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Victim Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor:

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LONG TITLE

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General Description:

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This bill addresses issues related to victims of crime.

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Highlighted Provisions:

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This bill:

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- ▶ modifies the term, "criminally injurious conduct," for Title 63M, Chapter 7, Part 5, Utah

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Office for Victims of Crime;

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- ▶ 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;

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- ▶ 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

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- ▶ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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

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

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

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64-13-47, as enacted by Laws of Utah 2021, Chapter 44

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

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

31 **63M-7-502 . Definitions.**

32 As used in this part:

- 33 (1) "Accomplice" means an individual who has engaged in criminal conduct as described in
34 Section 76-2-202.
- 35 (2) "Advocacy services provider" means the same as that term is defined in Section
36 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
44 otherwise reparable under this part that the claimant has received, or that is readily
45 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
49 subdivisions, or an instrumentality of two or more states, except in the case on
50 nonobligatory state-funded programs;
- 51 (d) social security, Medicare, and Medicaid;
- 52 (e) state-required temporary nonoccupational income replacement insurance or disability
53 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
57 sustained because of the criminally injurious conduct;
- 58 (i) a contract providing prepaid hospital and other health care services or benefits for
59 disability; or
- 60 (j) [veteran's] veteran benefits, including [veteran's] veteran hospitalization benefits.
- 61 (7)(a) "Confidential record" means a record in the custody of the office that relates to a
62 claimant's eligibility for a reparations award.
- 63 (b) "Confidential record" includes:
- 64 (i) a reparations claim;

- (ii) any correspondence regarding:
 - (A) the approval or denial of a reparations claim; or
 - (B) the payment of a reparations award;
 - (iii) a document submitted to the office in support of a reparations award;
 - (iv) a medical or mental health treatment plan; and
 - (v) an investigative report provided to the office by a law enforcement agency.

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

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

- (i) is or would be subject to prosecution in this state under Section 76-1-201;
 - (ii) occurs or is attempted;
 - (iii) causes, or poses a substantial threat of causing, bodily injury or death;
 - (iv) is punishable by fine, imprisonment, or death if the individual engaging in the conduct possessed the capacity to commit the conduct; and
 - (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:~~]

[A] intended to cause bodily injury or death;

[~~(B) punishable under Title 76, Chapter 5, Offenses Against the Individual; or~~]

[chargeable as an offense for driving under the influence of alcohol or drugs].

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

- (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
 - (ii) arises out of the ownership, maintenance, or use of a motor vehicle, aircraft, or water craft and is:
 - (A) intended to cause bodily injury or death;
 - (B) punishable under Title 76, Chapter 5, Offenses Against the Individual;
 - (C) chargeable as an offense for driving under the influence of alcohol or drugs; or
 - (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.

(10)(a) "Dependent" means a natural person to whom the victim is wholly or partially legally responsible for care or support.

99 (b) "Dependent" includes a child of the victim born after the victim's death.

100 (11) "Dependent's economic loss" means loss after the victim's death of contributions of
101 things of economic value to the victim's dependent, not including services the dependent
102 would have received from the victim if the victim had not suffered the fatal injury, less
103 expenses of the dependent avoided by reason of victim's death.

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

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

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

112 (a) convicted of a crime;

113 (b) found delinquent; or

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

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

119 (b) "Economic loss" includes economic detriment even if caused by pain and suffering
120 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
124 fact and intended to deceive the reparations staff for the purpose of obtaining reparation
125 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
128 threat of violence or physical harm, that is committed by an individual who is or has
129 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
131 described in Subsection (19)(a).

132 (20) "Law enforcement agency" means a public or private agency having general police

133 power and charged with making arrests in connection with enforcement of the criminal
134 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
137 criminally injurious conduct.

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

140 (23) "Mental health counseling" means outpatient and inpatient counseling necessitated as a
141 result of criminally injurious conduct, is subject to rules made by the office in
142 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

143 (24) "Misconduct" means conduct by the victim that was attributable to the injury or death
144 of the victim as provided by rules made by the office in accordance with Title 63G,
145 Chapter 3, Utah Administrative Rulemaking Act.

146 (25) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment,
147 and other nonpecuniary damage, except as provided in this part.

148 (26) "Nongovernment organization victim advocate" means the same as that term is defined
149 in Section 77-38-403.

