

1 **UTAH COUNCIL ON VICTIMS OF CRIME**

2 2007 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Scott L Wyatt**

5 Senate Sponsor: Ross I. Romero

7 **LONG TITLE**

8 **General Description:**

9 This bill creates a Council on Victims of Crime within the Governor's Office.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ creates a 24 member council on victims of crime;
- 13 ▶ defines specific membership of the council and appointment responsibilities;
- 14 ▶ sets out duties and requirements;
- 15 ▶ provides for compensation of members; and
- 16 ▶ requires the Commission on Criminal and Juvenile Justice to provide staff to the
- 17 council.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **63-25a-406**, as last amended by Chapter 256, Laws of Utah 2002

25 **77-37-5**, as last amended by Chapter 352, Laws of Utah 1995

26 ENACTS:

27 **63-25a-601**, Utah Code Annotated 1953

28 **63-25a-602**, Utah Code Annotated 1953

29 **63-25a-603**, Utah Code Annotated 1953

30 **63-25a-604**, Utah Code Annotated 1953

31 **63-25a-605**, Utah Code Annotated 1953



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

34 Section 1. Section **63-25a-406** is amended to read:

35 **63-25a-406. Functions of board.**

36 (1) The [~~board~~] Crime Victim Reparations Board shall:

37 (a) adopt a description of the organization and prescribe the general operation of the
38 board;

39 (b) prescribe policy for the Office of Crime Victim Reparations [~~Office~~];

40 (c) adopt rules to implement and administer Sections 63-25a-401 through 63-25a-428
41 pursuant to Title 63, Chapter 46a, Utah Administrative Rulemaking Act, which may include
42 setting of ceilings on reparations, defining of terms not specifically stated in this chapter, and
43 establishing of rules governing attorney fees;

44 (d) prescribe forms for applications for reparations;

45 (e) review all awards made by the reparations staff, although the board may not reverse
46 or modify awards authorized by the reparations staff;

47 (f) render an annual report to the governor and the Legislature regarding the staff's and
48 the board's activities;

49 (g) cooperate with the director and his staff in formulating standards for the uniform
50 application of Section 63-25a-409, taking into consideration the rates and amounts of
51 reparation payable for injuries and death under other laws of this state and the United States;

52 [~~(h) advocate the adoption, repeal, or modification of laws or proposed legislation in
53 the interest of victims of crime;~~]

54 [(+) (h) allocate monies available in the Crime Victim [~~Reparation~~] Reparations Fund
55 to victims of criminally injurious conduct for reparations claims; and

56 [(+) (i) allocate monies available to other victim services as provided by administrative
57 rule once a sufficient reserve has been established for reparation claims.

58 (2) All rules, or other statements of policy, along with application forms specified by
59 the board, are binding upon the director, the reparations officers, and other staff.

60 Section 2. Section **63-25a-601** is enacted to read:

61 **Part 6. Utah Council on Victims of Crime**

62 **63-25a-601. Creation -- Members -- Chair.**

63 (1) There is created within the governor's office the Utah Council on Victims of Crime.

64 (2) The Utah Council on Victims of Crime shall be composed of 24 voting members as
65 follows:

66 (a) a representative of the Commission on Criminal and Juvenile Justice appointed by
67 the executive director;

68 (b) a representative of the Department of Corrections appointed by the executive
69 director;

70 (c) a representative of the Board of Pardons and Parole appointed by the chair;

71 (d) a representative of the Department of Public Safety appointed by the commissioner;

72 (e) a representative of the Division of Juvenile Justice Services appointed by the
73 director;

74 (f) a representative of the Office of Crime Victim Reparations appointed by the
75 director;

76 (g) a representative of the Office of the Attorney General appointed by the attorney
77 general;

78 (h) a representative of the United States Attorney for the district of Utah appointed by
79 the United States Attorney;

80 (i) professional or volunteer working in the area of violence against women and
81 families appointed by the governor;

82 (j) the chair of each judicial district's victims' rights committee;

83 (k) the following members appointed to serve four-year terms:

84 (i) a representative of the Statewide Association of Public Attorneys appointed by that
85 association;

86 (ii) a representative of the Utah Chiefs of Police Association appointed by the president
87 of that association;

88 (iii) a representative of the Utah Sheriffs' Association appointed by the president of that
89 association;

90 (iv) a representative of a Children's Justice Center appointed by the Advisory Board on
91 Children's Justice; and

92 (v) a citizen representative appointed by the governor; and

93 (1) the following members appointed by the members in Subsections (2)(a) through
94 (2)(k) to serve four-year terms:

95 (i) an individual who works professionally with victims of crime; and

96 (ii) a victim of crime.

