

1 **RAPE CRISIS AND SERVICES CENTER AMENDMENTS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Angela Romero**

5 Senate Sponsor: _____

6

LONG TITLE

7 **General Description:**

8 This bill concerns standards of care and eligibility standards for a rape crisis and
9 services center.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ specifies rulemaking authority to the ~~H~~→ State Commission on Criminal and Juvenile

14a Justice, in consultation with the ~~H~~→ Utah Office for Victims of Crime (office) to
15 create:

- 16 • standards of care for a rape crisis and services center;
- 17 • eligibility standards for a rape crisis and services center to be eligible for a
- 18 grant, other funds, or services;
- 19 • standards and procedures for the ~~H~~→ [office] state auditor ~~H~~ to monitor or audit
- 19a the compliance of a
- 20 rape crisis and services center with eligibility standards; and
- 21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **63M-7-502**, as last amended by Laws of Utah 2022, Chapters 148, 185 and 430

29 ENACTS:

30 **63M-7-527**, Utah Code Annotated 1953

31

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

33 Section 1. Section **63M-7-502** is amended to read:

34 **63M-7-502. Definitions.**

35 As used in this part:

36 (1) "Accomplice" means an individual who has engaged in criminal conduct as
37 described in Section **76-2-202**.

38 (2) "Advocacy services provider" means the same as that term is defined in Section
39 **77-38-403**.

40 (3) "Board" means the Crime Victim Reparations and Assistance Board created under
41 Section **63M-7-504**.

42 (4) "Bodily injury" means physical pain, illness, or any impairment of physical
43 condition.

44 (5) "Claimant" means any of the following claiming reparations under this part:

45 (a) a victim;

46 (b) a dependent of a deceased victim; or

47 (c) an individual or representative who files a reparations claim on behalf of a victim.

48 (6) "Child" means an unemancipated individual who is under 18 years old.

49 (7) "Collateral source" means any source of benefits or advantages for economic loss
50 otherwise reparable under this part that the victim or claimant has received, or that is readily
51 available to the victim from:

52 (a) the offender;

53 (b) the insurance of the offender or the victim;

54 (c) the United States government or any of its agencies, a state or any of its political
55 subdivisions, or an instrumentality of two or more states, except in the case on nonobligatory
56 state-funded programs;

57 (d) social security, Medicare, and Medicaid;

58 (e) state-required temporary nonoccupational income replacement insurance or

- 59 disability income insurance;
- 60 (f) workers' compensation;
- 61 (g) wage continuation programs of any employer;
- 62 (h) proceeds of a contract of insurance payable to the victim for the loss the victim
- 63 sustained because of the criminally injurious conduct;
- 64 (i) a contract providing prepaid hospital and other health care services or benefits for
- 65 disability; or
- 66 (j) veteran's benefits, including veteran's hospitalization benefits.
- 67 (8) "Criminal justice system victim advocate" means the same as that term is defined in
- 68 Section [77-38-403](#).
- 69 (9) (a) "Criminally injurious conduct" other than acts of war declared or not declared
- 70 means conduct that:
- 71 (i) is or would be subject to prosecution in this state under Section [76-1-201](#);
- 72 (ii) occurs or is attempted;
- 73 (iii) causes, or poses a substantial threat of causing, bodily injury or death;
- 74 (iv) is punishable by fine, imprisonment, or death if the individual engaging in the
- 75 conduct possessed the capacity to commit the conduct; and
- 76 (v) does not arise out of the ownership, maintenance, or use of a motor vehicle,
- 77 aircraft, or water craft, unless the conduct is:
- 78 (A) intended to cause bodily injury or death;
- 79 (B) punishable under Title 76, Chapter 5, Offenses Against the Individual; or
- 80 (C) chargeable as an offense for driving under the influence of alcohol or drugs.
- 81 (b) "Criminally injurious conduct" includes a felony violation of Section [76-7-101](#) and
- 82 other conduct leading to the psychological injury of an individual resulting from living in a
- 83 setting that involves a bigamous relationship.
- 84 (10) (a) "Dependent" means a natural person to whom the victim is wholly or partially
- 85 legally responsible for care or support.
- 86 (b) "Dependent" includes a child of the victim born after the victim's death.
- 87 (11) "Dependent's economic loss" means loss after the victim's death of contributions
- 88 of things of economic value to the victim's dependent, not including services the dependent
- 89 would have received from the victim if the victim had not suffered the fatal injury, less



90 expenses of the dependent avoided by reason of victim's death.

