

HB0345S01 compared with HB0345

{Omitted text} shows text that was in HB0345 but was omitted in HB0345S01

inserted text shows text that was not in HB0345 but was inserted into HB0345S01

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1

Victim Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor:

2

3 LONG TITLE

4 General Description:

5 This bill addresses issues related to victims of crime.

6 Highlighted Provisions:

7 This bill:

8 ▶ modifies the term, "criminally injurious conduct," for Title 63M, Chapter 7, Part 5, Utah Office
for Victims of Crime;

10 ▶ modifies the eligibility requirements for a victim reparations award to allow mental health
counseling for sexual assault that occurred in a prison, jail, or correctional facility while the individual is
incarcerated;and

13 ▶ {~~requires the Department of Corrections to make rules that bring the department
into compliance with the National Standards to Prevent, Detect, and Respond to Prison Rape
promulgated by the United States Department of Justice in accordance with the federal Prison
Rape Elimination Act; and~~}

17 ▶ makes technical and conforming changes.

14 Money Appropriated in this Bill:

HB0345

HB0345 compared with HB0345S01

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **63M-7-502** , as last amended by Laws of Utah 2025, First Special Session, Chapter 9

21 **63M-7-509** , as last amended by Laws of Utah 2025, First Special Session, Chapter 11

22 **63M-7-510** , as last amended by Laws of Utah 2020, Chapter 149

27 **{64-13-47, as enacted by Laws of Utah 2021, Chapter 44}**

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

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

26 **63M-7-502. Definitions.**

33 As used in this part:

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

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

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

38 (4) "Claimant" means any of the following claiming reparations under this part:

39 (a) a victim;

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

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

42 (5) "Child" means an unemancipated individual who is under 18 years old.

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

46 (a) the offender;

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

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

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

HB0345 compared with HB0345S01

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

54 (f) workers' compensation;

55 (g) wage continuation programs of any employer;

56 (h) proceeds of a contract of insurance payable to the claimant for the loss the claimant sustained
because of the criminally injurious conduct;

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

60 (j) [veteran's-] veteran benefits, including [veteran's] veteran hospitalization benefits.

61 (7)

63 (a) "Confidential record" means a record in the custody of the office that relates to a claimant's
eligibility for a reparations award.

64 (b) "Confidential record" includes:

65 (i) a reparations claim;

66 (ii) any correspondence regarding:

67 (A) the approval or denial of a reparations claim; or

68 (B) the payment of a reparations award;

69 (iii) a document submitted to the office in support of a reparations award;

70 (iv) a medical or mental health treatment plan; and

71 (v) an investigative report provided to the office by a law enforcement agency.

73 (8) "Criminal justice system victim advocate" means the same as that term is defined in Section
77-38-403.

75 (9)

76 (a) "Criminally injurious conduct" other than acts of war declared or not declared means conduct that:

77 (i) is or would be subject to prosecution in this state under Section 76-1-201;

78 (ii) occurs or is attempted;

79 (iii) causes, or poses a substantial threat of causing, bodily injury or death;

80 (iv) is punishable by fine, imprisonment, or death if the individual engaging in the conduct
possessed the capacity to commit the conduct; and

81 (v) except as provided in Subsection (9)(b)(ii), does not arise out of the ownership, maintenance, or
use of a motor vehicle, aircraft, or water craft[, unless the conduct is:]

83 [(A) intended to cause bodily injury or death;]

HB0345 compared with HB0345S01

84 [B) punishable under Title 76, Chapter 5, Offenses Against the Individual; or]
85 [C) chargeable as an offense for driving under the influence of alcohol or drugs].

86 (b) "Criminally injurious conduct" includes conduct that:

87 (i) is a felony violation of Section 76-7-101 and other conduct leading to the psychological injury of an individual resulting from living in a setting that involves a bigamous relationship[.] ; or
90 (ii) arises out of the ownership, maintenance, or use of a motor vehicle, aircraft, or water craft and is:
92 (A) intended to cause bodily injury or death;
93 (B) punishable under Title 76, Chapter 5, Offenses Against the Individual;
94 (C) chargeable as an offense for driving under the influence of alcohol or drugs; or
95 (D) chargeable as an offense for failure to stop and remain at a scene of an accident involving death as described in Section 41-6a-401.5.

