

DOMESTIC VIOLENCE MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Luz Escamilla

LONG TITLE

Committee Note:

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

Legislative Vote: 9 voting for 0 voting against 8 absent

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:
 - develop and distribute a form to collect data on lethality assessments used in domestic violence cases from law enforcement agencies; and
 - 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;
- ▶ directs the Administrative Office of the Courts to consider certain domestic violence training for judges, commissioners, and court staff; and



28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **63I-1-263**, as last amended by Laws of Utah 2022, Chapters 23, 34, 68, 153, 218, 236,
36 249, 274, 296, 313, 361, 362, 417, 419, 472 and last amended by Coordination
37 Clause, Laws of Utah 2022, Chapter 153

38 **78B-7-120**, as enacted by Laws of Utah 2021, Chapters 180 and 180

39 ENACTS:

40 **63C-29-101**, Utah Code Annotated 1953

41 **63C-29-201**, Utah Code Annotated 1953

42 **63C-29-202**, Utah Code Annotated 1953



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

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

46 **CHAPTER 29. DOMESTIC VIOLENCE DATA TASK FORCE**

47 **Part 1. General Provisions**

48 **63C-29-101. Definitions.**

49 As used in this part:

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

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

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

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

58 (5) "Task force" means the Domestic Violence Data Task Force created in Section

59 [63C-29-201](#).

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

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

63 **Part 2. Domestic Violence Data Task Force**

64 **63C-29-201. Domestic Violence Data Task Force -- Creation -- Members --**
65 **Compensation -- Quorum -- Staff.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

89 (m) one individual who represents the Statewide Association of Prosecutors appointed

90 by the association;

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

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

95 (i) one individual who represents a state domestic violence coalition, as defined in 45
96 C.F.R. Sec. 1370.2;

97 (ii) one criminal justice system advocate; and

98 (iii) one nongovernment organization victim advocate.

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

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

104 (5) A task force member:

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

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

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

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

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

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

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

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

116 **63C-29-202. Task force duties -- Reporting.**

117 (1) The task force shall:

118 (a) gather information on:

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

120 (A) the type of lethality assessments used by law enforcement agencies and other

121 organizations that provide domestic violence services; and
122 (B) training and protocols implemented by law enforcement agencies and the
123 organizations described in Subsection (1)(a)(i)(A) regarding the use of lethality assessments;
124 (ii) the data collection efforts implemented by law enforcement agencies and the
125 organizations described in Subsection (1)(a)(i)(A);
126 (iii) the number of cohabitant abuse protective orders that, in the immediately
127 preceding calendar year, were:
128 (A) issued;
129 (B) amended or dismissed before the date of expiration; or
130 (C) dismissed under Subsection 78B-7-605(1); and
131 (iv) the prevalence of domestic violence in the state and the prevalence of the
132 following in domestic violence cases:
133 (A) stalking;
134 (B) strangulation;
135 (C) violence in the presence of children; and
136 (D) threats of suicide or homicide;
137 (b) review and provide feedback on the form described in Subsection 78B-7-120(1)(d);
138 and
139 (c) develop a strategic plan to improve domestic violence data collection in the state
140 that addresses:
141 (i) coordination between state, local, and not-for-profit agencies to collect data from
142 lethality assessments and on the prevalence of domestic violence;
143 (ii) standardization of the format for collecting domestic violence and lethality
144 assessment data from state, local, and not-for-profit agencies within federal confidentiality
145 requirements; and
146 (iii) the need for any additional data collection requirements or efforts.
147 (2) Before November 30 of each year the task force shall provide a written report to the
148 Law Enforcement and Criminal Justice Interim Committee describing:
149 (a) the information gathered under Subsection (1)(a); and
150 (b) the strategic plan described in Subsection (1)(c).
151 Section 4. Section **63I-1-263** is amended to read:

152 **63I-1-263. Repeal dates: Titles 63A to 63N.**

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

155 (2) Section [63A-5b-1003](#), State Facility Energy Efficiency Fund, is repealed July 1,
156 2023.

157 (3) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
158 Committee, are repealed July 1, 2023. [~~(4) In relation to the Utah Transparency Advisory
159 Board, on January 1, 2025:~~]

160 [~~(a) Section [63A-18-102](#) is repealed;~~]

161 [~~(b) Section [63A-18-201](#) is repealed; and~~]

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

163 (4) Title 63A, Chapter 18, Utah Transparency Advisory Board, is repealed January 1,
164 2025.

165 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
166 1, 2028.

167 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
168 2025.

169 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
170 2024.

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

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

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

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

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

179 (13) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed December
180 31, 2024.

