

VICTIMS' RIGHTS REVISIONS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: R. Curt Webb

LONG TITLE

General Description:

This bill shifts responsibility for the district victims' rights committees from the district courts to the Utah Council on Victims of Crime.

Highlighted Provisions:

This bill:

- ▶ changes the appointment of the chairs of district victim rights' committees from the presiding district court judge to the Utah Council on Victims of Crime; and
- ▶ makes technical numbering corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63M-7-603, as renumbered and amended by Laws of Utah 2008, Chapter 382

77-37-5, as last amended by Laws of Utah 2009, Chapter 120

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

Section 1. Section **63M-7-603** is amended to read:

63M-7-603. Duties.

(1) The council shall:

- (a) make recommendations to the Legislature, the governor, and the Judicial Council

30 on the following:

- 31 (i) enforcing existing rights of victims of crime;
- 32 (ii) enhancing rights of victims of crime;
- 33 (iii) the role of victims of crime in the criminal justice system;
- 34 (iv) victim restitution;
- 35 (v) educating and training criminal justice professionals on the rights of victims of
- 36 crime; and

- 37 (vi) enhancing services to victims of crimes;
- 38 (b) provide training on the rights of victims of crime; and
- 39 (c) establish a subcommittee to consider complaints not resolved by the Victims'
- 40 Rights Committee established in Section 77-37-5.

41 (2) The council:

42 (a) shall advocate the adoption, repeal, or modification of laws or proposed legislation
43 in the interest of victims of crime[-];

44 [~~(3) The council~~] (b) may establish additional subcommittees to assist in
45 accomplishing its duties[-]; and

46 (c) shall select and appoint persons pursuant to the provisions of Section 77-37-5 to
47 act as chairpersons of the judicial district victims' rights committees and provide assistance to
48 the committees in their operations.

49 Section 2. Section **77-37-5** is amended to read:

50 **77-37-5. Remedies -- District Victims' Rights Committee.**

51 (1) In each judicial district, [~~the presiding district court judge~~] the Utah Council on
52 Victims of Crime, established in Section 63M-7-601, shall appoint a person who shall
53 [~~establish and~~] chair a judicial district victims' rights committee consisting of:

- 54 (a) a county attorney or district attorney;
- 55 (b) a sheriff;
- 56 (c) a corrections field services administrator;
- 57 (d) an appointed victim advocate;

- 58 (e) a municipal attorney;
- 59 (f) a municipal chief of police; and
- 60 (g) other representatives as appropriate.

61 (2) The committee shall meet at least semiannually to review progress and problems
62 related to this chapter, Title 77, Chapter 38, Rights of Crime Victims Act, Title 77, Chapter
63 38a, Crime Victims Restitution Act, and Utah Constitution Article I, Section 28. Victims and
64 other interested parties may submit matters of concern to the victims' rights committee. The
65 committee may hold a hearing open to the public on any appropriate matter of concern and
66 may publish its findings. These matters shall also be considered at the meetings of the victims'
67 rights committee. The committee shall forward minutes of all meetings to the [~~Commission~~
68 ~~on Criminal and Juvenile Justice and the Office of Crime Victim Reparations~~] Utah Council
69 on Victims of Crime for review and other appropriate action.

70 (3) If a victims' rights committee is unable to resolve a complaint, it may refer the
71 complaint to the Utah Council on Victims of Crime [~~, established in Section 63M-7-601, for~~
72 ~~further consideration~~].

73 (4) The Office of Crime Victim Reparations shall provide materials to local law
74 enforcement to inform every victim of a sexual offense of the right to request testing of the
75 convicted sexual offender and of the victim as provided in Section 76-5-502.

76 (5) (a) If a person acting under color of state law willfully or wantonly fails to perform
77 duties so that the rights in this chapter are not provided, an action for injunctive relief may be
78 brought against the individual and the government entity that employs the individual.

79 (b) For all other violations, if the committee finds a violation of a victim's right, it
80 shall refer the matter to the appropriate court for further proceedings consistent with
81 Subsection 77-38-11(2).

82 (c) The failure to provide the rights in this chapter or Title 77, Chapter 38, Rights of
83 Crime Victims Act, does not constitute cause for a judgment against the state or any
84 government entity, or any individual employed by the state or any government entity, for
85 monetary damages, attorney fees, or the costs of exercising any rights under this chapter.

86 (6) The person accused of and subject to prosecution for the crime or the act which
87 would be a crime if committed by a competent adult, has no standing to make a claim
88 concerning any violation of the provisions of this chapter.