97 (10)
99 (a) "Dependent" means a natural person to whom the victim is wholly or partially legally responsible for care or support.
100 (b) "Dependent" includes a child of the victim born after the victim's death.
101 (11) "Dependent's economic loss" means loss after the victim's death of contributions of things of economic value to the victim's dependent, not including services the dependent would have received from the victim if the victim had not suffered the fatal injury, less expenses of the dependent avoided by reason of victim's death.
102 (12) "Dependent's replacement services loss" means loss reasonably and necessarily incurred by the dependent after the victim's death in obtaining services in lieu of those the decedent would have performed for the victim's benefit if the victim had not suffered the fatal injury, less expenses of the dependent avoided by reason of the victim's death and not subtracted in calculating the dependent's economic loss.
103 (13) "Director" means the director of the office.
104 (14) "Disposition" means the sentencing or determination of penalty or punishment to be imposed upon an individual:
105 (a) convicted of a crime;
106 (b) found delinquent; or
107 (c) against whom a finding of sufficient facts for conviction or finding of delinquency is made.
108 (15)

HB0345 compared with HB0345S01

- (a) "Economic loss" means economic detriment consisting only of allowable expense, work loss, replacement services loss, and if injury causes death, dependent's economic loss and dependent's replacement service loss.
- 119 (b) "Economic loss" includes economic detriment even if caused by pain and suffering or physical impairment.
- 121 (c) "Economic loss" does not include noneconomic detriment.
- 122 (16) "Elderly victim" means an individual who is 60 years old or older and who is a victim.
- 123 (17) "Fraudulent claim" means a filed reparations based on material misrepresentation of fact and intended to deceive the reparations staff for the purpose of obtaining reparation funds for which the claimant is not eligible.
- 126 (18) "Fund" means the Crime Victim Reparations Fund created in Section 63M-7-526.
- 127 (19)
 - (a) "Interpersonal violence" means an act involving violence, physical harm, or a threat of violence or physical harm, that is committed by an individual who is or has been in a domestic, dating, sexual, or intimate relationship with the victim.
 - 130 (b) "Interpersonal violence" includes any attempt, conspiracy, or solicitation of an act described in Subsection (19)(a).
- 132 (20) "Law enforcement agency" means a public or private agency having general police power and charged with making arrests in connection with enforcement of the criminal statutes and ordinances of this state or any political subdivision of this state.
- 135 (21) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- 136 (22)
 - (a) "Medical examination" means a physical examination necessary to document criminally injurious conduct.
 - 138 (b) "Medical examination" does not include mental health evaluations for the prosecution and investigation of a crime.
- 140 (23) "Mental health counseling" means outpatient and inpatient counseling necessitated as a result of criminally injurious conduct, is subject to rules made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

143

HB0345 compared with HB0345S01

- (24) "Misconduct" means conduct by the victim that was attributable to the injury or death of the victim as provided by rules made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 146 (25) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment, and other nonpecuniary damage, except as provided in this part.
- 148 (26) "Nongovernment organization victim advocate" means the same as that term is defined in Section 77-38-403.
- 150 (27) "Nonpublic restitution record" means a restitution record that contains a claimant's medical or mental health information.
- 152 (28) "Pecuniary loss" does not include loss attributable to pain and suffering except as otherwise provided in this part.
- 154 (29) "Offender" means an individual who has violated Title 76, Utah Criminal Code, through criminally injurious conduct regardless of whether the individual is arrested, prosecuted, or convicted.
- 157 (30) "Offense" means a violation of Title 76, Utah Criminal Code.
- 158 (31) "Office" means the director, the reparations and assistance officers, and any other staff employed for the purpose of carrying out the provisions of this part.
- 160 (32) "Perpetrator" means the individual who actually participated in the criminally injurious conduct.
- 162 (33) "Public restitution record" means a restitution record that does not contain a claimant's medical or mental health information.
- 164 (34)
 - (a) "Rape crisis and services center" means a nonprofit entity that assists victims of sexual assault and victims' families by offering sexual assault crisis intervention and counseling through a sexual assault counselor.
 - 167 (b) "Rape crisis and services center" does not include a qualified institutional victim services provider as defined in Section 53H-14-401.
- 169 (35) "Reparations award" means money or other benefits provided to a claimant or to another on behalf of a claimant after the day on which a reparations claim is approved by the office.
- 172 (36) "Reparations claim" means a claimant's request or application made to the office for a reparations award.
- 174 (37)

