

Chapter 7
Criminal Justice and Substance Abuse

Part 1
General Provisions

63M-7-101.5 Definitions for chapter.

As used in this chapter:

- (1) "Commission" means, except as provided in Sections 63M-7-901 and 63M-7-1101, the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
- (2) "Desistance" means an individual's abstinence from further criminal activity after a previous criminal conviction.
- (3) "Intervention" means a program, sanction, supervision, or event that may impact recidivism.
- (4) "Recidivism" means a return to criminal activity after a previous criminal conviction.
- (5) "Recidivism standard metric" means the number of individuals who are returned to prison for a new conviction within the three years after the day on which the individuals were released from prison.

Amended by Chapter 360, 2025 General Session

63M-7-102 Recidivism metrics -- Reporting.

- (1)
 - (a) The commission, the Department of Corrections, and the Board of Pardons and Parole, when reporting data on statewide recidivism, shall include data reflecting the recidivism standard metric.
 - (b)
 - (i) On or before August 1, 2024, the commission shall reevaluate the recidivism standard metric to determine whether new data streams allow for a broader definition, which may include criminal convictions that do not include prison time.
 - (ii) On or before November 1, 2024, the commission shall report to the Law Enforcement and Criminal Justice Interim Committee:
 - (A) the result of the reevaluation described in Subsection (1)(b)(i); and
 - (B) other recommendations regarding standardized recidivism metrics.
- (2) A report on statewide criminal recidivism may also include other information reflecting available recidivism, intervention, or desistance data.
- (3) A criminal justice institution, agency, or entity required to report adult recidivism data to the commission:
 - (a) shall include:
 - (i) a clear description of the eligible individuals, including:
 - (A) the criminal population being evaluated for recidivism; and
 - (B) the interventions that are being evaluated;
 - (ii) a clear description of the beginning and end of the evaluation period; and
 - (iii) a clear description of the events that are considered as a recidivism-triggering event; and
 - (b) may include supplementary data including:
 - (i) the length of time that elapsed before a recidivism-triggering event described in Subsection (3)(a)(iii) occurred;
 - (ii) the severity of a recidivism-triggering event described in Subsection (3)(a)(iii);

- (iii) measures of personal well-being, education, employment, housing, health, family or social support, civic or community engagement, or legal involvement; or
 - (iv) other desistance metrics that may capture an individual's behavior following the individual's release from an intervention.
- (4) Unless otherwise specified in statute:
- (a) the evaluation period described in Subsection (3)(a)(ii) is three years; and
 - (b) a recidivism-triggering event under Subsection (3)(a)(iii) shall include:
 - (i) an arrest;
 - (ii) an admission to prison;
 - (iii) a criminal charge; or
 - (iv) a criminal conviction.

Amended by Chapter 208, 2024 General Session

Part 2

Commission on Criminal and Juvenile Justice

63M-7-201 Creation -- Purpose.

- (1) The State Commission on Criminal and Juvenile Justice is created within the governor's office.
- (2) The commission's purpose is to:
 - (a) promote broad philosophical agreement concerning the objectives of the criminal and juvenile justice system in Utah;
 - (b) provide a mechanism for coordinating the functions of the various branches and levels of government concerned with criminal and juvenile justice to achieve those objectives;
 - (c) coordinate statewide efforts to reduce crime and victimization in Utah; and
 - (d) accomplish the duties enumerated in Section 63M-7-204.

Renumbered and Amended by Chapter 382, 2008 General Session

63M-7-202 Composition -- Appointments -- Ex officio members -- Terms -- United States Attorney as nonvoting member.

- (1) The State Commission on Criminal and Juvenile Justice is composed of 17 voting members as follows:
 - (a) the state court administrator or the state court administrator's designee;
 - (b) the executive director of the Department of Corrections or the executive director's designee;
 - (c) the executive director of the Department of Health and Human Services or the executive director's designee;
 - (d) the commissioner of the Department of Public Safety or the commissioner's designee;
 - (e) the attorney general or an attorney designated by the attorney general;
 - (f) the president of the chiefs of police association or a chief of police designated by the association's president;
 - (g) the president of the sheriffs' association or a sheriff designated by the association's president;
 - (h) the chair of the Board of Pardons and Parole or a member of the Board of Pardons and Parole designated by the chair;
 - (i) the chair of the Utah Sentencing Commission or a member of the Utah Sentencing Commission designated by the chair;

- (j) the chair of the Juvenile Justice Oversight Committee or a member of the Juvenile Justice Oversight Committee designated by the chair;
 - (k) the chair of the Utah Victim Services Commission or a member of the Utah Victim Services Commission designated by the chair;
 - (l) an indigent defense attorney, appointed by the Utah Indigent Defense Commission;
 - (m) a criminal prosecutor, appointed by the Statewide Association of Public Attorneys and Prosecutors;
 - (n) a criminal defense attorney, appointed by the Utah Association of Criminal Defense Lawyers;
 - (o) the executive director of the commission;
 - (p) an education professional, appointed by the State Board of Education; and
 - (q) the director of the Division of Juvenile Justice and Youth Services or the director's designee.
- (2) In addition to the members designated in Subsection (1), the following may serve as non-voting members:
- (a) a district court judge appointed by the Judicial Council; and
 - (b) a juvenile court judge appointed by the Judicial Council.
- (3) In appointing the members under Subsections (1) and (2), the appointing authority shall take into account the geographical makeup of the commission.

Amended by Chapter 208, 2024 General Session

Amended by Chapter 245, 2024 General Session

63M-7-203 Executive director -- Qualifications -- Compensation -- Appointment -- Functions.

- (1) The governor, with the advice and consent of the Senate, shall appoint a person experienced in the field of criminal justice and in administration as the executive director of the Commission on Criminal and Juvenile Justice. The governor shall establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- (2)
- (a) The executive director, under the direction of the commission, shall administer the duties of the commission and act as the governor's advisor on national, state, regional, metropolitan, and local government planning as it relates to criminal justice.
 - (b) This chapter does not derogate the planning authority conferred on state, regional, metropolitan, and local governments by existing law.

Amended by Chapter 352, 2020 General Session

63M-7-204 Duties of commission.

- (1) The commission shall:
- (a) promote the commission's purposes as enumerated in Section 63M-7-201;
 - (b) promote the communication and coordination of all criminal and juvenile justice agencies;
 - (c) study, evaluate, and report on the status of crime in the state and on the effectiveness of criminal justice policies, procedures, and programs that are directed toward the reduction of crime in the state;
 - (d) study, evaluate, and report on programs initiated by state and local agencies to address reducing recidivism, including changes in penalties and sentencing guidelines intended to reduce recidivism, costs savings associated with the reduction in the number of inmates, and evaluation of expenses and resources needed to meet goals regarding the use of treatment as an alternative to incarceration, as resources allow;

- (e) study, evaluate, and report on policies, procedures, and programs of other jurisdictions which have effectively reduced crime;
- (f) identify and promote the implementation of specific policies and programs the commission determines will significantly reduce crime in Utah;
- (g) provide analysis and recommendations on all criminal and juvenile justice legislation, state budget, and facility requests, including program and fiscal impact on all components of the criminal and juvenile justice system;
- (h) provide analysis, accountability, recommendations, and supervision for state and federal criminal justice grant money;
- (i) provide public information on the criminal and juvenile justice system and give technical assistance to agencies or local units of government on methods to promote public awareness;
- (j) promote research and program evaluation as an integral part of the criminal and juvenile justice system;
- (k) provide a comprehensive criminal justice plan annually;
- (l) review agency forecasts regarding future demands on the criminal and juvenile justice systems, including specific projections for secure bed space;
- (m) promote the development of criminal and juvenile justice information systems that are consistent with common standards for data storage and are capable of appropriately sharing information with other criminal justice information systems by:
 - (i) developing and maintaining common data standards for use by all state criminal justice agencies;
 - (ii) annually performing audits of criminal history record information maintained by state criminal justice agencies to assess their accuracy, completeness, and adherence to standards;
 - (iii) defining and developing state and local programs and projects associated with the improvement of information management for law enforcement and the administration of justice; and
 - (iv) establishing general policies concerning criminal and juvenile justice information systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this Subsection (1)(m);
- (n) allocate and administer grants, from money made available, for approved education programs to help prevent the sexual exploitation of children;
- (o) allocate and administer grants for law enforcement operations and programs related to reducing illegal drug activity and related criminal activity;
- (p) request, receive, and evaluate data and recommendations collected and reported by:
 - (i) agencies and contractors related to policies recommended by the commission regarding recidivism reduction, including the data described in Section 13-53-111 and Subsection 26B-5-102(2)(jj); and
 - (ii) state agencies under Section 67-28-102;
- (q) establish and administer a performance incentive grant program that allocates funds appropriated by the Legislature to programs and practices implemented by counties that reduce recidivism and reduce the number of offenders per capita who are incarcerated;
- (r) oversee or designate an entity to oversee the implementation of juvenile justice reforms;
- (s) make rules and administer the juvenile holding room standards and juvenile jail standards to align with the Juvenile Justice and Delinquency Prevention Act requirements pursuant to 42 U.S.C. Sec. 5633;
- (t) allocate and administer grants, from money made available, for pilot qualifying education programs;

- (u) request, receive, and evaluate the aggregate data collected from prosecutorial agencies and the Administrative Office of the Courts, in accordance with Sections 63M-7-216, 63M-7-216.1, and 78A-2-109.5;
 - (v) report annually to the Law Enforcement and Criminal Justice Interim Committee on the progress made on each of the following goals of the Justice Reinvestment Initiative:
 - (i) ensuring oversight and accountability;
 - (ii) supporting local corrections systems;
 - (iii) improving and expanding reentry and treatment services; and
 - (iv) strengthening probation and parole supervision;
 - (w) compile a report of findings based on the data and recommendations provided under Section 13-53-111 that separates the data provided under Section 13-53-111 by each residential vocational or life skills program;
 - (x) publish the report described in Subsection (1)(w) on the commission's website and annually provide the report to the Judiciary Interim Committee, the Health and Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the related appropriations subcommittees;
 - (y) receive, compile, and publish on the commission's website the data provided under:
 - (i) Section 53-25-202;
 - (ii) Section 53-25-301; and
 - (iii) Section 53-25-401;
 - (z) review, research, advise, and make recommendations to the three branches of government regarding evidence-based sex offense management policies and practices, including supervision standards, treatment standards, and the sex offender registry;
 - (aa) receive and evaluate a referral from the Department of Public Safety received under Section 53-21-104.3 involving a denial of mental health resources to an eligible individual, including, if appropriate in the commission's discretion, deny the relevant entity from receiving any grant of state funds under Section 63M-7-218 for a specified period of time; and
 - (bb) accept public comment.
- (2)
- (a) The commission may designate an entity to perform the duties described in this part.
 - (b) If the commission designates an entity under Subsection (2)(a), the commission shall ensure that the membership of the designated entity includes representation from relevant stakeholder groups from the parts of the justice system implicated in the policy area.
- (3) In fulfilling the commission's duties under Subsection (1), the commission may seek input and request assistance from groups with knowledge and expertise in criminal justice, including other boards and commissions affiliated or housed within the commission.

Amended by Chapter 51, 2025 General Session

Amended by Chapter 135, 2025 General Session

Amended by Chapter 252, 2025 General Session

Amended by Chapter 494, 2025 General Session

Amended by Chapter 510, 2025 General Session

63M-7-205 Annual report by the commission.

- (1) The commission shall annually prepare and publish a report directed to the governor, the Legislature, and the Judicial Council.
- (2) The report shall describe how the commission fulfilled its statutory purposes and duties during the year.

Renumbered and Amended by Chapter 382, 2008 General Session

63M-7-206 Election of chair -- Meetings.

The membership of the Commission on Criminal and Juvenile Justice by simple majority vote of those in attendance shall annually elect one of their number to serve as chair. The chair is responsible for the call and conduct of meetings. Meetings shall be called and held at least bimonthly. One of the bimonthly meetings shall be held while the Legislature is convened in its annual session. Additional meetings may be called upon request by a majority of the commission's members.

Renumbered and Amended by Chapter 382, 2008 General Session

63M-7-207 Members serve without pay -- Reimbursement for expenses.

- (1) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- (2) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Amended by Chapter 387, 2014 General Session

63M-7-208 Juvenile justice oversight -- Delegation -- Effective dates.

