

1                                   **RAPE CRISIS CENTER MODIFICATIONS**

2   2023 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Angela Romero**

5                                   Senate Sponsor: Luz Escamilla

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8 **LONG TITLE**

9 **General Description:**

10           This bill amends definitions relating to rape crisis centers and sexual assault counselors.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ amends definitions relating to rape crisis centers and sexual assault counselors; and
- 14           ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16           None

17 **Other Special Clauses:**

18           None

19 **Utah Code Sections Affected:**

20 AMENDS:

21           **53-10-906**, as renumbered and amended by Laws of Utah 2022, Chapter 430

22           **77-38-203**, as renumbered and amended by Laws of Utah 2008, Chapter 3

23           **77-38-204**, as last amended by Laws of Utah 2022, Chapter 335

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

26           Section 1. Section **53-10-906** is amended to read:

27           **53-10-906. Victim notification of rights -- Notification of law enforcement.**

28           (1) Collecting facility personnel who conduct sexual assault examinations shall inform

29 each victim of a sexual assault of:

30 (a) available services for treatment of sexually transmitted infections, pregnancy, and  
31 other medical and psychiatric conditions;

32 (b) available crisis intervention or other mental health services provided;

33 (c) the option to receive prophylactic medication to prevent sexually transmitted  
34 infections and pregnancy;

35 (d) the right to determine:

36 (i) whether to provide a personal statement about the sexual assault to law  
37 enforcement; and

38 (ii) if law enforcement should have access to any paperwork from the forensic  
39 examination; and

40 (e) the victim's rights as provided in Section [77-37-3](#).

41 (2) The collecting facility shall notify law enforcement as soon as practicable if the  
42 victim of a sexual assault decides to interview and discuss the assault with law enforcement.

43 (3) If a victim of a sexual assault declines to provide a personal statement about the  
44 sexual assault to law enforcement, the collecting facility shall provide a written notice to the  
45 victim that contains the following information:

46 (a) where the sexual assault kit will be stored;

47 (b) notice that the victim may choose to contact law enforcement any time after  
48 declining to provide a personal statement;

49 (c) the name, phone number, and email address of the law enforcement agency having  
50 jurisdiction; and

51 (d) the name and phone number of a local rape crisis and services center.

52 Section 2. Section **77-38-203** is amended to read:

53 **77-38-203. Definitions.**

54 As used in this part:

55 (1) "Confidential communication" means information given to a sexual assault  
56 counselor by a victim and includes reports or working papers made in the course of the

57 counseling relationship.

58 (2) (a) "Rape crisis and services center" means [~~any office, institution, or center~~  
59 ~~assisting~~] a nonprofit entity that assists victims of sexual assault and [~~their families which~~  
60 ~~offers~~] victims' families by offering sexual assault crisis intervention[~~, medical, and legal~~  
61 ~~services,~~] and counseling through a sexual assault counselor.

62 (b) "Rape crisis and services center" does not include a qualified institutional victim  
63 services provider as defined in Section 53B-28-201.

64 (3) "Sexual assault counselor" means [~~a person~~] an individual who:

65 (a) is employed by or volunteers at a rape crisis and services center [~~who~~];

66 (b) has a minimum of 40 hours of training in counseling and assisting victims of sexual  
67 assault; and

68 (c) [~~who~~] is under the supervision of the director or designee of a rape crisis and  
69 services center.

70 (4) "Victim" means [~~a person~~] an individual who has experienced a sexual assault of  
71 whatever nature including incest and rape and requests counseling or assistance regarding the  
72 mental, physical, and emotional consequences of the sexual assault.

73 Section 3. Section **77-38-204** is amended to read:

74 **77-38-204. Disclosure of confidential communications.**

75 [~~Notwithstanding Title 53B, Chapter 28, Part 2, Confidential Communications for~~  
76 ~~Institutional Advocacy Services Act, the~~] The confidential communication between a victim  
77 and a sexual assault counselor is available to a third person only when:

78 (1) the victim is a minor and the counselor believes it is in the best interest of the  
79 victim to disclose the confidential communication to the victim's parents;

80 (2) the victim is a minor and the minor's parents or guardian have consented to  
81 disclosure of the confidential communication to a third party based upon representations made  
82 by the counselor that it is in the best interest of the minor victim to make such disclosure;

83 (3) the victim is not a minor, has given consent, and the counselor believes the  
84 disclosure is necessary to accomplish the desired result of counseling; or

85           (4) the counselor has an obligation under Title 80, Chapter 2, Child Welfare Services,  
86 or Title 80, Chapter 2a, Removal and Protective Custody of a Child, to report information  
87 transmitted in the confidential communication.