

UTAH COUNCIL ON VICTIMS OF CRIME

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott L Wyatt

Senate Sponsor: Ross I. Romero

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- creates a 26 member council on victims of crime;
defines specific membership of the council and appointment responsibilities;
sets out duties and requirements;
provides for compensation of members; and
requires the Commission on Criminal and Juvenile Justice to provide staff to the

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

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

56           ~~[(j)]~~ (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 26 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) a representative of the Office on Violence Against Women and Families appointed  
81 by the director;

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 district court judge appointed by the Judicial Council;

85 (ii) a juvenile court judge appointed by the Judicial Council;

86 (iii) a representative of the Statewide Association of Public Attorneys appointed by that  
87 association;

88 (iv) a representative of the Utah Chiefs of Police Association appointed by the  
89 president of that association;

90 (v) a representative of the Utah Sheriffs' Association appointed by the president of that  
91 association;

92 (vi) a representative of a Children's Justice Center appointed by the Advisory Board on  
93 Children's Justice; and

94 (vii) a citizen representative appointed by the governor; and

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

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

98 (ii) a victim of crime.

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

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

101 **63-25a-602. Reappointment -- Vacancies.**

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

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

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

107 **63-25a-603. Duties.**

108 (1) The council shall:

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

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

112 (ii) enhancing rights of victims of crime;

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

114 (iv) victim restitution;

115 (v) educating and training criminal justice professionals on the rights of victims of  
116 crime; and

117 (vi) enhancing services to victims of crimes;

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

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

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

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

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

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

126 **63-25a-604. Compensation of members.**

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

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

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

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

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

139 **63-25a-605. Staffing.**

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

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

143 **77-37-5. Remedies -- Victims' Rights Committee.**

144 [~~Remedies available are:~~]

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

- 147 (a) a county attorney or district attorney;
- 148 (b) a sheriff;
- 149 (c) a corrections field services administrator;
- 150 (d) an appointed victim advocate;
- 151 (e) a municipal attorney;

152 (f) a municipal chief of police; and

153 (g) other representatives as appropriate.

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

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

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

168 [~~4~~] (5) If a person acting under color of state law willfully or wantonly fails to  
169 perform duties so that the rights in this chapter are not provided, an action for injunctive relief  
170 may be brought against the individual and the government entity that employs the individual.  
171 The failure to provide the rights in this chapter or Title 77, Chapter 38, Rights of Crime  
172 Victims Act, does not constitute cause for a judgment against the state or any government  
173 entity, or any individual employed by the state or any government entity, for monetary  
174 damages, attorney's fees, or the costs of exercising any rights under this chapter.

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

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**Legislative Review Note**  
**as of 12-14-06 8:19 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 112 - Utah Council on Victims of Crime**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*1/17/2007, 5:50:28 PM, Lead Analyst: Ricks, G.*

**Office of the Legislative Fiscal Analyst**