

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:
 - 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
- ▶ makes technical and conforming changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **63I-1-263**, as last amended by Laws of Utah 2022, Chapters 23, 34, 68, 153, 218, 236,
33 249, 274, 296, 313, 361, 362, 417, 419, 472 and last amended by Coordination
34 Clause, Laws of Utah 2022, Chapter 153

35 **78B-7-120**, as enacted by Laws of Utah 2021, Chapters 180 and 180

36 ENACTS:

37 **63C-29-101**, Utah Code Annotated 1953

38 **63C-29-201**, Utah Code Annotated 1953

39 **63C-29-202**, Utah Code Annotated 1953



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

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

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

44 **Part 1. General Provisions**

45 **63C-29-101. Definitions.**

46 As used in this part:

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

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

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

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

55 (5) "Task force" means the Domestic Violence Data Task Force created in Section
56 [63C-29-201](#).

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

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

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

61 **63C-29-201. Domestic Violence Data Task Force -- Creation -- Members --**
62 **Compensation -- Quorum -- Staff.**

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

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

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

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

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

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

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

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

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

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

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

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

81 Department of Health and Human Services;

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

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

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

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

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

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

94 (ii) one criminal justice system advocate; and

95 (iii) one nongovernment organization victim advocate.

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

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

101 (5) A task force member:

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

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

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

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

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

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

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

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

113 **63C-29-202. Task force duties -- Reporting.**

114 (1) The task force shall:

115 (a) gather information on:

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

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

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

- 150 (1) Subsection [63A-5b-405](#)(5), relating to prioritizing and allocating capital
151 improvement funding, is repealed July 1, 2024.
- 152 (2) Section [63A-5b-1003](#), State Facility Energy Efficiency Fund, is repealed July 1,
153 2023.
- 154 (3) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
155 Committee, are repealed July 1, 2023.
- 156 [~~(4) In relation to the Utah Transparency Advisory Board, on January 1, 2025:]~~
157 [~~(a) Section [63A-18-102](#) is repealed;~~]
158 [~~(b) Section [63A-18-201](#) is repealed; and]~~
159 [~~(c) Section [63A-18-202](#) is repealed.]~~
- 160 (4) Title 63A, Chapter 18, Utah Transparency Advisory Board, is repealed January 1,
161 2025.
- 162 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
163 1, 2028.
- 164 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
165 2025.
- 166 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
167 2024.
- 168 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
169 repealed July 1, 2023.
- 170 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
171 July 1, 2023.
- 172 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
173 repealed July 1, 2026.
- 174 (11) Title 63C, Chapter 27, Cybersecurity Commission, is repealed July 1, 2032.
- 175 (12) Title 63C, Chapter 28, Ethnic Studies Commission, is repealed July 1, 2026.
- 176 (13) Title 63C, Chapter 29, Domestic Violence Data Task Force, is repealed December
177 31, 2024.
- 178 [~~(13)]~~ (14) Section [63G-6a-805](#), which creates the Purchasing from Persons with
179 Disabilities Advisory Board, is repealed July 1, 2026.
- 180 [~~(14)]~~ (15) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed

181 July 1, 2028.

182 ~~[(15)]~~ (16) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed

183 July 1, 2024.

184 ~~[(16)]~~ (17) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,

185 2026.

186 ~~[(17) Subsection 63J-1-602.1(17), relating to the Nurse Home Visiting Restricted~~

187 ~~Account, is repealed July 1, 2026.]~~

188 (18) Subsection 63J-1-602.2(6), referring to dedicated credits to the Utah Marriage

189 Commission, is repealed July 1, 2023.

190 ~~[(19) Subsection 63J-1-602.2(7), referring to the Trip Reduction Program, is repealed~~

191 ~~July 1, 2022.]~~

192 ~~[(20)]~~ (19) Subsection 63J-1-602.2(26), related to the Utah Seismic Safety

193 Commission, is repealed January 1, 2025.

194 ~~[(21)]~~ (20) Title 63L, Chapter 11, Part 4, Resource Development Coordinating

195 Committee, is repealed July 1, 2027.

196 ~~[(22)]~~ (21) In relation to the Utah Substance Use and Mental Health Advisory Council,

197 on January 1, 2033:

198 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are

199 repealed;

200 (b) Section 63M-7-305, the language that states "council" is replaced with

201 "commission";

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

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

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

205 "(2) The commission shall:

206 (a) provide ongoing oversight of the implementation, functions, and evaluation of the

207 Drug-Related Offenses Reform Act; and

208 (b) coordinate the implementation of Section 77-18-104 and related provisions in

209 Subsections 77-18-103(2)(c) and (d).".

210 ~~[(23)]~~ (22) The Crime Victim Reparations and Assistance Board, created in Section

211 63M-7-504, is repealed July 1, 2027.

212 [~~(24)~~] (23) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
213 2026.

214 [~~(25)~~] (24) Title 63N, Chapter 1b, Part 4, Women in the Economy Subcommittee, is
215 repealed January 1, 2025.

216 [~~(26)~~] (25) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

217 [~~(27)~~] (26) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed
218 July 1, 2028.

219 [~~(28)~~] (27) Title 63N, Chapter 3, Part 9, Strategic Innovation Grant Pilot Program, is
220 repealed July 1, 2027.

221 [~~(29)~~] (28) Title 63N, Chapter 3, Part 11, Manufacturing Modernization Grant
222 Program, is repealed July 1, 2025.

223 [~~(30)~~] (29) In relation to the Rural Employment Expansion Program, on July 1, 2023:
224 (a) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed;
225 and

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

228 [~~(31)~~] (30) In relation to the Board of Tourism Development, on July 1, 2025:
229 (a) Subsection 63N-2-511(1)(b), which defines "tourism board," is repealed;
230 (b) Subsections 63N-2-511(3)(a) and (5), the language that states "tourism board" is
231 repealed and replaced with "Utah Office of Tourism";

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

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

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

236 [~~(32)~~] (31) Subsection 63N-8-103(3)(c), which allows the Governor's Office of
237 Economic Opportunity to issue an amount of tax credit certificates only for rural productions,
238 is repealed on July 1, 2024.

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

240 **78B-7-120. Law enforcement -- Training -- Domestic violence -- Lethality**
241 **assessments -- Forms -- Judicial education.**

242 (1) The Department of Public Safety shall:

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

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

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

248 ~~[(c)]~~ (iii) lethality assessment protocols and interviewing techniques, including
249 indicators of strangulation;

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

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

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

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

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

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

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

263 (iii) standards for report writing;

264 (d) with feedback from the Domestic Violence Data Task Force created in Section
265 63C-29-201, develop a form to be used by a law enforcement agency to provide data from
266 lethality assessments performed by the law enforcement agency to the Department of Public
267 Safety; and

268 (e) disseminate the form described in Subsection (1)(d) to law enforcement agencies in
269 the state.

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

272 ~~[(3) Training in domestic violence issues shall be incorporated into training offered by~~
273 ~~the Peace Officer Standards and Training division to all persons seeking certification as a peace~~

274 officer:]

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

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

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

281 [~~(c) standards for report writing;]~~

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

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

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

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

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

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

290 [~~(6) The Department of Public Safety, with support from the Commission on Criminal~~
291 and Juvenile Justice and the Division of Child and Family Services shall provide
292 recommendations to the Law Enforcement and Criminal Justice Interim Committee not later
293 than July 31 of each year and in the commission's annual report required by Section
294 [63M-7-205](#).]

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

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