

1 **RAPE CRISIS AND SERVICES CENTER AMENDMENTS**

 2024 GENERAL SESSION

 STATE OF UTAH

Chief Sponsor: Angela Romero

 Senate Sponsor: Todd D. Weiler

2
3 **LONG TITLE**

4 **General Description:**

5 This bill concerns standards of care and eligibility standards for a rape crisis and services
6 center.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▸ defines terms;
- 10 ▸ specifies rulemaking authority to the State Commission on Criminal and Juvenile Justice
11 (commission), in consultation with the Utah Office for Victims of Crime (office) to create:
 - 12 • standards of care for a rape crisis and services center;
 - 13 • eligibility standards for a rape crisis and services center to be eligible for a grant,
14 other funds, or services;
 - 15 • standards and procedures for the commission to monitor or audit the compliance of a
16 rape crisis and services center with eligibility standards;
- 17 ▸ requires the state auditor to audit the commission's compliance with monitoring and
18 auditing requirements and the [~~provisions~~] provision of certain grant funds; and
- 19 ▸ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **63M-7-502**, as last amended by Laws of Utah 2022, Chapters 148, 185 and 430

27 ENACTS:

28 **63M-7-527**, as Utah Code Annotated 1953

29

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

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

32 **63M-7-502 . Definitions.**

33 As used in this part:

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

36 (2) "Advocacy services provider" means the same as that term is defined in Section
37 77-38-403.

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

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

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

42 (a) a victim;

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

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

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

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

49 (a) the offender;

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

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

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

55 (e) state-required temporary nonoccupational income replacement insurance or disability
56 income insurance;

57 (f) workers' compensation;

58 (g) wage continuation programs of any employer;

59 (h) proceeds of a contract of insurance payable to the victim for the loss the victim
60 sustained because of the criminally injurious conduct;

61 (i) a contract providing prepaid hospital and other health care services or benefits for

- 62 disability; or
- 63 (j) veteran's benefits, including veteran's hospitalization benefits.
- 64 (8) "Criminal justice system victim advocate" means the same as that term is defined in
65 Section 77-38-403.
- 66 (9) (a) "Criminally injurious conduct" other than acts of war declared or not declared
67 means conduct that:
- 68 (i) is or would be subject to prosecution in this state under Section 76-1-201;
- 69 (ii) occurs or is attempted;
- 70 (iii) causes, or poses a substantial threat of causing, bodily injury or death;
- 71 (iv) is punishable by fine, imprisonment, or death if the individual engaging in the
72 conduct possessed the capacity to commit the conduct; and
- 73 (v) does not arise out of the ownership, maintenance, or use of a motor vehicle,
74 aircraft, or water craft, unless the conduct is:
- 75 (A) intended to cause bodily injury or death;
- 76 (B) punishable under Title 76, Chapter 5, Offenses Against the Individual; or
- 77 (C) chargeable as an offense for driving under the influence of alcohol or drugs.
- 78 (b) "Criminally injurious conduct" includes a felony violation of Section 76-7-101 and
79 other conduct leading to the psychological injury of an individual resulting from
80 living in a setting that involves a bigamous relationship.
- 81 (10) (a) "Dependent" means a natural person to whom the victim is wholly or partially
82 legally responsible for care or support.
- 83 (b) "Dependent" includes a child of the victim born after the victim's death.
- 84 (11) "Dependent's economic loss" means loss after the victim's death of contributions of
85 things of economic value to the victim's dependent, not including services the dependent
86 would have received from the victim if the victim had not suffered the fatal injury, less
87 expenses of the dependent avoided by reason of victim's death.
- 88 (12) "Dependent's replacement services loss" means loss reasonably and necessarily
89 incurred by the dependent after the victim's death in obtaining services in lieu of those
90 the decedent would have performed for the victim's benefit if the victim had not suffered
91 the fatal injury, less expenses of the dependent avoided by reason of the victim's death
92 and not subtracted in calculating the dependent's economic loss.
- 93 (13) "Director" means the director of the office.
- 94 (14) "Disposition" means the sentencing or determination of penalty or punishment to be
95 imposed upon an individual:

- 96 (a) convicted of a crime;
97 (b) found delinquent; or
98 (c) against whom a finding of sufficient facts for conviction or finding of delinquency is
99 made.
- 100 (15) (a) "Economic loss" means economic detriment consisting only of allowable
101 expense, work loss, replacement services loss, and if injury causes death, dependent's
102 economic loss and dependent's replacement service loss.
103 (b) "Economic loss" includes economic detriment even if caused by pain and suffering
104 or physical impairment.
105 (c) "Economic loss" does not include noneconomic detriment.
- 106 (16) "Elderly victim" means an individual who is 60 years old or older and who is a victim.
- 107 (17) "Fraudulent claim" means a filed reparations based on material misrepresentation of
108 fact and intended to deceive the reparations staff for the purpose of obtaining reparation
109 funds for which the claimant is not eligible.
- 110 (18) "Fund" means the Crime Victim Reparations Fund created in Section 63M-7-526.
- 111 (19) (a) "Interpersonal violence" means an act involving violence, physical harm, or a
112 threat of violence or physical harm, that is committed by an individual who is or has
113 been in a domestic, dating, sexual, or intimate relationship with the victim.
114 (b) "Interpersonal violence" includes any attempt, conspiracy, or solicitation of an act
115 described in Subsection (19)(a).
- 116 (20) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- 117 (21) (a) "Medical examination" means a physical examination necessary to document
118 criminally injurious conduct.
119 (b) "Medical examination" does not include mental health evaluations for the
120 prosecution and investigation of a crime.
- 121 (22) "Mental health counseling" means outpatient and inpatient counseling necessitated as a
122 result of criminally injurious conduct, is subject to rules made by the board in accordance with
123 Title 63G, Chapter 3, Utah Administrative
124 Rulemaking Act.
- 125 (23) "Misconduct" means conduct by the victim that was attributable to the injury or death
126 of the victim as provided by rules made by the board in accordance with Title 63G,
127 Chapter 3, Utah Administrative Rulemaking Act.
- 128 (24) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment,
129 and other nonpecuniary damage, except as provided in this part.