- (1) The State Commission on Criminal and Juvenile Justice shall:
 - (a) support implementation and expansion of evidence-based juvenile justice programs and practices, including assistance regarding implementation fidelity, quality assurance, and ongoing evaluation;
 - (b) examine and make recommendations on the use of third-party entities or an intermediary organization to assist with implementation and to support the performance-based contracting system authorized in Subsection (1)(m);
 - (c) oversee the development of performance measures to track juvenile justice reforms, and ensure early and ongoing stakeholder engagement in identifying the relevant performance measures;
 - (d) evaluate currently collected data elements throughout the juvenile justice system and contract reporting requirements to streamline reporting, reduce redundancies, eliminate inefficiencies, and ensure a focus on recidivism reduction;
 - (e) review averted costs from reductions in out-of-home placements for juvenile justice youth placed with the Division of Juvenile Justice and Youth Services and the Division of Child and Family Services, and make recommendations to prioritize the reinvestment and realignment of resources into community-based programs for youth living at home, including the following:
 - (i) statewide expansion of:
 - (A) juvenile receiving centers, as defined in Section 80-1-102;
 - (B) mobile crisis outreach teams, as defined in Section 26B-5-101;
 - (C) youth courts; and
 - (D) victim-offender mediation;
 - (ii) statewide implementation of nonresidential diagnostic assessment;

- (iii) statewide availability of evidence-based programs and practices including cognitive behavioral and family therapy programs for minors assessed by a validated risk and needs assessment as moderate or high risk;
 - (iv) implementation and infrastructure to support the sustainability and fidelity of evidence-based juvenile justice programs, including resources for staffing, transportation, and flexible funds; and
 - (v) early intervention programs such as family strengthening programs, family wraparound services, and proven truancy interventions;
 - (f) assist the Administrative Office of the Courts in the development of a statewide sliding scale for the assessment of fines, fees, and restitution, based on the ability of the minor's family to pay;
 - (g) analyze the alignment of resources and the roles and responsibilities of agencies, such as the operation of early intervention services, receiving centers, and diversion, and make recommendations to reallocate functions as appropriate, in accordance with Section 80-5-401;
 - (h) comply with the data collection and reporting requirements under Section 80-6-104;
 - (i) develop a reasonable timeline within which all programming delivered to minors in the juvenile justice system must be evidence-based or consist of practices that are rated as effective for reducing recidivism by a standardized program evaluation tool;
 - (j) provide guidelines to be considered by the Administrative Office of the Courts and the Division of Juvenile Justice and Youth Services in developing tools considered by the Administrative Office of the Courts and the Division of Juvenile Justice and Youth Services in developing or selecting tools to be used for the evaluation of juvenile justice programs;
 - (k) develop a timeline to support improvements to juvenile justice programs to achieve reductions in recidivism and review reports from relevant state agencies on progress toward reaching that timeline;
 - (l) subject to Subsection (2), assist in the development of training for juvenile justice stakeholders, including educators, law enforcement officers, probation staff, judges, Division of Juvenile Justice and Youth Services staff, Division of Child and Family Services staff, and program providers;
 - (m) subject to Subsection (3), assist in the development of a performance-based contracting system, which shall be developed by the Administrative Office of the Courts and the Division of Juvenile Justice and Youth Services for contracted services in the community and contracted out-of-home placement providers;
 - (n) assist in the development of a validated detention risk assessment tool that is developed or adopted and validated by the Administrative Office of the Courts and the Division of Juvenile Justice and Youth Services as provided in Section 80-5-203; and
 - (o) annually issue and make public a report to the governor, president of the Senate, speaker of the House of Representatives, and chief justice of the Utah Supreme Court on the progress of the reforms and any additional areas in need of review.
- (2) Training described in Subsection (1)(l) should include instruction on evidence-based programs and principles of juvenile justice, such as risk, needs, responsivity, and fidelity, and shall be supplemented by the following topics:
- (a) adolescent development;
 - (b) identifying and using local behavioral health resources;
 - (c) cross-cultural awareness;
 - (d) graduated responses;
 - (e) Utah juvenile justice system data and outcomes; and

- (f) gangs.
- (3) The system described in Subsection (1)(m) shall provide incentives for:
 - (a) the use of evidence-based juvenile justice programs and practices rated as effective by the tools selected in accordance with Subsection (1)(j);
 - (b) the use of three-month timelines for program completion; and
 - (c) evidence-based programs and practices for minors living at home in rural areas.
- (4) The State Commission on Criminal and Juvenile Justice may delegate the duties imposed under this section to a subcommittee or board established by the State Commission on Criminal and Juvenile Justice in accordance with Subsection 63M-7-204(2).

Amended by Chapter 240, 2024 General Session

63M-7-210 Pilot program of competency-based career and technical education grants.

- (1) As used in this section:
 - (a) "Certificate program provider" means a technical college that provides competency-based career and technical education.
 - (b) "Commission" means the State Commission on Criminal and Juvenile Justice.
 - (c)
 - (i) "Competency-based career and technical education" means career and technical education that will result in appropriate licensing, certification, or other evidence of completion of training and qualification for specific employment.
 - (ii) "Competency-based career and technical education" includes services provided under Section 53B-2a-106.
 - (d) "Qualifying education program" means a program overseen by a city or county prosecutor office to provide for an individual obtaining:
 - (i) a high school diploma or a Utah high school completion diploma as defined by rule made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 - (ii) competency-based career and technical education.
 - (e) "Technical college" means the same as that term is defined in Section 53B-1-101.5.
- (2) In accordance with this section, the commission shall establish a pilot grant program for fiscal year 2019 that funds the costs of two employees who:
 - (a) are located in different prosecutor offices that operate in areas that have proximity to a technical college; and
 - (b) oversee a program that provides for participation in a qualifying education program by an individual who is convicted of, pleads guilty to, or pleads no contest to a misdemeanor or third degree felony:
 - (i) as an alternative to incarceration;
 - (ii) for a reduction of fines or court fees;
 - (iii) for a two-step conviction reduction under Section 76-3-402; or
 - (iv) for a combination of the actions described in Subsections (2)(b)(i) through (iii).
- (3) As a condition of participating in a qualifying education program under this section, an individual shall:
 - (a) comply with the requirements of the plea agreement entered into by the individual, the prosecutor, and the court; and
 - (b) work with a financial aid officer for a qualifying education program and pay the tuition for the competency-based career and technical education charged by the certificate program provider.

- (4) The commission will structure and administer the grant pilot program consistent with other grant program requirements that the commission administers.
- (5) The commission shall compile a report regarding this grant pilot program based on performance measures and provide the report by no later than November 30, 2020, to the Law Enforcement and Criminal Justice Interim Committee, and the related appropriations subcommittee.

Amended by Chapter 136, 2019 General Session

63M-7-214 Commission on Criminal and Juvenile Justice -- Grants.

- (1) As used in this section:
 - (a) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (b) "Law enforcement agency" means a state or local law enforcement agency.
 - (c) "Other appropriate agency" means a state or local government agency, or a nonprofit organization, that works to prevent illegal drug activity and enforce laws regarding illegal drug activity and related criminal activity by:
 - (i) programs, including education, prevention, treatment, and research programs; and
 - (ii) enforcement of laws regarding illegal drugs.
- (2) The commission shall implement law enforcement operations and programs related to reducing illegal drug activity as listed in Subsection (3).
- (3)
 - (a) The first priority of the commission is to annually allocate not more than \$2,500,000, depending upon funding available from other sources, to directly fund the operational costs of state and local law enforcement agencies' drug or crime task forces, including multijurisdictional task forces.
 - (b) The second priority of the commission is to allocate grants for specified law enforcement agency functions and other agency functions as the commission finds appropriate to more effectively reduce illegal drug activity and related criminal activity, including providing education, prevention, treatment, and research programs.
- (4)
 - (a) In allocating grants and determining the amount of the grants to carry out the purposes of Subsection (3), the commission shall consider:
 - (i) the demonstrated ability of the agency to appropriately use the grant to implement the proposed functions and how this function or task force will add to the law enforcement agency's current efforts to reduce illegal drug activity and related criminal activity; and
 - (ii) the agency's cooperation with other state and local agencies and task forces.
 - (b) Agencies qualify for a grant only if they demonstrate compliance with all reporting and policy requirements applicable under this section and under Title 63M, Chapter 7, Criminal Justice and Substance Abuse, in order to qualify as a potential grant recipient.
- (5) Recipient agencies may only use grant money after approval or appropriation by the agency's governing body, and a determination that the grant money is nonlapsing.
- (6) A recipient law enforcement agency may use funds granted under this section only for the purposes stated by the commission in the grant.
- (7)
 - (a) For each fiscal year, any law enforcement agency that receives a grant from the commission under this section shall prepare and file with the commission and the state auditor a report in a form specified by the commission.

- (b) The report shall include the following regarding each grant:
 - (i) the agency's name;
 - (ii) the amount of the grant;
 - (iii) the date of the grant;
 - (iv) how the grant has been used; and
 - (v) a statement signed by both the agency's or political subdivision's executive officer or designee and by the agency's legal counsel, that all grant funds were used for law enforcement operations and programs approved by the commission and that relate to reducing illegal drug activity and related criminal activity, as specified in the grant.

Amended by Chapter 108, 2024 General Session

63M-7-215 Pretrial Release Programs Special Revenue Fund -- Funding -- Uses.

- (1) As used in this section:
 - (a) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (b) "Fund" means the Pretrial Release Programs Special Revenue Fund created in this section.
- (2) There is created an expendable special revenue fund known as the "Pretrial Release Programs Special Revenue Fund."
- (3) The Division of Finance shall administer the fund in accordance with this section.
- (4) The fund shall consist of:
 - (a) money collected and remitted to the fund under Section 77-20-403;
 - (b) appropriations from the Legislature;
 - (c) interest earned on money in the fund; and
 - (d) contributions from other public or private sources.
- (5) The commission shall award grants from the fund to county agencies and other agencies the commission determines appropriate to assist counties with establishing and expanding pretrial services programs that serve the purpose of:
 - (a) assisting a court in making an informed decision regarding an individual's pretrial release; and
 - (b) providing supervision of an individual released from law enforcement custody on conditions pending a final determination of a criminal charge filed against the individual.
- (6) The commission may retain up to 3% of the money deposited into the fund to pay for administrative costs incurred by the commission, including salary and benefits, equipment, supplies, or travel costs that are directly related to the administration of this section.
- (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall establish a grant application and review process for the expenditure of money from the fund.
- (8) The grant application and review process shall describe:
 - (a) the requirements to complete the grant application;
 - (b) requirements for receiving funding;
 - (c) criteria for the approval of a grant application; and
 - (d) support offered by the commission to complete a grant application.
- (9) Upon receipt of a grant application, the commission shall:
 - (a) review the grant application for completeness;
 - (b) make a determination regarding the grant application;
 - (c) inform the grant applicant of the commission's determination regarding the grant application; and
 - (d) if approved, award grants from the fund to the grant applicant.

- (10) Before November 30 of each year, the commission shall provide an electronic report to the Law Enforcement and Criminal Justice Interim Committee regarding the status of the fund and expenditures made from the fund.

Amended by Chapter 4, 2021 Special Session 2

63M-7-216 Prosecutorial data collection -- Policy transparency.

(1) As used in this section:

- (a) "Commission" means the Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (b)
 - (i) "Criminal case" means a case where an offender is charged with an offense for which a mandatory court appearance is required under the Uniform Bail Schedule.
 - (ii) "Criminal case" does not mean a case for criminal non-support under Section 76-7-201 or any proceeding involving collection or payment of child support, medical support, or child care expenses by or on behalf of the Office of Recovery Services under Section 26B-9-108 or 76-7-202.
 - (c) "Offense tracking number" means a distinct number applied to each criminal offense by the Bureau of Criminal Identification.
 - (d) "Pre-filing diversion" means an agreement between a prosecutor and an individual prior to being charged with a crime, before an information or indictment is filed, in which the individual is diverted from the traditional criminal justice system into a program of supervision and supportive services in the community.
 - (e) "Post-filing diversion" is as described in Section 77-2-5.
 - (f) "Prosecutorial agency" means the Office of the Attorney General and any city, county, or district attorney acting as a public prosecutor.
 - (g) "Publish" means to make aggregated data available to the general public.
- (2) Beginning July 1, 2021, all prosecutorial agencies within the state shall submit the following data with regards to each criminal case referred to it from a law enforcement agency to the commission for compilation and analysis:
- (a) the defendant's:
 - (i) full name;
 - (ii) offense tracking number;
 - (iii) date of birth; and
 - (iv) zip code;
 - (b) referring agency;
 - (c) whether the prosecutorial agency filed charges, declined charges, initiated a pre-filing diversion, or asked the referring agency for additional information;
 - (d) if charges were filed, the case number and the court in which the charges were filed;
 - (e) all charges brought against the defendant;
 - (f) if applicable, all enhancements to the charges against the defendant;
 - (g) whether bail was requested and, if so, the requested amount;
 - (h) the date of initial discovery disclosure;
 - (i) whether post-filing diversion was offered and, if so, whether it was entered;
 - (j) if post-filing diversion or other plea agreement was accepted, the date entered by the court; and
 - (k) the date of conviction, acquittal, plea agreement, dismissal, or other disposition of the case.
- (3)

- (a) The information required by Subsection (2), including information that was missing or incomplete at the time of an earlier submission but is presently available, shall be submitted within 90 days of the last day of March, June, September, and December of each year for the previous 90-day period in the form and manner selected by the commission.
- (b) If the last day of the month is a Saturday, Sunday, or state holiday, the information shall be submitted on the next working day.
- (4) The prosecutorial agency shall maintain a record of all information collected and transmitted to the commission for 10 years.
- (5) The commission shall include in the plan required by Subsection 63M-7-204(1)(k) an analysis of the data received, comparing and contrasting the practices and trends among and between prosecutorial agencies in the state. The Law Enforcement and Criminal Justice Interim Committee may request an in-depth analysis of the data received annually. Any request shall be in writing and specify which data points the report shall focus on.
- (6) The commission may provide assistance to prosecutorial agencies in setting up a method of collecting and reporting data required by this section.
- (7) Beginning January 1, 2021, all prosecutorial agencies shall publish specific office policies. If the agency does not maintain a policy on a topic in this subsection, the agency shall affirmatively disclose that fact. Policies shall be published online on the following topics:
 - (a) screening and filing criminal charges;
 - (b) plea bargains;
 - (c) sentencing recommendations;
 - (d) discovery practices;
 - (e) prosecution of juveniles, including whether to prosecute a juvenile as an adult;
 - (f) collection of fines and fees;
 - (g) criminal and civil asset forfeiture practices;
 - (h) services available to victims of crime, both internal to the prosecutorial office and by referral to outside agencies;
 - (i) diversion programs; and
 - (j) restorative justice programs.

Amended by Chapter 252, 2025 General Session

63M-7-216.1 Prosecutorial data collection regarding certain prosecutions, dismissals, and declinations to prosecute.

