

VICTIM ADVOCATE CONFIDENTIALITY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill creates a task force.

Highlighted Provisions:

This bill:

- ▶ creates the Victim Advocate Confidentiality Task Force, including:
 - addressing membership;
 - providing quorum requirements;
 - addressing compensation; and
 - outlining task force duties.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a repeal date.

Utah Code Sections Affected:

ENACTS:

36-29-103, Utah Code Annotated 1953

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

Section 1. Section **36-29-103** is enacted to read:

36-29-103. Victim Advocate Confidentiality Task Force.

(1) There is created a task force known as the "Victim Advocate Confidentiality Task Force."

30 (2) The task force shall consist of the following members:

31 (a) two members of the Senate appointed by the president of the Senate, no more than
32 one of whom may be from the same political party;

33 (b) three members of the House of Representatives appointed by the speaker of the
34 House of Representatives, no more than two of whom may be from the same political party;

35 (c) the executive director of the State Commission on Criminal and Juvenile Justice or
36 the executive director's designee;

37 (d) the state court administrator or the state court administrator's designee;

38 (e) the director of the Utah Office for Victims of Crime or the director's designee; and

39 (f) the attorney general or the attorney general's designee.

40 (3) (a) The president of the Senate shall designate a member of the Senate appointed
41 under Subsection (2)(a) as a cochair of the task force.

42 (b) The speaker of the House of Representatives shall designate a member of the House
43 of Representatives appointed under Subsection (2)(b) as a cochair of the task force.

44 (4) (a) A majority of the members of the task force constitutes a quorum.

45 (b) The action of a majority of a quorum constitutes an action of the task force.

46 (5) (a) Salaries and expenses of the members of the task force who are legislators shall
47 be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative
48 Compensation and Expenses.

49 (b) A member of the task force who is not a legislator:

50 (i) may not receive compensation for the member's work associated with the task force;
51 and

52 (ii) may receive per diem and reimbursement for travel expenses incurred as a member
53 of the task force at the rates established by the Division of Finance under Sections [63A-3-106](#)
54 and [63A-3-107](#) and rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
55 [63A-3-107](#).

56 (6) The Office of Legislative Research and General Counsel shall provide staff support
57 to the task force.

58 (7) The task force shall study when and how communication or information provided
59 to an individual who advocates for victims should be kept confidential, including:

60 (a) defining relevant terms such as "victim advocate" and what qualifications a victim
61 advocate should have to have any confidentiality protections;

62 (b) what types of communication or information, if any, should be kept confidential;

63 (c) how to address issues such as:

64 (i) a victim advocate knowing that the victim will give or has given perjured testimony;

65 (ii) the communication or information containing exculpatory or inculpatory evidence;

66 and

67 (iii) duties to disclose suspected cases of child abuse or neglect;

68 (d) whether the confidentiality requirements should be enacted by statute or court rules
69 of procedure and evidence; and

70 (e) any other issue related to this Subsection (7).

71 (8) On or before the November 2018 Interim the task force shall report to the Judiciary
72 Interim Committee, including presenting proposed legislation, if any.

73 Section 2. **Repeal date.**

74 Section [36-29-103](#) is repealed on November 30, 2018.