

**VICTIM SERVICES AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kera Birkeland**

Senate Sponsor: Michael K. McKell

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to certain victims of sexual crimes including an abortion based upon rape or incest.

**Highlighted Provisions:**

This bill:

- ▶ creates and modifies definitions;
- ▶ requires the Department of Health and Human Services (department) to ensure timely access to emergency contraception for a victim of sexual assault;
- ▶ provides that a person operating a sexual assault hotline service may, when applicable, provide a victim of sexual assault with information on how to access free emergency contraception and other services;
- ▶ requires the department to provide to certain entities information about how a victim of sexual assault may access emergency contraception;
- ▶ requires a law enforcement officer's annual training to include training on trauma-informed responses and investigations of sexual assault and sexual abuse;
- ▶ establishes law enforcement agency policy, public information, and reporting requirements concerning sexual assault offenses and investigations;
- ▶ requires the State Commission on Criminal and Juvenile Justice (commission) to receive, compile, and publish data concerning sexual assault offenses;
- ▶ provides that a law enforcement agency not in compliance with sexual assault



- 28 offense reporting requirements may not receive grants from the commission;
- 29     ▶ provides for a victim reparation award:
  - 30         • for mental health counseling for a victim of sexual assault; and
  - 31         • for a victim of sexual assault who becomes pregnant from the sexual assault,
  - 32 health care for the victim during the duration of the victim's pregnancy and for
  - 33 the victim and the victim's child for one year after the child is born;
- 34     ▶ restricts an abortion based upon rape or incest to a pregnancy in which the unborn
- 35 child has not reached 18 weeks gestational age;
- 36     ▶ amends verification and reporting procedures for abortions based upon rape or
- 37 incest;
- 38     ▶ requires the department to receive, compile, and create a report concerning certain
- 39 information regarding abortions based upon rape or incest and provide the report to
- 40 the Health and Human Services Interim Committee; and
- 41     ▶ makes technical and conforming changes.

**42 Money Appropriated in this Bill:**

- 43     This bill appropriates in fiscal year 2024:
  - 44         ▶ to Department of Public Safety - Peace Officer Standards and Training, as a
  - 45 One-time appropriation:
    - 46             • from the General Fund, One-time, \$10,000.

**47 Other Special Clauses:**

48     None

**49 Utah Code Sections Affected:**

50     AMENDS:

- 51         **26-21b-201**, as last amended by Laws of Utah 2010, Chapter 140
- 52         **53-6-202**, as last amended by Laws of Utah 2021, First Special Session, Chapter 1
- 53         **53-10-908**, as renumbered and amended by Laws of Utah 2022, Chapter 430
- 54         **63A-16-1002**, as enacted by Laws of Utah 2022, Chapter 390 and last amended by
- 55 Coordination Clause, Laws of Utah 2022, Chapter 390
- 56         **63M-7-204**, as last amended by Laws of Utah 2022, Chapter 187
- 57         **63M-7-218**, as enacted by Laws of Utah 2022, Chapter 390 and last amended by
- 58 Coordination Clause, Laws of Utah 2022, Chapter 390

- 59            **63M-7-511**, as last amended by Laws of Utah 2020, Chapter 149
- 60            **76-7-302**, as last amended by Laws of Utah 2022, Chapter 335
- 61            **76-7-302.5**, as enacted by Laws of Utah 2019, Chapter 208
- 62            **76-7-313**, as last amended by Laws of Utah 2019, Chapters 124, 208
- 63            **76-7a-101**, as last amended by Laws of Utah 2021, Chapter 262
- 64            **76-7a-201**, as enacted by Laws of Utah 2020, Chapter 279

65 ENACTS:

- 66            **26-21b-202**, Utah Code Annotated 1953
- 67            **53-22-101**, Utah Code Annotated 1953
- 68            **53-22-102**, Utah Code Annotated 1953



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

71            Section 1. Section **26-21b-201** is amended to read:

72            **26-21b-201. Emergency contraception services for a victim of sexual assault --**  
 73 **Department to ensure access -- Rulemaking authority.**

74            (1) Except as provided in Subsection (2), a designated facility shall provide the  
75 following services to a victim of sexual assault:

76            (a) provide the victim with written and oral medical information regarding emergency  
77 contraception that is unbiased, accurate, and generally accepted by the medical community as  
78 being scientifically valid;

79            (b) orally inform the victim of sexual assault that the victim may obtain emergency  
80 contraception at the designated facility;

81            (c) offer a complete regimen of emergency contraception to a victim of sexual assault;

82            (d) provide, at the designated facility, emergency contraception to the victim of sexual  
83 assault upon her request;

84            (e) maintain a protocol, prepared by a physician, for the administration of emergency  
85 contraception at the designated facility to a victim of sexual assault; and

86            (f) develop and implement a written policy to ensure that a person is present at the  
87 designated facility, or on-call, who:

88            (i) has authority to dispense or prescribe emergency contraception, independently, or  
89 under the protocol described in Subsection (1)(e), to a victim of sexual assault; and

90 (ii) is trained to comply with the requirements of this section.

