

RESTORATIVE JUSTICE DEFINITION

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates a definition of "restorative justice" to be used across the entire code.

Highlighted Provisions:

This bill:

- ▶ creates a definition of "restorative justice" to provide consistency and clarity for existing sections of the entire code; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-306, as last amended by Laws of Utah 2019, Chapter 24

68-3-12.5, as last amended by Laws of Utah 2019, Chapter 24

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

Section 1. Section **20A-1-306** is amended to read:

20A-1-306. Electronic signatures prohibited.

Notwithstanding Title 46, Chapter 4, Uniform Electronic Transactions Act, and



28 Subsections 68-3-12(1)(e) and 68-3-12.5[(28) and (40)](29) and (41), an electronic signature
29 may not be used to sign a petition to:

30 (1) qualify a ballot proposition for the ballot under Chapter 7, Issues Submitted to the
31 Voters;

32 (2) organize and register a political party under Chapter 8, Political Party Formation
33 and Procedures; or

34 (3) qualify a candidate for the ballot under Chapter 9, Candidate Qualifications and
35 Nominating Procedures.

36 Section 2. Section **68-3-12.5** is amended to read:

37 **68-3-12.5. Definitions for Utah Code.**

38 (1) The definitions listed in this section apply to the Utah Code, unless:

39 (a) the definition is inconsistent with the manifest intent of the Legislature or repugnant
40 to the context of the statute; or

41 (b) a different definition is expressly provided for the respective title, chapter, part,
42 section, or subsection.

43 (2) "Adjudicative proceeding" means:

44 (a) an action by a board, commission, department, officer, or other administrative unit
45 of the state that determines the legal rights, duties, privileges, immunities, or other legal
46 interests of one or more identifiable persons, including an action to grant, deny, revoke,
47 suspend, modify, annul, withdraw, or amend an authority, right, or license; and

48 (b) judicial review of an action described in Subsection (2)(a).

49 (3) "Administrator" includes "executor" when the subject matter justifies the use.

50 (4) "Advisory board," "advisory commission," and "advisory council" mean a board,
51 commission, committee, or council that:

52 (a) is created by, and whose duties are provided by, statute or executive order;

53 (b) performs its duties only under the supervision of another person as provided by
54 statute; and

55 (c) provides advice and makes recommendations to another person that makes policy
56 for the benefit of the general public.

57 (5) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,
58 and Coast Guard.

59 (6) "City" includes, depending on population, a metro township as defined in Section
60 10-3c-102.

61 (7) "County executive" means:

62 (a) the county commission, in the county commission or expanded county commission
63 form of government established under Title 17, Chapter 52a, Changing Forms of County
64 Government;

65 (b) the county executive, in the county executive-council optional form of government
66 authorized by Section 17-52a-203; or

67 (c) the county manager, in the council-manager optional form of government
68 authorized by Section 17-52a-204.

69 (8) "County legislative body" means:

70 (a) the county commission, in the county commission or expanded county commission
71 form of government established under Title 17, Chapter 52a, Changing Forms of County
72 Government;

73 (b) the county council, in the county executive-council optional form of government
74 authorized by Section 17-52a-203; and

75 (c) the county council, in the council-manager optional form of government authorized
76 by Section 17-52a-204.

77 (9) "Depose" means to make a written statement made under oath or affirmation.

78 (10) "Executor" includes "administrator" when the subject matter justifies the use.

79 (11) "Guardian" includes a person who:

80 (a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary
81 or court appointment; or

82 (b) is appointed by a court to manage the estate of a minor or incapacitated person.

83 (12) "Highway" includes:

84 (a) a public bridge;

85 (b) a county way;

86 (c) a county road;

87 (d) a common road; and

88 (e) a state road.

89 (13) "Intellectual disability" means a significant, subaverage general intellectual

90 functioning that:

91 (a) exists concurrently with deficits in adaptive behavior; and

92 (b) is manifested during the developmental period as defined in the current edition of
93 the Diagnostic and Statistical Manual of Mental Disorders, published by the American
94 Psychiatric Association.

95 (14) "Intermediate care facility for people with an intellectual disability" means an
96 intermediate care facility for the mentally retarded, as defined in Title XIX of the Social
97 Security Act.

98 (15) "Land" includes:

99 (a) land;

100 (b) a tenement;

101 (c) a hereditament;

102 (d) a water right;

103 (e) a possessory right; and

104 (f) a claim.

105 (16) "Month" means a calendar month, unless otherwise expressed.

106 (17) "Oath" includes "affirmation."

107 (18) "Person" means:

108 (a) an individual;

109 (b) an association;

110 (c) an institution;

111 (d) a corporation;

112 (e) a company;

113 (f) a trust;

114 (g) a limited liability company;

115 (h) a partnership;

116 (i) a political subdivision;

117 (j) a government office, department, division, bureau, or other body of government;

118 and

119 (k) any other organization or entity.

