

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:

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

11-63-101. Review of open investigation.

(1) An individual who is a victim of a first degree felony, or who is a family member of

a missing person or homicide victim, may request review of a criminal investigation if:

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

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

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

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

(i) close the investigation;

(ii) undertake further investigative steps; or

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

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

(i) close the investigation;

(ii) undertake further investigative steps; or

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

(3) (a) If the written notification under Subsection (2)(b) indicates further investigative

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

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

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

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

(ii) decline to accept the transferred investigation.

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

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

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

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

82 county of the state.

83 (a) Within 30 days of receiving a request from an individual who is a victim of a first
84 degree felony, or who is a family member of a missing person or homicide victim, to accept a
85 transferred investigation, the attorney general shall request from the law enforcement agency
86 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 to decline or continue an investigation.