- (1) Beginning January 1, 2026, all prosecutorial agencies within the state shall collect and submit the following data to the commission:
 - (a) the number of prosecutions during the previous calendar year in which charges were brought against an individual based on the individual's false accusation that a felony or misdemeanor had occurred;
 - (b) the disposition of each prosecution described in Subsection (1)(a); and
 - (c) the number of cases during the previous calendar year for which an alleged violation of any felony or misdemeanor was dismissed or declined:
 - (i) based on evidence that no crime was committed or attempted;
 - (ii) based on insufficient evidence to establish a likelihood of success at trial; or
 - (iii) because the victim was unable to participate.
- (2) The information required by Subsection (1) shall be submitted to the commission in the form and manner selected by the commission.

Enacted by Chapter 252, 2025 General Session

63M-7-218 State grant requirements.

- (1) Except as provided in Subsection (2), the commission may not award a grant of state funds to an entity subject to, and not in compliance with, the reporting requirements in Subsection 63A-16-1002(4).
- (2)
 - (a) The commission may award a grant to an entity under Section 63A-16-1003 even if the entity is not in compliance with the reporting requirements described in Subsection 63A-16-1002(4).
 - (b) Subsection (1) does not apply to the law enforcement reporting requirements for certain firearm data described in Section 53-25-502.
- (3) Beginning July 1, 2025, the commission may not award any grant of state funds to an entity subject to the requirements under Sections 53-21-102 and 53-21-104.3, if the commission has determined under Subsection 63M-7-204(1)(aa) that the entity is currently not eligible to receive state grant funds under this section.

Amended by Chapter 252, 2025 General Session

63M-7-219 Victim Services Restricted Account -- Funding -- Uses.

- (1) There is created in the General Fund a restricted account known as the "Victim Services Restricted Account."
- (2) The Victim Services Restricted Account is funded by:
 - (a) money appropriated to the account by the Legislature;
 - (b) money deposited from a judgment in favor of the state pursuant to the requirements of Section 78B-8-201;
 - (c) gifts, donations, or grants from private entities or individuals; and
 - (d) interest earned on money in the account.
- (3) Subject to appropriation, the Legislature shall use the funds in the Victim Services Restricted Account to fund services for victims, including using funds for:
 - (a) services provided by Children's Justice Centers;
 - (b) services for sexual assault and domestic violence victims;
 - (c) services recommended by the Utah Victim Services Commission under Section 63M-7-804; or
 - (d) any administrative costs associated with implementing victim services.

Amended by Chapter 211, 2025 General Session

63M-7-220 Domestic violence data collection.

- (1) As used in this section:
 - (a) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
 - (b) "Cohabitant abuse protective order" means an order issued with or without notice to the respondent in accordance with Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders.
 - (c) "Lethality assessment" means an evidence-based assessment that is intended to identify a victim of domestic violence who is at a high risk of being killed by the perpetrator.
 - (d) "Victim" means the same as that term is defined in Section 77-36-1.

- (2) Beginning July 1, 2025, each law enforcement agency and other organizations that provide domestic violence services within the state shall submit the following data to the commission for compilation and analysis in collaboration with the data collected by the Department of Public Safety in accordance with Section 77-36-2.1 and the Administrative Office of the Courts:
- (a) lethality assessments conducted in the state, including:
 - (i) the type of lethality assessments used by law enforcement agencies and other organizations that provide domestic violence services; and
 - (ii) training and protocols implemented by law enforcement agencies and the organizations described in Subsection (2)(a)(i) regarding the use of lethality assessments;
 - (b) the data collection efforts implemented by law enforcement agencies and the organizations described in Subsection (2)(a)(i);
 - (c) the number of cohabitant abuse protective orders that, in the immediately preceding calendar year, were:
 - (i) issued;
 - (ii) amended or dismissed before the date of expiration; and
 - (iii) dismissed under Section 78B-7-605; and
 - (d) the prevalence of domestic violence in the state and the prevalence of the following in domestic violence cases:
 - (i) stalking;
 - (ii) strangulation;
 - (iii) violence in the presence of children; and
 - (iv) threats of suicide or homicide.
- (3) The commission, in collaboration with domestic violence organizations and other related stakeholders, shall conduct a review of and provide feedback on:
- (a) lethality assessment training and protocols implemented by law enforcement agencies and the organizations described in Subsection (2)(a)(i); and
 - (b) the collection of domestic violence data in the state, including:
 - (i) coordination between state, local, and not-for-profit agencies to collect data from lethality assessments and on the prevalence of domestic violence, including the number of voluntary commitments of firearms under Section 53-5a-502;
 - (ii) efforts to standardize the format for collecting domestic violence and lethality assessment data from state, local, and not-for-profit agencies subject to federal confidentiality requirements; and
 - (iii) the need for any additional data collection requirements or efforts.
- (4) On or before November 30 of each year, the commission shall provide a written report to the Law Enforcement and Criminal Justice Interim Committee describing:
- (a) the information gathered under Subsections (2) and (3); or
 - (b) the progress and assessment of available data under Subsections (2) and (3).

Amended by Chapter 208, 2025 General Session

Part 4

Sentencing Commission

63M-7-401.1 Definitions for part.

As used in this part:

- (1) "Adjudication" means an adjudication, as that term is defined in Section 80-1-102, of an offense under Section 80-6-701.
- (2) "Adult sentencing and supervision length guidelines" means the guidelines established in Section 63M-7-404.3.
- (3) "Civil disability" means a legal right or privilege that is revoked as a result of the individual's conviction or adjudication.
- (4) "Collateral consequence" means:
 - (a) a discretionary disqualification; or
 - (b) a mandatory sanction.
- (5) "Conviction" means the same as that term is defined in Section 77-38b-102.
- (6) "Disadvantage" means any legal or regulatory restriction that:
 - (a) is imposed on an individual as a result of the individual's conviction or adjudication; and
 - (b) is not a civil disability or a legal penalty.
- (7) "Discretionary disqualification" means a penalty, a civil disability, or a disadvantage that a court in a civil proceeding, or a federal, state, or local government agency or official, may impose on an individual as a result of the individual's adjudication or conviction for an offense regardless of whether the penalty, the civil disability, or the disadvantage is specifically designated as a penalty, a civil disability, or a disadvantage.
- (8) "Juvenile" means a minor as that term is defined in Section 80-1-102.
- (9) "Juvenile disposition guidelines" means the guidelines established in Section 63M-7-404.5.
- (10) "Mandatory sanction" means a penalty, a civil disability, or a disadvantage that:
 - (a) is imposed on an individual as a result of the individual's adjudication or conviction for an offense regardless of whether the penalty, the civil disability, or the disadvantage is specifically designated as a penalty, a civil disability, or a disadvantage; and
 - (b) is not included in the judgment for the adjudication or conviction.
- (11) "Master offense list" means a document that contains all offenses that exist in statute and each offense's associated penalty.
- (12) "Offense" means a felony, a misdemeanor, an infraction, or an adjudication under the laws of this state, another state, or the United States.
- (13) "Penalty" means an administrative, civil, or criminal sanction imposed to punish the individual for the individual's conviction or adjudication.
- (14) "Sentencing commission" means the sentencing commission created in Section 63M-7-401.2.

Enacted by Chapter 208, 2024 General Session

63M-7-401.2 Creation -- Members -- Appointment -- Qualifications.

- (1) There is created the sentencing commission, within the commission, that is composed of 15 voting members.
- (2) The sentencing commission shall:
 - (a) develop by-laws and rules in compliance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (b) elect the sentencing commission's officers.
- (3) The sentencing commission's members shall be:
 - (a) the executive director of the Department of Corrections or the executive director's designee;
 - (b) the director of the Division of Juvenile Justice and Youth Services or the director's designee;
 - (c) the executive director of the commission or the executive director's designee;
 - (d) the chair of the Board of Pardons and Parole or the chair's designee;
 - (e) the state court administrator or the state court administrator's designee;

- (f) a criminal defense attorney, appointed by the Utah Association of Criminal Defense Lawyers;
 - (g) an indigent defense attorney, appointed by the Indigent Defense Commission;
 - (h) the attorney general or the attorney general's designee;
 - (i) a criminal prosecutor, appointed by the Statewide Association of Public Attorneys and Prosecutors;
 - (j) a representative of the Utah Sheriff's Association appointed by the governor;
 - (k) a licensed professional, appointed by the governor, who assists in the rehabilitation of individuals convicted of an offense;
 - (l) the chair of the Utah Victim Services Commission or a member of the Utah Victim Services Commission designated by the chair;
 - (m) the chair of the Juvenile Justice Oversight Committee or a member of the Juvenile Justice Oversight Committee designated by the chair;
 - (n) a juvenile prosecuting attorney, appointed by the Statewide Association of Public Attorneys and Prosecutors; and
 - (o) a juvenile defense attorney, appointed by the Utah Association of Criminal Defense Lawyers.
- (4) In addition to the members described in Subsection (3), the following may serve as non-voting members:
- (a) a district court judge appointed by the Judicial Council; and
 - (b) a juvenile court judge appointed by the Judicial Council.
- (5) The executive director of the commission shall hire a director of the sentencing commission to administer and manage the sentencing commission.

Amended by Chapter 173, 2021 General Session

63M-7-402 Terms of members -- Reappointment -- Vacancy.

- (1)
- (a) Except as required by Subsection (1)(b), the appointing authority shall appoint each new member or reappointed member to a four-year term as the terms of members of the sentencing commission expire.
 - (b) The appointing authority shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of members of the sentencing commission are staggered so that approximately half of the sentencing commission is appointed every two years.
- (2) If a member of the sentencing commission no longer holds a qualifying position, resigns, or is unable to serve, the appointing authority shall fill the vacancy.
- (3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

Amended by Chapter 208, 2024 General Session

63M-7-402.5 Compensation of members.

- (1) A member of the sentencing commission who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

- (2) Compensation and expenses of a member of the sentencing commission who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Enacted by Chapter 208, 2024 General Session

63M-7-404.1 Duties of the sentencing commission.

- (1) The sentencing commission shall establish and maintain:
- (a) the adult sentencing and supervision length guidelines described in Section 63M-7-404.3;
 - (b) the juvenile disposition guidelines described in Section 63M-7-404.5;
 - (c) a master offense list described in Section 63M-7-405; and
 - (d) a collateral consequences guide described in Section 63M-7-405.
- (2) The sentencing commission may make recommendations to the Legislature, the governor, and the Judicial Council regarding:
- (a) the adult sentencing and supervision length guidelines described in Section 63M-7-404.3;
 - (b) the juvenile disposition guidelines described in Section 63M-7-404.5;
 - (c) a master offense list described in Section 63M-7-405; and
 - (d) a collateral consequences guide described in Section 63M-7-405.
- (3) The sentencing commission shall use existing data and resources from state criminal justice agencies in carrying out the duties of the sentencing commission.
- (4) The sentencing commission shall:
- (a) provide training and recommendations regarding the adult sentencing and supervision length guidelines, the juvenile disposition guidelines, and other documents maintained by the sentencing commission to the three branches of government, in coordination with the commission; and
 - (b) assist and respond to questions from all three branches of government.
- (5)
- (a) The sentencing commission may provide analysis and recommendations to the commission regarding proposed legislation or other policy changes that may impact sentencing, release, or supervision of individuals convicted of crimes.
 - (b) The sentencing commission may not take public positions on proposed legislation or other proposed policy changes by the Legislature.
- (6) The sentencing commission may employ professional assistance and other staff members that the sentencing commission considers necessary to comply with this part.
- (7) The sentencing commission shall coordinate with the commission on criminal and juvenile justice issues, budget, and administrative support.

Enacted by Chapter 208, 2024 General Session

63M-7-404.3 Adult sentencing and supervision length guidelines.

- (1) The sentencing commission shall establish and maintain adult sentencing and supervision length guidelines regarding:
- (a) the sentencing and release of offenders in order to:
 - (i) accept public comment;
 - (ii) relate sentencing practices and correctional resources;
 - (iii) increase equity in sentencing;
 - (iv) better define responsibility in sentencing; and

- (v) enhance the discretion of the sentencing court while preserving the role of the Board of Pardons and Parole;
- (b) the length of supervision of offenders on probation or parole in order to:
 - (i) accept public comment;
 - (ii) increase equity in criminal supervision lengths;
 - (iii) relate the length of supervision to an offender's progress;
 - (iv) take into account an offender's risk of offending again;
 - (v) relate the length of supervision to the amount of time an offender has remained under supervision in the community; and
 - (vi) enhance the discretion of the sentencing court while preserving the role of the Board of Pardons and Parole; and
- (c) appropriate, evidence-based probation and parole supervision policies and services that assist offenders in successfully completing supervision and reduce incarceration rates from community supervision programs while ensuring public safety, including:
 - (i) treatment and intervention completion determinations based on individualized case action plans;
 - (ii) measured and consistent processes for addressing violations of conditions of supervision;
 - (iii) processes that include using positive reinforcement to recognize an offender's progress in supervision;
 - (iv) engaging with social services agencies and other stakeholders who provide services that meet the needs of an offender; and
 - (v) identifying community violations that may not warrant revocation of probation or parole.
- (2)
 - (a) Before July 1, 2024, the sentencing commission shall revise and review the adult sentencing and supervision length guidelines to reflect appropriate penalties for the following offenses:
 - (i) an interlock restricted driver operating a vehicle without an ignition interlock system, Section 41-6a-518.2;
 - (ii) negligently operating a vehicle resulting in injury, Section 76-5-102.1; and
 - (iii) negligently operating a vehicle resulting in death, Section 76-5-207.
 - (b) The guidelines under Subsection (2)(a) shall consider the following:
 - (i) the current sentencing requirements for driving under the influence of alcohol, drugs, or a combination of both as identified in Section 41-6a-505 when injury or death do not result;
 - (ii) the degree of injury and the number of victims suffering injury or death as a result of the offense;
 - (iii) the offender's number of previous convictions for driving under the influence related offenses as defined in Subsection 41-6a-501(2)(a); and
 - (iv) whether the offense amounts to extreme DUI, as that term is defined in Section 41-6a-501.
- (3) On or before October 31, 2024, the sentencing commission shall review and revise the supervision tools in the adult sentencing and supervision length guidelines to:
 - (a) recommend appropriate sanctions for an individual who violates probation or parole by:
 - (i) committing a felony offense, a misdemeanor offense described in Title 76, Chapter 5, Offenses Against the Individual, or a misdemeanor offense for driving under the influence described in Section 41-6a-502;
 - (ii) possessing a dangerous weapon; or
 - (iii) willfully refusing to participate in treatment ordered by the court or the Board of Pardons and Parole; and
 - (b) recommend appropriate incentives for an individual on probation or parole that:
 - (i) completes all conditions of probation or parole; or

- (ii) maintains eligible employment as defined in Section 64-14-301.
- (4) The sentencing commission shall establish guidelines in the adult sentencing and supervision length guidelines that recommend an enhanced sentence that a court or the Board of Pardons and Parole should consider when determining the period in which a habitual offender, as defined in Section 77-18-102, will be incarcerated.
- (5) The sentencing commission shall modify:
 - (a) the adult sentencing and supervision length guidelines to reduce recidivism for the purposes of protecting the public and ensuring efficient use of state funds; and
 - (b) the criminal history score in the adult sentencing and supervision length guidelines to reduce recidivism, including factors in an offender's criminal history that are relevant to the accurate determination of an individual's risk of offending again.