97 (3) The council shall annually elect one member to serve as chair.

98 Section 3. Section **63-25a-602** is enacted to read:

99 **63-25a-602. Reappointment -- Vacancies.**

100 (1) Members appointed to serve four-year terms shall be eligible for reappointment one
101 time.

102 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
103 appointed for the unexpired term.

104 Section 4. Section **63-25a-603** is enacted to read:

105 **63-25a-603. Duties.**

106 (1) The council shall:

107 (a) make recommendations to the Legislature, the governor, and the Judicial Council
108 on the following:

109 (i) enforcing existing rights of victims of crime;

110 (ii) enhancing rights of victims of crime;

111 (iii) the role of victims of crime in the criminal justice system;

112 (iv) victim restitution;

113 (v) educating and training criminal justice professionals on the rights of victims of

114 crime; and

115 (vi) enhancing services to victims of crimes;

116 (b) provide training on the rights of victims of crime; and

117 (c) establish a subcommittee to consider complaints not resolved by the Victims'

118 Rights Committee established in Section 77-37-5.

119 (2) The council shall advocate the adoption, repeal, or modification of laws or
120 proposed legislation in the interest of victims of crime.

121 (3) The council may establish additional subcommittees to assist in accomplishing its
122 duties.

123 Section 5. Section **63-25a-604** is enacted to read:

124 **63-25a-604. Compensation of members.**

125 (1) (a) Members who are not government employees shall receive no compensation or
126 benefits for their services, but may receive per diem and expenses incurred in the performance
127 of the member's official duties at the rates established by the Division of Finance under
128 Sections 63A-3-106 and 63A-3-107.

129 (b) Members may decline to receive per diem and expenses for their services.

130 (2) (a) State government officer and employee members who do not receive salary, per
131 diem, or expenses from their agency for their service may receive per diem and expenses
132 incurred in the performance of their official duties at the rates established by the Division of
133 Finance under Sections 63A-3-106 and 63A-3-107.

134 (b) State government officer and employee members may decline to receive per diem
135 and expenses for their service.

136 Section 6. Section **63-25a-605** is enacted to read:

137 **63-25a-605. Staffing.**

138 The Commission on Criminal and Juvenile Justice shall provide staff to the council and
139 any subcommittees established by the council.

140 Section 7. Section **77-37-5** is amended to read:

141 **77-37-5. Remedies -- Victims' Rights Committee.**

142 [Remedies available are:]

143 (1) In each judicial district, the presiding district court judge shall appoint a person
144 who shall establish and chair a victims' rights committee consisting of:

- 145 (a) a county attorney or district attorney;
- 146 (b) a sheriff;
- 147 (c) a corrections field services administrator;
- 148 (d) an appointed victim advocate;
- 149 (e) a municipal attorney;
- 150 (f) a municipal chief of police; and
- 151 (g) other representatives as appropriate.

152 (2) The committee shall meet at least semiannually to review progress and problems
153 related to this chapter, Title 77, Chapter 38, Rights of Crime Victims Act, and Utah
154 Constitution Article I, Section 28. Victims and other interested parties may submit matters of
155 concern to the victims' rights committee. The committee may hold a hearing open to the public
156 on any appropriate matter of concern and may publish its findings. These matters shall also be
157 considered at the meetings of the victims' rights committee. The committee shall forward
158 minutes of all meetings to the Commission on Criminal and Juvenile Justice and the Office of
159 Crime [Victims'] Victim Reparations for review and other appropriate action.

160 (3) If a victims' rights committee is unable to resolve a complaint, it may refer the
161 complaint to the Utah Council on Victims of Crime, established in Section 63-25a-601, for
162 further consideration.

163 [~~3~~] (4) The Office of Crime [Victims'] Victim Reparations shall provide materials to
164 local law enforcement to inform every victim of a sexual offense of the right to request testing
165 of the convicted sexual offender and of the victim as provided in Section 76-5-502.

166 [~~4~~] (5) If a person acting under color of state law willfully or wantonly fails to
167 perform duties so that the rights in this chapter are not provided, an action for injunctive relief
168 may be brought against the individual and the government entity that employs the individual.
169 The failure to provide the rights in this chapter or Title 77, Chapter 38, Rights of Crime

170 Victims Act, does not constitute cause for a judgment against the state or any government
171 entity, or any individual employed by the state or any government entity, for monetary
172 damages, attorney's fees, or the costs of exercising any rights under this chapter.

173 [~~5~~] (6) The person accused of and subject to prosecution for the crime or the act
174 which would be a crime if committed by a competent adult, has no standing to make a claim
175 concerning any violation of the provisions of this chapter.