

Todd Weiler proposes the following substitute bill:

**Digital Information Seizure Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor:

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**LONG TITLE**

**General Description:**

This bill concerns digital information contained on a computer device seized by law enforcement.

**Highlighted Provisions:**

This bill:

- modifies definitions;
- requires a law enforcement agency or prosecuting agency to make a copy of stored digital data on a seized computer device and return the computer device to the owner or the owner's authorized representative within a certain time frame under specified conditions;
- prohibits a law enforcement agency or prosecuting agency from conditioning the return of a seized computer device on the owner consenting to a search of the computer device or providing the owner's password or otherwise unlocking the computer device; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 77-11a-101**, as last amended by Laws of Utah 2024, Chapter 80
  - 77-11a-301**, as last amended by Laws of Utah 2024, Chapter 80
  - 77-11c-101**, as last amended by Laws of Utah 2024, Chapter 234
  - 77-11c-202**, as last amended by Laws of Utah 2024, Chapters 150, 164
  - 77-11c-302**, as enacted by Laws of Utah 2024, Chapter 150
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29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **77-11a-101** is amended to read:

31 **77-11a-101 . Definitions.**

32 As used in this chapter:

33 (1)(a) "Agency" means an agency of this state or a political subdivision of this state.

34 (b) "Agency" includes a law enforcement agency or a multijurisdictional task force.

35 (2) "Claimant" means:

36 (a) an owner of property;

37 (b) an interest holder; or

38 (c) an individual or entity who asserts a claim to any property for which an agency seeks  
39 to forfeit.

40 (3)(a) "Computer device" means, except as provided in Subsection (3)(c), an electronic,  
41 magnetic, optical, electrochemical, or other high-speed data processing device that  
42 performs logical, arithmetic, and storage functions.

43 (b) "Computer device" includes any device that is used for the storage of digital or  
44 electronic files, flash memory, software, or other electronic information.

45 (c) "Computer device" does not [~~mean~~] include:

46 (i) a computer server of an Internet or electronic service provider, or the service  
47 provider's employee, if used to comply with the requirements under 18 U.S.C.  
48 Sec. 2258A[~~;~~] ; or

49 (ii) a device used for the purpose of taking protected wildlife regulated under Title  
50 23A, Wildlife Resources Act, including a trail camera, unmanned aircraft, drone,  
51 or a similar device that is capable of recording data.

52 (4)(a) "Contraband" means any property, item, or substance that is unlawful to produce  
53 or to possess under state or federal law.

54 (b) "Contraband" includes:

55 (i) a controlled substance that is possessed, transferred, distributed, or offered for  
56 distribution in violation of Title 58, Chapter 37, Utah Controlled Substances Act;  
57 or

58 (ii) a computer device that:

59 (A) contains or houses child sexual abuse material, or is used to create, download,  
60 transfer, upload to a storage account, or store any electronic or digital files  
61 containing child sexual abuse material; or

62 (B) contains the personal identifying information of another individual, as defined

63 in Section 76-6-1101, whether that individual is alive or deceased, and the  
64 personal identifying information has been used to create false or fraudulent  
65 identification documents or financial transaction cards in violation of Title 76,  
66 Chapter 6, Part 5, Fraud.

67 (5) "Controlled substance" means the same as that term is defined in Section 58-37-2.

68 (6) "Court" means a municipal, county, or state court.

69 (7) "Division of Law Enforcement" means the division within the Department of Natural  
70 Resources created under Title 79, Chapter 2, Part 7, Division of Law Enforcement.

71 (8) "Evidence" means the same as that term is defined in Section 77-11c-101.

72 (9) "Forfeit" means to divest a claimant of an ownership interest in property seized by a  
73 peace officer or agency.