Amended by Chapter 214, 2025 General Session

63M-7-404.5 Juvenile disposition guidelines.

- (1) The sentencing commission shall establish and maintain juvenile disposition guidelines that:
 - (a) respond to public comment;
 - (b) relate dispositional practices and rehabilitative resources;
 - (c) increase equity in disposition orders;
 - (d) better define responsibility for disposition orders; and
 - (e) enhance the discretion of the juvenile court while preserving the role of the Youth Parole Authority.
- (2) The juvenile disposition guidelines shall address how to appropriately respond to negative and positive behavior of juveniles who are:
 - (a) nonjudicially adjusted;
 - (b) placed on diversion;
 - (c) placed on probation;
 - (d) placed on community supervision;
 - (e) placed in an out-of-home placement; or
 - (f) placed in a secure care facility.
- (3) The juvenile disposition guidelines shall include:
 - (a) other sanctions and incentives including:
 - (i) recommended responses that are swift and certain;
 - (ii) a continuum of community-based options for juveniles living at home;
 - (iii) recommended responses that target the juvenile's criminogenic risk and needs; and
 - (iv) recommended incentives for compliance, including earned discharge credits;
 - (b) a recommendation that, when a juvenile court interacts with a juvenile described in Subsection (2), the juvenile court shall consider:
 - (i) the seriousness of the negative and positive behavior of the juvenile;
 - (ii) the juvenile's conduct postadjudication; and
 - (iii) the juvenile's delinquency history; and
 - (c) appropriate sanctions for a juvenile who commits sexual exploitation of a minor as described in Section 76-5b-201, or aggravated sexual exploitation of a minor as described in Section 76-5b-201.1, including the application of aggravating and mitigating factors specific to the offense.

Enacted by Chapter 208, 2024 General Session

63M-7-405 Master offense list -- Collateral consequences guide.

- (1)
 - (a) The sentencing commission shall create a master offense list.
 - (b) On or before June 30 of each year, the sentencing commission shall:
 - (i) after the last day of the general legislative session, update the master offense list; and
 - (ii) present the updated master offense list to the Law Enforcement and Criminal Justice Interim Committee.
- (2)
 - (a) The sentencing commission shall:
 - (i) identify any provision of state law, including the Utah Constitution, and any administrative rule that imposes a collateral consequence;
 - (ii) prepare and compile a guide that contains all the provisions identified in Subsection (2)(a)(i); and
 - (iii) update the guide described in Subsection (2)(a)(ii) annually.
 - (b) The sentencing commission shall state in the guide described in Subsection (2)(a) that:
 - (i) the guide has not been enacted into law;
 - (ii) the guide does not have the force of law;
 - (iii) the guide is for informational purposes only;
 - (iv) an error or omission in the guide, or in any reference in the guide:
 - (A) has no effect on a plea, an adjudication, a conviction, a sentence, or a disposition; and
 - (B) does not prevent a collateral consequence from being imposed;
 - (v) any laws or regulations for a county, a municipality, another state, or the United States, imposing a collateral consequence are not included in the guide; and
 - (vi) the guide does not include any provision of state law or any administrative rule imposing a collateral consequence that is enacted on or after March 31 of each year.
 - (c) The sentencing commission shall:
 - (i) place the statements described in Subsection (2)(b) in a prominent place at the beginning of the guide; and
 - (ii) make the guide available to the public on the sentencing commission's website.
 - (d) The sentencing commission shall:
 - (i) present the updated guide described in Subsection (2)(a)(iii) annually to the Law Enforcement and Criminal Justice Interim Committee; and
 - (ii) identify and recommend legislation on collateral consequences to the Law Enforcement and Criminal Justice Interim Committee.

Amended by Chapter 208, 2024 General Session

63M-7-406 Reports -- Legislative approval -- Publication of reports.

- (1)
 - (a) On or before October 31 of each year, the commission shall submit the sentencing and supervision length guidelines and juvenile disposition guidelines created in accordance with Sections 63M-7-404.3 and 63M-7-404.5 to the Law Enforcement and Criminal Justice Interim Committee and the Judiciary Interim Committee for review, including any legislative recommendations.
 - (b) Beginning January 1, 2025, the Legislature shall annually authorize, by passing a concurrent resolution, the sentencing and supervision length guidelines and the juvenile disposition guidelines submitted in accordance with Subsection (1)(a).

- (c) The existing sentencing and supervision length guidelines and juvenile disposition guidelines that were approved in accordance with Subsection (1)(b) shall remain in effect until the day on which the Legislature reauthorizes the sentencing and supervision length guidelines and juvenile disposition guidelines as described in Subsection (1)(b).
- (2) The sentencing commission shall also be authorized to prepare, publish, and distribute from time to time reports of studies, recommendations, and statements from the sentencing commission.

Amended by Chapter 208, 2024 General Session

Part 5

Utah Office for Victims of Crime

63M-7-501 Title.

This part is known as the "Utah Office for Victims of Crime" and may be abbreviated as the "UOVC."

Amended by Chapter 131, 2011 General Session

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) "Bodily injury" means physical pain, illness, or any impairment of physical condition.
- (4) "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.
- (5) "Child" means an unemancipated individual who is under 18 years old.
- (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:
 - (a) the offender;
 - (b) the insurance of the offender or the victim;
 - (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.
- (7)
- (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.
- (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) 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.
- (10)
- (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.
- (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.
- (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.
- (13) "Director" means the director of the office.
- (14) "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.
- (15)
 - (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.
- (16) "Elderly victim" means an individual who is 60 years old or older and who is a victim.
- (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.
- (18) "Fund" means the Crime Victim Reparations Fund created in Section 63M-7-526.
- (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.
 - (b) "Interpersonal violence" includes any attempt, conspiracy, or solicitation of an act described in Subsection (19)(a).
- (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.
- (21) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- (22)
 - (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.
- (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.
- (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.
- (25) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment, and other nonpecuniary damage, except as provided in this part.
- (26) "Nongovernment organization victim advocate" means the same as that term is defined in Section 77-38-403.
- (27) "Nonpublic restitution record" means a restitution record that contains a claimant's medical or mental health information
- (28) "Pecuniary loss" does not include loss attributable to pain and suffering except as otherwise provided in this part.
- (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.
- (30) "Offense" means a violation of Title 76, Utah Criminal Code.
- (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.

- (32) "Perpetrator" means the individual who actually participated in the criminally injurious conduct.
- (33) "Public restitution record" means a restitution record that does not contain a claimant's medical or mental health information.
- (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.
 - (b) "Rape crisis and services center" does not include a qualified institutional victim services provider as defined in Section 53B-28-201.
- (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.
- (36) "Reparations claim" means a claimant's request or application made to the office for a reparations award.
- (37)
- (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.
- (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.
- (39)
- (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.
- (40) "Restitution" means the same as that term is defined in Section 77-38b-102.
- (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.
 - (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.
- (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.
- (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.
- (44) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.
- (45)
- (a) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses.
 - (b) "Sexual assault" does not include criminal conduct described in:
 - (i) Section 76-5-417, enticing a minor;
 - (ii) Section 76-5-418, sexual battery;

- (iii) Section 76-5-419, lewdness; or
- (iv) Section 76-5-420, lewdness involving a child.
- (46) "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.
- (47) "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.
- (48) "Substantial bodily injury" means the same as that term is defined in Section 76-1-101.5.
- (49)
 - (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.
- (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.

Amended by Chapter 173, 2025 General Session

63M-7-503 Restitution -- Reparations not to supplant restitution -- Assignment of claim for restitution judgment to Reparations Office.

- (1) A reparations award may not supplant an order for restitution under Title 77, Chapter 38b, Crime Victims Restitution Act, or under any other provision of law.
- (2) The court may not reduce an order for restitution based on a reparations award.
- (3)
 - (a)
 - (i) If a victim receives a reparations award and the office is assigned the victim's claim for restitution, or a portion of the victim's claim for restitution, under Section 63M-7-519, the office may file with the sentencing court a notice of restitution listing the amounts or estimated future amounts of payments made or anticipated to be made to or on behalf of the victim.
 - (ii) The office may provide a notice of restitution to the victim or victim's representative before or at sentencing.
 - (iii) The office's failure to provide notice under Subsection (3)(a)(i) or (ii) does not invalidate the imposition of the judgment or an order for restitution if the defendant is given the opportunity to object and be heard as provided in this part.

- (b)
 - (i) Any objection by the defendant to the imposition or amount of restitution under Subsection (3)(a)(i) shall be:
 - (A) made at the time of sentencing; or
 - (B) made in writing within 20 days after the day on which the defendant receives the notice described in Subsection (3)(a) and filed with the court and a copy mailed to the office.
 - (ii) Upon an objection, the court shall allow the defendant a hearing on the issue.
 - (iii) After a hearing under Subsection (3)(b)(ii), the court shall:
 - (A) enter an order for restitution in accordance with Section 77-38b-205; and
 - (B) identify the office as an assignee for the order for restitution.
 - (iv) Subject to the right of the defendant to object, the amount of restitution sought by the office may be updated and the office identified as an assignee of an order for restitution in accordance with the time periods established under Section 77-38b-205.
- (4) If no objection is made or filed by the defendant under Subsection (3), the court shall upon conviction and sentencing:
 - (a) enter an order for restitution in accordance with Section 77-38b-205; and
 - (b) identify the office as an assignee for the order for restitution.
- (5)
 - (a) If the notice of restitution is filed after sentencing but during the term of probation or parole, the court shall:
 - (i) modify any order for restitution to include expenses paid by the office on behalf of the victim in accordance with Section 77-38b-205; and
 - (ii) identify the office as an assignee of the order for restitution.
 - (b) If an order for restitution has not been entered, the court shall:
 - (i) enter an order for restitution in accordance with Section 77-38b-205; and
 - (ii) identify the office as an assignee of the order for restitution.

Amended by Chapter 330, 2024 General Session

63M-7-506 Duties of the office.

- (1) The office shall:
 - (a) prescribe policy for the office;
 - (b) under the direction of the executive director of the Commission on Criminal and Juvenile Justice, adopt rules to implement and administer this part in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which may include setting of ceilings on reparations, defining of terms not specifically stated in this part, and establishing of rules governing attorney fees;
 - (c) prescribe forms for applications for reparations;
 - (d) render an annual report to the governor and the Legislature regarding the staff's and the board's activities;
 - (e) formulate standards for the uniform application of Section 63M-7-509, taking into consideration the rates and amounts of reparation payable for injuries and death under other laws of this state and the United States;
 - (f) allocate money available in the fund to victims of criminally injurious conduct for reparations claims;
 - (g) allocate money available to other victim services as provided by administrative rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, once a sufficient reserve has been established for reparation claims; and

- (h) as authorized by the Commission on Criminal and Juvenile Justice, allocate and disburse funds made available to the office by the United States, the state, foundations, corporations, or other entities or individuals to subgrantees from private, non-profit, and governmental entities operating qualified statewide assistance programs.
- (2) All rules, or other statements of policy, along with application forms specified by the office, are binding upon the director, the reparations officers, assistance officers, and other staff.

Amended by Chapter 506, 2024 General Session

63M-7-506.5 Duties of the office.

The office shall provide educational materials to a law enforcement agency to assist the law enforcement agency with informing a victim of a sexual assault of the victim's right to request testing of the victim and of the offender alleged to have committed the sexual assault as described in Section 53-10-802.

Enacted by Chapter 160, 2024 General Session

63M-7-507 Director -- Appointment and functions -- Office duties.

