



OFFICE OF THE
STATE AUDITOR

June 14, 2024

Brian Redd, Director
Utah Department of Corrections
14717 S. Minuteman Dr.
Draper, UT 84020

Dear Director Redd:

The state legislature passed House Bill 257 and enacted *Utah Code §63G-31* "Distinctions on the Basis of Sex" (Statute) in the 2024 General Session. Section 63G-31-401(1)(a) requires the Office of the State Auditor (Office) to "establish a process to receive and investigate alleged violations of the Statute by a government entity." Additionally, Section 63G-31-401(1)(b) requires the Office to provide notice to a government entity when the Office receives an allegation that the government entity has violated the Statute.¹ Further, Section 63G-31-304(2)(a) requires each government entity to adopt a privacy compliance plan to address compliance with the government entity's duties under the Statute.

The Office received an allegation that an employee in the Administrative offices allows an individual to use a sex-designated restroom facility that does not align with their sex. During our investigation, we noted that the Utah Department of Corrections does not have a privacy compliance plan. **Statute allows 30 days to cure the violation. Please send the Office a copy of the official policy once adopted.** In addition, the Office lacked sufficient details to determine if the alleged event occurred. Had the event occurred, given the lack of the required privacy compliance plan, the Office would have been unable to determine whether the event violated that plan.

Regards,

Office of the State Auditor

¹ We note that the Office's authority is limited to assessing a government entity's compliance with the Statute. The State Auditor does not review or make any determination on the actions of private individuals, nor does the State Auditor investigate or determine an individual's sex or gender.