HB0345 compared with HB0345S01

- (a) "Reparations officer" means an individual employed by the office to investigate a claimant's request for reparations and award reparations under this part.
- 176 (b) "Reparations officer" includes the director when the director is acting as a reparations officer.
- 178 (38) "Replacement service loss" means expenses reasonably and necessarily incurred in obtaining ordinary and necessary services in lieu of those the injured individual would have performed, not for income but the benefit of the injured individual or the injured individual's dependents if the injured individual had not been injured.
- 182 (39)
 - (a) "Representative" means the victim, immediate family member, legal guardian, attorney, conservator, executor, or an heir of an individual.
 - 184 (b) "Representative" does not include a service provider or collateral source.
 - 185 (40) "Restitution" means the same as that term is defined in Section 77-38b-102.
 - 186 (41)
 - (a) "Restitution record" means a record documenting payments made to, or on behalf of, a claimant by the office that the office relies on to support a restitution request made in accordance with Section 77-38b-205.
 - 189 (b) "Restitution record" includes:
 - 190 (i) a notice of restitution;
 - 191 (ii) an itemized list of payments;
 - 192 (iii) an invoice, receipt, or bill submitted to the office for reimbursement; and
 - 193 (iv) any documentation that the office relies on to establish a nexus between an offender's criminally injurious conduct and a reparations award made by the office.
 - 195 (42) "Secondary victim" means an individual who is traumatically affected by the criminally injurious conduct subject to rules made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - 198 (43) "Service provider" means an individual or agency who provides a service to a claimant for a monetary fee, except attorneys as provided in Section 63M-7-524.
 - 200 (44) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.
 - 201 (45)
 - (a) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses.

HB0345 compared with HB0345S01

203 (b) "Sexual assault" does not include criminal conduct described in:

204 (i) Section 76-5-417, enticing a minor;

205 (ii) Section 76-5-418, sexual battery;

206 (iii) Section 76-5-419, lewdness; or

207 (iv) Section 76-5-420, lewdness involving a child.

208 (46) "Sexual assault counselor" means an individual who:

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

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

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

214 (47) "Strangulation" means any act involving the use of unlawful force or violence that:

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

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

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

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

219 (48) "Substantial bodily injury" means the same as that term is defined in Section 76-1-101.5.

221 (49)

223 (a) "Victim" means an individual who suffers bodily or psychological injury or death as a direct result of:

224 (i) criminally injurious conduct; or

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

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

229 (50) "Work loss" means loss of income from work the injured victim would have performed if the injured victim had not been injured and expenses reasonably incurred by the injured victim in obtaining services in lieu of those the injured victim would have performed for income, reduced by any income from substitute work the injured victim was capable of performing but unreasonably failed to undertake.

229 Section 2. Section **63M-7-509** is amended to read:

230 **63M-7-509. Grounds for eligibility.**

HB0345 compared with HB0345S01

236 (1) A victim is eligible for a reparations award under this part if:

237 (a) the claimant is:

238 (i) a victim of criminally injurious conduct;

239 (ii) a dependent of a deceased victim of criminally injurious conduct; or

240 (iii) a representative acting on behalf of one of the above;

241 (b)

242 (i) the criminally injurious conduct occurred in Utah; or

243 (ii) the victim is a Utah resident who suffers injury or death as a result of criminally injurious conduct inflicted in a state, territory, or country that does not provide a crime victims' compensation program;

244 (c) the application is made in writing in a form that conforms substantially to that prescribed by the office;

245 (d) the criminally injurious conduct is reported to a law enforcement officer, in the law enforcement officer's capacity as a law enforcement officer, or another federal or state investigative agency;

246 (e) the claimant or victim cooperates with the appropriate law enforcement agencies and prosecuting attorneys in efforts to apprehend or convict the perpetrator of the alleged offense; and

247 (f) the criminally injurious conduct occurred after December 31, 1986.