74 (10) "Innocent owner" means a claimant who:

75 (a) held an ownership interest in property at the time of the commission of an offense  
76 subjecting the property to seizure, and:

77 (i) did not have actual knowledge of the offense subjecting the property to seizure; or

78 (ii) upon learning of the commission of the offense, took reasonable steps to prohibit  
79 the use of the property in the commission of the offense; or

80 (b) acquired an ownership interest in the property and had no knowledge that the  
81 commission of the offense subjecting the property to seizure had occurred or that the  
82 property had been seized, and:

83 (i) acquired the property in a bona fide transaction for value;

84 (ii) was an individual, including a minor child, who acquired an interest in the  
85 property through probate or inheritance; or

86 (iii) was a spouse who acquired an interest in property through dissolution of  
87 marriage or by operation of law.

88 (11)(a) "Interest holder" means a secured party as defined in Section 70A-9a-102, a  
89 party with a right-of-offset, a mortgagee, lien creditor, or the beneficiary of a security  
90 interest or encumbrance pertaining to an interest in property, whose interest would be  
91 perfected against a good faith purchaser for value.

92 (b) "Interest holder" does not mean a person:

93 (i) who holds property for the benefit of or as an agent or nominee for another  
94 person; or

95 (ii) who is not in substantial compliance with any statute requiring an interest in  
96 property to be:

- 97 (A) recorded or reflected in public records in order to perfect the interest against a
- 98 good faith purchaser for value; or
- 99 (B) held in control by a secured party, as defined in Section 70A-9a-102, in
- 100 accordance with Section 70A-9a-314 in order to perfect the interest against a
- 101 good faith purchaser for value.
- 102 (12) "Law enforcement agency" means:
- 103 (a) a municipal, county, state institution of higher education, or state police force or
- 104 department;
- 105 (b) a sheriff's office; or
- 106 (c) a municipal, county, or state prosecuting authority.
- 107 (13) "Legislative body" means:
- 108 (a)(i) the Legislature, county commission, county council, city commission, city
- 109 council, or town council that has fiscal oversight and budgetary approval authority
- 110 over an agency; or
- 111 (ii) the agency's governing political subdivision; or
- 112 (b) the lead governmental entity of a multijurisdictional task force, as designated in a
- 113 memorandum of understanding executed by the agencies participating in the task
- 114 force.
- 115 (14) "Multijurisdictional task force" means a law enforcement task force or other agency
- 116 comprised of individuals who are employed by or acting under the authority of different
- 117 governmental entities, including federal, state, county, or municipal governments, or any
- 118 combination of federal, state, county, or municipal agencies.
- 119 (15) "Owner" means an individual or entity, other than an interest holder, that possesses a
- 120 bona fide legal or equitable interest in property.
- 121 (16) "Pawn or secondhand business" means the same as that term is defined in Section
- 122 13-32a-102.
- 123 (17) "Peace officer" means an employee:
- 124 (a) of an agency;
- 125 (b) whose duties consist primarily of the prevention and detection of violations of laws
- 126 of this state or a political subdivision of this state; and
- 127 (c) who is authorized by the agency to seize property.
- 128 (18)(a) "Proceeds" means:
- 129 (i) property of any kind that is obtained directly or indirectly as a result of the
- 130 commission of an offense; or