150 (27) "Nonpublic restitution record" means a restitution record that contains a claimant's
151 medical or mental health information.

152 (28) "Pecuniary loss" does not include loss attributable to pain and suffering except as
153 otherwise provided in this part.

154 (29) "Offender" means an individual who has violated Title 76, Utah Criminal Code,
155 through criminally injurious conduct regardless of whether the individual is arrested,
156 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
159 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
161 conduct.

162 (33) "Public restitution record" means a restitution record that does not contain a claimant's
163 medical or mental health information.

164 (34)(a) "Rape crisis and services center" means a nonprofit entity that assists victims of
165 sexual assault and victims' families by offering sexual assault crisis intervention and
166 counseling through a sexual assault counselor.

167 (b) "Rape crisis and services center" does not include a qualified institutional victim
168 services provider as defined in Section 53H-14-401.

169 (35) "Reparations award" means money or other benefits provided to a claimant or to
170 another on behalf of a claimant after the day on which a reparations claim is approved
171 by the office.

172 (36) "Reparations claim" means a claimant's request or application made to the office for a
173 reparations award.

174 (37)(a) "Reparations officer" means an individual employed by the office to investigate
175 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
177 reparations officer.

178 (38) "Replacement service loss" means expenses reasonably and necessarily incurred in
179 obtaining ordinary and necessary services in lieu of those the injured individual would
180 have performed, not for income but the benefit of the injured individual or the injured
181 individual's dependents if the injured individual had not been injured.

182 (39)(a) "Representative" means the victim, immediate family member, legal guardian,
183 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
187 behalf of, a claimant by the office that the office relies on to support a restitution
188 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
194 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
196 criminally injurious conduct subject to rules made by the office in accordance with Title
197 63G, Chapter 3, Utah Administrative Rulemaking Act.

198 (43) "Service provider" means an individual or agency who provides a service to a claimant
199 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,
202 Part 4, Sexual Offenses.

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
211 assault; and
212 (c) is under the supervision of the director of a rape crisis and services center or the
213 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
220 76-1-101.5.

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

223 (i) criminally injurious conduct; or
224 (ii) the production of pornography in violation of Section 76-5b-201 or 76-5b-201.1
225 if the individual is a minor.

226 (b) "Victim" does not include an individual who participated in or observed the judicial
227 proceedings against an offender unless otherwise provided by statute or rule made in
228 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
230 if the injured victim had not been injured and expenses reasonably incurred by the
231 injured victim in obtaining services in lieu of those the injured victim would have
232 performed for income, reduced by any income from substitute work the injured victim
233 was capable of performing but unreasonably failed to undertake.

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

235 **63M-7-509 . Grounds for eligibility.**

- 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)(i) the criminally injurious conduct occurred in Utah; or
- 242 (ii) the victim is a Utah resident who suffers injury or death as a result of criminally
- 243 injurious conduct inflicted in a state, territory, or country that does not provide a
- 244 crime victims' compensation program;
- 245 (c) the application is made in writing in a form that conforms substantially to that
- 246 prescribed by the office;
- 247 (d) the criminally injurious conduct is reported to a law enforcement officer, in the law
- 248 enforcement officer's capacity as a law enforcement officer, or another federal or
- 249 state investigative agency;
- 250 (e) the claimant or victim cooperates with the appropriate law enforcement agencies and
- 251 prosecuting attorneys in efforts to apprehend or convict the perpetrator of the alleged
- 252 offense; and
- 253 (f) the criminally injurious conduct occurred after December 31, 1986.
- 254 (2) A reparations award may be made to a victim regardless of whether any individual is
- 255 arrested, prosecuted, or convicted of the criminally injurious conduct giving rise to a
- 256 reparations claim.
- 257 (3)(a) Notwithstanding the requirements of Subsections (1)(d) and (e), a victim of sexual
- 258 assault is not required to report the sexual assault to a law enforcement officer or
- 259 another federal or state investigative agency or cooperate with the appropriate law
- 260 enforcement agencies and prosecuting attorneys to be eligible for a reparations award
- 261 under this section if:
- 262 (i) the victim seeks assistance from an advocacy services provider, a criminal justice
- 263 system victim advocate, or a nongovernment organization victim advocate; and
- 264 (ii) the advocacy services provider, the criminal justice system victim advocate, or
- 265 the nongovernment organization victim advocate completes a questionnaire,
- 266 provided by the office, regarding the sexual assault.
- 267 (b) Notwithstanding the requirement of Subsection (1)(e), a victim who has suffered
- 268 strangulation in the course of interpersonal violence is not required to cooperate with