181 [~~(13)~~] (14) Section [63G-6a-805](#), which creates the Purchasing from Persons with
182 Disabilities Advisory Board, is repealed July 1, 2026.

183 ~~[(14)]~~ (15) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
184 July 1, 2028.

185 ~~[(15)]~~ (16) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
186 July 1, 2024.

187 ~~[(16)]~~ (17) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
188 2026.

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

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

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

195 ~~[(20)]~~ (19) Subsection 63J-1-602.2(26), related to the Utah Seismic Safety
196 Commission, is repealed January 1, 2025.

197 ~~[(21)]~~ (20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating
198 Committee, is repealed July 1, 2027.

199 ~~[(22)]~~ (21) In relation to the Utah Substance Use and Mental Health Advisory Council,
200 on January 1, 2033:

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

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

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

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

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

208 "(2) The commission shall:

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

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

213 ~~[(23)]~~ (22) The Crime Victim Reparations and Assistance Board, created in Section

214 [63M-7-504](#), is repealed July 1, 2027.

215 ~~[(24)]~~ [\(23\)](#) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
216 2026.

217 ~~[(25)]~~ [\(24\)](#) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
218 repealed January 1, 2025.

219 ~~[(26)]~~ [\(25\)](#) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

220 ~~[(27)]~~ [\(26\)](#) Section [63N-2-512](#), related to the Hotel Impact Mitigation Fund, is repealed
221 July 1, 2028.

222 ~~[(28)]~~ [\(27\)](#) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
223 repealed July 1, 2027.

224 ~~[(29)]~~ [\(28\)](#) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant
225 Program, is repealed July 1, 2025.

226 ~~[(30)]~~ [\(29\)](#) In relation to the Rural Employment Expansion Program, on July 1, 2023:

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

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

231 ~~[(31)]~~ [\(30\)](#) In relation to the Board of Tourism Development, on July 1, 2025:

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

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

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

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

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

239 ~~[(32)]~~ [\(31\)](#) Subsection [63N-8-103\(3\)\(c\)](#), which allows the Governor's Office of
240 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,
241 is repealed on July 1, 2024.

242 Section 5. Section [78B-7-120](#) is amended to read:

243 **78B-7-120. Law enforcement training -- Domestic violence -- Lethality**
244 **assessments -- Forms -- Judicial education.**

- 245 (1) The Department of Public Safety shall:
- 246 (a) develop training in domestic violence responses and lethality assessment protocols[;
- 247 ~~which include the following]~~ that includes information on:
- 248 ~~[(a)]~~ (i) recognizing the symptoms of domestic violence and trauma;
- 249 ~~[(b)]~~ (ii) an evidence-based assessment to identify victims of domestic violence who
- 250 may be at a high risk of being killed by a perpetrator;
- 251 ~~[(c)]~~ (iii) lethality assessment protocols and interviewing techniques, including
- 252 indicators of strangulation;
- 253 ~~[(d)]~~ (iv) responding to the needs and concerns of a victim of domestic violence;
- 254 ~~[(e)]~~ (v) delivering services to victims of domestic violence in a compassionate,
- 255 sensitive, and professional manner; and
- 256 ~~[(f)]~~ (vi) understanding cultural perceptions and common myths of domestic
- 257 violence[-];
- 258 (2) The department shall develop and offer an online training course in domestic
- 259 violence issues to all certified law enforcement officers in the state.
- 260 (3) Training in domestic violence issues shall be incorporated into training offered by
- 261 the Peace Officer Standards and Training division to all persons seeking certification as a peace
- 262 officer.
- 263 (4) The department shall develop specific training curriculums that meet the
- 264 requirements of this section, including:
- 265 (a) response to domestic violence incidents, including trauma-informed and
- 266 victim-centered interview techniques;
- 267 (b) lethality assessment protocols which have been demonstrated to minimize
- 268 retraumatizing victims; and
- 269 (c) standards for report writing.
- 270 (5) The Department of Public Safety, in partnership with the Division of Child and
- 271 Family Services and the Commission on Criminal and Juvenile Justice, shall work to identify
- 272 aggregate domestic violence data to include:
- 273 (a) lethality assessments;
- 274 (b) the prevalence of stalking;
- 275 (c) strangulation;

276 (d) violence in the presence of children; and

277 (e) threats of suicide or homicide.

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

283 (7) The Peace Officer Standards and Training Division shall incorporate training in
284 domestic violence issues into training offered to all individuals seeking certification as a peace
285 officer.

286 (8) The Administrative Office of the Courts shall consider including the concepts in the
287 training described in Subsections (1)(a) and (b) as part of an appropriate education program for
288 judges, commissioners, and court staff.