- 131 (ii) any property acquired directly or indirectly from, produced through, realized  
132 through, or caused by an act or omission regarding property under Subsection  
133 (18)(a)(i).
- 134 (b) "Proceeds" includes any property of any kind without reduction for expenses  
135 incurred in the acquisition, maintenance, or production of that property, or any other  
136 purpose regarding property under Subsection (18)(a)(i).
- 137 (c) "Proceeds" is not limited to the net gain or profit realized from the offense that  
138 subjects the property to seizure.
- 139 (19)(a) "Property" means all property, whether real or personal, tangible or intangible.
- 140 (b) "Property" does not include contraband.
- 141 (20) "Prosecuting attorney" means:
- 142 (a) the attorney general and an assistant attorney general;  
143 (b) a district attorney or deputy district attorney;  
144 (c) a county attorney or assistant county attorney; and  
145 (d) an attorney authorized to commence an action on behalf of the state.
- 146 (21) "Public interest use" means a:
- 147 (a) use by a government agency as determined by the legislative body of the agency's  
148 jurisdiction; or  
149 (b) donation of the property to a nonprofit charity registered with the state.
- 150 (22) "Real property" means land, including any building, fixture, improvement,  
151 appurtenance, structure, or other development that is affixed permanently to land.
- 152 (23)(a) "Seized property" means property seized by a peace officer or agency in  
153 accordance with Section 77-11a-201.
- 154 (b) "Seized property" includes property that the agency seeks to forfeit under Chapter  
155 11b, Forfeiture of Seized Property.
- 156 Section 2. Section **77-11a-301** is amended to read:
- 157 **77-11a-301 . Return of seized property to claimant -- Generally -- Special**  
158 **procedure for noncontraband computer device.**
- 159 (1)(a) An agency with custody of seized property, or the prosecuting attorney, may  
160 return the property to a claimant if the agency or the prosecuting attorney:
- 161 (i) determines that the agency does not need to retain or preserve the property as  
162 evidence under Chapter 11c, Retention of Evidence; or  
163 (ii) seeks to return the property to the claimant because the agency or prosecuting  
164 attorney determines that the claimant is an innocent owner or an interest holder.

- 165 (b) An agency with custody of seized property, or the prosecuting attorney, may not  
166 return property under this Subsection (1) if the property is subject to retention or  
167 preservation under Chapter 11c, Retention of Evidence.
- 168 (2) An agency with custody of the seized property, or the prosecuting attorney, shall return  
169 the property to a claimant if:
- 170 (a) the claimant posts a surety bond or cash with the court in accordance with Section  
171 77-11a-302;
- 172 (b) the court orders the return of property to the claimant for hardship purposes under  
173 Section 77-11a-303;
- 174 (c) a claimant establishes that the claimant is an innocent owner or an interest holder  
175 under Section 77-11a-304;~~[or]~~
- 176 (d) the court orders property retained as evidence to be returned to the claimant under  
177 Section 77-11a-305~~[.]~~ ; or
- 178 (e) the property is a computer device that is not alleged to be contraband, under the  
179 procedure described in Subsection (4).
- 180 (3)(a) For a computer device determined to be contraband, a court may order the  
181 reasonable extraction and return of specifically described personal digital data to the  
182 owner of the computer device.
- 183 (b) The agency shall determine a reasonable cost to extract the data.
- 184 (c) At the time of the request to extract the data, the owner of the computer device shall  
185 pay the agency the cost to extract the data.
- 186 (4)(a) For a computer device that is not alleged to be contraband and that the law  
187 enforcement agency or prosecuting agency alleges may contain evidence in the form  
188 of digital information stored on the computer device, the law enforcement agency or  
189 prosecuting agency with possession of the computer device shall:
- 190 (i) if possible, make a reasonable effort to determine the owner of the computer  
191 device, including before seizing the computer device;
- 192 (ii) make a digital copy, clone, or other reproduction of the digital information stored  
193 on the computer device within 72 hours of the seizure of the computer device;
- 194 (iii) notify the owner of the computer device of the location where the computer  
195 device will be available for retrieval during regular business hours; and
- 196 (iv) make the computer device available for the owner or the owner's authorized  
197 representative to retrieve on the first business day after the day on which the  
198 digital copy of the computer device described in Subsection (4)(a)(ii) is made.