- (1) The executive director of the Commission on Criminal and Juvenile Justice shall appoint a director to carry out the provisions of this part.
- (2) The director shall:
 - (a) be an experienced administrator with a background in at least one of the following fields:
 - (i) social work;
 - (ii) psychology;
 - (iii) criminal justice;
 - (iv) law; or
 - (v) another field related to the fields described in Subsections (2)(a)(i) through (iv);
 - (b) demonstrate an understanding of the needs of crime victims and of services to victims; and
 - (c) devote the director's time and capacity to the director's duties.
- (3) In addition to the requirements under Subsection (2), the director shall:
 - (a) hire staff, including reparations and assistance officers, as necessary;
 - (b) act when necessary as a reparations officer in deciding an initial reparations claim;
 - (c) possess the same investigation and decision-making authority as the reparations officers;
 - (d) hear appeals from the decisions of the reparations officers, unless the director acted as a reparations officer on the initial reparations claim;
 - (e) serve as the public relations representative of the office;
 - (f) provide for payment of all administrative salaries, fees, and expenses incurred by the staff of the office, to be paid out of appropriations from the fund;
 - (g) cooperate with the state treasurer and the state Division of Finance in causing the funds in the fund to be invested and the fund's investments sold or exchanged and the proceeds and income collected;
 - (h) apply for, receive, allocate, disburse, and account for, subject to approval and in conformance with policies adopted by the office, all grant funds made available by the United States, the state, foundations, corporations, and other businesses, agencies, or individuals;
 - (i) obtain and utilize the services of other governmental agencies upon request; and
 - (j) act in any other capacity or perform any other acts necessary for the office to successfully fulfill the office's statutory duties and objectives.

- (4) The director may request assistance from the Commission on Criminal and Juvenile Justice, the Department of Public Safety, and other state agencies in conducting research or monitoring victims' programs.

Amended by Chapter 506, 2024 General Session

63M-7-508 Reparations officers.

The reparations officers shall in addition to any assignments made by the director:

- (1) hear and determine all matters relating to a reparations claim and reinvestigate or reopen a reparations claim without regard to statutes of limitation or periods of prescription;
- (2) obtain from prosecuting attorneys, law enforcement officers, and other criminal justice agencies, investigations and data to enable the reparations officer to determine whether and to what extent a claimant qualifies for reparations;
- (3) as determined necessary by the reparations officers, hold hearings, administer oaths or affirmations, examine any individual under oath or affirmation, issue subpoenas requiring the attendance and giving of testimony of witnesses, require the production of any books, papers, documents, or other evidence which may contribute to the reparations officer's ability to determine particular reparation awards;
- (4) determine who is a victim or dependent;
- (5) award reparations or other benefits determined to be due under this part and the rules of the office made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (6) take notice of judicially recognized facts and general, technical, and scientific facts within the reparations officers' specialized knowledge;
- (7) advise and assist in developing policies recognizing the rights, needs, and interests of crime victims;
- (8) render periodic reports as requested by the Commission on Criminal and Juvenile Justice concerning:
 - (a) the reparations officers' activities; and
 - (b) the manner in which the rights, needs, and interests of crime victims are being addressed by the state's criminal justice system;
- (9) establish priorities for assisting elderly victims of crime or those victims facing extraordinary hardships;
- (10) cooperate with the State Commission on Criminal and Juvenile Justice to develop information regarding crime victims' problems and programs; and
- (11) assist the director in publicizing the provisions of the office, including the procedures for obtaining reparation, and in encouraging law enforcement agencies, health providers, and other related officials to take reasonable care to ensure that victims are informed about the provisions of this part and the procedure for applying for reparation.

Amended by Chapter 506, 2024 General Session

63M-7-509 Grounds for eligibility.

- (1) A victim is eligible for a reparations award under this part if:
 - (a) the claimant is:
 - (i) a victim of criminally injurious conduct;
 - (ii) a dependent of a deceased victim of criminally injurious conduct; or
 - (iii) a representative acting on behalf of one of the above;
 - (b)

- (i) the criminally injurious conduct occurred in Utah; or
 - (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;
 - (c) the application is made in writing in a form that conforms substantially to that prescribed by the board;
 - (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;
 - (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
 - (f) the criminally injurious conduct occurred after December 31, 1986.
- (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.
- (3)
- (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:
 - (i) the victim seeks assistance from an advocacy services provider, a criminal justice system victim advocate, or a nongovernment organization victim advocate; and
 - (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.
 - (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 agencies and prosecuting attorneys to be eligible for a reparations award under this section if the victim:
 - (i) reports the strangulation to a law enforcement officer or another federal or state investigative agency after the strangulation occurs; or
 - (ii) seeks medical care for the strangulation immediately after the strangulation occurs.

Amended by Chapter 148, 2022 General Session

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

- (1) The following individuals are not eligible to receive a reparations award:
- (a) an individual who does not meet all of the provisions set forth in Section 63M-7-509;
 - (b) the offender;
 - (c) an accomplice of the offender;
 - (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;
 - (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;
 - (f) a convicted offender serving a sentence of imprisonment in any prison or jail or residing in any other correctional facility;
 - (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;

- (h) 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
- (i) an individual who:
 - (i) submits a fraudulent claim; or
 - (ii) misrepresents a material fact in requesting a reparations award.
- (2)
 - (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).

Amended by Chapter 149, 2020 General Session

63M-7-511 Compensable losses and amounts.

A reparations award under this part may be made if:

- (1) the reparations officer finds the reparations claim satisfies the requirements for the reparations award under the provisions of this part and the rules of the office;
- (2) money is available in the fund;
- (3) the individual for whom the reparations award is to be paid is otherwise eligible under this part; and
- (4) the reparations claim is for an allowable expense incurred by the victim, as follows:
 - (a) reasonable and necessary charges incurred for products, services, and accommodations;
 - (b) inpatient and outpatient medical treatment and physical therapy, subject to rules made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (c) mental health counseling that:
 - (i) is set forth in a mental health treatment plan that is approved before any payment is made by a reparations officer; and
 - (ii) qualifies within any further rules made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (d) actual loss of past earnings and anticipated loss of future earnings because of a death or disability resulting from the personal injury at a rate not to exceed 66-2/3% of the individual's

weekly gross salary or wages or the maximum amount allowed under the state workers' compensation statute;

- (e) care of minor children enabling a victim or spouse of a victim, but not both, to continue gainful employment at a rate per child per week as determined under rules established by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (f) funeral and burial expenses for death caused by the criminally injurious conduct, subject to rules made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (g) loss of support to a dependent not otherwise compensated for a pecuniary loss for personal injury, for as long as the dependence would have existed had the victim survived, at a rate not to exceed 66-2/3% of the individual's weekly salary or wages or the maximum amount allowed under the state workers' compensation statute, whichever is less;
- (h) personal property necessary and essential to the health or safety of the victim as defined by rules made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (i) medical examinations, subject to rules made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which may allow for exemptions from Sections 63M-7-509, 63M-7-512, and 63M-7-513; and
- (j) for a victim of sexual assault who becomes pregnant from the sexual assault, health care:
 - (i) for the victim during the duration of the victim's pregnancy if the health care is related to or resulting from the sexual assault or the pregnancy; and
 - (ii) for the victim and the victim's child for one year after the day on which the victim's child is born.

Amended by Chapter 506, 2024 General Session

63M-7-511.5 Limitation of reparations awards.

- (1)
 - (a) Except as provided in Subsection (1)(b), a reparations award may not exceed \$25,000.
 - (b) Notwithstanding Subsection (1)(a), a reparations award for medical expenses resulting from serious bodily injury or substantial bodily injury may not exceed \$50,000.
- (2)
 - (a) A reparations award under Subsection (1) includes any reparations award for a secondary victim.
 - (b) Unless otherwise requested by the claimant, the office shall pay a reparations award for the victim before a reparations award for a secondary victim.
 - (c) The reparations officer shall determine the priority of payment among multiple secondary victims on a single reparations claim.

Amended by Chapter 149, 2020 General Session

63M-7-512 Reparations reduction.

- (1) Reparations otherwise payable to a claimant may be reduced or denied as follows:
 - (a) the economic loss upon which the claim is based has been or could be recouped from other persons, including collateral sources;
 - (b) the reparations officer considers the reparations claim unreasonable because of the misconduct of the claimant; or

- (c) the victim did not use a facility or health care provider which would be covered by a collateral source.
- (2) When two or more dependents are entitled to a reparations award as a result of a victim's death, the reparations officer shall apportion the reparations award among the dependents.

Amended by Chapter 149, 2020 General Session

63M-7-513 Collateral sources.

- (1)
 - (a) An order for restitution may not be considered readily available as a collateral source.
 - (b) Receipt of a reparations award under this part is considered an assignment of the victim's rights to restitution from the offender.
- (2)
 - (a) The victim may not discharge a claim against an individual or entity without the office's written permission.
 - (b) The victim shall fully cooperate with the office in pursuing the office's right of reimbursement, including providing the office with any evidence in the victim's possession.
- (3) The office's right of reimbursement applies regardless of whether the victim is fully compensated for the victim's losses.
- (4) Notwithstanding Subsection 63M-7-512(1)(a), a victim of a sexual offense who requests testing of the victim's self may be reimbursed for the costs of the HIV test only as provided in Subsection 53-10-803(4).

Amended by Chapter 430, 2022 General Session

63M-7-514 Notification of claimant -- Suspension of proceedings.

- (1)
 - (a) The office shall immediately notify the claimant in writing of a reparations award and shall forward to the Division of Finance a certified copy of the reparations award and a warrant request for the amount of the reparations award.
 - (b) The Division of Finance shall pay the claimant the amount submitted to the division, out of the fund.
 - (c) If money in the fund is temporarily depleted, the office shall place claimants approved to receive a reparations award on a waiting list and provide the reparations awards as funds are available in the order in which the reparations awards are approved.
- (2) The reparations officer may suspend the proceedings pending disposition of a criminal prosecution that is commenced or is imminent.

Amended by Chapter 149, 2020 General Session

63M-7-515 Rules for contested reparations claims -- Exemption from Administrative Procedures Act.

- (1) Rules for procedures for contested determinations by a reparations officer shall be adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) The office is exempt from Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 149, 2020 General Session

63M-7-516 Waiver of privilege.

- (1)
 - (a) A victim who is a claimant waives any privilege as to communications or records relevant to an issue of the physical, mental, or emotional conditions of the victim except for the attorney-client privilege.
 - (b) The waiver described in Subsection (1)(a) applies only to reparations officers, the director, the assistant director reparations program manager, and legal counsel.
- (2) A claimant may be required to supply any additional medical or psychological reports available relating to the injury or death for which compensation is claimed.
- (3)
 - (a) The reparations officer hearing a reparations claim or an appeal from a reparations claim shall make available to the claimant a copy of the report.
 - (b) If the victim is deceased, the director or the director's appointee, on request, shall furnish the claimant a copy of the report unless dissemination of that copy is prohibited by law.

Amended by Chapter 506, 2024 General Session

63M-7-517 Additional testing.

- (1) If the mental, physical, or emotional condition of a victim is material to a reparations claim, the reparations officer, director, the assistant director reparations program manager, or chair of the board who hears the reparations claim or the appeal may order the claimant to submit to a mental or physical examination by a physician or psychologist and may recommend to the court to order an autopsy of a deceased victim.
- (2) The court may order an additional examination for good cause shown and shall provide notice to the individual to be examined and the individual's representative.
- (3) All reports from additional examinations shall set out findings, including results of all tests made, diagnoses, prognoses, other conclusions, and reports of earlier examinations of the same conditions.
- (4) A copy of the report shall be made available to the victim or the representative of the victim unless dissemination of that copy is prohibited by law.

Amended by Chapter 506, 2024 General Session

63M-7-518 Failure to comply.

If an individual refuses to comply with an order under this part or asserts a privilege, except privileges arising from the attorney-client relationship, to withhold or suppress evidence relevant to a reparations claim, the director or reparations officer may make any appropriate determination including denial of the reparations claim.

Amended by Chapter 149, 2020 General Session

63M-7-519 Assignment of recovery -- Reimbursement.

- (1)
 - (a) By accepting a reparations award, the victim:
 - (i) automatically assigns to the office any claim the victim may have relating to criminally injurious conduct in the reparations claim; and
 - (ii) is required to reimburse the office if the victim recovers any money relating to the criminally injurious conduct.

- (b) The office's right of assignment and reimbursement under Subsection (1)(a) is limited to the lesser of:
 - (i) the amount paid by the office; or
 - (ii) the amount recovered by the victim from the third party.
- (c) The office may be reimbursed under Subsection (1)(a) regardless of whether the office exercises the office's right of assignment under Subsection (1)(a).
- (2) The executive director of the Commission on Criminal and Juvenile Justice, with the concurrence of the director, may reduce the office's right of reimbursement if the executive director determines that:
 - (a) the reduction will benefit the fund; or
 - (b) the victim has ongoing expenses related to the offense upon which the reparations claim is based and the benefit to the victim of reducing the office's right of reimbursement exceeds the benefit to the office of receiving full reimbursement.
- (3) The office reserves the right to make a claim for reimbursement on behalf of the victim and the victim may not impair the office's claim or the office's right of reimbursement.

Amended by Chapter 506, 2024 General Session

63M-7-521 Reparations award -- Payment methods -- Claims against the award.