91 (2) A freestanding urgent care center is exempt from the requirements of Subsection  
92 (1) if:

93 (a) there is a general acute hospital or a critical access hospital within 30 miles of the  
94 freestanding urgent care center; and

95 (b) an employee of the freestanding urgent care center provides the victim with:

96 (i) written and oral medical information regarding emergency contraception that is  
97 unbiased, accurate, and generally accepted by the medical community as being scientifically  
98 valid; and

99 (ii) the name and address of the general acute hospital or critical access hospital  
100 described in Subsection (2)(a).

101 (3) A practitioner shall comply with Subsection (4) with regard to a person who is a  
102 victim of sexual assault, if the person presents to receive medical care, or receives medical  
103 care, from the practitioner at a location that is not a designated facility.

104 (4) A practitioner described in Subsection (3) shall:

105 (a) provide the victim with written and oral medical information regarding emergency  
106 contraception that is unbiased, accurate, and generally accepted by the medical community as  
107 being scientifically valid; and

108 (b) (i) (A) orally inform the victim of sexual assault that the victim may obtain  
109 emergency contraception at the facility where the practitioner is located; and

110 (B) provide emergency contraception to the victim of sexual assault, if she requests  
111 emergency contraception; or

112 (ii) inform the victim of sexual assault of the nearest location where she may obtain  
113 emergency contraception.

114 (5) (a) The department shall ensure that a victim of sexual assault has access to free  
115 emergency contraception.

116 (b) In providing emergency contraception in accordance with Subsection (5)(a), the  
117 department shall ensure that a victim of sexual assault has access to emergency contraception  
118 in a timely manner so that the emergency contraception is medically effective.

119 (c) The department may not provide emergency contraception to a victim of sexual  
120 assault more than 72 hours after the sexual assault.

121 (d) The department may adopt rules in accordance with Title 63G, Chapter 3, Utah  
122 Administrative Rulemaking Act, to carry out the provisions of this Subsection (5).

123 Section 2. Section **26-21b-202** is enacted to read:

124 **26-21b-202. Sexual assault hotline service -- Emergency contraception access.**

125 (1) As used in this section, "sexual assault hotline service" means a telephone hotline,  
126 online chat hotline, or similar method of communication that provides information or  
127 counseling services for a victim of sexual assault.

128 (2) A person who operates a sexual assault hotline service available to a resident of this  
129 state shall create and maintain a policy that encourages the sexual assault hotline service to  
130 provide, when applicable, a victim of sexual assault with information on how to access:

131 (a) free emergency contraception;

132 (b) law enforcement; and

133 (c) medical and mental health services.

134 (3) The department shall:

135 (a) ensure, in accordance with Subsection [26-21b-201\(6\)](#), that a victim of sexual  
136 assault has access to free emergency contraception; and

137 (b) provide information about how a victim of sexual assault may access free  
138 emergency contraception to:

139 (i) victims of sexual assault;

140 (ii) sexual assault hotline services that are available to residents of this state; and

141 (iii) other providers who provide sexual assault support services to victims of sexual  
142 assault in this state.

143 (4) The department may adopt rules in accordance with Title 63G, Chapter 3, Utah  
144 Administrative Rulemaking Act, to carry out the provisions of Subsection (3).

145 Section 3. Section **53-6-202** is amended to read:

146 **53-6-202. Basic training course -- Completion required -- Annual training --**

147 **Prohibition from exercising powers -- Reinstatement.**

148 (1) (a) The director shall:

149 (i) (A) suggest and prepare subject material; and

150 (B) schedule instructors for basic training courses; or

151 (ii) review the material and instructor choices submitted by a certified academy.

152 (b) The subject material, instructors, and schedules shall be approved or disapproved  
153 by a majority vote of the council.

154 (2) The materials shall be reviewed and approved by the council on or before July 1st  
155 of each year and may from time to time be changed or amended by majority vote of the council.