- 199 (b)(i) Either the owner or the owner's authorized representative may pick up a seized  
200 computer device under Subsection (4)(a).
- 201 (ii) When returning a seized computer device to the owner, a law enforcement agency  
202 or prosecuting agency shall follow the procedures described in Subsection (7).
- 203 (iii) When returning a seized computer device to the owner's authorized  
204 representative, a law enforcement agency or prosecuting agency shall:
- 205 (A) confirm the authorized representative's identity with a government-issued  
206 identification;
- 207 (B) require the authorized representative to provide either a valid power of  
208 attorney that identifies the authorized representative as having the authority to  
209 act on behalf of the owner, or a notarized statement signed by the owner that  
210 identifies the authorized representative as having the authority to take  
211 possession of the computer device; and
- 212 (C) comply with the receipt provisions described in Subsections (7)(c) and (d),  
213 using the authorized representative in the place of the owner.
- 214 (c) A law enforcement agency or prosecuting agency may not condition the return of the  
215 computer device:
- 216 (i) on the owner providing the owner's password or otherwise unlocking, accessing,  
217 or de-encrypting the computer device; or
- 218 (ii) on the owner consenting to a search of the digital contents of the computer device.
- 219 (d) Digital information obtained from a computer device under Subsection (4)(a)(ii)  
220 remains subject to warrant requirements and evidentiary procedures.
- 221 (5) If a natural resources officer for the Division of Law Enforcement seizes a vehicle, the  
222 Division of Law Enforcement shall return the vehicle to a claimant in accordance with  
223 Section 23A-5-201.
- 224 [~~5~~] (6) If an agency is not required, or is no longer required, to retain or preserve property  
225 as evidence under Chapter 11c, Retention of Evidence, and the agency seeks to return or  
226 dispose of the property, the agency shall exercise due diligence in attempting to notify  
227 the claimant of the property to advise the claimant that the property is to be returned.
- 228 [~~6~~] (7)(a) Before an agency may return seized property to a person claiming ownership  
229 of the property, the person shall establish that the person:
- 230 (i) is the owner of the property; and
- 231 (ii) may lawfully possess the property.
- 232 (b) The person shall establish ownership under Subsection [~~6~~](a) (7)(a) by providing to

- 233 the agency:
- 234 (i) identifying proof or documentation of ownership of the property; or
- 235 (ii) a notarized statement if proof or documentation is not available.
- 236 (c) When seized property is returned to the owner, the owner shall sign a receipt listing
- 237 in detail the property that is returned.
- 238 (d) The agency shall:
- 239 (i) retain a copy of the receipt; and
- 240 (ii) provide a copy of the receipt to the owner.
- 241 Section 3. Section **77-11c-101** is amended to read:
- 242 **77-11c-101 . Definitions.**
- 243 As used in this chapter:
- 244 (1) "Acquitted" means the same as that term is defined in Section 77-11b-101.
- 245 (2) "Adjudicated" means that:
- 246 (a)(i) a judgment of conviction by plea or verdict of an offense has been entered by a
- 247 court; and
- 248 (ii) a sentence has been imposed by the court; or
- 249 (b) a judgment has been entered for an adjudication of an offense by a juvenile court
- 250 under Section 80-6-701.
- 251 (3) "Adjudication" means:
- 252 (a) a judgment of conviction by plea or verdict of an offense; or
- 253 (b) an adjudication for an offense by a juvenile court under Section 80-6-701.
- 254 (4) "Agency" means the same as that term is defined in Section 77-11a-101.
- 255 (5) "Appellate court" means the Utah Court of Appeals, the Utah Supreme Court, or the
- 256 United States Supreme Court.
- 257 (6)(a) "Biological evidence" means an item that contains blood, semen, hair, saliva,
- 258 epithelial cells, latent fingerprint evidence that may contain biological material
- 259 suitable for DNA testing, or other identifiable human biological material that:
- 260 (i) is collected as part of an investigation or prosecution of a violent felony offense;
- 261 and
- 262 (ii) may reasonably be used to incriminate or exculpate a person for the violent
- 263 felony offense.
- 264 (b) "Biological evidence" includes:
- 265 (i) material that is catalogued separately, including:
- 266 (A) on a slide or swab; or



