

HB0015S01 compared with HB0015

~~{deleted text}~~ shows text that was in HB0015 but was deleted in HB0015S01.

Inserted text shows text that was not in HB0015 but was inserted into HB0015S01.

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

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: ~~{_____}~~

-

~~LONG TITLE~~

~~Committee Note:~~

~~_____ The Law Enforcement and Criminal Justice Interim Committee recommended this bill.~~

~~{Todd Weiler}~~

~~Cosponsors:~~

~~Andrew Stoddard~~

~~Lee B. Perry~~

~~Mike Winder~~

LONG TITLE

General Description:

This bill allows investigations to be reviewed at the request of a victim or victim's

HB0015S01 compared with HB0015

family.

Highlighted Provisions:

This bill:

- ▶ creates a review process for open investigations.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

11-63-101, Utah Code Annotated 1953

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

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

11-63-101. Review of open investigation.

(1) ~~{A review of an investigation may be requested at least one year after the date of the incident that initiated the original investigation if the investigating agency has made no significant progress in solving the case:~~

~~— (a) by the}~~ An individual who is a victim of a first degree ~~{violent felony;~~

~~— (b) by the family member of the victim of a homicide; or~~

~~— (c) by the}~~ felony, or who is a family member of a missing person~~};~~

~~— (2) A}~~ or homicide victim ~~{ or victim's family}~~, may request review of ~~{an open investigation:~~

~~— (a) first, by the chief executive of}~~ a criminal investigation if:

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

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

(c) the law enforcement agency {conducting} investigating the incident has not submitted the investigation};

~~— (b) second,}~~ results to be screened for criminal charges by the county or district

HB0015S01 compared with HB0015

attorney in the jurisdiction in which the ~~crime occurred or the person went missing; and~~

~~(c) finally, by the Office of the Attorney General;~~

~~(3) Each entity in Subsection (2) shall have up to 30 days to review an open~~incident occurred.

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

(i) close the investigation;

(ii) undertake further investigative steps; or

(iii) submit the investigation ~~request. The entity shall communicate a decision in writing to~~ results to be screened for criminal charges by the county or district attorney in the jurisdiction in which the incident occurred.

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

(i) close the investigation;

(ii) undertake further investigative steps; or

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

(3) (a) If the written notification under Subsection (2)(b) indicates further investigative steps will be undertaken or that the investigation results will be submitted to be screened for criminal charges and no charges have been filed within 90 days following the date of the written notification under Subsection (2)(b), or the investigation will be closed, the individual who is a victim of crime, or who is a family member of a victim of crime, may submit a second request to the law enforcement agency investigating the incident that the investigation results and all evidence be transferred to another law enforcement agency with jurisdiction over the area in which the incident occurred.

HB0015S01 compared with HB0015

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

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

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

(ii) decline to accept the transferred investigation.

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

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

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

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

(a) Within 30 days of receiving a request from an individual who is a victim of a first degree felony, or who is a family member of a missing person or homicide victim, to accept a transferred investigation, the attorney general shall request from the initial law enforcement agency all evidence and information regarding the investigation.

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

HB0015S01 compared with HB0015

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