

DOMESTIC VIOLENCE MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill addresses domestic violence.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Domestic Violence Data Task Force (task force) and describes the duties of the task force;
- ▶ includes a sunset date for the task force;
- ▶ requires the Department of Public Safety to:
 - develop and distribute a form to collect data on lethality assessments used in domestic violence cases from law enforcement agencies; and
 - staff the task force;
- ▶ removes provisions requiring the Department of Public Safety and the State Commission on Criminal and Juvenile Justice to collect certain domestic violence data;
- ▶ directs the Administrative Office of the Courts to consider certain domestic violence training for judges, commissioners, and court staff; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-263, as last amended by Laws of Utah 2022, Chapters 23, 34, 68, 153, 218, 236, 249, 274, 296, 313, 361, 362, 417, 419, 472 and last amended by Coordination Clause, Laws of Utah 2022, Chapter 153

33 78B-7-120, as enacted by Laws of Utah 2021, Chapters 180 and 180

34 ENACTS:

35 63C-29-101, Utah Code Annotated 1953

36 63C-29-201, Utah Code Annotated 1953

37 63C-29-202, Utah Code Annotated 1953



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

40 Section 1. Section 63C-29-101 is enacted to read:

41 **CHAPTER 29. DOMESTIC VIOLENCE DATA TASK FORCE**

42 **Part 1. General Provisions**

43 **63C-29-101. Definitions.**

44 As used in this part:

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

47 (2) "Cohabitant abuse protective order" means an order issued with or without notice to
48 the respondent under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders.

49 (3) "Lethality assessment" means an evidence-based assessment that is intended to
50 identify a victim of domestic violence who is at a high risk of being killed by the perpetrator.

51 (4) "Nongovernment organization victim advocate" means the same as that term is
52 defined in Section 77-38-403.

53 (5) "Task force" means the Domestic Violence Data Task Force created in Section
54 63C-29-201.

55 (6) "Victim" means an individual who is a victim of domestic violence, as defined in
56 Section 77-36-1.

57 Section 2. Section 63C-29-201 is enacted to read:

58 **Part 2. Domestic Violence Data Task Force**

59 **63C-29-201. Domestic Violence Data Task Force -- Creation -- Members --**
60 **Compensation -- Quorum -- Staff.**

61 (1) There is created the Domestic Violence Data Task Force to coordinate and make
62 recommendations to the Legislature regarding the collection of domestic violence data in the
63 state.

- 64 (2) The task force consists of the following members:
- 65 (a) the Commissioner of Public Safety, or the commissioner's designee;
- 66 (b) the executive director of the Department of Corrections, or the executive director's
67 designee;
- 68 (c) the chair of the Board of Pardons or Parole, or the chair's designee;
- 69 (d) the president of the Utah Chiefs of Police Association, or the president's designee;
- 70 (e) the president of the Utah Sheriffs' Association, or the president's designee;
- 71 (f) the executive director of the State Commission on Criminal and Juvenile Justice, or
72 the director's designee;
- 73 (g) the director of the Division of Child and Family Services, or the director's designee;
- 74 (h) the director of the Utah Division of Indian Affairs, or the director's designee;
- 75 (i) the chief administrative officer of the Office of Homeless Services, or the officer's
76 designee;
- 77 (j) one individual who provides violence and injury prevention services within the
78 Department of Health and Human Services, appointed by the executive director of the
79 Department of Health and Human Services;
- 80 (k) one individual who represents the Administrative Office of the Courts appointed by
81 the state court administrator;
- 82 (l) one individual appointed jointly by the Utah League of Cities and Towns and the
83 Utah Association of Counties;
- 84 (m) one individual who represents the Statewide Association of Prosecutors appointed
85 by the association;
- 86 (n) one individual who represents the Utah Association of Criminal Defense Lawyers
87 appointed by the association; and
- 88 (o) the following individuals appointed by the commissioner of Public Safety, or the
89 commissioner's designee:
- 90 (i) one individual who represents a state domestic violence coalition, as defined in 45
91 C.F.R. Sec. 1370.2;
- 92 (ii) one criminal justice system advocate; and
- 93 (iii) one nongovernment organization victim advocate.
- 94 (3) The task force shall annually select one of the task force members to be the chair of

95 the task force.

