

Inmate Access to Digital Discovery

Utah S.B. 194 (2025), *Defendant Access to Evidence Amendments* | Utah Code § 17-22-2(1)(u) and (4) | In effect since May 7, 2025

Informational summary for county jail and corrections staff. This handout describes what the statute requires. It is not legal advice and does not replace your facility's written policy.

What the law requires

S.B. 194 added a new duty to the list of county sheriff responsibilities in Utah Code § 17-22-2. The sheriff must ensure that a jail inmate who is **awaiting trial, sentencing, or disposition of criminal charges** has:

- **1. A private and confidential space** to review discovery and other evidence or documents related to the inmate's criminal case **with the inmate's counsel**.
- **2. The means to access and review** discovery and other evidence or documents related to the inmate's criminal case, **with or without counsel present**, expressly including the means to review **digital, audio, video, or other technological evidence**.

How access may be provided

The statute gives the jail two options for the technology used to review digital discovery. An inmate may access or review discovery, evidence, or other documents with:

- **Technology provided by the jail** (for example, a facility-owned computer, tablet, or kiosk designated for evidence review); **or**
- **Technology provided by the inmate's counsel**, including a computer, **that the jail has approved**.

The jail retains the authority to approve or decline counsel-supplied devices and to set the conditions of their use under facility policy.

Counsel's responsibility for materials left with an inmate

When defense counsel leaves discovery, evidence, or other documents with an inmate, **counsel** must ensure the materials do **not** include any of the following:

Prohibited content	Prohibited content
Any visual depiction of an individual younger than 18	Any child sexual abuse material
Personal identifying information of anyone other than the inmate	Any intimate image
Financial information of any person other than the inmate	Any depiction or information that jail policy prohibits inmates from possessing

Because the last category ties directly to **your facility's policy**, staff should be able to tell counsel what the jail's contraband and possession rules are so materials can be screened before they are left with an inmate.

Quick reference for staff

Who is covered	Jail inmates awaiting trial, sentencing, or disposition of criminal charges (pretrial and pre-sentence detainees).
Who must comply	The county sheriff, as operator of the county jail. The duty applies to every county jail in Utah.
What must exist	(a) A private, confidential space for attorney-client evidence review, and (b) a working means for the inmate to view digital, audio, and video discovery, with or without counsel.
What the law does not set	No specific device, scheduling standard, time limits, or penalty is specified. Those details are left to facility policy.

Source: S.B. 194, 2025 General Session, State of Utah (Chief Sponsor Sen. Stephanie Pitcher; House Sponsor Rep. Tyler Clancy), amending Utah Code § 17-22-2. Full enrolled text: le.utah.gov/Session/2025/bills/enrolled/SB0194.pdf. Consult your county attorney or facility legal counsel with questions about implementation. Prepared by Lightning Law as an informational resource.