



NONHUMAN RIGHTS PROJECT

July 31, 2024

Sean D. Reyes
Office of the Attorney General
Utah State Capitol Complex
350 North State Street, Suite 230
SLC, UT 84114-2320
1-801-366-0260
uag@agutah.gov

RE: NOTICE OF CLAIM AGAINST THE STATE OF UTAH

Dear Mr. Reyes:

Per Utah Code Ann. (“UCA”) § 63G-7-401 et seq. and *id.* at (3)(b)(ii)(E), the Nonhuman Rights Project, Inc., (“NhRP”), by and through the undersigned counsel, sends this notice of claim (“Notice”) to you via electronic mail because this claim is against the State of Utah.

Per UCA § 63G-7-401(3)(a), the Notice sets forth the following:

- (i) On March 21, 2024, Utah House Bill 249, Gen. Sess. (2024) (codified as UCA § 63G-31-101) (“H.B. 249”), was signed into law by Governor Spencer Cox and took effect on May 1, 2024. The law prohibits a governmental entity from conferring the status of legal “person” (i.e., legal personhood) onto an enumerated list of nonhuman entities. H.B. 249 defines “governmental entity” as a court, the legislature, the legislative body of a political subdivision, and another entity of the state or a political subdivision if the entity has adjudicatory or rulemaking authority. A true and correct copy of H.B. 249 is attached hereto as Exhibit A.
- (ii) H.B. 249 is facially unconstitutional in its entirety and will be challenged accordingly. It violates the following provisions of the Utah Constitution: Art. V, § 1 (Separation of Powers), Art. I, § 23 (Franchises Forbidden), Art. I, § 11 (Open Courts Clause), and Art. VIII, § 1 (Judicial Function).
- (iii) The NhRP has incurred damages in an amount currently unknown and to be determined in court.

/s/ Joel Ban
Joel Ban
Ban Law Office PC
PO Box 118
Salt Lake City, UT 844110
joel@banlawoffice.com
Bar No. 10114 (UT)

/s/ Jake Davis

Jake Davis*

Nonhuman Rights Project, Inc.
611 Pennsylvania Ave SE #345
Washington, DC 20003

jdavis@nonhumanrights.org

Bar No. 54032 (CO)

**Pro hac vice applicant*

EXHIBIT A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

UTAH LEGAL PERSONHOOD AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Walt Brooks
Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill addresses legal personhood.

Highlighted Provisions:

This bill:

- defines terms; and
- prohibits a governmental entity from granting or recognizing legal personhood in certain categories of nonhumans.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

63G-31-101, Utah Code Annotated 1953

63G-31-102, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63G-31-101** is enacted to read:

CHAPTER 31. LEGAL PERSONHOOD

63G-31-101 . Definitions.

As used in this chapter:

- (1) "Body of water" means any natural or man-made accumulation of water, regardless of whether the accumulation of water is static or subject to a force that causes a hydrological current.

- 28 (2) "Governmental entity" means:
29 (a) a court;
30 (b) the Legislature;
31 (c) the legislative body of a political subdivision; or
32 (d) another entity of the state or a political subdivision, if the entity has adjudicatory or
33 rulemaking authority.
- 34 (3) "Human being" means a member of the species classified as Homo sapiens;
35 (4) "Land" means the solid terrestrial surface or subsurface of the earth.
- 36 (5) "Legal personhood" means:
37 (a) the legal rights and obligations of an individual under the laws of this state; or
38 (b) the legal rights and obligations of a person other than an individual under the laws of
39 this state.
- 40 (6) "Political subdivision" means the same as that term is defined in Section 63G-7-102.
41 (7) "Real property" means any building, fixture, improvement, appurtenance, structure, or
42 other development that is affixed permanently to land.
- 43 (8) "State" means the same as that term is defined in Section 63G-7-102.

44 Section 2. Section **63G-31-102** is enacted to read:

45 **63G-31-102 . Legal personhood restricted.**

46 Notwithstanding any other provision of law, a governmental entity may not grant
47 legal personhood to, nor recognize legal personhood in:

- 48 (1) artificial intelligence;
49 (2) an inanimate object;
50 (3) a body of water;
51 (4) land;
52 (5) real property;
53 (6) atmospheric gases;
54 (7) an astronomical object;
55 (8) weather;
56 (9) a plant;
57 (10) a nonhuman animal; or
58 (11) any other member of a taxonomic domain that is not a human being.

59 Section 3. **Effective date.**

60 This bill takes effect on May 1, 2024.