269 the appropriate law enforcement agencies and prosecuting attorneys to be eligible for
270 a reparations award under this section if the victim:

- 271 (i) reports the strangulation to a law enforcement officer or another federal or state
272 investigative agency after the strangulation occurs; or
273 (ii) seeks medical care for the strangulation immediately after the strangulation
274 occurs.

275 (4) An individual is eligible to receive a reparations award for mental health counseling
276 resulting from a sexual assault that occurred in a prison, a jail, or a correctional facility
277 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).

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

281 **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
287 offender, accomplice, or another individual reasonably suspected of participating in
288 the offense;
289 (e) the victim of a motor vehicle injury who was the owner or operator of the motor
290 vehicle and was not at the time of the injury in compliance with the state motor
291 vehicle insurance laws;
292 (f) a convicted offender serving a sentence of imprisonment in any prison or jail or
293 residing in any other correctional facility;
294 (g) an individual who is on probation or parole if the circumstances surrounding the
295 offense of which the individual is a victim is a violation of the individual's probation
296 or parole;
297 (h) except as provided in Subsection 63M-7-509(4), an individual whose injuries are the
298 result of criminally injurious conduct that occurred in a prison, jail, or another
299 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)(a) An individual may not knowingly:
- 304 (i) submit a fraudulent claim; or
- 305 (ii) misrepresent a material fact in requesting a reparations award.
- 306 (b) A violation of Subsection (2)(a) is:
- 307 (i) a class B misdemeanor if:
- 308 (A) the individual who violates Subsection (2)(a) does not receive a reparations award; or
- 309 (B) the value of the reparations award received is less than \$500;
- 310 (ii) a class A misdemeanor if the value of the reparations award received is or exceeds \$500 but is less than \$1,500;
- 311 (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
- 312 (iv) a second degree felony if the value of the reparations award received is or exceeds \$5,000.

- 313 (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.

- 314 (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.
- 315 (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).

316 Section 4. Section **64-13-47** is amended to read:

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

- 317 [(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.]

- 318 (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.
- 319 (2) The rules described in Subsection (1) shall:

- 320 (a) require education and training, including:

- 337 (i) providing to inmates, at intake and periodically, department-approved,
338 easy-to-understand information developed by the department on sexual assault
339 prevention, treatment, reporting, and counseling in consultation with community
340 groups with expertise in sexual assault prevention, treatment, reporting, and
341 counseling; and
- 342 (ii) providing sexual-assault-specific training to department mental health
343 professionals and all employees who have direct contact with inmates regarding
344 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
347 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
351 occurred, reasonable and appropriate measures to ensure the victim's safety by
352 separating the victim from the assailant, if known;
- 353 (ii) providing acute trauma care for sexual assault victims, including treatment of
354 injuries, HIV prophylaxis measures, and testing for sexually transmitted infections;
- 355 (iii) providing confidential mental health counseling for victims of sexual assault,
356 including access to outside community groups or victim advocates that have
357 expertise in sexual assault counseling, and enable confidential communication
358 between inmates and those organizations and advocates; and
- 359 (iv) monitoring victims of sexual assault for suicidal impulses, post-traumatic stress
360 disorder, depression, and other mental health consequences resulting from the
361 sexual assault;
- 362 (d) require investigations and staff discipline, including:
- 363 (i) requiring all employees to report any knowledge, suspicion, or information
364 regarding an incident of sexual assault to the executive director or designee, and
365 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
368 allegations to the executive director or the executive director's designee, who must
369 then submit any substantiated findings that may constitute a crime under state law
370 to the district attorney with jurisdiction over the facility in which the alleged

371 sexual assault occurred; and

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

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

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

380 (b) The investigation shall include:

381 (i) using a forensic rape kit, if appropriate;
382 (ii) questioning suspects and witnesses; and
383 (iii) gathering and preserving relevant evidence.

384 (4) The department shall:

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

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

390 **Section 5. Effective Date.**

391 This bill takes effect on May 6, 2026.