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1	RAPE CRISIS CENTER MODIFICATIONS
2	2023 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Angela Romero
5	Senate Sponsor: Luz Escamilla
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8	LONG TITLE
9	General Description:
10	This bill amends definitions relating to rape crisis centers and sexual assault counselors.
11	Highlighted Provisions:
12	This bill:
13	 amends definitions relating to rape crisis centers and sexual assault counselors; and
14	 makes technical and conforming changes.
15	Money Appropriated in this Bill:
16	None
17	Other Special Clauses:
18	None
19	Utah Code Sections Affected:
20	AMENDS:
21	53-10-906, as renumbered and amended by Laws of Utah 2022, Chapter 430
22	77-38-203, as renumbered and amended by Laws of Utah 2008, Chapter 3
23	77-38-204, as last amended by Laws of Utah 2022, Chapter 335
24	
25	Be it enacted by the Legislature of the state of Utah:
26	Section 1. Section 53-10-906 is amended to read:
27	53-10-906. Victim notification of rights Notification of law enforcement.
28	(1) Collecting facility personnel who conduct sexual assault examinations shall inform

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29	each victim of a sexual assault of:
30	(a) available services for treatment of sexually transmitted infections, pregnancy, and
31	other medical and psychiatric conditions;
32	(b) available crisis intervention or other mental health services provided;
33	(c) the option to receive prophylactic medication to prevent sexually transmitted
34	infections and pregnancy;
35	(d) the right to determine:
36	(i) whether to provide a personal statement about the sexual assault to law
37	enforcement; and
38	(ii) if law enforcement should have access to any paperwork from the forensic
39	examination; and
40	(e) the victim's rights as provided in Section 77-37-3.
41	(2) The collecting facility shall notify law enforcement as soon as practicable if the
42	victim of a sexual assault decides to interview and discuss the assault with law enforcement.
43	(3) If a victim of a sexual assault declines to provide a personal statement about the
44	sexual assault to law enforcement, the collecting facility shall provide a written notice to the
45	victim that contains the following information:
46	(a) where the sexual assault kit will be stored;
47	(b) notice that the victim may choose to contact law enforcement any time after
48	declining to provide a personal statement;
49	(c) the name, phone number, and email address of the law enforcement agency having
50	jurisdiction; and
51	(d) the name and phone number of a local rape crisis and services center.
52	Section 2. Section 77-38-203 is amended to read:
53	77-38-203. Definitions.
54	As used in this part:
55	(1) "Confidential communication" means information given to a sexual assault
56	counselor by a victim and includes reports or working papers made in the course of the

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57	counseling relationship	
58	(2) (a) "Rape c	

- (2) (a) "Rape crisis <u>and services</u> center" means [any office, institution, or center assisting] a nonprofit entity that assists victims of sexual assault and [their families which offers] <u>victims' families by offering sexual assault</u> 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
- (c) [who] 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.
- 73 Section 3. Section 77-38-204 is amended to read:
- 74 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;
 - (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

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85	(4) the counselor has an obligation under Title 80, Chapter 2, Child Welfare Services,
86	or Title 80, Chapter 2a, Removal and Protective Custody of a Child, to report information
87	transmitted in the confidential communication.