

25 Section 1. Section **11-63-101** is enacted to read:

26 **11-63-101. Review of open investigation.**

27 (1) An individual who is a victim of a first degree felony, or who is a family member of  
28 a missing person or homicide victim, may request review of a criminal investigation if:

29 (a) the incident was reported for investigation to a law enforcement agency with  
30 jurisdiction to investigate the incident;

31 (b) at least one year has passed from the date the incident was first reported for  
32 investigation to a law enforcement agency with jurisdiction to investigate the incident; and

33 (c) the law enforcement agency investigating the incident has not submitted the  
34 investigation results to be screened for criminal charges by the county or district attorney in the  
35 jurisdiction in which the incident occurred.

36 (2) (a) ~~H~~→ [The] An ~~←H~~ individual who is a victim of a first degree felony, or who is a  
36a family  
37 member of a missing person or homicide victim, may request review of the investigation by the  
38 chief executive of the law enforcement agency investigating the incident. Within 30 days after  
39 receiving a request, the chief executive of the law enforcement agency shall meet with the  
40 investigating officers to evaluate the investigation, including existing leads and obstacles and  
41 investigative resources that may be available to move the investigation to conclusion, and  
42 develop a plan to:

43 (i) close the investigation;

44 (ii) undertake further investigative steps; or

45 (iii) submit the investigation results to be screened for criminal charges by the county  
46 or district attorney in the jurisdiction in which the incident occurred.

47 (b) Within 60 days after receiving a request for review under Subsection (2)(a), the  
48 chief executive of the law enforcement agency investigating the incident shall send written  
49 notification to the individual who made the review request advising the individual whether the  
50 agency will:

51 (i) close the investigation;

52 (ii) undertake further investigative steps; or

53 (iii) submit the investigation results to be screened for criminal charges.

54 (3) (a) If the written notification under Subsection (2)(b) indicates further investigative  
55 steps will be undertaken or that the investigation results will be submitted to be screened for

56 criminal charges and no charges have been filed within 90 days following the date of the  
57 written notification under Subsection (2)(b), or the investigation will be closed, the individual  
58 who is a victim of crime, or who is a family member of a victim of crime, may submit a second  
59 request to the law enforcement agency investigating the incident that the investigation results  
60 and all evidence be transferred to another law enforcement agency with jurisdiction over the  
61 area in which the incident occurred.

62 (b) Within 15 days after receiving a transfer request under Subsection (3)(a), the chief  
63 executive of the law enforcement agency shall forward the investigation results to the law  
64 enforcement agency requested by the victim or victim's family.

65 (c) Within 30 days of receiving the investigation results from the initial law  
66 enforcement agency investigating the incident, the receiving law enforcement agency shall  
67 evaluate the investigation, including existing leads and obstacles, evidence, and investigative  
68 resources that may be available to move the investigation to conclusion, and:

69 (i) develop a plan to undertake further investigative steps; or

70 (ii) decline to accept the transferred investigation.

71 (d) Within 60 days after receiving the investigation results from the initial law  
72 enforcement agency investigating the incident, the receiving law enforcement agency shall send  
73 written notification to the individual who made the transfer request advising the individual  
74 whether the receiving law enforcement agency will undertake further investigative steps.

75 (4) If the receiving law enforcement agency declines to accept the transferred  
76 investigation, it shall return all evidence and information to the initial law enforcement agency  
77 within 30 days.

78 (5) Nothing in this section requires a law enforcement agency or prosecuting agency to  
79 close an investigation if charges are not filed within the time frames set forth in this section.

80 (6) An individual who is a victim of a first degree felony, or who is a family member of  
81 a missing person or homicide victim, may seek review of an investigation by the attorney  
82 general, pursuant to its concurrent jurisdiction to investigate and prosecute crimes in any city or  
83 county of the state.

84 (a) ~~It~~ **→** [Within] Subject to Subsection (d), within ~~it~~ **←** 30 days of receiving a request  
84a from an individual who is a victim of a first  
85 degree felony, or who is a family member of a missing person or homicide victim, to accept a  
86 transferred investigation, the attorney general shall request from the initial law enforcement

87 agency all evidence and information regarding the investigation.

88 (b) Within 60 days after receiving the investigation information from the initial law  
89 enforcement agency investigating the incident, the attorney general shall review all evidence  
90 and information received and make a determination regarding the investigation.

91 (c) The attorney general shall send written notification to the individual who made the  
92 transfer request within 60 days of its decision decline or continue an investigation.

92a **↔ (d) The attorney general shall decline the transfer request if action by the attorney general**  
92b **would interfere with an ongoing investigation or prosecution by the county or district attorney**  
92c **in the jurisdiction in which the incident occurred. If the attorney general declines the transfer**  
92d **based upon this subsection, the attorney general shall refer the transfer request to another law**  
92e **enforcement agency with jurisdiction to investigate. The law enforcement agency to which the**  
92f **incident is referred shall follow the procedure in Subsections (a) through (c). ↔**

92g **↔ (7) An individual who is a victim of a first degree felony or who is a family member of a**  
92h **missing person or homicide victim may request the assistance of a nonprofit organization**  
92i **based in Utah that assists in solving unsolved crimes. If the nonprofit organization agrees to**  
92j **assist the individual or family member, the initial law enforcement agency shall, with the**  
92k **consent of the individual or family member, share information and evidence regarding that**  
92l **specific case with the nonprofit organization. ↔**