

**Senate Judiciary, Law Enforcement, and Criminal Justice Committee**  
02/20/2026

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**Bill: 1st substitute SB 259 - Evidence Declaration Amendments**

Sponsor: Senator Weiler

Floor Sponsor:

**UASD Position: Track**

This Bill requires a signed statement regarding evidence collected in a criminal case for a felony offense

Discussion: The sponsor presented the 1st substitute, which was adopted by the Committee. The Committee adopted a verbal amendment on line 43, changing the Class A misdemeanor to a Class C misdemeanor. The sponsor explained that the Bill requires an employee of the State Auditor's Office or employee of a prosecuting agency to sign a statement affirming that evidence of a felony offense was obtained or provided in compliance with state and federal law. The Bill also requires a prosecuting attorney to sign a statement regarding evidentiary disclosures in a felony criminal case.

Senator Brammer expressed concern that when an existing law is violated, the response should not be to make the conduct "super illegal" by layering additional criminal penalties on top of current law. He questioned why new statutory requirements are necessary instead of addressing improper conduct through existing remedies. The sponsor responded that, in some instances, violations of evidentiary rules have occurred without meaningful consequences. He believes that additional statutory requirements are necessary to ensure accountability. While acknowledging that the vast majority of prosecutors act in good faith, the sponsor argued that there are currently insufficient consequences for prosecutors who use illegally obtained evidence. The intent of this Bill is to address that gap.

Senator Musselman asked whether failure to sign the required statement could itself constitute a misdemeanor if someone simply forgot. The sponsor pointed to lines 46–47 of the Bill, explaining that there is no specific timing element attached to the signature requirement. If an omission is brought to an individual's attention, it may be corrected. The sponsor clarified that consequences would only arise if a person signed the statement, and the statement is knowingly untrue.

The Utah Attorney General's Office spoke in opposition, characterizing the Bill as an overcorrection with an overly broad scope. The Office expressed concern that the measure effectively criminalizes aspects of the discovery process, noted that there are already institutional safeguards in place to police misconduct, and stated that the Bill lacks a clear mens rea requirement. The Office further argued that the proposal unnecessarily penalizes prosecutors. The Statewide Association of Prosecutors also spoke in opposition, echoing concerns raised by the Attorney General's Office. The Chief of Investigations within the Attorney General's Office expressed opposition to the Bill.

Yeas: 1

Nays: 5

N/V: 3

**Outcome: 1st substitute SB 259, as amended, failed to pass out of Committee with a favorable recommendation.**

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**Bill: SB 262 - Law Enforcement Usage of Unmarked Vehicles**

Sponsor: Senator McCay

Floor Sponsor:

**UASD Position: Track**

This Bill prohibits an employee of a law enforcement agency from using an unmarked law enforcement vehicle to initiate a stop for certain traffic violations.

Discussion: The sponsor indicated that a 1st substitute had been prepared but chose not to move for its adoption, stating that opponents were unwilling to negotiate on the proposed changes. The sponsor noted that the substitute included carve-outs permitting the use of unmarked vehicles in certain emergency situations. The 1st substitute was not adopted.

The sponsor explained that the Bill was constituent-driven and creates statutory limits on the use of unmarked law enforcement vehicles for traffic enforcement. The Bill defines an unmarked law enforcement vehicle as one that lacks clearly visible identifying markings and a roof-mounted emergency light system visible from a from 25 feet. Under the Bill, an officer may not initiate a traffic stop for a traffic infraction using an unmarked vehicle. This restriction applies to stops conducted for the purpose of investigating, citing, or warning a driver for violations of the Utah Traffic Code or related local ordinances. The Bill allows unmarked vehicles to be used to initiate a stop when an officer reasonably believes the stop relates to a suspected offense other than a traffic infraction.

Senator Brammer asked whether there is a meaningful distinction between an unmarked vehicle and a marked vehicle that is simply difficult to see at night. The sponsor responded that there is a difference, noting that marked vehicles typically have identifiable features such as a light bar, even if it is smaller or less visible. The sponsor indicated that greater visibility helps alleviate public concern and uncertainty during a stop.

Senator Escamilla expressed support for the Bill, stating that it promotes public safety, particularly for women, and cited concerns about an increase in individuals impersonating law enforcement officers. Senator Escamilla expressed a hope that there could be a workable solution to address legitimate public safety concerns while maintaining enforcement capabilities.

Senator Musselman raised concerns about resource disparities among agencies, noting that some departments can afford both marked and unmarked vehicles, while others rely more heavily on unmarked vehicles. He questioned whether the Bill would limit certain agencies' ability to conduct traffic enforcement. The sponsor acknowledged that enforcement practices may need to change and emphasized that safety is the primary objective, while recognizing there may be special circumstances where unmarked vehicles are necessary.

A representative from the Libertas Institute spoke in support, stating that the Bill strikes a balance by promoting safety while still allowing stops in emergency situations.

The Utah Highway Patrol expressed opposition, stating that the Bill would limit enforcement tools and reduce flexibility in conducting traffic stops. A rural county Sheriff opposed the Bill, explaining that unmarked vehicles serve as a deterrent by introducing unpredictability, which can encourage safer driving behavior even when law enforcement is not visible. Senator Escamilla asked whether there could be a broader discussion about addressing the fear factor experienced by drivers during traffic stops by an unmarked vehicle. The Sheriff acknowledged those concerns and suggested that drivers who are uncertain may call 911 and proceed to a well-lit area or law enforcement facility for verification.

In discussing the 1st substitute, questions were raised about whether the exceptions for emergency situations were sufficient. Concerns were expressed that the language may not adequately preserve authority for certain off-duty or investigatory circumstances such as the metro gang unit. Senator Brammer observed that the Bill could incentivize officers to characterize stops under more serious violations, such as suspected impaired driving, in order to fall within exceptions. The Sheriff affirmed that would be very likely occur if this legislation became the law.

The Office of the Utah Attorney General indicated appreciation for certain exceptions added in the substitute but expressed concern that language in lines 49–51 may not be robust enough to preserve necessary investigatory tools. The Salt Lake City Metro Gang Project opposed the Bill, stating that it would not improve safety and could create unintended consequences. The Law Enforcement Legislative Committee also opposed the measure, arguing that while marked vehicles serve a deterrent function, unmarked vehicles are critical for detection and enforcement. The Office expressed openness to continued collaboration. The Utah Sheriffs Association and the Utah Chiefs Association spoke in opposition to the Bill.

Yeas: 6

Nays: 1

N/V: 2

**Outcome: SB 262 passed out of the Committee with favorable recommendation.**