

HB0059S01 compared with HB0059

~~deleted text~~ shows text that was in HB0059 but was deleted in HB0059S01.

inserted text shows text that was not in HB0059 but was inserted into HB0059S01.

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Representative Angela Romero proposes the following substitute bill:

RAPE CRISIS CENTER AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends definitions relating to rape crisis centers and sexual assault counselors.

Highlighted Provisions:

This bill:

- ▶ amends definitions relating to rape crisis centers and sexual assault counselors; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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76-5-606, as enacted by Laws of Utah 2017, Chapter 249

77-38-203, as renumbered and amended by Laws of Utah 2008, Chapter 3

77-38-204, as last amended by Laws of Utah 2017, Chapter 188

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

Section 1. Section **76-5-606** is amended to read:

76-5-606. Victim notification of rights -- Notification of law enforcement.

(1) Collecting facility personnel who conduct sexual assault examinations shall inform each victim of a sexual assault of:

(a) available services for treatment of sexually transmitted infections, pregnancy, and other medical and psychiatric conditions;

(b) available crisis intervention or other mental health services provided;

(c) the option to receive prophylactic medication to prevent sexually transmitted infections and pregnancy;

(d) the right to determine:

(i) whether to provide a personal statement about the sexual assault to law enforcement; and

(ii) if law enforcement should have access to any paperwork from the forensic examination; and

(e) the victim's rights as provided in Section 77-37-3.

(2) The collecting facility shall notify law enforcement as soon as practicable if the victim of a sexual assault decides to interview and discuss the assault with law enforcement.

(3) If a victim of a sexual assault declines to provide a personal statement about the sexual assault to law enforcement, the collecting facility shall provide a written notice to the victim that contains the following information:

(a) where the sexual assault kit will be stored;

(b) notice that the victim may choose to contact law enforcement any time after declining to provide a personal statement;

(c) the name, phone number, and email address of the law enforcement agency having jurisdiction; and

(d) the name and phone number of a local rape crisis and services center.

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Section 2. Section 77-38-203 is amended to read:

77-38-203. Definitions.

As used in this part:

(1) "Confidential communication" means information given to a sexual assault counselor by a victim and includes reports or working papers made in the course of the counseling relationship.

(2) (a) "Rape crisis and services center" means [any office, institution, or center assisting] a nonprofit entity that assists victims of sexual assault and [their] the victims' families [which offers] by offering sexual assault crisis intervention[, medical, and legal services,] and counseling through a sexual assault counselor.

(b) "Rape crisis and services center" does not include a qualified institutional victim services provider as defined in Section 53B-28-201.

(3) "Sexual assault counselor" means ~~[a person]~~ an individual who:

(a) is employed by or volunteers at a rape crisis and services center [who];

(b) has a minimum of 40 hours of training in counseling and assisting victims of sexual assault; and [who]

(c) is under the supervision of the director or designee of a rape crisis and services center.

(4) "Victim" means ~~[a person]~~ an individual who has experienced a sexual assault of whatever nature including incest and rape and requests counseling or assistance regarding the mental, physical, and emotional consequences of the sexual assault.

Section 3. Section 77-38-204 is amended to read:

77-38-204. Disclosure of confidential communications.

[Notwithstanding Title 53B, Chapter 28, Part 2, Confidential Communications for Institutional Advocacy Services Act, the] The confidential communication between a victim and a sexual assault counselor is available to a third person only when:

(1) the victim is a minor and the counselor believes it is in the best interest of the victim to disclose the confidential communication to the victim's parents;

(2) the victim is a minor and the minor's parents or guardian have consented to disclosure of the confidential communication to a third party based upon representations made by the counselor that it is in the best interest of the minor victim to make such disclosure;

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(3) the victim is not a minor, has given consent, and the counselor believes the disclosure is necessary to accomplish the desired result of counseling; or

(4) the counselor has an obligation under Title 62A, Chapter 4a, Child and Family Services, to report information transmitted in the confidential communication.