91 (12) "Dependent's replacement services loss" means loss reasonably and necessarily
92 incurred by the dependent after the victim's death in obtaining services in lieu of those the
93 decedent would have performed for the victim's benefit if the victim had not suffered the fatal
94 injury, less expenses of the dependent avoided by reason of the victim's death and not
95 subtracted in calculating the dependent's economic loss.

96 (13) "Director" means the director of the office.

97 (14) "Disposition" means the sentencing or determination of penalty or punishment to
98 be imposed upon an individual:

99 (a) convicted of a crime;

100 (b) found delinquent; or

101 (c) against whom a finding of sufficient facts for conviction or finding of delinquency
102 is made.

103 (15) (a) "Economic loss" means economic detriment consisting only of allowable
104 expense, work loss, replacement services loss, and if injury causes death, dependent's economic
105 loss and dependent's replacement service loss.

106 (b) "Economic loss" includes economic detriment even if caused by pain and suffering
107 or physical impairment.

108 (c) "Economic loss" does not include noneconomic detriment.

109 (16) "Elderly victim" means an individual who is 60 years old or older and who is a
110 victim.

111 (17) "Fraudulent claim" means a filed reparations based on material misrepresentation
112 of fact and intended to deceive the reparations staff for the purpose of obtaining reparation
113 funds for which the claimant is not eligible.

114 (18) "Fund" means the Crime Victim Reparations Fund created in Section [63M-7-526](#).

115 (19) (a) "Interpersonal violence" means an act involving violence, physical harm, or a
116 threat of violence or physical harm, that is committed by an individual who is or has been in a
117 domestic, dating, sexual, or intimate relationship with the victim.

118 (b) "Interpersonal violence" includes any attempt, conspiracy, or solicitation of an act
119 described in Subsection (19)(a).

120 (20) "Law enforcement officer" means the same as that term is defined in Section

121 53-13-103.

122 (21) (a) "Medical examination" means a physical examination necessary to document
123 criminally injurious conduct.

124 (b) "Medical examination" does not include mental health evaluations for the
125 prosecution and investigation of a crime.

126 (22) "Mental health counseling" means outpatient and inpatient counseling necessitated
127 as a result of criminally injurious conduct, is subject to rules made by the board in accordance
128 with Title 63G, Chapter 3, Utah Administrative
129 Rulemaking Act.

130 (23) "Misconduct" means conduct by the victim that was attributable to the injury or
131 death of the victim as provided by rules made by the board in accordance with Title 63G,
132 Chapter 3, Utah Administrative Rulemaking Act.

133 (24) "Noneconomic detriment" means pain, suffering, inconvenience, physical
134 impairment, and other nonpecuniary damage, except as provided in this part.

135 (25) "Nongovernment organization victim advocate" means the same as that term is
136 defined in Section 77-38-403.

137 (26) "Pecuniary loss" does not include loss attributable to pain and suffering except as
138 otherwise provided in this part.

139 (27) "Offender" means an individual who has violated Title 76, Utah Criminal
140 Code, through criminally injurious conduct regardless of whether the individual is arrested,
141 prosecuted, or convicted.

142 (28) "Offense" means a violation of Title 76, Utah Criminal Code.

143 (29) "Office" means the director, the reparations and assistance officers, and any other
144 staff employed for the purpose of carrying out the provisions of this part.

145 (30) "Perpetrator" means the individual who actually participated in the criminally
146 injurious conduct.

147 (31) ~~H→~~ (a) ~~←H~~ "Rape crisis and services center" means a nonprofit entity that assists
147a victims of

148 sexual assault and victims' families by offering sexual assault crisis intervention and counseling
149 through a sexual assault counselor.

149a ~~H→~~ (b) "Rape crisis and services center" **does not include a qualified institutional** ⚠



149b **☛ victim services provider as defined in Section 53B-28-201.** ←H
150 [~~31~~] (32) "Reparations award" means money or other benefits provided to a claimant
151 or to another on behalf of a claimant after the day on which a reparations claim is approved by

152 the office.

153 ~~[(32)]~~ (33) "Reparations claim" means a claimant's request or application made to the
154 office for a reparations award.

155 ~~[(33)]~~ (34) (a) "Reparations officer" means an individual employed by the office to
156 investigate claims of victims and award reparations under this part.

157 (b) "Reparations officer" includes the director when the director is acting as a
158 reparations officer.