96 (4) If a vacancy occurs in the membership of the task force appointed under Subsection
97 (1), the member shall be replaced in the same manner in which the original appointment was
98 made.

99 (5) A task force member:

100 (a) may not receive compensation or benefits for the member's service on the task
101 force; and

102 (b) may receive per diem and reimbursement for travel expenses that the task force
103 member incurs as a task force member at the rates that the Division of Finance establishes
104 under:

105 (i) Sections 63A-3-106 and 63A-3-107; and

106 (ii) rules that the Division of Finance makes under Sections 63A-3-106 and 63A-3-107.

107 (6) (a) A majority of the task force members constitutes a quorum.

108 (b) The action of a majority of a quorum constitutes an action of the task force.

109 (7) The Department of Public Safety shall provide staff support to the task force.

110 Section 3. Section **63C-29-202** is enacted to read:

111 **63C-29-202. Task force duties -- Reporting.**

112 (1) The task force shall:

113 (a) gather information on:

114 (i) lethality assessments conducted in the state, including:

115 (A) the type of lethality assessments used by law enforcement agencies and other
116 organizations that provide domestic violence services; and

117 (B) training and protocols implemented by law enforcement agencies and the
118 organizations described in Subsection (1)(a)(i)(A) regarding the use of lethality assessments;

119 (ii) the data collection efforts implemented by law enforcement agencies and the
120 organizations described in Subsection (1)(a)(i)(A);

121 (iii) the number of cohabitant abuse protective orders that, in the immediately
122 preceding calendar year, were:

123 (A) issued;

124 (B) amended or dismissed before the date of expiration; or

125 (C) dismissed under Subsection 78B-7-605(1); and

126 (iv) the prevalence of domestic violence in the state and the prevalence of the
127 following in domestic violence cases:

128 (A) stalking;
129 (B) strangulation;
130 (C) violence in the presence of children; and
131 (D) threats of suicide or homicide; and
132 (b) review and provide feedback on the form described in Subsection 78B-7-120(1)(d);
133 and

134 (c) develop a strategic plan to improve domestic violence data collection in the state
135 that addresses:

136 (i) coordination between state, local, and not-for-profit agencies to collect data from
137 lethality assessments and on the prevalence of domestic violence;
138 (ii) standardization of the format for collecting domestic violence and lethality
139 assessment data from state, local, and not-for-profit agencies within federal confidentiality
140 requirements; and

141 (iii) the need for any additional data collection requirements or efforts.

142 (2) Before November 30, of each year the task force shall provide a written report to
143 the Law Enforcement and Criminal Justice Interim Committee describing:

144 (a) the information gathered under Subsection (1)(a); and
145 (b) the strategic plan described in Subsection (1)(c).

146 Section 4. Section **63I-1-263** is amended to read:

147 **63I-1-263. Repeal dates: Titles 63A to 63N.**

148 (1) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
149 improvement funding, is repealed July 1, 2024.

150 (2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
151 2023.

152 (3) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
153 Committee, are repealed July 1, 2023. [~~(4) In relation to the Utah Transparency Advisory~~
154 ~~Board, on January 1, 2025:]~~

155 [~~(a) Section 63A-18-102 is repealed;~~]
156 [~~(b) Section 63A-18-201 is repealed; and]~~

- 157 ~~[(c) Section 63A-18-202 is repealed.]~~
- 158 (4) Title 63A, Chapter 18, Utah Transparency Advisory Board, is repealed January 1,
159 2025.
- 160 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
161 1, 2028.
- 162 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
163 2025.
- 164 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
165 2024.
- 166 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
167 repealed July 1, 2023.
- 168 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
169 July 1, 2023.
- 170 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
171 repealed July 1, 2026.
- 172 (11) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 173 (12) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 174 (13) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed December
175 31, 2024.
- 176 ~~[(13)]~~ (14) Section 63G-6a-805, which creates the Purchasing from Persons with
177 Disabilities Advisory Board, is repealed July 1, 2026.
- 178 ~~[(14)]~~ (15) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
179 July 1, 2028.
- 180 ~~[(15)]~~ (16) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
181 July 1, 2024.
- 182 ~~[(16)]~~ (17) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
183 2026.
- 184 ~~[(17) Subsection 63J-1-602.1(17), relating to the Nurse Home Visiting Restricted~~
185 ~~Account, is repealed July 1, 2026.]~~
- 186 (18) Subsection 63J-1-602.2(6), referring to dedicated credits to the Utah Marriage
187 Commission, is repealed July 1, 2023.

