

Representative Candice B. Pierucci proposes the following substitute bill:

DOMESTIC VIOLENCE MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill addresses domestic violence.

Highlighted Provisions:

This bill:

- defines terms;
- creates the Domestic Violence Data Task Force (task force) and describes the duties of the task force;
- includes a sunset date for the task force;
- requires the Department of Public Safety to staff the task force;
- removes provisions requiring the Department of Public Safety and the State Commission on Criminal and Juvenile Justice to collect certain domestic violence data; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



AMENDS:

63I-1-263, as last amended by Laws of Utah 2022, Chapters 23, 34, 68, 153, 218, 236, 249, 274, 296, 313, 361, 362, 417, 419, 472 and last amended by Coordination Clause, Laws of Utah 2022, Chapter 153

78B-7-120, as enacted by Laws of Utah 2021, Chapter 180

ENACTS:

63C-29-101, Utah Code Annotated 1953

63C-29-201, Utah Code Annotated 1953

63C-29-202, Utah Code Annotated 1953

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

Section 1. Section **63C-29-101** is enacted to read:

CHAPTER 29. DOMESTIC VIOLENCE DATA TASK FORCE

Part 1. General Provisions

63C-29-101. Definitions.

As used in this part:

(1) "Cohabitant abuse protective order" means an order issued with or without notice to the respondent under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders.

(2) "Criminal justice system victim advocate" means the same as that term is defined in Section [77-38-403](#).

(3) "Lethality assessment" means an evidence-based assessment that is intended to identify a victim of domestic violence who is at a high risk of being killed by the perpetrator.

(4) "Nongovernment organization victim advocate" means the same as that term is defined in Section [77-38-403](#).

(5) "Task force" means the Domestic Violence Data Task Force created in Section [63C-29-201](#).

(6) "Victim" means an individual who is a victim of domestic violence, as defined in Section [77-36-1](#).

Section 2. Section **63C-29-201** is enacted to read:

Part 2. Domestic Violence Data Task Force

63C-29-201. Domestic Violence Data Task Force -- Creation -- Members --

Compensation -- Quorum -- Staff.

(1) There is created the Domestic Violence Data Task Force to coordinate and make recommendations to the Legislature regarding the collection of domestic violence data in the state.

(2) The task force consists of the following members:

(a) the commissioner of public safety, or the commissioner's designee;

(b) the executive director of the Department of Corrections, or the executive director's designee;

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

(d) the president of the Utah Chiefs of Police Association, or the president's designee;

(e) the president of the Utah Sheriffs' Association, or the president's designee;

(f) the executive director of the State Commission on Criminal and Juvenile Justice, or the director's designee;

(g) the director of the Division of Child and Family Services, or the director's designee;

(h) the director of the Utah Division of Indian Affairs, or the director's designee;

(i) the chief administrative officer of the Office of Homeless Services, or the officer's designee;

(j) one individual who provides violence and injury prevention services within the Department of Health and Human Services, appointed by the executive director of the Department of Health and Human Services;

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

(l) one individual appointed jointly by the Utah League of Cities and Towns and the Utah Association of Counties;

(m) one individual who represents the Statewide Association of Prosecutors appointed by the association;

(n) one individual who represents the Utah Association of Criminal Defense Lawyers appointed by the association; and

(o) the following individuals appointed by the commissioner of public safety, or the commissioner's designee:

(i) one individual who represents a state domestic violence coalition, as defined in 45

88 C.F.R. Sec. 1370.2;

89 (ii) one criminal justice system advocate; and

90 (iii) one nongovernment organization victim advocate.

91 (3) The task force shall annually select one of the task force members to be the chair of
92 the task force.

93 (4) If a vacancy occurs in the membership of the task force appointed under Subsection
94 (2), the member shall be replaced in the same manner in which the original appointment was
95 made.

96 (5) A task force member:

97 (a) may not receive compensation or benefits for the member's service on the task
98 force; and

99 (b) may receive per diem and reimbursement for travel expenses that the task force
100 member incurs as a task force member at the rates that the Division of Finance establishes
101 under:

102 (i) Sections [63A-3-106](#) and [63A-3-107](#); and

103 (ii) rules that the Division of Finance makes under Sections [63A-3-106](#) and [63A-3-107](#).

104 (6) (a) A majority of the task force members constitutes a quorum.

105 (b) The action of a majority of a quorum constitutes an action of the task force.

106 (7) The Department of Public Safety shall provide staff support to the task force.

