

1 **SEXUAL ASSAULT INVESTIGATION AMENDMENTS**
2 2024 GENERAL SESSION
3 STATE OF UTAH
4 **Chief Sponsor: Angela Romero**
5 Senate Sponsor: Luz Escamilla

6
7 **LONG TITLE**

8 **General Description:**

9 This bill address sexual assault investigations by law enforcement agencies.

10 **Highlighted Provisions:**

11 This bill:

12 ▸ requires the Peace Officer Standards and Training Council to establish a model sexual
13 assault investigation policy that can be used by law enforcement agencies;

14 ▸ requires a law enforcement agency to report to the State Commission on Criminal and
15 Juvenile Justice whether the law enforcement agency has complied with certain statutory
16 requirements regarding sexual assault investigations; and

17 ▸ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **53-6-107**, as last amended by Laws of Utah 2022, Chapter 182

25 **53-6-109**, as enacted by Laws of Utah 2021, Chapter 316

26 **53-24-102**, as enacted by Laws of Utah 2023, Chapter 158

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

28 Section 1. Section **53-6-107** is amended to read:

29 **53-6-107 . General duties of council.**

30 (1) The council shall:

31 (a) advise the director regarding:

- 29 (i) the approval, certification, or revocation of certification of any certified academy
 30 established in the state;
- 31 (ii) minimum courses of study, attendance requirements, and the equipment and
 32 facilities to be required at a certified academy;
- 33 (iii) minimum qualifications for instructors at a certified academy;
- 34 (iv) the minimum basic training requirements that peace officers shall complete
 35 before receiving certification;
- 36 (v) the minimum basic training requirements that dispatchers shall complete before
 37 receiving certification; and
- 38 (vi) categories or classifications of advanced in-service training programs and
 39 minimum courses of study and attendance requirements for the categories or
 40 classifications;
- 41 (b) recommend that studies, surveys, or reports, or all of them be made by the director
 42 concerning the implementation of the objectives and purposes of this chapter;
- 43 (c) make recommendations and reports to the commissioner and governor from time to
 44 time;
- 45 (d) choose from the sanctions to be imposed against certified peace officers as provided
 46 in Section 53-6-211, and dispatchers as provided in Section 53-6-309;
- 47 (e) establish and annually review[-] :
- 48 (i) minimum use of force standards for all peace officers in the state;
- 49 ~~[(f)]~~ (ii) ~~[establish and annually review]~~ minimum standards for officer intervention
 50 and the reporting of police misconduct based on Section 53-6-210.5; and
- 51 (iii) the best practices for investigating sexual assaults;
- 52 (f) in consultation with the Utah Victim Services Commission's subcommittee on rape
 53 and sexual assault created in Subsection 63M-7-903(5)(b), create and, if necessary,
 54 annually update a model sexual assault investigation policy based on the best
 55 practices established in Subsection (1)(e)(iii) that can be adopted and used by a law
 56 enforcement agency; and
- 57 (g) perform other acts as necessary to carry out the duties of the council in this chapter.
- 58 (2) The council may approve special function officers for membership in the Public Safety
 59 Retirement System in accordance with Sections 49-14-201 and 49-15-201.

60 Section 2. Section **53-6-109** is amended to read:

61 **53-6-109 . Mandatory compliance with minimum use of force standards.**

62 Peace officers and the agencies that employ peace officers shall comply with, and

63 enforce compliance with, the minimum use of force standards described in Subsection [
64 53-6-107(1)(e)] 53-6-107(1)(e)(i).

65 Section 3. Section **53-24-102** is amended to read:

66 **53-24-102 . Sexual assault offense reporting requirements for law enforcement**
67 **agencies.**

68 (1) As used in this section:

69 (a) "Commission" means the State Commission on Criminal and Juvenile Justice created
70 in Section 63M-7-201.

71 (b) "Sexual assault offense" means:

72 (i) rape, Section 76-5-402;

73 (ii) rape of a child, Section 76-5-402.1;

74 (iii) object rape, Section 76-5-402.2;

75 (iv) object rape of a child, Section 76-5-402.3;

76 (v) forcible sodomy, Section 76-5-403;

77 (vi) sodomy on a child, Section 76-5-403.1;

78 (vii) forcible sexual abuse, Section 76-5-404;

79 (viii) sexual abuse of a child, Section 76-5-404.1;

80 (ix) aggravated sexual abuse of a child, Section 76-5-404.3;

81 (x) aggravated sexual assault, Section 76-5-405; or

82 (xi) sexual battery, Section 76-9-702.1.

83 (2) (a) Beginning January 1, 2025, a law enforcement agency shall[-] :

84 (i) annually, on or before April 30, submit a report to the commission for the previous
85 calendar year containing the number of each type of sexual assault offense that:

86 [(i)] (A) was reported to the law enforcement agency;

87 [(ii)] (B) was investigated by a detective; and

88 [(iii)] (C) was referred to a prosecutor for prosecution; and

89 (ii) submit a report to the commission on whether the law enforcement agency has
90 created and publicly posted on the law enforcement agency's website:

91 (A) the policy described in Subsection 53-24-101(1)(a); and

92 (B) the guide described in Subsection 53-24-101(2)(a).

93 (b) A law enforcement agency shall:

94 (i) compile the report described in Subsection [~~(2)(a)~~] (2)(a)(i) for each calendar year
95 in the standardized format developed by the commission under Subsection (3); and

96 (ii) publicly post the information reported in Subsection [~~(2)(a)~~] (2)(a)(i) on the law

97 enforcement agency's website.

98 (3) The commission shall:

99 (a) develop a standardized format for reporting the data described in Subsection (2);

100 (b) compile the data submitted under Subsection (2); and

101 (c) annually on or before August 1, publish a report of the data described in Subsection
102 (2) on the commission's website.

103 Section 4. **Effective date.**

104 This bill takes effect on May 1, 2024.