188 ~~[(19) Subsection 63J-1-602.2(7), referring to the Trip Reduction Program, is repealed~~
189 ~~July 1, 2022.]~~

190 ~~[(20)]~~ (19) Subsection 63J-1-602.2(26), related to the Utah Seismic Safety
191 Commission, is repealed January 1, 2025.

192 ~~[(21)]~~ (20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating
193 Committee, is repealed July 1, 2027.

194 ~~[(22)]~~ (21) In relation to the Utah Substance Use and Mental Health Advisory Council,
195 on January 1, 2033:

196 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
197 repealed;

198 (b) Section 63M-7-305, the language that states "council" is replaced with
199 "commission";

200 (c) Subsection 63M-7-305(1)(a) is repealed and replaced with:

201 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

202 (d) Subsection 63M-7-305(2) is repealed and replaced with:

203 "(2) The commission shall:

204 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
205 Drug-Related Offenses Reform Act; and

206 (b) coordinate the implementation of Section 77-18-104 and related provisions in Subsections
207 77-18-103(2)(c) and (d)."

208 ~~[(23)]~~ (22) The Crime Victim Reparations and Assistance Board, created in Section
209 63M-7-504, is repealed July 1, 2027.

210 ~~[(24)]~~ (23) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
211 2026.

212 ~~[(25)]~~ (24) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
213 repealed January 1, 2025.

214 ~~[(26)]~~ (25) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

215 ~~[(27)]~~ (26) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed
216 July 1, 2028.

217 ~~[(28)]~~ (27) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
218 repealed July 1, 2027.

219 [(29)] (28) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant
 220 Program, is repealed July 1, 2025.

221 [(30)] (29) In relation to the Rural Employment Expansion Program, on July 1, 2023:

222 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;

223 and

224 (b) Subsection 63N-4-805(5)(b), referring to the Rural Employment Expansion
 225 Program, is repealed.

226 [(31)] (30) In relation to the Board of Tourism Development, on July 1, 2025:

227 (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;

228 (b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is
 229 repealed and replaced with "Utah Office of Tourism";

230 (c) Subsection 63N-7-101(1), which defines "board," is repealed;

231 (d) Subsection 63N-7-102(3)(c), which requires the Utah Office of Tourism to receive
 232 approval from the Board of Tourism Development, is repealed; and

233 (e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

234 [(32)] (31) Subsection 63N-8-103(3)(c), which allows the Governor's Office of
 235 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,
 236 is repealed on July 1, 2024.

237 Section 5. Section **78B-7-120** is amended to read:

238 **78B-7-120. Law enforcement training -- Domestic violence -- Lethality**
 239 **assessments -- Forms -- Judicial education.**

240 (1) The Department of Public Safety shall develop training in domestic violence
 241 responses and lethality assessment protocols[~~, which include the following~~] that includes
 242 information on:

243 (a) recognizing the symptoms of domestic violence and trauma;

244 (b) an evidence-based assessment to identify victims of domestic violence who may be
 245 at a high risk of being killed by a perpetrator;

246 (c) lethality assessment protocols and interviewing techniques, including indicators of
 247 strangulation;

248 (d) responding to the needs and concerns of a victim of domestic violence;

249 (e) delivering services to victims of domestic violence in a compassionate, sensitive,

250 and professional manner; and

251 (f) understanding cultural perceptions and common myths of domestic violence.

252 (2) The Peace Officer Standards and Training Division shall incorporate training in
253 domestic violence issues into training offered to all individuals seeking certification as a peace
254 officer.

255 (3) The Administrative Office of the Courts shall consider including the concepts in the
256 training described in Subsections (1)(a) and (b) as part of an appropriate education program for
257 judges, commissioners, and court staff.