

**Representative V. Lowry Snow** proposes the following substitute bill:

**OFFICE ON DOMESTIC AND SEXUAL VIOLENCE**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: V. Lowry Snow**

Senate Sponsor: Luz Escamilla

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**LONG TITLE**

**General Description:**

This bill creates the Office on Domestic and Sexual Violence and the Domestic Violence Offender Advisory Board within the State Commission on Criminal and Juvenile Justice.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates the Office on Domestic and Sexual Violence within the State Commission on Criminal and Juvenile Justice;
- ▶ requires the executive director of the commission to appoint a director of the office;
- ▶ creates the Domestic Violence Offender Advisory Board within the commission;
- ▶ requires the office to coordinate with the advisory board and other advisory councils within the commission to create and implement statewide resources and policies for reducing instances of domestic and sexual violence;
- ▶ adds the director of the office to the Utah Council on Victims of Crime; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63M-7-601**, as last amended by Laws of Utah 2019, Chapter 246

31 ENACTS:

32 **63M-7-701**, Utah Code Annotated 1953

33 **63M-7-702**, Utah Code Annotated 1953

34 **63M-7-703**, Utah Code Annotated 1953

35 **63M-7-704**, Utah Code Annotated 1953

36 **63M-7-801**, Utah Code Annotated 1953

37 **63M-7-802**, Utah Code Annotated 1953

38 **63M-7-803**, Utah Code Annotated 1953

39 **63M-7-804**, Utah Code Annotated 1953



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

42 Section 1. Section **63M-7-601** is amended to read:

43 **63M-7-601. Creation -- Members -- Chair.**

44 (1) There is created within the governor's office the Utah Council on Victims of Crime.

45 (2) The Utah Council on Victims of Crime shall be composed of [25] 26 voting

46 members as follows:

47 (a) a representative of the Commission on Criminal and Juvenile Justice appointed by  
48 the executive director;

49 (b) a representative of the Department of Corrections appointed by the executive  
50 director;

51 (c) a representative of the Board of Pardons and Parole appointed by the chair;

52 (d) a representative of the Department of Public Safety appointed by the commissioner;

53 (e) a representative of the Division of Juvenile Justice Services appointed by the  
54 director;

55 (f) a representative of the Utah Office for Victims of Crime appointed by the director;

56 (g) a representative of the Office of the Attorney General appointed by the attorney

57 general;

58 (h) a representative of the United States Attorney for the district of Utah appointed by  
59 the United States Attorney;

60 (i) a representative of Utah's Native American community appointed by the director of  
61 the Division of Indian Affairs after input from federally recognized tribes in Utah;

62 (j) a professional or volunteer working in the area of violence against women and  
63 families appointed by the governor;

64 (k) the chair of each judicial district's victims' rights committee;

65 (l) the director of the Office on Domestic and Sexual Violence created in Section  
66 [63M-7-703](#);

67 ~~[(t)]~~ (m) the following members appointed to serve four-year terms:

68 (i) a representative of the Statewide Association of Public Attorneys appointed by that  
69 association;

70 (ii) a representative of the Utah Chiefs of Police Association appointed by the president  
71 of that association;

72 (iii) a representative of the Utah Sheriffs' Association appointed by the president of that  
73 association;

74 (iv) a representative of a Children's Justice Center appointed by the attorney general;  
75 and

76 (v) a citizen representative appointed by the governor; and

77 ~~[(m)]~~ (n) the following members appointed by the members in Subsections (2)(a)  
78 through (2)(k) to serve four-year terms:

79 (i) an individual who works professionally with victims of crime; and

80 (ii) a victim of crime.

81 (3) The council shall annually elect one member to serve as chair.

82 Section 2. Section **63M-7-701** is enacted to read:

83 **Part 7. Office on Domestic and Sexual Violence**

84 **63M-7-701. Title.**

85 This part is known as the "Office on Domestic and Sexual Violence."

86 Section 3. Section **63M-7-702** is enacted to read:

87 **63M-7-702. Definitions.**

88 As used in this part:

89 (1) "Commission" means the State Commission on Criminal and Juvenile Justice  
90 created in Section [63M-7-201](#).

91 (2) "Office" means the Office on Domestic and Sexual Violence created in Section  
92 [63M-7-703](#).

93 Section 4. Section **63M-7-703** is enacted to read:

94 **63M-7-703. Office on Domestic and Sexual Violence -- Creation -- Appointment of**  
95 **director.**

96 (1) There is created the Office on Domestic and Sexual Violence within the  
97 commission.

98 (2) The executive director of the commission shall appoint a director of the office.

99 Section 5. Section **63M-7-704** is enacted to read:

100 **63M-7-704. Office duties.**

101 The office shall:

102 (1) provide leadership and generate unity for the state's ongoing efforts to reduce and  
103 eliminate the impact of rape, sexual assault, and intimate partner and domestic and sexual  
104 violence through comprehensive and evidence-based prevention, intervention, and treatment  
105 for juvenile and adult offenders;

106 (2) coordinate with the Domestic Violence Offender Advisory Board, and other  
107 advisory councils within the commission focused on domestic and sexual violence, to create,  
108 disseminate, implement, and recommend statewide policies to address intimate partner and  
109 domestic and sexual violence;

110 (3) collaborate and partner with public and private partners to perform the duties  
111 described in this section using a multidisciplinary approach; and

112 (4) facilitate planning for a balanced continuum of intimate partner and domestic and  
113 sexual violence prevention, intervention, treatment, and justice services.