156 (3) The basic training in a certified academy:

157 (a) shall be appropriate for the basic training of peace officers in the techniques of law  
158 enforcement in the discretion of the director; and

159 (b) may not include the use of chokeholds, carotid restraints, or any act that impedes  
160 the breathing or circulation of blood likely to produce a loss of consciousness, as a valid  
161 method of restraint.

162 (4) (a) All peace officers shall satisfactorily complete the basic training course or the  
163 waiver process provided for in this chapter as well as annual certified training of not less than  
164 40 hours as the director, with the advice and consent of the council, directs.

165 (b) A peace officer who fails to satisfactorily complete the annual training shall  
166 automatically be prohibited from exercising peace officer powers until any deficiency is made  
167 up.

168 (c) (i) Beginning July 1, 2021, the annual training shall include no less than 16 hours of  
169 training focused on mental health and other crisis intervention responses, arrest control, and  
170 de-escalation training.

171 (ii) Standards for the training shall be determined by each law enforcement agency or  
172 department and approved by the director or designee.

173 (iii) Each law enforcement agency or department shall include a breakdown of the 16  
174 hours within the annual audit submitted to the division.

175 (5) Beginning July 1, 2021, the director shall ensure that annual training covers  
176 intervention responses for mental illnesses, autism spectrum disorder, and other neurological  
177 and developmental disorders.

178 (6) Beginning July 1, 2023, the director shall ensure that annual training covers at least  
179 one hour of training on trauma-informed responses and investigations of sexual assault and  
180 sexual abuse in accordance with Section [53-10-908](#).

181 Section 4. Section **53-10-908** is amended to read:

182 **53-10-908. Law enforcement -- Training -- Sexual assault, sexual abuse, and**

183 **human trafficking.**

184 (1) The department and the Utah Prosecution Council shall develop training in  
185 trauma-informed responses and investigations of sexual assault and sexual abuse, which  
186 include, but are not limited to, the following:

- 187 (a) recognizing the symptoms of trauma;
- 188 (b) understanding the impact of trauma on a victim;
- 189 (c) responding to the needs and concerns of a victim of sexual assault or sexual abuse;
- 190 (d) delivering services to victims of sexual assault or sexual abuse in a compassionate,  
191 sensitive, and nonjudgmental manner;
- 192 (e) understanding cultural perceptions and common myths of sexual assault and sexual  
193 abuse; and
- 194 (f) techniques of writing reports in accordance with Subsection (5).

195 (2) (a) [~~The~~] In accordance with Section 53-6-202, the department and the Utah  
196 Prosecution Council shall offer the training in Subsection (1) to all certified law enforcement  
197 officers in the state.

198 (b) The training for all law enforcement officers may be offered through an online  
199 course, developed by the department and the Utah Prosecution Council.

200 (3) The training listed in Subsection (1) shall be offered by the Peace Officer Standards  
201 and Training division to all persons seeking certification as a peace officer.

202 (4) (a) The department and the Utah Prosecution Council shall develop and offer an  
203 advanced training course for officers who investigate cases of sexual assault or sexual abuse.

204 (b) The advanced training course shall include:

- 205 (i) all criteria listed in Subsection (1); and
- 206 (ii) interviewing techniques in accordance with the curriculum standards in Subsection  
207 (5).

208 (5) The department shall consult with the Utah Prosecution Council to develop the  
209 specific training requirements of this section, including curriculum standards for report writing  
210 and response to sexual assault and sexual abuse, including trauma-informed and  
211 victim-centered interview techniques, which have been demonstrated to minimize  
212 retraumatizing victims.

213 (6) The Office of the Attorney General shall develop and offer training for law

214 enforcement officers in investigating human trafficking offenses.

215 (7) The training described in Subsection (6) shall be offered to all law enforcement  
216 officers in the state by July 1, 2020.

217 (8) The training described in Subsection (6) shall be offered by the Peace Officer  
218 Standards and Training division to all persons seeking certification as a peace officer, in  
219 conjunction with the training described in Subsection (1), beginning July 1, 2021.

220 (9) The Office of the Attorney General, the department, and the Utah Prosecution  
221 Council shall consult with one another to provide the training described in Subsection (6)  
222 jointly with the training described in Subsection (1) as reasonably practicable.