- (1)
 - (a) Except as provided in Subsection (1)(b), a reparations officer may provide for the payment of a reparations award in a lump sum or in installments.
 - (b)
 - (i) The reparations officer shall pay the part of a reparations award equal to the amount of economic loss accrued to the date of the reparations award in a lump sum.
 - (ii) A reparations officer may not pay allowable expense that would accrue after an initial reparations award is made in a lump sum.
 - (iii) Except as provided in Subsection (2), a reparations officer shall award the part of a reparations award that may not be paid in a lump sum under this Subsection (1)(b) in installments.
- (2) At the request of the claimant, the reparations officer may convert future economic loss installment payments, other than allowable expense, to a lump sum payment, discounted to present value, but only upon a finding by the reparations officer that the reparations award in a lump sum will promote the interests of the claimant.
- (3)
 - (a) A reparations award for future economic loss payable in installments may be made only for a period for which the reparations officer can reasonably determine future economic loss.
 - (b) The reparations officer may reconsider and modify a reparations award for future economic loss payable in installments, upon the reparations officer's finding that a material and substantial change of circumstances has occurred.
- (4) A reparations award is not subject to execution, attachment, or garnishment, except that a reparations award for allowable expense is not exempt from a claim of a creditor to the extent that the creditor provided products, services, or accommodations, the costs of which are included in the reparations award.
- (5) An assignment or agreement to assign a reparations award for loss accruing in the future is unenforceable, except:
 - (a) an assignment of a reparations award of reparations for work loss to secure payment of alimony, maintenance, or child support;

- (b) an assignment of a reparations award for allowable expense to the extent that the benefits are for the cost of products, services, or accommodations necessitated by the injury or death on which the reparations claim is based and are provided or to be provided by the assignee; or
- (c) an assignment to repay a loan obtained to pay for the obligations or expenses described in Subsection (5)(a) or (b).

Amended by Chapter 149, 2020 General Session

63M-7-521.5 Payments to medical service providers.

- (1)
 - (a) Except as provided in Subsection (2), a medical service provider who accepts payment from the office shall agree to accept payments as payment in full on behalf of the victim or claimant and may not attempt to collect further payment from the victim or the claimant for services for which the office has made payment.
 - (b) In the event the office is unable to make full payment in accordance with the office's rules, the medical service provider may collect from the victim or claimant, but not more than the amount the provider would have received from the office.
- (2)
 - (a) When a medical service provider receives notice that a reparations claim has been filed, the medical service provider may not, before the office determines whether to issue a reparations award, engage in debt collection for the claim, including:
 - (i) repeatedly calling or writing to a victim and threatening to refer unpaid health care costs to a debt collection agency, attorney, or other person for collection; or
 - (ii) filing for or pursuing a legal remedy for payment of unpaid health care costs.
 - (b) The statute of limitations for collecting a debt is tolled during the time in which a request for a reparations award is being reviewed by the office.
- (3) The office may:
 - (a) use the fee schedule utilized by the Utah Public Employees Health Plan or any other fee schedule adopted by the office; and
 - (b) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to implement the fee schedule adopted in accordance with this section.

Amended by Chapter 506, 2024 General Session

63M-7-522 Emergency reparations award.

- (1) If the reparations officer determines that the claimant will suffer financial hardship unless an emergency reparations award is made, and it appears likely that a final reparations award will be made, an amount may be paid to the claimant, to be deducted from the final reparations award or repaid by and recoverable from the claimant to the extent that it exceeds the final reparations award.
- (2) The office may limit emergency reparations awards under Subsection (1) to any amount the office considers necessary.

Amended by Chapter 506, 2024 General Session

63M-7-523 Review of reparations award decision.

- (1) The reparations officer shall review at least annually every reparations award being paid in installments.
- (2) An order on review of a reparations award does not require refund of amounts previously paid unless the reparations award was obtained by fraud or a material mistake of fact.

Amended by Chapter 149, 2020 General Session

63M-7-524 Attorney fees.

- (1) The claims procedures shall be sufficiently simple that the assistance of an attorney is unnecessary, and no attorney fees may be paid for the assistance of an attorney or any other representative in filing the reparations claim or providing information to the reparations officer.
- (2) Attorney fees may be granted in the following circumstances and shall be paid out of the reparations award not to exceed 15% of the amount of the reparations award:
 - (a) when a reparations award is denied and, after a hearing, the decision to deny is overturned; or
 - (b) when minor dependents of a deceased victim require assistance in establishing a trust or determining a guardian.
- (3)
 - (a) An attorney or any other person providing assistance in a reparations claim, who contracts for or receives sums not allowed under this part, is guilty of a class B misdemeanor.
 - (b) This Subsection (3) does not apply to attorneys who assist the victim in filing a civil action against the perpetrator.

Amended by Chapter 149, 2020 General Session

63M-7-525 Purpose -- Not entitlement program.

- (1)
 - (a) The purpose of the office is to assist victims of criminally injurious conduct who may be eligible for assistance from the fund.
 - (b) Reparation to a victim under this part is limited to the money available in the fund.
- (2)
 - (a) The assistance program described in Subsection (1) is not an entitlement program.
 - (b) A reparations award may be limited or denied as determined appropriate by the office.
 - (c) Failure to grant a reparations award does not create a cause of action against the office, the state, or any of its subdivisions and there is no right to judicial review over the decision whether or not to grant a reparations award.
- (3) A cause of action based on a failure to give or receive the notice required by this part does not accrue to any person against the state, any of its agencies or local subdivisions, any of their law enforcement officers or other agents or employees, or any health care or medical provider or its agents or employees nor does it affect or alter any requirement for filing or payment of a reparations claim.

Amended by Chapter 506, 2024 General Session

63M-7-526 Crime Victims Reparations Fund.

- (1)

- (a) There is created an expendable special revenue fund known as the "Crime Victim Reparations Fund" to be administered and distributed as provided in this section by the office in cooperation with the Division of Finance.
 - (b) The fund shall consist of:
 - (i) appropriations by the Legislature; and
 - (ii) funds collected under Subsections (2) and (3).
 - (c) Money deposited in this fund is for victim reparations, other victim services, and, as appropriated, for administrative costs of the office.
- (2)
- (a) A percentage of the income earned by inmates working for correctional industries in a federally certified private sector/prison industries enhancement program shall be deposited in the fund.
 - (b) The percentage of income deducted from inmate pay under Subsection (2)(a) shall be determined by the executive director of the Department of Corrections in accordance with the requirements of the private sector/prison industries enhancement program.
- (3)
- (a) Judges are encouraged to, and may in their discretion, impose additional reparations to be paid into the fund by convicted criminals.
 - (b) The additional discretionary reparations may not exceed the statutory maximum fine permitted by Title 76, Utah Criminal Code, for that offense.

Enacted by Chapter 230, 2020 General Session

63M-7-527 Records -- Requirements for release.

- (1) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, a confidential record, a public restitution record, and a nonpublic restitution record may only be disclosed as provided in this section.
- (2) A confidential record may be provided to:
 - (a) the claimant who is the subject of the record if the record requested does not contain mental health treatment information; or
 - (b) the person who submitted the record to the office.
- (3) A confidential record may be used in:
 - (a) a criminal investigation or prosecution when the office suspects that a reparations claim may be fraudulent; or
 - (b) a subrogation action brought by the office in accordance with Section 63M-7-519.
- (4)
 - (a) The office may disclose a public restitution record for the purpose of carrying out this part.
 - (b) The office shall disclose a public restitution record to the Board of Pardons and Parole for a restitution matter.
- (5)
 - (a) If the office requests restitution in a criminal case and the offender requests a restitution hearing, the office shall provide a nonpublic restitution record to the court, the prosecuting attorney, and counsel for the offender.
 - (b) A person may not:
 - (i) disseminate a nonpublic restitution record obtained under this Subsection (5); or
 - (ii) share a nonpublic restitution record with the offender unless the office and claimant agree, in writing, to the disclosure.

- (6) Before the office may disclose a restitution record under Subsection (4) or (5), the office shall redact:
- (a) the name, not including the initials, of a minor or an individual who has been the victim of a sexual assault;
 - (b) the contact information of a claimant or a witness, including a physical address, phone number, or email address;
 - (c) a claimant's date of birth and social security number; and
 - (d) any information that would jeopardize the health or safety of a claimant.

Enacted by Chapter 135, 2024 General Session

63M-7-528 Rape crisis and services center standards, eligibility, and monitoring -- Administrative rulemaking authority.

- (1) With regard to eligibility for a grant, other funds, or services provided under this part for a rape crisis and services center, the commission, in consultation with the office, shall create rules to:
- (a) create standards of care for a rape crisis and services center to provide safe, effective, and appropriate services for a victim of sexual assault:
 - (i) that are based on best practices; and
 - (ii) with input from the Utah Victim Services Commission's subcommittee on rape and sexual assault established under Subsection 63M-7-903(5)(b);
 - (b) create and enforce eligibility standards for a rape crisis and services center that:
 - (i) incorporate the standards of care described in Subsection (1)(a); and
 - (ii) may be used to determine whether a rape crisis and services center is eligible for a grant, other funds, or services under this part; and
 - (c) create standards and procedures for the commission to monitor and audit a rape crisis and services center for compliance with the eligibility standards described in Subsection (1)(b).
- (2) Rules made by the commission under this section shall be made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) The state auditor shall audit the commission's compliance with the commission's monitoring and auditing requirements described in Subsection (1)(c) and the provision of grant funds under this section.

Enacted by Chapter 401, 2024 General Session

63M-7-529 Determination of eligibility for victim reparations -- Law enforcement agency to provide investigative reports -- Restrictions on usage -- Criminal penalty.

- (1)
- (a) Notwithstanding Section 63G-2-206, and subject to Subsection (1)(c), a law enforcement agency shall provide a copy of an investigative report that describes the facts and circumstances of a criminal episode within 10 business days of the date the law enforcement agency receives a request for that information from the office.
 - (b) Before releasing an investigative report, the law enforcement agency may redact the following information:
 - (i) the name of:
 - (A) an undercover officer; or
 - (B) a confidential informant; and
 - (ii) any information that would:
 - (A) jeopardize the investigation; or

- (B) disclose law enforcement techniques not generally known to the public.
- (c) If a criminal episode remains under investigation when the office requests an investigative report and the law enforcement agency determines that release of an investigative report at that time would jeopardize the investigation, a law enforcement agency may provide a detailed description of the following information, instead of providing an investigative report, within 10 business days of the date the law enforcement agency received the original request from the office:
 - (i) the law enforcement agency's case number;
 - (ii) the location where the criminal episode occurred;
 - (iii) the criminal conduct under investigation;
 - (iv) a summary of the criminal episode;
 - (v) verification that the claimant is a victim of the criminal conduct;
 - (vi) any information regarding whether the claimant's conduct may have contributed to the criminal conduct; and
 - (vii) whether the claimant was and continues to be cooperative with law enforcement.
- (d) An investigative report provided under Subsection (1)(a), or information provided under Subsection (1)(c), shall contain sufficient information for the office to determine whether a claimant is eligible for a reparations award under Sections 63M-7-509 and 63M-7-510.
- (e) If an investigative report or information provided to the office by a law enforcement agency is not sufficient for the office to determine whether a claimant is eligible for a reparations award, the office may contact the law enforcement agency for additional information.
- (f)
 - (i) A law enforcement agency may give written notice that a request may take up to an additional 10 business days to process if exigent circumstances exist, which include:
 - (A) a circumstance where another agency is using relevant documents;
 - (B) the request requires review of a voluminous amount of documents;
 - (C) the request requires legal review;
 - (D) the request requires extensive redaction;
 - (E) the law enforcement agency is currently processing multiple requests; or
 - (F) other exigent circumstances.
 - (ii) Notice of an extended response time shall include the type of exigent circumstances involved and the new due date for the response.
- (2)
 - (a) An investigative report provided under this section may only be used for the purpose of carrying out the provisions of this part.
 - (b) An investigative report received under this section:
 - (i) may only be viewed by the office, the board, and legal counsel for the office; and
 - (ii) may not be further disclosed or disseminated for any reason.
- (3) The office shall dispose of or retain an investigative report received under this section in a secure manner.
- (4) An investigative report provided to the office under this section is not subject to the provisions of Title 63G, Chapter 2, Government Records Access and Management Act.
- (5) A public employee or other person who knowingly or intentionally uses or distributes an investigative report, or information received from an investigative report, in violation of the requirements of Subsection (2) is guilty of a class B misdemeanor.

Enacted by Chapter 156, 2024 General Session

Part 7

Domestic Violence Offender Treatment Board

63M-7-701 Definitions.

As used in this part:

- (1) "Board" means the Domestic Violence Offender Treatment Board created in Section 63M-7-702.
- (2) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

Enacted by Chapter 145, 2022 General Session

63M-7-702 Domestic Violence Offender Treatment Board -- Creation -- Membership -- Quorum -- Per diem -- Staff support -- Meetings.

- (1) There is created within the commission the Domestic Violence Offender Treatment Board consisting of the following members:
 - (a) the executive director of the Department of Corrections, or the executive director's designee;
 - (b) the executive director of the Department of Health and Human Services, or the executive director's designee;
 - (c) one individual who represents a state program that focuses on prevention of injury and domestic violence appointed by the executive director of the Department of Health and Human Services;
 - (d) the commissioner of public safety for the Department of Public Safety, or the commissioner's designee;
 - (e) the chair of the Utah Victim Services Commission or the chair's designee;
 - (f) the director of the Utah Office for Victims of Crime, or the director's designee;
 - (g) the chair of the Board of Pardons and Parole, or the chair's designee;
 - (h) the director of the Division of Juvenile Justice and Youth Services, or the director's designee;
 - (i) one individual who represents the Administrative Office of the Courts appointed by the state court administrator; and
 - (j) ten individuals appointed by the executive director of the commission, including:
 - (i) the following four individuals licensed under Title 58, Chapter 60, Mental Health Professional Practice Act:
 - (A) a clinical social worker;
 - (B) a marriage and family therapist;
 - (C) a professional counselor; and
 - (D) a psychologist;
 - (ii) one individual who represents an association of criminal defense attorneys;
 - (iii) one criminal defense attorney who primarily represents indigent criminal defendants;
 - (iv) one individual who represents an association of prosecuting attorneys;
 - (v) one individual who represents law enforcement;
 - (vi) one individual who represents an association of criminal justice victim advocates; and
 - (vii) one individual who represents a nonprofit organization that provides domestic violence victim advocate services.
- (2)
 - (a) A member may not serve on the board for more than eight consecutive years.

