

RAPE CRISIS CENTER MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: Luz Escamilla

LONG TITLE

Committee Note:

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

Legislative Vote: 10 voting for 0 voting against 7 absent

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:

53-10-906, as renumbered and amended by Laws of Utah 2022, Chapter 430

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

77-38-204, as last amended by Laws of Utah 2022, Chapter 335

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



28 Section 1. Section **53-10-906** is amended to read:

29 **53-10-906. Victim notification of rights -- Notification of law enforcement.**

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

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

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

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

37 (d) the right to determine:

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

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

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

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

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

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

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

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

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

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

55 **77-38-203. Definitions.**

56 As used in this part:

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

59 counseling relationship.

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

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

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

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

68 (b) has a minimum of 40 hours of training in counseling and assisting victims of sexual
69 assault; and

70 (c) [~~who~~] is under the supervision of the director or designee of a rape crisis and
71 services center.

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

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

76 **77-38-204. Disclosure of confidential communications.**

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

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

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

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

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