248 (2) A reparations award may be made to a victim regardless of whether any individual is arrested, prosecuted, or convicted of the criminally injurious conduct giving rise to a reparations claim.

249 (3)

250 (a) Notwithstanding the requirements of Subsections (1)(d) and (e), a victim of sexual assault is not required to report the sexual assault to a law enforcement officer or another federal or state investigative agency or cooperate with the appropriate law enforcement agencies and prosecuting attorneys to be eligible for a reparations award under this section if:

251 (i) the victim seeks assistance from an advocacy services provider, a criminal justice system victim advocate, or a nongovernment organization victim advocate; and

252 (ii) the advocacy services provider, the criminal justice system victim advocate, or the nongovernment organization victim advocate completes a questionnaire, provided by the office, regarding the sexual assault.

253 (b) Notwithstanding the requirement of Subsection (1)(e), a victim who has suffered strangulation in the course of interpersonal violence is not required to cooperate with the appropriate law enforcement

HB0345 compared with HB0345S01

agencies and prosecuting attorneys to be eligible for a reparations award under this section if the victim:

- 271 (i) reports the strangulation to a law enforcement officer or another federal or state investigative agency after the strangulation occurs; or
- 273 (ii) seeks medical care for the strangulation immediately after the strangulation occurs.
- 275 (4) An individual is eligible to receive a reparations award for mental health counseling resulting from a sexual assault that occurred in a prison, a jail, or a correctional facility while the individual is incarcerated if:
 - 278 (a) the individual is no longer incarcerated; and
 - 279 (b) the individual meets the eligibility requirements described in Subsection (1).

275 Section 3. Section **63M-7-510** is amended to read:

63M-7-510. Ineligible individuals -- Fraudulent reparations claims -- Penalties.

- 282 (1) The following individuals are not eligible to receive a reparations award:
 - 283 (a) an individual who does not meet all of the provisions set forth in Section 63M-7-509;
 - 284 (b) the offender;
 - 285 (c) an accomplice of the offender;
 - 286 (d) an individual whose receipt of a reparations award would unjustly benefit the offender, accomplice, or another individual reasonably suspected of participating in the offense;
 - 289 (e) the victim of a motor vehicle injury who was the owner or operator of the motor vehicle and was not at the time of the injury in compliance with the state motor vehicle insurance laws;
 - 292 (f) a convicted offender serving a sentence of imprisonment in any prison or jail or residing in any other correctional facility;
 - 294 (g) an individual who is on probation or parole if the circumstances surrounding the offense of which the individual is a victim is a violation of the individual's probation or parole;
 - 297 (h) except as provided in Subsection 63M-7-509(4), an individual whose injuries are the result of criminally injurious conduct that occurred in a prison, jail, or another correctional facility while the individual was incarcerated; and
- 300 (i) an individual who:
 - 301 (i) submits a fraudulent claim; or
 - 302 (ii) misrepresents a material fact in requesting a reparations award.

303 (2)

HB0345 compared with HB0345S01

(a) An individual may not knowingly:

(i) submit a fraudulent claim; or

(ii) misrepresent a material fact in requesting a reparations award.

(b) A violation of Subsection (2)(a) is:

(i) a class B misdemeanor if:

(A) the individual who violates Subsection (2)(a) does not receive a reparations award; or

(B) the value of the reparations award received is less than \$500;

(ii) a class A misdemeanor if the value of the reparations award received is or exceeds \$500 but is less than \$1,500;

(iii) a third degree felony if the value of the reparations award received is or exceeds \$1,500 but is less than \$5,000; and

(iv) a second degree felony if the value of the reparations award received is or exceeds \$5,000.

