substantially similar to the criminal activity described in Subsection (4)(a), and the attempt, conspiracy, or solicitation to commit any of those offenses.

Amended by Chapter 291, 2026 General Session

Effective 7/1/2026

77-38-503 Guidelines for prosecutors.

(1) Upon the request of the victim or victim's family member, a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918 Supplement B certification, if the certifying entity determines the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity.

(2) A certifying entity shall determine helpfulness as described in Subsection (1) in a manner consistent with federal guidelines.

(3) A certifying entity shall process a Form I-918 Supplement B certification within 90 days of request, unless the noncitizen is in removal proceedings, in which case the certification shall be processed within 14 days of request.

(4) A current investigation, the filing of charges, a prosecution, or a conviction are not required for the victim to request the Form I-918 Supplement B certification from a certifying official.

(5) A certifying official may withdraw a Form I-918 Supplement B certification if:

(a) the victim refuses to provide information and assistance when reasonably requested; or

(b) the certifying entity determines that the individual is not a victim of a qualifying criminal activity.

(6) A certifying entity is prohibited from disclosing the immigration status of a victim or person requesting the Form I-918 Supplement B certification, except to comply with federal law, or if authorized by the victim or person requesting the Form I-918 Supplement B certification.

(7)

(a) Each certifying entity shall maintain records of the following information related to each request for a Form I-918 Supplement B certification:

(i) the number of victims that requested Form I-918 Supplement B certifications from the entity;

(ii) the number of those Form I-918 Supplement B certifications that were signed; and

(iii) the number of Form I-918 Supplement B certifications that were denied.

(b) Each certifying entity shall report the information described in Subsection (7)(a) to the department before June 30, 2021, and each year thereafter.

(c) The department shall report the information received in accordance with Subsection (7)(b) to the Judiciary Interim Committee of the Legislature on or before November 30 of each year.

(8)

(a) A certifying entity may not disclose personal identifying information, or information regarding the citizenship or immigration status of any victim of criminal activity or trafficking who is requesting a certification unless:

(i) required to do so by applicable state or federal law or court order; or

(ii) the certifying agency has written authorization from:

(A) the victim; or

(B) if the victim is a minor or is otherwise not legally competent, from the victim's parent or guardian.

(b) Subsection (8)(a) does not modify legal obligations of a prosecutor or law enforcement to disclose information and evidence to a defendant.

Amended by Chapter 291, 2026 General Session

Effective 5/10/2016

77-7a-103 Definitions.

(1)

(a) "Body-worn camera" means a video recording device that is carried by, or worn on the body of, a law enforcement officer and that is capable of recording the operations of the officer.

(b) "Body-worn camera" does not include a dashboard mounted camera or a camera intended to record clandestine investigation activities.

(2) "Law enforcement agency" means any public agency having general police power and charged with making arrests in connection with enforcement of the criminal statutes and ordinances of this state or any political subdivision.

(3) "Law enforcement encounter" means:

(a) an enforcement stop;

(b) a dispatched call;

(c) a field interrogation or interview;

(d) use of force;

(e) execution of a warrant;

(f) a traffic stop, including:

(i) a traffic violation;

(ii) stranded motorist assistance; and

(iii) any crime interdiction stop; or

(g) any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Enacted by Chapter 410, 2016 General Session

Effective 5/7/2025

77-22-4.5 Prosecutorial authority to compromise an offense regarding a witness.

(1) As used in this section, "prosecutor" includes the state attorney general and any assistant, a district attorney and any deputy, a county attorney and any deputy, and a municipal prosecutor and any deputy.

(2) This chapter does not prohibit or limit the authority of a prosecutor to divert, reduce, or compromise any criminal charge against a witness or other party when the witness voluntarily enters into an agreement to provide testimony or other evidence against himself or herself or another accused in consideration for the diversion, reduction, or compromise if:

(a) the prosecutor holds authority to prosecute the offense against the witness or other party; and

(b) the complete agreement with the witness is in writing and a copy of the agreement is given to the witness.

(3) Any agreement under Subsection (2) is subject to discovery by counsel for the accused in any prosecution in which the witness with whom the agreement is made has agreed to testify.

Amended by Chapter 302, 2025 General Session

Effective 3/13/2026

78A-1-101 Courts of this state -- Courts of record.

(1) The following are the courts of this state:
  (a) the Supreme Court;
  (b) the Court of Appeals;
  (c) the Business and Chancery Court;
  (d) the Constitutional Court if Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102;
  (e) the district courts;
  (f) the juvenile courts; and
  (g) the justice courts.

(2) All courts are courts of record, except the justice courts, which are courts not of record.

Amended by Chapter 38, 2026 General Session