

Senator Todd Weiler proposes the following substitute bill:

VICTIM RIGHTS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Todd Weiler

Cosponsors: Andrew Stoddard

Lee B. Perry Mike Winder

LONG TITLE

General Description:

This bill allows investigations to be reviewed at the request of a victim or victim's family.

Highlighted Provisions:

This bill:

- ▶ creates a review process for open investigations.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

11-63-101, Utah Code Annotated 1953

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



25 Section 1. Section **11-63-101** is enacted to read:

26 **11-63-101. Review of open investigation.**

27 (1) An individual who is a victim of a first degree felony, or who is a family member of
28 a missing person or homicide victim, may request review of a criminal investigation if:

29 (a) the incident was reported for investigation to a law enforcement agency with
30 jurisdiction to investigate the incident;

31 (b) at least one year has passed from the date the incident was first reported for
32 investigation to a law enforcement agency with jurisdiction to investigate the incident; and

33 (c) the law enforcement agency investigating the incident has not submitted the
34 investigation results to be screened for criminal charges by the county or district attorney in the
35 jurisdiction in which the incident occurred.

36 (2) (a) An individual who is a victim of a first degree felony, or who is a family
37 member of a missing person or homicide victim, may request review of the investigation by the
38 chief executive of the law enforcement agency investigating the incident. Within 30 days after
39 receiving a request, the chief executive of the law enforcement agency shall meet with the
40 investigating officers to evaluate the investigation, including existing leads and obstacles and
41 investigative resources that may be available to move the investigation to conclusion, and
42 develop a plan to:

43 (i) close the investigation;

44 (ii) undertake further investigative steps; or

45 (iii) submit the investigation results to be screened for criminal charges by the county
46 or district attorney in the jurisdiction in which the incident occurred.

47 (b) Within 60 days after receiving a request for review under Subsection (2)(a), the
48 chief executive of the law enforcement agency investigating the incident shall send written
49 notification to the individual who made the review request advising the individual whether the
50 agency will:

51 (i) close the investigation;

52 (ii) undertake further investigative steps; or

53 (iii) submit the investigation results to be screened for criminal charges.

54 (3) (a) If the written notification under Subsection (2)(b) indicates further investigative
55 steps will be undertaken or that the investigation results will be submitted to be screened for

56 criminal charges and no charges have been filed within 90 days following the date of the
 57 written notification under Subsection (2)(b), or the investigation will be closed, the individual
 58 who is a victim of crime, or who is a family member of a victim of crime, may submit a second
 59 request to the law enforcement agency investigating the incident that the investigation results
 60 and all evidence be transferred to the county attorney with jurisdiction over the area in which
 61 the incident occurred.

62 (b) Within 15 days after receiving a transfer request under Subsection (3)(a), the chief
 63 executive of the law enforcement agency shall forward the investigation results to the county
 64 attorney as requested by the victim or victim's family.

65 (c) Within 30 days of receiving the investigation results from the law enforcement
 66 agency investigating the incident, the county attorney shall evaluate the investigation, including
 67 existing leads and obstacles, evidence, and investigative resources that may be available to
 68 move the investigation to conclusion, and:

69 (i) develop a plan to undertake further investigative steps; or

70 (ii) decline to accept the transferred investigation.

71 (d) Within 60 days after receiving the investigation results from the law enforcement
 72 agency investigating the incident, the county attorney shall send written notification to the
 73 individual who made the transfer request advising the individual whether the county attorney
 74 will undertake further investigative steps.

75 (4) If the county attorney declines to accept the transferred investigation, it shall return
 76 all evidence and information to the law enforcement agency within 30 days.

77 (5) Nothing in this section requires a law enforcement agency or prosecuting agency to
 78 close an investigation if charges are not filed within the time frames set forth in this section.

79 (6) An individual who is a victim of a first degree felony, or who is a family member of
 80 a missing person or homicide victim, may seek review of an investigation by the attorney
 81 general, pursuant to its concurrent jurisdiction to investigate and prosecute crimes in any city or
 82 county of the state.

83 (a) ~~§~~ → [Subject to Subsection (d), within] Within ←§ 30 days of receiving a request from
 83a an individual
 84 who is a victim of a first degree felony, or who is a family member of a missing person or
 85 homicide victim, to accept a transferred investigation, the attorney general shall request from
 86 the law enforcement agency all evidence and information regarding the investigation.

87 (b) Within 60 days after receiving the investigation information from the law
88 enforcement agency investigating the incident, the attorney general shall review all evidence
89 and information received and make a determination regarding the investigation.

90 (c) The attorney general shall send written notification to the individual who made the
91 transfer request within 60 days of its decision decline or continue an investigation.