107 Section 3. Section **63C-29-202** is enacted to read:

108 **63C-29-202. Task force duties -- Reporting.**

109 (1) The task force shall:

110 (a) gather information on:

111 (i) lethality assessments conducted in the state, including:

112 (A) the type of lethality assessments used by law enforcement agencies and other
113 organizations that provide domestic violence services; and

114 (B) training and protocols implemented by law enforcement agencies and the
115 organizations described in Subsection (1)(a)(i)(A) regarding the use of lethality assessments;

116 (ii) the data collection efforts implemented by law enforcement agencies and the
117 organizations described in Subsection (1)(a)(i)(A);

118 (iii) the number of cohabitant abuse protective orders that, in the immediately

preceding calendar year, were:

(A) issued;

(B) amended or dismissed before the date of expiration; or

(C) dismissed under Subsection 78B-7-605(1); and

(iv) the prevalence of domestic violence in the state and the prevalence of the

following in domestic violence cases:

(A) stalking;

(B) strangulation;

(C) violence in the presence of children; and

(D) threats of suicide or homicide; and

(b) review and provide feedback on:

(i) lethality assessment training and protocols implemented by law enforcement

agencies and the organizations described in Subsection (1)(a)(i)(A); and

(ii) the collection of domestic violence data in the state, including:

(A) the coordination between state, local, and not-for-profit agencies to collect data

from lethality assessments and on the prevalence of domestic violence ~~§~~→, including the number

of voluntary commitments of firearms under Section 53-5c-201 ←~~§~~ ;

(B) efforts to standardize the format for collecting domestic violence and lethality

assessment data from state, local, and not-for-profit agencies within federal confidentiality

requirements; and

(C) the need for any additional data collection requirements or efforts.

(2) Before November 30 of each year the task force shall provide a written report to the

Law Enforcement and Criminal Justice Interim Committee describing:

(a) the information gathered under Subsection (1)(a); and

(b) the feedback described in Subsection (1)(b).

Section 4. Section 63I-1-263 is amended to read:

63I-1-263. Repeal dates: Titles 63A to 63N.

(1) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement funding, is repealed July 1, 2024.

(2) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

(3) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review

Committee, are repealed July 1, 2023.

~~[(4) In relation to the Utah Transparency Advisory Board, on January 1, 2025:]~~

~~[(a) Section 63A-18-102 is repealed,]~~

~~[(b) Section 63A-18-201 is repealed, and]~~

~~[(c) Section 63A-18-202 is repealed.]~~

(4) Title 63A, Chapter 18, Utah Transparency Advisory Board, is repealed January 1, 2025.

(5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

(6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

(7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.

(8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2023.

(9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed July 1, 2023.

(10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is repealed July 1, 2026.

(11) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.

(12) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.

(13) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed December 31, 2024.

~~[(13)]~~ (14) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, 2026.

~~[(14)]~~ (15) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2028.

~~[(15)]~~ (16) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2024.

~~[(16)]~~ (17) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

181 ~~[(17) Subsection 63J-1-602.1(17), relating to the Nurse Home Visiting Restricted~~
182 ~~Account, is repealed July 1, 2026.]~~

183 (18) Subsection 63J-1-602.2(6), referring to dedicated credits to the Utah Marriage
184 Commission, is repealed July 1, 2023.

185 ~~[(19) Subsection 63J-1-602.2(7), referring to the Trip Reduction Program, is repealed~~
186 ~~July 1, 2022.]~~

187 ~~[(20)]~~ (19) Subsection 63J-1-602.2(26), related to the Utah Seismic Safety
188 Commission, is repealed January 1, 2025.

189 ~~[(21)]~~ (20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating
190 Committee, is repealed July 1, 2027.

191 ~~[(22)]~~ (21) In relation to the Utah Substance Use and Mental Health Advisory Council,
192 on January 1, 2033:

193 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
194 repealed;

195 (b) Section 63M-7-305, the language that states "council" is replaced with
196 "commission";

197 (c) Subsection 63M-7-305(1)(a) is repealed and replaced with:

198 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

199 (d) Subsection 63M-7-305(2) is repealed and replaced with:

200 "(2) The commission shall:

201 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
202 Drug-Related Offenses Reform Act; and

203 (b) coordinate the implementation of Section 77-18-104 and related provisions in
204 Subsections 77-18-103(2)(c) and (d).".

205 ~~[(23)]~~ (22) The Crime Victim Reparations and Assistance Board, created in Section
206 63M-7-504, is repealed July 1, 2027.

207 ~~[(24)]~~ (23) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
208 2026.

209 ~~[(25)]~~ (24) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
210 repealed January 1, 2025.