(3) The state attorney general may prosecute violations under this section or may make arrangements with county or city attorneys for the prosecution of violations under this section when the attorney general cannot conveniently prosecute.

(4)

(a) A claimant who is not eligible to receive a reparations award under Subsection (1) but receives a reparations award shall reimburse the fund for the amount of the reparations award.

(b) The office may bring a civil action against a victim who does not reimburse the fund for the amount of the reparations award in accordance with Subsection (4)(a).

~~{Section 4. Section 64-13-47 is amended to read: }~~

64-13-47. Prison Sexual Assault Prevention Program.

[(1) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing policies and procedures regarding sexual assaults that occur in correctional facilities.]

(1) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules described in Subsection (2) and any other additional rules necessary to bring the department into compliance with the National Standards to Prevent, Detect, and Respond to Prison Rape, 28 C.F.R. Part 115, promulgated by the United States Department of Justice in accordance with 32 U.S.C. Sec. 30301 et seq.

(2) The rules described in Subsection (1) shall:

HB0345 compared with HB0345S01

336 (a) require education and training, including:

337 (i) providing to inmates, at intake and periodically, department-approved, easy-to-understand
information developed by the department on sexual assault prevention, treatment, reporting, and
counseling in consultation with community groups with expertise in sexual assault prevention,
treatment, reporting, and counseling; and

342 (ii) providing sexual-assault-specific training to department mental health professionals and all
employees who have direct contact with inmates regarding treatment and methods of prevention and
investigation;

345 (b) require reporting of sexual assault, including:

346 (i) ensuring the confidentiality of inmate sexual assault complaints and the protection of inmates who
make complaints of sexual assault; and

348 (ii) prohibiting retaliation and disincentives for reporting sexual assault;

349 (c) require safety and care for victims, including:

350 (i) providing, in situations in which there is reason to believe that a sexual assault has occurred,
reasonable and appropriate measures to ensure the victim's safety by separating the victim from the
assailant, if known;

353 (ii) providing acute trauma care for sexual assault victims, including treatment of injuries, HIV
prophylaxis measures, and testing for sexually transmitted infections;

355 (iii) providing confidential mental health counseling for victims of sexual assault, including access to
outside community groups or victim advocates that have expertise in sexual assault counseling, and
enable confidential communication between inmates and those organizations and advocates; and

359 (iv) monitoring victims of sexual assault for suicidal impulses, post-traumatic stress disorder,
depression, and other mental health consequences resulting from the sexual assault;

362 (d) require investigations and staff discipline, including:

363 (i) requiring all employees to report any knowledge, suspicion, or information regarding an incident of
sexual assault to the executive director or designee, and require disciplinary action for employees
who fail to report as required;

366 (ii) requiring investigations described in Subsection (3);

367 (iii) requiring corrections investigators to submit all completed sexual assault allegations to the
executive director or the executive director's designee, who must then submit any substantiated

HB0345 compared with HB0345S01

findings that may constitute a crime under state law to the district attorney with jurisdiction over the facility in which the alleged sexual assault occurred; and

372 (iv) requiring employees to be subject to disciplinary sanctions up to and including termination for
373 violating agency sexual assault policies, with termination the presumptive disciplinary sanction
374 for employees who have engaged in sexual assault, consistent with constitutional due process
375 protections and state personnel laws and rules; and

377 (e) require data collection and reporting, including as provided in Subsection (4).

378 (3)

380 (a) An investigator trained in the investigation of sex crimes shall conduct the investigation of a sexual
381 assault involving an inmate.

382 (b) The investigation shall include:

383 (i) using a forensic rape kit, if appropriate;

384 (ii) questioning suspects and witnesses; and

385 (iii) gathering and preserving relevant evidence.

386 (4) The department shall:

387 (a) collect and report data regarding all allegations of sexual assault from each correctional facility in
388 accordance with the federal Prison Rape Elimination Act of 2003, Pub. L. 108-79, as amended; and

389 (b) annually report the data described in Subsection (4)(a) to the Law Enforcement and Criminal Justice
390 Interim Committee.

320 Section 4. Effective date.

Effective Date.

This bill takes effect on May 6, 2026.

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