- 267 (B) inside a test tube, if the evidentiary sample that previously was inside the test  
268 tube has been consumed by testing;
- 269 (ii) material that is present on other evidence, including clothing, a ligature, bedding,  
270 a drinking cup, a cigarette, or a weapon, from which a DNA profile may be  
271 obtained;
- 272 (iii) the contents of a sexual assault kit; and
- 273 (iv) for a violent felony offense, material described in this Subsection (6) that is in  
274 the custody of an evidence collecting or retaining entity on May 4, 2022.
- 275 (7) "Claimant" means the same as that term is defined in Section 77-11a-101.
- 276 (8) "Computer device" means the same as that term is defined in Section 77-11a-101.
- 277 (9) "Continuous chain of custody" means:
- 278 (a) for a law enforcement agency or a court, that legal standards regarding a continuous  
279 chain of custody are maintained; and
- 280 (b) for an entity that is not a law enforcement agency or a court, that the entity maintains  
281 a record in accordance with legal standards required of the entity.
- 282 (10) "Contraband" means the same as that term is defined in Section 77-11a-101.
- 283 (11) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 284 (12) "Court" means a municipal, county, or state court.
- 285 (13) "DNA" means deoxyribonucleic acid.
- 286 (14) "DNA profile" means a unique identifier of an individual derived from DNA.
- 287 (15) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.
- 288 (16) "Evidence" means property, contraband, or an item or substance that:
- 289 (a) is seized or collected as part of an investigation or prosecution of an offense; and  
290 (b) may reasonably be used to incriminate or exculpate an individual for an offense.
- 291 (17)(a) "Evidence collecting or retaining entity" means an entity within the state that  
292 collects, stores, or retrieves biological evidence.
- 293 (b) "Evidence collecting or retaining entity" includes:
- 294 (i) a medical or forensic entity;
- 295 (ii) a law enforcement agency;
- 296 (iii) a court; and
- 297 (iv) an official, employee, or agent of an entity or agency described in this Subsection  
298 (17).
- 299 [(+) (c) "Evidence collecting or retaining entity" does not include a collecting facility  
300 defined in Section 53-10-902.

- 301 (18) "Exhibit" means property, contraband, or an item or substance that is admitted into  
302 evidence for a court proceeding.
- 303 (19) "In custody" means an individual who:  
304 (a) is incarcerated, civilly committed, on parole, or on probation; or  
305 (b) is required to register under Title 77, Chapter 41, Sex, Kidnap, and Child Abuse  
306 Offender Registry.
- 307 (20) "Law enforcement agency" means the same as that term is defined in Section  
308 77-11a-101.
- 309 (21) "Medical or forensic entity" means a private or public hospital, medical facility, or  
310 other entity that secures biological evidence or conducts forensic examinations related to  
311 criminal investigations.
- 312 (22) "Physical evidence" includes evidence that:  
313 (a) is related to:  
314 (i) an investigation;  
315 (ii) an arrest; or  
316 (iii) a prosecution that resulted in a judgment of conviction; and  
317 (b) is in the actual or constructive possession of a law enforcement agency or a court or  
318 an agent of a law enforcement agency or a court.
- 319 (23) "Property" means the same as that term is defined in Section 77-11a-101.
- 320 (24) "Prosecuting attorney" means the same as that term is defined in Section 77-11a-101.
- 321 (25) "Sexual assault kit" means the same as that term is defined in Section 53-10-902.
- 322 (26) "Victim" means the same as that term is defined in Section 53-10-902.
- 323 (27) "Violent felony offense" means the same as the term "violent felony" is defined in  
324 Section 76-3-203.5.
- 325 (28) "Wildlife" means the same as that term is defined in Section 23A-1-101.
- 326 Section 4. Section **77-11c-202** is amended to read:  
327 **77-11c-202 . Requirements for not retaining evidence of a misdemeanor offense --**  
328 **Preservation of sufficient evidence.**
- 329 (1) An agency is not required to retain evidence of a misdemeanor offense under Section  
330 77-11c-201 if:  
331 (a)(i) the agency determines that:  
332 (A) the size, bulk, or physical character of the evidence renders retention  
333 impracticable; or  
334 (B) the evidence poses a security or safety problem for the agency;

