

**VICTIM RIGHTS AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill allows investigations to be transferred between law enforcement agencies upon request of a victim.

**Highlighted Provisions:**

This bill:

- ▶ allows a victim or a family member of a victim of certain crimes to request that another law enforcement agency investigate a crime;
- ▶ requires that the law enforcement agency honor the request;
- ▶ requires that the law enforcement agency turn over investigative files within a certain period of time after the request; and
- ▶ requires the Department of Public Safety to create guidelines for agencies to follow when transferring cases.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**11-58-101**, Utah Code Annotated 1953

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

29 Section 1. Section **11-58-101** is enacted to read:

30 **11-58-101. Transfer of open investigation.**

31 (1) An open investigation file shall be transferred to another law enforcement agency  
32 for investigation if a request is made:

33 (a) (i) by the victim;

34 (ii) by a family member of the victim of a homicide or first degree violent felony; or

35 (iii) by a family member of a missing person; and

36 (b) at least one year after the date of the incident that initiated the investigation and the  
37 investigating agency has made no significant progress in solving the case.

38 (2) A victim or family member under Subsection (1) may request that a law  
39 enforcement agency investigate a crime that is being investigated by another law enforcement  
40 agency.

41 (3) A law enforcement agency that receives a request from a victim or family member  
42 under Subsection (1) shall request the agency in possession of the open investigation transfer  
43 the investigative file to the requesting agency within 30 days of the request.

44 (4) The Department of Public Safety, with input from the Chiefs of Police Association  
45 and Sheriffs Association, shall, by October 31, 2018, create joint guidelines to be followed  
46 when transferring investigations. The guidelines shall address:

47 (a) jurisdictional issues;

48 (b) chain of custody and evidence;

49 (c) witness interviews; and

50 (d) investigational timelines.

51 (5) The guidelines created in accordance with Subsection (4) shall be used when  
52 transferring an investigation between law enforcement agencies.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**