

HB0449S01 compared with HB0449

~~{deleted text}~~ shows text that was in HB0449 but was deleted in HB0449S01.

Inserted text shows text that was not in HB0449 but was inserted into HB0449S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Steve Eliason proposes the following substitute bill:

VICTIM RIGHTS AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

General Description:

This bill allows investigations to be ~~{transferred between law enforcement agencies upon}~~reviewed at the 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}~~creates a review process for open investigations.

HB0449S01 compared with HB0449

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

11-58-101, Utah Code Annotated 1953

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

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

11-58-101. ~~{Transfer}~~ **Review** of open investigation.

(1) ~~{An open}~~ **A review of an** investigation ~~{file shall be transferred to another law enforcement agency for investigation if a request is made}~~ **may be initiated:**

(a) (i) by the victim;

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

or

(iii) by ~~{a}~~the family member of a missing person; and

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

(2) A victim or ~~{family member under Subsection (1) may request that a}~~ **victim's family may seek review of an open investigation:**

(a) first, by the chief executive of the law enforcement agency ~~{investigate a crime that is being investigated by another law enforcement agency.~~

~~—— (3) A law enforcement agency that receives a request from a victim or family member under Subsection (1) shall request the agency in possession of the open investigation transfer}~~ **conducting** the ~~{investigative file to the requesting agency within 30 days of the request.~~

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

~~—— (a) jurisdictional issues;~~

HB0449S01 compared with HB0449

~~— (b) chain of custody and evidence;~~

~~— (c) witness interviews; and~~

~~— (d) investigational timelines.~~

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

Legislative Review Note

~~Office of Legislative Research and General Counsel; investigation;~~

~~(b) second, by the county attorney in the jurisdiction in which the crime occurred or the person went missing;~~

~~(c) third, by filing a complaint with the Office for Victims of Crime for review by the District Victim Right's Committee; and~~

~~(d) finally, through a review by the Office of the Attorney General.~~