120 (19) "Personal property" includes:

- 121 (a) money;
- 122 (b) goods;
- 123 (c) chattels;
- 124 (d) effects;
- 125 (e) evidences of a right in action;
- 126 (f) a written instrument by which a pecuniary obligation, right, or title to property is
- 127 created, acknowledged, transferred, increased, defeated, discharged, or diminished; and
- 128 (g) a right or interest in an item described in Subsections (19)(a) through (f).
- 129 (20) "Personal representative," "executor," and "administrator" include:
- 130 (a) an executor;
- 131 (b) an administrator;
- 132 (c) a successor personal representative;
- 133 (d) a special administrator; and
- 134 (e) a person who performs substantially the same function as a person described in
- 135 Subsections (20)(a) through (d) under the law governing the person's status.
- 136 (21) "Policy board," "policy commission," or "policy council" means a board,
- 137 commission, or council that:
- 138 (a) is authorized to make policy for the benefit of the general public;
- 139 (b) is created by, and whose duties are provided by, the constitution or statute; and
- 140 (c) performs its duties according to its own rules without supervision other than under
- 141 the general control of another person as provided by statute.
- 142 (22) "Population" is shown by the most recent state or national census, unless expressly
- 143 provided otherwise.
- 144 (23) "Process" means a writ or summons issued in the course of a judicial proceeding.
- 145 (24) "Property" includes both real and personal property.
- 146 (25) "Real estate" or "real property" includes:
- 147 (a) land;
- 148 (b) a tenement;
- 149 (c) a hereditament;
- 150 (d) a water right;
- 151 (e) a possessory right; and

152 (f) a claim.

153 (26) "Restorative justice" means an approach to community building, problem solving,
154 and conflict resolution that values individual dignity, mutual respect, personal accountability,
155 inclusion, and collaboration to:

156 (a) build and restore relationships, repair harm, and create a more just and equitable
157 environment in communities, schools, and the justice system; and

158 (b) promote facilitated and voluntary practices, that may be used in lieu of or in
159 addition to other approaches, including:

160 (i) community building circles;

161 (ii) victim-offender conferences;

162 (iii) family group conferences; and

163 (iv) community conferences.

164 [(26)] (27) "Review board," "review commission," and "review council" mean a board,
165 commission, committee, or council that:

166 (a) is authorized to approve policy made for the benefit of the general public by another
167 body or person;

168 (b) is created by, and whose duties are provided by, statute; and

169 (c) performs its duties according to its own rules without supervision other than under
170 the general control of another person as provided by statute.

171 [(27)] (28) "Road" includes:

172 (a) a public bridge;

173 (b) a county way;

174 (c) a county road;

175 (d) a common road; and

176 (e) a state road.

177 [(28)] (29) "Signature" includes a name, mark, or sign written with the intent to
178 authenticate an instrument or writing.

179 [(29)] (30) "State," when applied to the different parts of the United States, includes a
180 state, district, or territory of the United States.

181 [(30)] (31) "Swear" includes "affirm."

182 [(31)] (32) "Testify" means to make an oral statement under oath or affirmation.

183 [~~(32)~~] (33) "Town" includes, depending on population, a metro township as defined in
184 Section 10-3c-102.

185 [~~(33)~~] (34) "Uniformed services" means:

186 (a) the armed forces;

187 (b) the commissioned corps of the National Oceanic and Atmospheric Administration;

188 and

189 (c) the commissioned corps of the United States Public Health Service.

190 [~~(34)~~] (35) "United States" includes each state, district, and territory of the United
191 States of America.

192 [~~(35)~~] (36) "Utah Code" means the 1953 recodification of the Utah Code, as amended,
193 unless the text expressly references a portion of the 1953 recodification of the Utah Code as it
194 existed:

195 (a) on the day on which the 1953 recodification of the Utah Code was enacted; or

196 (b) (i) after the day described in Subsection [~~(35)~~] (36)(a); and

197 (ii) before the most recent amendment to the referenced portion of the 1953
198 recodification of the Utah Code.

199 [~~(36)~~] (37) "Vessel," when used with reference to shipping, includes a steamboat, canal
200 boat, and every structure adapted to be navigated from place to place.

201 [~~(37)~~] (38) (a) "Veteran" means an individual who:

202 (i) has served in the United States Armed Forces for at least 180 days:

203 (A) on active duty; or

204 (B) in a reserve component, to include the National Guard; or

205 (ii) has incurred an actual service-related injury or disability while in the United States
206 Armed Forces regardless of whether the individual completed 180 days; and

207 (iii) was separated or retired under conditions characterized as honorable or general.

208 (b) This definition is not intended to confer eligibility for benefits.

209 [~~(38)~~] (39) "Will" includes a codicil.

210 [~~(39)~~] (40) "Writ" means an order or precept in writing, issued in the name of:

211 (a) the state;

212 (b) a court; or

213 (c) a judicial officer.

214 [~~(40)~~] (41) "Writing" includes:
215 (a) printing;
216 (b) handwriting; and
217 (c) information stored in an electronic or other medium if the information is retrievable
218 in a perceivable format.