114 Section 6. Section **63M-7-801** is enacted to read:

115 **Part 8. Domestic Violence Offender Advisory Board**

116 **63M-7-801. Title.**

117 This part is known as the "Domestic Violence Offender Advisory Board."

118 Section 7. Section **63M-7-802** is enacted to read:

119 **63M-7-802. Definitions.**

120 As used in this part:

121 (1) "Commission" means the State Commission on Criminal and Juvenile Justice  
122 created in Section 63M-7-201.

123 (2) "Advisory board" means the Domestic Violence Offender Advisory Board created  
124 in Section 63M-7-803.

125 Section 8. Section **63M-7-803** is enacted to read:

126 **63M-7-803. Domestic Violence Offender Advisory Board -- Creation --**  
127 **Membership -- Quorum -- Per diem -- Staff support -- Meetings.**

128 (1) There is created within the commission the Domestic Violence Offender Advisory  
129 Board consisting of the following members:

130 (a) the executive director of the Department of Corrections, or the executive director's  
131 designee;

132 (b) the executive director of the Department of Human Services, or the executive  
133 director's designee;

134 (c) the executive director of the Department of Health, or the executive director's  
135 designee;

136 (d) the commissioner of public safety for the Department of Public Safety, or the  
137 commissioner's designee;

138 (e) the director of the Office for Victims of Crime, or the director's designee;

139 (f) the chair of the Board of Pardons and Parole, or the chair's designee;

140 (g) one judge appointed by the presiding officer of the Utah Judicial Council;

141 (h) one individual who represents the Administrative Office of the Courts appointed by  
142 the state court administrator;

143 (i) nine individuals appointed by the executive director of the commission, including:

144 (i) a clinical social worker, a marriage and family therapist, a professional counselor,  
145 and a psychologist licensed under Title 58, Chapter 60, Mental Health Professional Practice  
146 Act;

147 (ii) an individual who represents an association of criminal defense attorneys;

148 (iii) an individual who represents an association of prosecuting attorneys;

149 (iv) an individual who represents law enforcement;

150 (v) an individual who represents an association of criminal justice victim advocates;  
151 and

152 (vi) an individual who represents a nonprofit organization that provides domestic  
153 violence victim advocate services.

154 (2) (a) A member may not serve on the advisory board for more than eight consecutive  
155 years.

156 (b) If a vacancy occurs in the membership of the advisory board appointed under  
157 Subsection (1), the member shall be replaced in the same manner in which the original  
158 appointment was made.

159 (c) A member of the advisory board serves until the member's successor is appointed.

160 (3) The members of the advisory board shall vote on a chair and co-chair of the  
161 advisory board to serve for two years.

162 (4) (a) A majority of the advisory board members constitutes a quorum.

163 (b) The action of a majority of a quorum constitutes an action of the advisory board.

164 (5) An advisory board member may not receive compensation or benefits for the  
165 member's service on the advisory board, but may receive per diem and reimbursement for  
166 travel expenses incurred as an advisory board member at the rates established by the Division  
167 of Finance under:

168 (a) Sections [63A-3-106](#) and [63A-3-107](#); and

169 (b) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

170 (6) The commission shall provide staff support to the advisory board.

171 (7) The advisory board shall meet at least quarterly on a date the advisory board sets.

172 Section 9. Section **63M-7-804** is enacted to read:

173 **63M-7-804. Advisory board duties -- Rulemaking.**

174 (1) The advisory board shall advise and make recommendations to the Office on  
175 Domestic and Sexual Violence created in Section [63M-7-703](#).

176 (2) As part of the advisory board's duties under Subsection (1), the advisory board  
177 shall:

178 (a) research standardized procedures and methods for intimate partner and domestic  
179 violence offender evaluation, intervention, treatment, and monitoring that prioritize physical  
180 and psychological safety of victims;

181 (b) identify and establish best practice standards for intimate partner and domestic  
182 violence evaluation, intervention, treatment, and monitoring that:

183 (i) are applicable to the state's needs;

184 (ii) are based on scientific research to address an individual's intimate partner and  
185 domestic violence risk factors; and

186 (iii) incorporate evidence-based trauma informed care to enhance the quality and  
187 continuity of intervention and treatment;

188 (c) disseminate the best practice standards described in Subsection (2)(b) to be used in  
189 the evaluation, intervention, treatment, and monitoring of intimate partner and domestic  
190 violence offenders; and

191 (d) establish an accreditation program for public and private providers of intervention  
192 and treatment for intimate partner and domestic violence offenders that requires the public and  
193 private providers comply with the best practices described in Subsection (2)(b).

194 (3) The advisory board shall make rules in accordance with Title 63G, Chapter 3,  
195 Administrative Rulemaking Act, to implement this part.