

## HB0043S02 compared with HB0043

~~{deleted text}~~ shows text that was in HB0043 but was deleted in HB0043S02.

inserted text shows text that was not in HB0043 but was inserted into HB0043S02.

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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

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#### 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 ~~{~~

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~~• 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.

### 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, ~~{Chapters 180 and}~~ Chapter 180

#### ENACTS:

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

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

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

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*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

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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;

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(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 C.F.R. Sec. 1370.2;

(ii) one criminal justice system advocate; and

(iii) one nongovernment organization victim advocate.

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

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

(5) A task force member:

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

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

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

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

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

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

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

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

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

(1) The task force shall:

(a) gather information on:

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

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

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

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

(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 ~~{form}~~ organizations described in Subsection ~~{78B-7-120}~~(1)(~~{d}~~**a**)(i)(A);  
and

(~~{c}~~**ii**) ~~{develop a strategic plan to improve}~~ **the collection of** domestic violence data ~~{collection}~~ in the state ~~{that addresses}~~, **including:**

(~~{i}~~**A**) **the** coordination between state, local, and not-for-profit agencies to collect data

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from lethality assessments and on the prevalence of domestic violence;

(~~iii~~)B) ~~standardization of~~ 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

(~~iiii~~)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 ~~strategic plan~~ feedback described in Subsection (1)(~~c~~)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. ~~(f)~~

~~[(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.

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(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.

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

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

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

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

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

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

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

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

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"commission";

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

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

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

"(2) The commission shall:

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

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

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

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

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

~~[(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";



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(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}~~ Training -- Domestic violence -- Lethality assessments~~{--Forms--Judicial education}~~.**

(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;

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

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

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

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

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

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

~~\_\_\_\_\_ (4) The department shall}; and~~

(c) develop specific training curriculums ~~{that meet the requirements of this section, including:~~

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~~— (a) response~~ for the trainings described in Subsections (1)(a) and (b) that include:

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

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

(~~(c)~~iii) standards for report writing.

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

~~— (a) lethality assessments;~~

~~— (b) the prevalence of stalking;~~

~~— (c) strangulation;~~

~~— (d) violence in the presence of children; and~~

~~— (e) threats of suicide or homicide.~~

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

~~— (7)~~

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

~~{ } [ ~~(8)~~ 2 ) The { Administrative Office of the Courts shall consider including the concepts in the training described in Subsections (1)(a) and (b) as part of an appropriate education program for judges, commissioners, and court staff.~~

~~{ } department shall develop and offer an online training course in domestic violence issues to all certified law enforcement officers in the state.]~~

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

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

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

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

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

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

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

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

~~[(c) strangulation;]~~

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

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

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