- 335 (ii) the agency preserves sufficient evidence of the property, contraband, item, or  
336 substance for use as evidence in a prosecution of the offense;
- 337 (iii) the agency sends a written request under Subsection 77-11c-203(1) to the  
338 prosecuting attorney for permission to return or dispose of the evidence; and
- 339 (iv) the prosecuting attorney grants the agency's written request in accordance with  
340 Section 77-11c-203;
- 341 (b) a court orders the agency to return evidence that is property to a claimant under  
342 Section 77-11a-305; or
- 343 (c) the evidence is wildlife or parts of wildlife.
- 344 (2) Notwithstanding Subsection (1), the agency may not dispose of evidence of a  
345 misdemeanor offense that is a sexual assault kit before the day on which the time period  
346 described in Section 77-11c-201 expires if:
- 347 (a) the agency sends a notice to the victim as described in Section 53-10-905; and
- 348 (b) the victim submits a written request for retention of the evidence within the 180-day  
349 period described in Section 53-10-905.
- 350 (3)(a) Subsection (1) does not require an agency to return or dispose of evidence of a  
351 misdemeanor offense.
- 352 (b) Subsection (1)(a) does not apply when the return or disposal of evidence of a  
353 misdemeanor offense is in compliance with a memorandum of understanding  
354 between the agency and the prosecuting attorney.
- 355 (4) If the evidence described in Subsection (1) is a controlled substance, an agency shall  
356 preserve sufficient evidence under Subsection (1)(a)(ii) of the controlled substance by:
- 357 (a) collecting and preserving a sample of the controlled substance for independent  
358 testing and use as evidence;
- 359 (b) taking a photographic or video record of the controlled substance with identifying  
360 case numbers;
- 361 (c) maintaining a written report of a chemical analysis of the controlled substance if a  
362 chemical analysis was performed by the agency; and
- 363 (d) if the controlled substance exceeds 10 pounds, retain at least one pound of the  
364 controlled substance that is randomly selected from the controlled substance.
- 365 (5) If the evidence described in Subsection (1) is drug paraphernalia, an agency shall  
366 preserve sufficient evidence under Subsection (1)(a)(ii) of the drug paraphernalia by:
- 367 (a) collecting and preserving a sample of the controlled substance from the drug  
368 paraphernalia for independent testing and use as evidence;

- 369 (b) maintaining a written report of a chemical analysis of the drug paraphernalia if a  
370 chemical analysis was performed by the agency; and  
371 (c) taking a photographic or video record of the drug paraphernalia with identifying case  
372 numbers.
- 373 (6) If the evidence described in Subsection (1) is a computer device, the agency shall  
374 preserve sufficient evidence under Subsection (1)(a)(ii) of the computer device by:  
375 (a) extracting all data from the computer device that would be evidence in a prosecution  
376 of an individual for the offense; and  
377 (b) taking a photographic or video record of the computer device with identifying case  
378 numbers.
- 379 (7) For any other type of evidence, the agency shall preserve sufficient evidence under  
380 Subsection (1)(a)(ii) of the property, contraband, item, or substance by taking a  
381 photographic or video record of the property, contraband, item, or substance with  
382 identifying case numbers.