- (b) If a vacancy occurs in the membership of the board appointed under Subsection (1), the member shall be replaced in the same manner in which the original appointment was made.
- (c) A member of the board serves until the member's successor is appointed.
- (3) The members of the board shall vote on a chair and co-chair of the board to serve for two years.
- (4)
 - (a) A majority of the board members constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes an action of the board.
- (5) A board member may not receive compensation or benefits for the member's service on the board, but may receive per diem and reimbursement for travel expenses incurred as a board member at the rates established by the Division of Finance under:
 - (a) Sections 63A-3-106 and 63A-3-107; and
 - (b) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (6) The commission shall provide staff support to the board.
- (7) The board shall meet at least quarterly on a date the board sets.

Amended by Chapter 240, 2024 General Session

63M-7-703 Board duties.

- (1) The board shall advise and make recommendations to other councils, boards, and offices within the commission that address domestic violence.
- (2) As part of the board's duties under Subsection (1), the board shall:
 - (a) research standardized procedures and methods for intimate partner and domestic violence offender evaluation, intervention, treatment, and monitoring that prioritize physical and psychological safety of the victim;
 - (b) identify and establish best practice standards for intimate partner and domestic violence evaluation, intervention, treatment, and monitoring that:
 - (i) are applicable to the state's needs;
 - (ii) are based on scientific research to address an individual's intimate partner and domestic violence risk factors; and
 - (iii) incorporate evidence-based trauma informed care to enhance the quality and continuity of intervention and treatment;
 - (c) disseminate the best practice standards described in Subsection (2)(b) to the entities described in Subsection (1) to be used in the evaluation, intervention, treatment, and monitoring of intimate partner and domestic violence offenders; and
 - (d) establish a training and certification program for public and private providers of intervention and treatment for intimate partner and domestic violence offenders that requires the public and private providers to:
 - (i) comply with the best practice standards described in Subsection (2)(b) to obtain and maintain certification; and
 - (ii) participate in annual education or training to maintain certification.
- (3) The board shall:
 - (a) monitor the public and private providers who participate in the training and certification program described in Subsection (2)(d) to ensure compliance with the best practice standards and annual education or training described in Subsection (2)(d); and
 - (b) annually provide a list of the public and private providers who participated in the training and certification program described in Subsection (2)(d) and are in compliance with the

requirements described in Subsection (2)(d) to the Administrative Office of the Courts as a resource for judges and commissioners in domestic violence cases.

Enacted by Chapter 145, 2022 General Session

Part 9

Utah Victim Services Commission

63M-7-901 Definitions.

As used in this part:

- (1) "Commission" means the Utah Victim Services Commission.
- (2) "Criminal justice system victim advocate" means the same as that term is defined in Section 77-38-403.
- (3) "Member" means a member of the Utah Victim Services Commission.
- (4) "State domestic violence coalition" means the same as that term is defined in 45 C.F.R. Sec. 1370.2.
- (5) "State sexual assault coalition" means the same as that term is defined in 34 U.S.C. Sec. 12291.
- (6) "Tribal coalition" means the same as that term is defined in 34 U.S.C. Sec. 12291.
- (7) "Victim Services Restricted Account" means the account created in Section 63M-7-219.

Enacted by Chapter 150, 2023 General Session

63M-7-902 Creation -- Membership -- Terms -- Vacancies -- Expenses.

- (1) There is created the Utah Victim Services Commission within the State Commission on Criminal and Juvenile Justice.
- (2) The commission is composed of the following members:
 - (a) the executive director of the State Commission on Criminal and Juvenile Justice or the executive director's designee;
 - (b) the director of the Utah Office for Victims of Crime or the director's designee;
 - (c) the executive director of the Department of Corrections or the executive director's designee;
 - (d) the director of the Division of Multicultural Affairs or the director's designee;
 - (e) the executive director of the state sexual assault coalition for this state or the executive director's designee;
 - (f) the executive director of the state domestic violence coalition for this state or the executive director's designee;
 - (g) the executive director of the tribal coalition for this state or the executive director's designee;
 - (h) the director of the Children's Justice Center Program in the Office of the Attorney General or the director's designee;
 - (i) the attorney general or the attorney general's designee;
 - (j) the commissioner of the Department of Public Safety or the commissioner's designee;
 - (k) a criminal justice system based advocate, appointed by the governor with the advice and consent of the Senate;
 - (l) a prosecuting attorney, appointed by the governor with the advice and consent of the Senate;
 - (m) a criminal defense attorney, appointed by the governor with the advice and consent of the Senate;

- (n) a law enforcement representative from the Utah Sheriffs Association or Utah Chiefs of Police Association, appointed by the governor with the advice and consent of the Senate; and
 - (o) an individual who is a current representative from the House of Representatives or senator from the Senate, appointed jointly by the speaker of the House of Representatives and president of the Senate.
- (3)
- (a) A member appointed under Subsections (2)(k) through (o) shall serve a four-year term.
 - (b) A member appointed to serve a four-year term is eligible for reappointment.
 - (c) The governor's reappointment of a member under Subsections (2)(k) through (n) shall be made with the advice and consent of the Senate.
- (4) When a vacancy occurs in the membership of the commission for any reason, the applicable appointing authority shall, in accordance with any procedure described in Subsection (2)(a) through (o), appoint a replacement for the unexpired term.
- (5) Except as otherwise provided in Subsection (6), a member may not receive compensation for the member's service but may receive per diem and reimbursement for travel expenses incurred as a member at the rates established by:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- (6) A member may not receive per diem or reimbursement for travel expenses under Subsection (5) if the member is being paid by a governmental entity while performing the member's service on the commission.

Amended by Chapter 506, 2024 General Session

63M-7-903 Chair and vice chair -- Procedure -- Subcommittees.

- (1)
- (a) Except as provided in Subsection (1)(b), the governor shall appoint, with the advice and consent of the Senate, a chair from among the membership of the commission.
 - (b) A member who is a legislator may not be appointed as the chair of the commission.
 - (c) The chair of the commission shall serve a two-year term.
- (2)
- (a) The members of the commission shall elect a vice chair from among the membership of the commission.
 - (b) The vice chair of the commission shall serve a two-year term.
 - (c) A member who is a legislator may not be elected as the vice chair of the commission.
- (3)
- (a) A majority of the members of the commission constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes the action of the commission.
- (4) The commission shall meet quarterly or more frequently as determined necessary by the chair.
- (5) The commission shall establish:
- (a) a subcommittee focused on domestic violence that is co-chaired by:
 - (i) the executive director of the state domestic violence coalition for this state or the executive director's designee; and
 - (ii) the executive director of the tribal coalition for this state or the executive director's designee;
 - (b) a subcommittee focused on rape and sexual assault that is co-chaired by:
 - (i) the executive director of the state sexual assault coalition for this state or the executive director's designee; and

- (ii) the executive director of the tribal coalition for this state or the executive director's designee;
 - (c) a subcommittee focused on child abuse that is chaired by the chair of the Children's Justice Center Standing Committee or the chair's designee;
 - (d) a subcommittee focused on multicultural communities with distinct victimization issues that is chaired by the director of Division of Multicultural Affairs or the director's designee; and
 - (e) any other subcommittee as needed to assist the commission in accomplishing the duties of the commission, including an executive subcommittee.
- (6) Except as otherwise provided in Subsection (5), the commission may:
- (a) appoint to a subcommittee any member of the commission or any other individual with subject-matter expertise that is relevant to a subcommittee's focus and purpose;
 - (b) appoint the chair of any subcommittee; and
 - (c) establish the focus and purpose of a subcommittee.

Enacted by Chapter 150, 2023 General Session

63M-7-904 Duties of the commission -- Report.

- (1) The commission shall:
- (a) advocate for the adoption, repeal, or modification of laws or proposed legislation in the interest of victims of crime;
 - (b) make recommendations to the Legislature, the governor, and the Judicial Council on the following:
 - (i) enforcing existing rights of victims of crime;
 - (ii) enhancing rights of victims of crime;
 - (iii) the role of victims of crime in the criminal justice system;
 - (iv) victim restitution;
 - (v) educating and training criminal justice professionals on the rights of victims of crime; and
 - (vi) enhancing services to victims of crimes; and
 - (c) provide training on the rights of victims of crime.
- (2) The commission shall, in partnership with state agencies and organizations, including the Children's Justice Center Program, the Utah Office for Victims of Crime, and the Division of Child and Family Services:
- (a) review and assess the duties and practices of the State Commission on Criminal and Juvenile Justice regarding services and criminal justice policies pertaining to victims;
 - (b) encourage and facilitate the development and coordination of trauma-informed services for crime victims throughout the state;
 - (c) encourage and foster public and private partnerships for the purpose of:
 - (i) assessing needs for crime victim services throughout the state;
 - (ii) developing crime victim services and resources throughout the state; and
 - (iii) coordinating crime victim services and resources throughout the state;
 - (d) generate unity for ongoing efforts to reduce and eliminate the impact of crime on victims through a comprehensive and evidence-based prevention, treatment, and justice strategy;
 - (e) recommend and support the creation, dissemination, and implementation of statewide policies and plans to address crimes, including domestic violence, sexual violence, child abuse, and driving under the influence of drugs and alcohol;
 - (f) collect information on statewide funding for crime victim services and prevention efforts, including the sources, disbursement, and outcomes of statewide funding for crime victim services and prevention efforts;
 - (g) consider recommendations from any subcommittee of the commission; and

- (h) make recommendations regarding:
 - (i) the duties and practices of the State Commission on Criminal and Juvenile Justice to ensure that:
 - (A) crime victims are a vital part of the criminal justice system of the state;
 - (B) all crime victims and witnesses are treated with dignity, respect, courtesy, and sensitivity; and
 - (C) the rights of crime victims and witnesses are honored and protected by law in a manner no less vigorous than protections afforded to criminal defendants; and
 - (ii) statewide funding for crime victim services and prevention efforts.
- (3) The commission may:
 - (a) subject to court rules and the governor's approval, advocate in an appellate court on behalf of a victim of crime;
 - (b) recommend to the Legislature the services to be funded by the Victim Services Restricted Account;
 - (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the process by which a victim, or a representative of a victim, may submit a complaint alleging a violation of the victim's rights; and
 - (d) review any action taken by a victim rights committee created in accordance with Section 63M-7-1002.
- (4) The commission shall report the commission's recommendations annually to the State Commission on Criminal and Juvenile Justice, the governor, the Judicial Council, the Criminal Justice Appropriations Subcommittee, the Health and Human Services Interim Committee, the Judiciary Interim Committee, and the Law Enforcement and Criminal Justice Interim Committee.
- (5) When taking an action or making a recommendation, the commission shall respect that a state agency is bound to follow state law and may have duties or responsibilities imposed by state law.

Amended by Chapter 271, 2025 General Session

63M-7-905 Staff -- Contract with third party.

- (1) The State Commission on Criminal and Juvenile Justice shall provide staff to the commission and to any subcommittee of the commission.
- (2) The commission may contract with a third party to assist the commission with reviewing and providing recommendations on:
 - (a) the best practices and policies for crime victim services;
 - (b) the structure and membership of the commission;
 - (c) the purpose and duties of the commission, including any overlapping duties that the commission has with another state office, board, or commission;
 - (d) the funding for crime victim services in this state, including the need for funding, the management of state funds for crime victim services, and the implementation of accountability and performance measures; and
 - (e) any other issue related to the duties of the commission that the third party may provide assistance.

Enacted by Chapter 150, 2023 General Session

Part 10

Victim Rights Committees

63M-7-1001 Definitions.

As used in this part:

- (1) "Committee" means a victim rights committee established in each judicial district as described in Section 63M-7-1002.
- (2) "Victim Services Commission" means the Utah Victim Services Commission established in Section 63M-7-902.
- (3)
 - (a) "Criminal justice agency" means an agency that is directly involved in the apprehension, prosecution, incarceration, or supervision of an individual involved in criminal conduct.
 - (b) "Criminal justice agency" includes:
 - (i) a law enforcement agency as defined in Section 63M-7-502;
 - (ii) a prosecuting agency;
 - (iii) the Department of Corrections created in Section 64-13-2; or
 - (iv) the Board of Pardons and Parole created in Section 77-27-2.
- (4) "Member" means an individual appointed to a committee.
- (5) "Representative of a victim" means the same as that term is defined in Section 77-38-2.
- (6)
 - (a) "Victim" means an individual against whom criminal conduct has allegedly been committed.
 - (b) "Victim" does not include an individual who is an accomplice or codefendant to criminal conduct.
- (7) "Victim advocate" means the same as that term is defined in Section 77-37-403.
- (8) "Victim's rights" means the rights afforded to a victim under Title 77, Chapter 37, Victims' Rights, Title 77, Chapter 38, Crime Victims, and Utah Constitution, Article I, Section 28.

Enacted by Chapter 160, 2024 General Session

63M-7-1002 Victim rights committee for each judicial district -- Members -- Terms.

- (1) There is created a victim rights committee in each judicial district of this state.
- (2) The Victim Services Commission shall appoint a chair to serve on each committee.
- (3) The chair shall appoint, with the Victim Services Commission's consent, the following individuals to serve on each committee:
 - (a) a county or district attorney within the judicial district, or the county or district attorney's designee;
 - (b) a municipal attorney within the judicial district, or the municipal attorney's designee;
 - (c) a sheriff within the judicial district, or the sheriff's designee;
 - (d) a chief of police within the judicial district, or the chief of police's designee;
 - (e) a representative of the Division of Adult Probation and Parole created in Section 64-14-202;
 - (f) a victim advocate; and
 - (g) any other representative as appropriate.
- (4) A member is:
 - (a) appointed to serve a four-year term; and
 - (b) eligible for reappointment.
- (5) When a vacancy occurs in the membership of a committee for any reason, the replacement shall be appointed for the remainder of the unexpired term.