211 ~~[(26)]~~ (25) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

[~~(27)~~] (26) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed July 1, 2028.

[~~(28)~~] (27) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is repealed July 1, 2027.

[~~(29)~~] (28) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant Program, is repealed July 1, 2025.

[~~(30)~~] (29) In relation to the Rural Employment Expansion Program, on July 1, 2023:

(a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed; and

(b) Subsection [63N-4-805](#)(5)(b), referring to the Rural Employment Expansion Program, is repealed.

[~~(31)~~] (30) In relation to the Board of Tourism Development, on July 1, 2025:

(a) Subsection [63N-2-511](#)(1)(b), which defines "tourism board," is repealed;

(b) Subsections [63N-2-511](#)(3)(a) and (5), the language that states "tourism board" is repealed and replaced with "Utah Office of Tourism";

(c) Subsection [63N-7-101](#)(1), which defines "board," is repealed;

(d) Subsection [63N-7-102](#)(3)(c), which requires the Utah Office of Tourism to receive approval from the Board of Tourism Development, is repealed; and

(e) Title 63N, Chapter 7, Part 2, Board of Tourism Development, is repealed.

[~~(32)~~] (31) Subsection [63N-8-103](#)(3)(c), which allows the Governor's Office of Economic Opportunity to issue an amount of tax credit certificates only for rural productions, is repealed on July 1, 2024.

Section 5. Section **78B-7-120** is amended to read:

78B-7-120. Law enforcement -- Training -- Domestic violence -- Lethality assessments.

(1) The Department of Public Safety shall:

(a) develop training in domestic violence responses and lethality assessment protocols[; ~~which include the following~~] that includes information on:

[~~(a)~~] (i) recognizing the symptoms of domestic violence and trauma;

[~~(b)~~] (ii) an evidence-based assessment to identify victims of domestic violence who may be at a high risk of being killed by a perpetrator;

243 ~~[(e)]~~ (iii) lethality assessment protocols and interviewing techniques, including
244 indicators of strangulation;

245 ~~[(d)]~~ (iv) responding to the needs and concerns of a victim of domestic violence;

246 ~~[(e)]~~ (v) delivering services to victims of domestic violence in a compassionate,
247 sensitive, and professional manner; and

248 ~~[(f)]~~ (vi) understanding cultural perceptions and common myths of domestic
249 violence[-];

250 (b) develop and offer an online training course in domestic violence issues to all
251 certified law enforcement officers in the state; and

252 (c) develop specific training curriculums for the trainings described in Subsections
253 (1)(a) and (b) that include:

254 (i) information on responding to domestic violence incidents, including
255 trauma-informed and victim-centered interview techniques;

256 (ii) lethality assessment protocols which have been demonstrated to minimize
257 retraumatizing victims; and

258 (iii) standards for report writing.

259 (2) The Peace Officer Standards and Training Division shall incorporate training in
260 domestic violence issues into training offered to all individuals seeking certification as a peace
261 officer.

262 ~~[(2) The department shall develop and offer an online training course in domestic~~
263 ~~violence issues to all certified law enforcement officers in the state.]~~

264 ~~[(3) Training in domestic violence issues shall be incorporated into training offered by~~
265 ~~the Peace Officer Standards and Training division to all persons seeking certification as a peace~~
266 ~~officer.]~~

267 ~~[(4) The department shall develop specific training curriculums that meet the~~
268 ~~requirements of this section, including:]~~

269 ~~[(a) response to domestic violence incidents, including trauma-informed and~~
270 ~~victim-centered interview techniques;]~~

271 ~~[(b) lethality assessment protocols which have been demonstrated to minimize~~
272 ~~retraumatizing victims; and]~~

273 ~~[(c) standards for report writing.]~~

274 ~~[(5) The Department of Public Safety, in partnership with the Division of Child and~~
275 ~~Family Services and the Commission on Criminal and Juvenile Justice, shall work to identify~~
276 ~~aggregate domestic violence data to include:]~~

277 ~~[(a) lethality assessments;]~~

278 ~~[(b) the prevalence of stalking;]~~

279 ~~[(c) strangulation;]~~

280 ~~[(d) violence in the presence of children; and]~~

281 ~~[(e) threats of suicide or homicide.]~~

282 ~~[(6) The Department of Public Safety, with support from the Commission on Criminal~~
283 ~~and Juvenile Justice and the Division of Child and Family Services shall provide~~
284 ~~recommendations to the Law Enforcement and Criminal Justice Interim Committee not later~~
285 ~~than July 31 of each year and in the commission's annual report required by Section~~
286 ~~63M-7-205.]~~