- 130 (25) "Nongovernment organization victim advocate" means the same as that term is defined
131 in Section 77-38-403.
- 132 (26) "Pecuniary loss" does not include loss attributable to pain and suffering except as
133 otherwise provided in this part.
- 134 (27) "Offender" means an individual who has violated Title 76, Utah Criminal
135 Code, through criminally injurious conduct regardless of whether the individual is arrested,
136 prosecuted, or convicted.
- 137 (28) "Offense" means a violation of Title 76, Utah Criminal Code.
- 138 (29) "Office" means the director, the reparations and assistance officers, and any other staff
139 employed for the purpose of carrying out the provisions of this part.
- 140 (30) "Perpetrator" means the individual who actually participated in the criminally injurious
141 conduct.
- 142 (31) (a) "Rape crisis and services center" means a nonprofit entity that assists victims of
143 sexual assault and victims' families by offering sexual assault crisis intervention and
144 counseling through a sexual assault counselor.
- 145 (b) "Rape crisis and services center" does not include a qualified institutional victim
146 services provider as defined in Section 53B-28-201.
- 147 [~~31~~] (32) "Reparations award" means money or other benefits provided to a claimant or to
148 another on behalf of a claimant after the day on which a reparations claim is approved
149 by the office.
- 150 [~~32~~] (33) "Reparations claim" means a claimant's request or application made to the office
151 for a reparations award.
- 152 [~~33~~] (34) (a) "Reparations officer" means an individual employed by the office to
153 investigate claims of victims and award reparations under this part.
- 154 (b) "Reparations officer" includes the director when the director is acting as a
155 reparations officer.
- 156 [~~34~~] (35) "Replacement service loss" means expenses reasonably and necessarily incurred
157 in obtaining ordinary and necessary services in lieu of those the injured individual would
158 have performed, not for income but the benefit of the injured individual or the injured
159 individual's dependents if the injured individual had not been injured.
- 160 [~~35~~] (36) (a) "Representative" means the victim, immediate family member, legal
161 guardian, attorney, conservator, executor, or an heir of an individual.
- 162 (b) "Representative" does not include a service provider or collateral source.
- 163 [~~36~~] (37) "Restitution" means the same as that term is defined in Section 77-38b-102.

164 ~~[(37)]~~ (38) "Secondary victim" means an individual who is traumatically affected by the
165 criminally injurious conduct subject to rules made by the board in accordance with Title
166 63G, Chapter 3, Utah Administrative Rulemaking Act.

167 ~~[(38)]~~ (39) "Service provider" means an individual or agency who provides a service to a
168 victim for a monetary fee, except attorneys as provided in Section 63M-7-524.

169 ~~[(39)]~~ (40) "Serious bodily injury" means the same as that term is defined in Section
170 76-1-101.5.

171 ~~[(40)]~~ (41) "Sexual assault" means any criminal conduct described in Title 76,
172 Chapter 5, Part 4, Sexual Offenses.

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

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

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

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

179 ~~[(41)]~~ (43) "Strangulation" means any act involving the use of unlawful force or violence
180 that:

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

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

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

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

185 ~~[(42)]~~ (44) "Substantial bodily injury" means the same as that term is defined in Section
186 76-1-101.5.

187 ~~[(43)]~~ (45) (a) "Victim" means an individual who suffers bodily or psychological injury
188 or death as a direct result of:

189 (i) criminally injurious conduct; or

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

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

196 ~~[(44)]~~ (46) "Work loss" means loss of income from work the injured victim would have
197 performed if the injured victim had not been injured and expenses reasonably incurred

198 by the injured victim in obtaining services in lieu of those the injured victim would have
199 performed for income, reduced by any income from substitute work the injured victim
200 was capable of performing but unreasonably failed to undertake.

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

202 **63M-7-527 . Rape crisis and services center standards, eligibility, and monitoring**
203 **-- Administrative rulemaking authority.**

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

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

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

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

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

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

214 (ii) may be used to determine whether a rape crisis and services center is eligible for
215 a grant, other funds, or services under this part; and

216 (c) create standards and procedures for the commission to monitor and audit a rape crisis
217 and services center for compliance with the eligibility standards described in
218 Subsection (1)(b).

219 (2) Rules made by the commission under this section shall be made in accordance with
220 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

221 (3) The state auditor shall audit the commission's compliance with the commission's
222 monitoring and auditing requirements described in Subsection (1)(c) and the provision
223 of grant funds under this section.

224 Section 3. **Effective date.**

225 This bill takes effect on May 1, 2024.