- (6) A member may not receive compensation or benefits for the member's service, but a member may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 214, 2025 General Session

63M-7-1003 Complaint of violation of victim rights -- Criminal justice agency policy about complaints.

- (1)
- (a) When a committee receives a complaint, the committee shall review the complaint to determine whether the complaint alleges a violation of a victim's rights.
 - (b) If a complaint alleges a violation of a victim's rights in another judicial district, the committee shall forward the complaint to the judicial district where the violation allegedly occurred.
- (2)
- (a) If the committee receives a complaint that does not allege a violation of a victim's rights, the committee shall send a letter to the victim, or the representative of a victim:
 - (i) explaining that the committee may only address a violation of the victim's rights; and
 - (ii) describing any other resources that may be available to the victim or the representative of the victim.
 - (b) The committee shall send the letter described in Subsection (2)(a) within 30 days after the day on which the committee receives the complaint.
- (3) If the complaint does allege a violation of a victim's rights, the committee shall forward a copy of the complaint to the person that is the subject of the complaint.
- (4) The committee shall schedule a meeting for the committee to review the complaint as soon as practicable.
- (5) If a criminal justice agency investigates a complaint regarding a violation of a victim's rights and the committee receives a complaint about the same violation, the criminal justice agency shall provide the criminal justice agency's investigative findings related to the complaint to the committee.
- (6) After reviewing the complaint and any findings submitted by a criminal justice agency under Subsection (5), the committee may:
- (a) inform the person of a victim's rights and the obligations required by law;
 - (b) refer the victim, or the representative of a victim, to other resources in the community; or
 - (c) inform the victim, or the representative of a victim, of the victim's rights and remedies described in Title 77, Chapter 37, Victims' Rights, Title 77, Chapter 38, Crime Victims, and Utah Constitution, Article I, Section 28.
- (7) Within 30 days after the day on which the committee meeting is held, the chair of the committee shall send a letter to the victim, or the representative of a victim, describing any action taken by the committee.
- (8) A criminal justice agency shall establish a policy for addressing a complaint alleging a violation of a victim's rights.

Enacted by Chapter 160, 2024 General Session

Part 11

Prosecutor Conduct Commission

63M-7-1101 Definitions for part.

As used in this part:

- (1) "Commission" means the Prosecutor Conduct Commission created in Section 63M-7-1102.
- (2) "Complaint" means:
 - (a) a written complaint regarding professional misconduct by a prosecuting attorney; or
 - (b) an allegation based on reliable information received in any form, from any source, that alleges, or from which a reasonable inference can be drawn that a prosecuting attorney has committed professional misconduct.
- (3) "Employer" means:
 - (a) except as provided in Subsection (3)(b), the attorney general, a district attorney, a county attorney, or a municipal attorney who employs the prosecuting attorney; or
 - (b) the chief executive officer of the political subdivision that employs the prosecuting attorney if the prosecuting attorney is a district or county attorney or a municipal attorney.
- (4) "Investigation" means an inquiry into a complaint.
- (5) "Knowingly" means taking an action, or failing to take an action, with the knowledge that the natural or probable consequences are unambiguously prohibited by a legal obligation or professional standard.
- (6) "Legal obligation" means an obligation imposed by the Utah Constitution, the Constitution of the United States, a statute, a rule of procedure or evidence, or a local rule.
- (7) "Professional misconduct" means conduct committed in the course of a prosecution of a felony offense, a class A misdemeanor offense, or a class B misdemeanor offense that:
 - (a) purposefully, knowingly, or recklessly violated a clear and unambiguous legal obligation or professional standard for a prosecuting attorney; and
 - (b) impacted, or reasonably could have impacted, the substantive or procedural due process rights of an individual.
- (8) "Professional standard" means a standard of conduct imposed by the Utah Rules of Professional Conduct.
- (9) "Prosecuting attorney" means an attorney who brings a criminal prosecution or delinquency proceeding on behalf of this state or a county or municipality of this state.
- (10) "Purposefully" means taking an action, or failing to take an action, in order to obtain a result that is unambiguously prohibited by a legal obligation or professional standard.
- (11) "Recklessly" means the conduct is a gross deviation from the standard of conduct for an objectively reasonable prosecuting attorney:
 - (a) after considering the nature and the circumstances of a prosecuting attorney's conduct; and
 - (b) by taking into account whether the prosecuting attorney knew, or should have known:
 - (i) based on the prosecuting attorney's experience, of the legal obligation or professional standard; and
 - (ii) the prosecuting attorney's conduct was substantially likely to violate a legal obligation or professional standard.

Enacted by Chapter 360, 2025 General Session

63M-7-1102 Prosecutor Conduct Commission -- Members -- Terms -- Compensation -- Staff.

- (1) There is created the Prosecutor Conduct Commission within the State Commission on Criminal and Juvenile Justice.
- (2) The commission is composed of six members as follows:
 - (a) an assistant attorney general who prosecutes criminal offenses full-time, appointed by the attorney general with the advice and consent of the Senate;
 - (b) a county or district attorney, or an assistant county or district attorney, who prosecutes criminal offenses full-time, appointed by the Statewide Association of Prosecutors and Public Attorneys with the advice and consent of the Senate;
 - (c) a municipal attorney, or an assistant municipal attorney, who prosecutes criminal offenses full-time, appointed by the Statewide Association of Prosecutors and Public Attorneys with the advice and consent of the Senate;
 - (d) a retired attorney whose primary caseload as an attorney was criminal defense, appointed by the executive director of the Commission on Criminal and Juvenile Justice with the advice and consent of the Senate; and
 - (e) two retired district or appellate court judges, appointed by the governor with the advice and consent of the Senate.
- (3)
 - (a) Except as provided in Subsection (4), a member appointed under Subsection (2) shall serve a four-year term.
 - (b) A member may serve no more than eight years.
- (4) At the time of appointment, the terms of commission members shall be staggered so that approximately half of commission members' terms expire every two years.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term by the same appointing authority that appointed the member creating the vacancy.
- (6)
 - (a) Three members of the commission constitutes a quorum.
 - (b) If a quorum is present, the action of a majority of the quorum constitutes the action of the commission.
- (7)
 - (a) The commission shall elect annually a chair from the commission's membership to serve a two-year term.
 - (b) A commission member may not serve as chair of the commission for more than three consecutive terms.
- (8) The commission shall establish guidelines and procedures for the disqualification of any member from consideration of any matter.
- (9)
 - (a) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
 - (b) A member may not receive per diem or reimbursement for travel expenses under Subsection (9)(a) if the member is being paid by a governmental entity while performing the member's service on the commission.
- (10)

- (a) The executive director of the State Commission on Criminal and Juvenile Justice shall hire a director to administer and manage the work of the commission.
- (b) With approval by the executive director of the State Commission on Criminal and Juvenile Justice, the director may hire staff to assist the director and commission with the work of the commission.
- (11) The commission and the director of the commission shall coordinate with the State Commission on Criminal and Juvenile Justice on budget and administrative support issues for the commission.

Enacted by Chapter 360, 2025 General Session

63M-7-1103 Functions and duties of the commission.

- (1) The commission may:
 - (a) request that members of the public report instances of professional misconduct by a prosecuting attorney to the commission;
 - (b) receive, initiate, investigate, or hear complaints as described in Section 63M-7-1104;
 - (c) report professional misconduct as described in Section 63M-7-1105; and
 - (d) gather and publish data on claims of professional misconduct by prosecuting attorneys in this state.
- (2) To enforce the provisions of this part, the commission may:
 - (a) administer an oath or affirmation;
 - (b) issue a subpoena, in accordance with the Utah Rules of Civil Procedure, that requires:
 - (i) the attendance and testimony of a witness; or
 - (ii) the production of evidence relevant to the investigation; and
 - (c) take evidence.
- (3) A court shall enforce a subpoena issued by the commission, unless the testimony or evidence sought is privileged or protected information under a law of this state.
- (4) The commission shall pay any witness fee, travel expense, mileage, or any other fee required by the service statutes of the state where the witness or evidence is located.

Enacted by Chapter 360, 2025 General Session

63M-7-1104 Complaint and investigation process.

- (1)
 - (a) A prosecuting attorney shall report:
 - (i) any alleged professional misconduct by another prosecuting attorney to that prosecuting attorney's employer; and
 - (ii) any statement by a judge or magistrate alleging that another prosecuting attorney has committed professional misconduct to that prosecuting attorney's employer.
 - (b) An employer of a prosecuting attorney shall:
 - (i) investigate any alleged professional misconduct by a prosecuting attorney; and
 - (ii) submit a complaint regarding the professional misconduct to the commission if the employer determines that the allegation is substantiated.
- (2) An individual may submit a complaint to the commission alleging that a prosecuting attorney has committed professional misconduct.
- (3) On a motion by a member of the commission, the commission may initiate an investigation of alleged professional misconduct by a prosecuting attorney if the commission determines

that a complaint, if substantiated, would lead to a finding of professional misconduct by the prosecuting attorney.

- (4)
 - (a) The commission may dismiss a complaint at any time if the commission determines that the complaint lacks merit.
 - (b) If a complaint submitted by an individual is dismissed, the commission shall notify the individual who submitted the complaint.
- (5) The commission may investigate a complaint even if the prosecuting attorney has retired or resigned.
- (6) If the commission moves to initiate an investigation of alleged professional misconduct by a prosecuting attorney, the commission shall:
 - (a) notify the prosecuting attorney and the prosecuting attorney's employer of the investigation; and
 - (b) provide the prosecuting attorney with all information necessary to prepare an adequate response or defense, including the identity of the complainant.
- (7) If the committee dismisses an investigation after notifying the prosecuting attorney as described in Subsection (4), the commission shall notify the prosecuting attorney of the dismissal.
- (8) A prospective employer may inquire of the commission as to whether there is a pending investigation against a prosecuting attorney.
- (9)
 - (a) In the course of an investigation, the commission may request that the prosecuting attorney testify before the commission.
 - (b) The prosecuting attorney's counsel may be present during the prosecuting attorney's testimony.
 - (c) The prosecuting attorney may present evidence and material relevant to the complaint.
- (10) A governmental entity may provide the commission with a record as described in Section 63G-2-206.
- (11)
 - (a) A prosecuting agency, and an employee of a prosecuting agency, shall:
 - (i) cooperate with the commission in an investigation of a prosecuting attorney; and
 - (ii) respond truthfully to questions posed during the course of an investigation unless:
 - (A) the information is privileged or protected by statute or court rule; or
 - (B) the employee asserts the employee's constitutional right to remain silent.
 - (b) A prosecuting agency may subject an employee to discipline, including termination, if the employee refuses to cooperate with an investigation by the commission.
 - (c) The dismissal or demotion of a career service employee under Subsection (11)(b) is subject to the requirements of Section 63A-17-306.

Enacted by Chapter 360, 2025 General Session

63M-7-1105 Finding of professional misconduct -- Reporting of finding.

- (1)
 - (a) Upon an investigation under Section 63M-7-1104, the commission may make a finding, by a preponderance of the evidence, that a prosecuting attorney committed professional misconduct.
 - (b) In determining whether a prosecuting attorney committed professional misconduct under Subsection (1)(a), the commission may consider an affirmative action of the prosecuting attorney or an action that the prosecuting attorney failed to take.

- (2) If the commission finds that a prosecuting attorney committed professional misconduct:
 - (a) the commission shall notify:
 - (i) the prosecuting attorney's employer of the commission's finding;
 - (ii) the appropriate law enforcement agency of the commission's finding if the professional misconduct is likely a criminal offense; and
 - (iii) the Office of Professional Conduct of the commission's finding if the professional misconduct is likely a violation of the Utah Rules of Professional Conduct; and
 - (b) the commission may disclose a summary of the commission's investigation and finding.
- (3) Any documents disclosed under Subsection (2) shall maintain the same classification under Title 63G, Chapter 2, Government Records Access and Management Act.
- (4) The commission may not disclose information or evidence under Subsection (2) that is:
 - (a) protected from disclosure by court order or a legal privilege; or
 - (b) given after having been issued a warning based on *Garrity v. New Jersey*, 385 U.S. 493 (1967).
- (5) A finding by the commission that a prosecuting attorney committed professional misconduct may only be made public if:
 - (a) a governmental entity with a record of the finding is required to make the record public under Title 63G, Chapter 2, Government Records Access and Management Act;
 - (b) the Office of Professional Conduct discloses the commission's finding to the public due to a disciplinary action against the prosecuting attorney as a result of the commission's finding; or
 - (c) a prosecuting agency brings a criminal prosecution against the prosecuting attorney as a result of the commission's finding.
- (6) The commission may not discipline or sanction a prosecuting attorney for any professional misconduct.

Enacted by Chapter 360, 2025 General Session

63M-7-1106 Annual reporting requirement to Legislature.

- (1) Before November 1 of each year, the commission shall report to the Law Enforcement and Criminal Justice Interim Committee and the Judiciary Interim Committee on:
 - (a) the number of complaints received;
 - (b) the general nature of the complaints;
 - (c) the number of complaints dismissed without an investigation;
 - (d) the number of complaints investigated;
 - (e) the general findings and outcomes of investigations; and
 - (f) the name of any prosecuting agency that refused, without reasonable cause, to cooperate in an investigation by the commission.
- (2) The commission may not include any personal identifying information regarding a prosecuting attorney in a report described in Subsection (1).

Enacted by Chapter 360, 2025 General Session