159 ~~[(34)]~~ (35) "Replacement service loss" means expenses reasonably and necessarily
160 incurred in obtaining ordinary and necessary services in lieu of those the injured individual
161 would have performed, not for income but the benefit of the injured individual or the injured
162 individual's dependents if the injured individual had not been injured.

163 ~~[(35)]~~ (36) (a) "Representative" means the victim, immediate family member, legal
164 guardian, attorney, conservator, executor, or an heir of an individual.

165 (b) "Representative" does not include a service provider or collateral source.

166 ~~[(36)]~~ (37) "Restitution" means the same as that term is defined in Section [77-38b-102](#).

167 ~~[(37)]~~ (38) "Secondary victim" means an individual who is traumatically affected by
168 the criminally injurious conduct subject to rules made by the board in accordance with Title
169 63G, Chapter 3, Utah Administrative Rulemaking Act.

170 ~~[(38)]~~ (39) "Service provider" means an individual or agency who provides a service to
171 a victim for a monetary fee, except attorneys as provided in Section [63M-7-524](#).

172 ~~[(39)]~~ (40) "Serious bodily injury" means the same as that term is defined in Section
173 [76-1-101.5](#).

174 ~~[(40)]~~ (41) "Sexual assault" means any criminal conduct described in Title 76,
175 Chapter 5, Part 4, Sexual Offenses.

176 (42) "Sexual assault counselor" means an individual who:

177 (a) is employed by or volunteers at a rape crisis and services center;

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

180 (c) is under the supervision of the director of a rape crisis and services center or the
181 director's designee.

182 ~~[(41)]~~ (43) "Strangulation" means any act involving the use of unlawful force or



183 violence that:

184 (a) impedes breathing or the circulation of blood; and

185 (b) is likely to produce a loss of consciousness by:

186 (i) applying pressure to the neck or throat of an individual; or

187 (ii) obstructing the nose, mouth, or airway of an individual.

188 [~~42~~] (44) "Substantial bodily injury" means the same as that term is defined in
189 Section 76-1-101.5.

190 [~~43~~] (45) (a) "Victim" means an individual who suffers bodily or psychological injury
191 or death as a direct result of:

192 (i) criminally injurious conduct; or

193 (ii) the production of pornography in violation of Section 76-5b-201 or 76-5b-201.1 if
194 the individual is a minor.

195 (b) "Victim" does not include an individual who participated in or observed the judicial
196 proceedings against an offender unless otherwise provided by statute or rule made in
197 accordance with Title 63G, Chapter 3, Utah
198 Administrative Rulemaking Act.

199 [~~44~~] (46) "Work loss" means loss of income from work the injured victim would
200 have performed if the injured victim had not been injured and expenses reasonably incurred by
201 the injured victim in obtaining services in lieu of those the injured victim would have
202 performed for income, reduced by any income from substitute work the injured victim was
203 capable of performing but unreasonably failed to undertake.

204 Section 2. Section 63M-7-527 is enacted to read:

205 **63M-7-527. Rape crisis and services center standards, eligibility, and monitoring**
206 **-- Administrative rulemaking authority.**

207 (1) With regard to eligibility for a grant, other funds, or services provided under this
208 part for a rape crisis and services center, the ~~the~~ **commission, in consultation with the** ~~office~~
208a ~~the~~ **commission** shall create rules to:

209 (a) create standards of care for a rape crisis and services center to provide safe,
210 effective, and appropriate services for a victim of sexual assault:

211 (i) that are based on best practices; and

212 (ii) with input from the Utah Victim Services Commission's subcommittee on rape and
213 sexual assault established under Subsection 63M-7-903(5)(b);

214 (b) create and enforce eligibility standards for a rape crisis and services center that:

215 (i) incorporate the standards of care described in Subsection (1)(a); and

216 (ii) may be used to determine whether a rape crisis and services center is eligible for a

217 grant, other funds, or services under this part; and

218 (c) create standards and procedures for the ~~H~~→ ~~[office or the office's designee]~~ state auditor

218a ~~←~~H to monitor or

219 audit a rape crisis and services center for compliance with the eligibility standards described in

220 Subsection (1)(b).

221 (2) Rules made by the ~~H~~→ ~~[office]~~ commission ~~←~~H under this section shall be made in

221a accordance with Title

222 63G, Chapter 3, Utah Administrative Rulemaking Act.

223 **Section 3. Effective date.**

224 This bill takes effect on May 1, 2024.