383 Section 5. Section **77-11c-302** is amended to read:

384 **77-11c-302 . Requirements for not retaining evidence of felony offense --**

385 **Preservation of sufficient evidence.**

- 386 (1) An agency is not required to retain evidence of a felony offense under Section  
387 77-11c-301 if:  
388 (a)(i) the agency determines that:  
389 (A) the size, bulk, or physical character of the evidence renders retention  
390 impracticable or the evidence poses a security or safety problem for the  
391 agency; and  
392 (B) the evidence no longer has any significant evidentiary value;  
393 (ii) the agency preserves sufficient evidence from the property, contraband, item, or  
394 substance for use as evidence in a prosecution of the offense; and  
395 (iii) a prosecuting attorney or a court authorizes the agency to return or dispose of the  
396 evidence as described in Subsection 77-11c-303;  
397 (b) a court orders the agency to return evidence that is property to a claimant under  
398 Section 77-11a-305; or  
399 (c) the evidence is wildlife or parts of wildlife.
- 400 (2) Notwithstanding Subsection (1), the agency may not dispose of evidence of a felony  
401 offense that is a sexual assault kit before the day on which the time period described in  
402 Section 77-11c-301 expires if:

- 403 (a) the agency sends a notice to the victim in accordance with Section 53-10-905; and  
404 (b) the victim submits a written request for retention of the evidence within the 180-day  
405 period described in Section 53-10-905.
- 406 (3) Subsection (1) does not require an agency to return or dispose of evidence of a felony  
407 offense.
- 408 (4) Subsection (1) does not apply to biological evidence of a violent felony offense because  
409 an agency is required to retain biological evidence of a violent felony offense as  
410 described in Part 4, Preservation of Biological Evidence for Violent Felony Offenses.
- 411 (5) If the evidence described in Subsection (1) is a controlled substance, an agency shall  
412 preserve sufficient evidence under Subsection (1)(a)(ii) of the controlled substance by:  
413 (a) collecting and preserving a sample of the controlled substance for independent  
414 testing and use as evidence;  
415 (b) taking a photographic or video record of the controlled substance with identifying  
416 case numbers;  
417 (c) maintaining a written report of a chemical analysis of the controlled substance if a  
418 chemical analysis was performed by the agency;  
419 (d) if the controlled substance exceeds 10 pounds, retaining at least one pound of the  
420 controlled substance that is randomly selected from the controlled substance; and  
421 (e) for a violent felony offense, collecting and preserving biological evidence from the  
422 controlled substance as described in Section 77-11c-401.
- 423 (6) If the evidence described in Subsection (1) is drug paraphernalia, an agency shall  
424 preserve sufficient evidence under Subsection (1)(a)(ii) of the drug paraphernalia by:  
425 (a) collecting and preserving a sample of the controlled substance from the drug  
426 paraphernalia for independent testing and use as evidence;  
427 (b) maintaining a written report of a chemical analysis of the drug paraphernalia if a  
428 chemical analysis was performed by the agency;  
429 (c) taking a photographic or video record of the drug paraphernalia with identifying case  
430 numbers; and  
431 (d) for a violent felony offense, collecting and preserving biological evidence from the  
432 drug paraphernalia as described in Section 77-11c-401.
- 433 (7) If the evidence described in Subsection (1) is a computer device, the agency shall  
434 preserve sufficient evidence under Subsection (1)(a)(ii) of the computer device by:  
435 (a) extracting all data from the computer device that would be evidence in a prosecution  
436 of an individual for the offense;

437 (b) taking a photographic or video record of the computer device with identifying case  
438 numbers; and

439 (c) for a violent felony offense, collecting and preserving biological evidence from the  
440 computer device as described in Section 77-11c-401.

441 (8) For any other type of evidence, the agency shall preserve sufficient evidence under  
442 Subsection (1)(a)(ii) of the property, contraband, item, or substance by:

443 (a) taking a photographic or video record of the property, contraband, item, or substance  
444 with identifying case numbers; and

445 (b) for a violent felony offense, collecting and preserving biological evidence as  
446 described in Section 77-11c-401.

447 Section 6. **Effective Date.**

448 This bill takes effect on May 7, 2025.