

**Effective 5/1/2024**

**Effective until 12/31/2024**

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

As used in this part:

- (1) "Accomplice" means an individual who has engaged in criminal conduct as described in Section 76-2-202.
- (2) "Advocacy services provider" means the same as that term is defined in Section 77-38-403.
- (3) "Board" means the Crime Victim Reparations and Assistance Board created under Section 63M-7-504.
- (4) "Bodily injury" means physical pain, illness, or any impairment of physical condition.
- (5) "Claimant" means any of the following claiming reparations under this part:
  - (a) a victim;
  - (b) a dependent of a deceased victim; or
  - (c) an individual or representative who files a reparations claim on behalf of a victim.
- (6) "Child" means an unemancipated individual who is under 18 years old.
- (7) "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:
  - (a) the offender;
  - (b) the insurance of the offender or the claimant;
  - (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;
  - (d) social security, Medicare, and Medicaid;
  - (e) state-required temporary nonoccupational income replacement insurance or disability income insurance;
  - (f) workers' compensation;
  - (g) wage continuation programs of any employer;
  - (h) proceeds of a contract of insurance payable to the claimant for the loss the claimant sustained because of the criminally injurious conduct;
  - (i) a contract providing prepaid hospital and other health care services or benefits for disability; or
  - (j) veteran's benefits, including veteran's hospitalization benefits.
- (8)
  - (a) "Confidential record" means a record in the custody of the office that relates to a claimant's eligibility for a reparations award.
  - (b) "Confidential record" includes:
    - (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.
- (9) "Criminal justice system victim advocate" means the same as that term is defined in Section 77-38-403.
- (10)
  - (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) 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
    - (C) chargeable as an offense for driving under the influence of alcohol or drugs.
  - (b) "Criminally injurious conduct" includes 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.
- (11)
- (a) "Dependent" means a natural person to whom the victim is wholly or partially legally responsible for care or support.
  - (b) "Dependent" includes a child of the victim born after the victim's death.
- (12) "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.
- (13) "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.
- (14) "Director" means the director of the office.
- (15) "Disposition" means the sentencing or determination of penalty or punishment to be imposed upon an individual:
- (a) convicted of a crime;
  - (b) found delinquent; or
  - (c) against whom a finding of sufficient facts for conviction or finding of delinquency is made.
- (16)
- (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.
  - (b) "Economic loss" includes economic detriment even if caused by pain and suffering or physical impairment.
  - (c) "Economic loss" does not include noneconomic detriment.
- (17) "Elderly victim" means an individual who is 60 years old or older and who is a victim.
- (18) "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.
- (19) "Fund" means the Crime Victim Reparations Fund created in Section 63M-7-526.
- (20)
- (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.

- (b) "Interpersonal violence" includes any attempt, conspiracy, or solicitation of an act described in Subsection (20)(a).
- (21) "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.
- (22) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- (23)
  - (a) "Medical examination" means a physical examination necessary to document criminally injurious conduct.
  - (b) "Medical examination" does not include mental health evaluations for the prosecution and investigation of a crime.
- (24) "Mental health counseling" means outpatient and inpatient counseling necessitated as a result of criminally injurious conduct, is subject to rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (25) "Misconduct" means conduct by the victim that was attributable to the injury or death of the victim as provided by rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (26) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment, and other nonpecuniary damage, except as provided in this part.
- (27) "Nongovernment organization victim advocate" means the same as that term is defined in Section 77-38-403.
- (28) "Nonpublic restitution record" means a restitution record that contains a claimant's medical or mental health information.
- (29) "Pecuniary loss" does not include loss attributable to pain and suffering except as otherwise provided in this part.
- (30) "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.
- (31) "Offense" means a violation of Title 76, Utah Criminal Code.
- (32) "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.
- (33) "Perpetrator" means the individual who actually participated in the criminally injurious conduct.
- (34) "Public restitution record" means a restitution record that does not contain a claimant's medical or mental health information.
- (35)
  - (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.
  - (b) "Rape crisis and services center" does not include a qualified institutional victim services provider as defined in Section 53B-28-201.
- (36) "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.
- (37) "Reparations claim" means a claimant's request or application made to the office for a reparations award.
- (38)
  - (a) "Reparations officer" means an individual employed by the office to investigate a claimant's request for reparations and award reparations under this part.

- (b) "Reparations officer" includes the director when the director is acting as a reparations officer.
- (39) "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.
- (40)
  - (a) "Representative" means the victim, immediate family member, legal guardian, attorney, conservator, executor, or an heir of an individual.
  - (b) "Representative" does not include a service provider or collateral source.
- (41) "Restitution" means the same as that term is defined in Section 77-38b-102.
- (42)
  - (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.
  - (b) "Restitution record" includes:
    - (i) a notice of restitution;
    - (ii) an itemized list of payments;
    - (iii) an invoice, receipt, or bill submitted to the office for reimbursement; and
    - (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.
- (43) "Secondary victim" means an individual who is traumatically affected by the criminally injurious conduct subject to rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (44) "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.
- (45) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.
- (46) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses.
- (47) "Sexual assault counselor" means an individual who:
  - (a) is employed by or volunteers at a rape crisis and services center;
  - (b) has a minimum of 40 hours of training in counseling and assisting victims of sexual assault; and
  - (c) is under the supervision of the director of a rape crisis and services center or the director's designee.
- (48) "Strangulation" means any act involving the use of unlawful force or violence that:
  - (a) impedes breathing or the circulation of blood; and
  - (b) is likely to produce a loss of consciousness by:
    - (i) applying pressure to the neck or throat of an individual; or
    - (ii) obstructing the nose, mouth, or airway of an individual.
- (49) "Substantial bodily injury" means the same as that term is defined in Section 76-1-101.5.
- (50)
  - (a) "Victim" means an individual who suffers bodily or psychological injury or death as a direct result of:
    - (i) criminally injurious conduct; or
    - (ii) the production of pornography in violation of Section 76-5b-201 or 76-5b-201.1 if the individual is a minor.

- (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.
- (51) "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.

Amended by Chapter 135, 2024 General Session

Amended by Chapter 156, 2024 General Session

Amended by Chapter 160, 2024 General Session

Amended by Chapter 401, 2024 General Session