223 Section 5. Section **53-22-101** is enacted to read:

224 **CHAPTER 22. SEXUAL ASSAULT OFFENSE POLICY AND REPORTING**  
225 **REQUIREMENTS**

226 **53-22-101. Sexual assault offense policy and public information requirements for**  
227 **law enforcement agencies.**

228 (1) (a) Beginning January 1, 2024, a law enforcement agency shall create and maintain  
229 a policy regarding the law enforcement agency's processes for handling sexual assault  
230 investigations.

231 (b) A policy described under Subsection (1)(a) shall include current best practices for  
232 handling sexual assault investigations, including:

233 (i) trauma-informed response protocols and training;

234 (ii) emergency response procedures, including prompt contact with the victim and the  
235 preservation of evidence; and

236 (iii) referrals to sexual assault support services.

237 (c) A law enforcement agency shall publicly post on the law enforcement agency's  
238 website the policy described in Subsection (1)(a).

239 (2) Beginning January 1, 2024, a law enforcement agency shall create and publicly post  
240 on the law enforcement agency's website a guide for victims of sexual assault that includes:

241 (a) a description of the law enforcement agency's processes for handling sexual assault  
242 investigations;

243 (b) contact information for victims of sexual assault to obtain more information from  
244 the law enforcement agency; and



245 (c) referral information for sexual assault victim support services.

246 Section 6. Section **53-22-102** is enacted to read:

247 **53-22-102. Sexual assault offense reporting requirements for law enforcement**  
248 **agencies.**

249 (1) As used in this section:

250 (a) "Commission" means the State Commission on Criminal and Juvenile Justice  
251 created in Section [63M-7-201](#).

252 (b) "Sexual assault offense" means:

253 (i) rape, Section [76-5-402](#);

254 (ii) rape of a child, Section [76-5-402.1](#);

255 (iii) object rape, Section [76-5-402.2](#);

256 (iv) object rape of a child, Section [76-5-402.3](#);

257 (v) forcible sodomy, Section [76-5-403](#);

258 (vi) sodomy on a child, Section [76-6-403.1](#);

259 (vii) forcible sexual abuse, Section [76-5-404](#);

260 (viii) sexual abuse of a child, Section [76-5-404.1](#);

261 (ix) aggravated sexual abuse of a child, Section [76-5-404.3](#);

262 (x) aggravated sexual assault, Section [76-5-405](#); or

263 (xi) sexual battery, Section [76-9-702.1](#).

264 (2) (a) Beginning January 1, 2024, a law enforcement agency shall annually, on or  
265 before April 30, submit a report to the commission for the previous calendar year containing  
266 the number of each type of sexual assault offense that:

267 (i) was reported to the law enforcement agency;

268 (ii) was investigated by a detective; and

269 (iii) was referred to a prosecutor for prosecution.

270 (b) A law enforcement agency shall:

271 (i) compile the report described in Subsection (2)(a) for each calendar year in the  
272 standardized format developed by the commission under Subsection (3); and

273 (ii) publicly post the information reported in Subsection (2)(a) on the law enforcement  
274 agency's website.

275 (3) The commission shall:

- 276 (a) develop a standardized format for reporting the data described in Subsection (2);  
277 (b) compile the data submitted under Subsection (2); and  
278 (c) annually on or before August 1, publish a report of the data described in Subsection  
279 (2) on the commission's website.

280 Section 7. Section **63A-16-1002** is amended to read:

281 **63A-16-1002. Criminal justice database.**

282 (1) The commission shall oversee the creation and management of a [~~Criminal Justice~~  
283 ~~Database~~] criminal justice database for information and data required to be reported to the  
284 commission, organized by county, and accessible to all criminal justice agencies in the state.

285 (2) The division shall assist with the development and management of the database.

286 (3) The division, in collaboration with the commission, shall create:

287 (a) master standards and formats for information submitted to the database;

288 (b) a portal, bridge, website, or other method for reporting entities to provide the  
289 information;

290 (c) a master data management index or system to assist in the retrieval of information  
291 in the database;

292 (d) a protocol for accessing information in the database that complies with state  
293 privacy regulations; and

294 (e) a protocol for real-time audit capability of all data accessed through the portal by  
295 participating data source, data use entities, and regulators.

296 (4) Each criminal justice agency charged with reporting information to the commission  
297 shall provide the data or information to the database in a form prescribed by the commission.

298 (5) The database shall be the repository for the statutorily required data described in:

299 (a) Section [13-53-111](#), recidivism reporting requirements;

300 (b) Section [17-22-32](#), county jail reporting requirements;

301 (c) Section [17-55-201](#), Criminal Justice Coordinating Councils reporting;

302 (d) Section [24-4-118](#), forfeiture reporting requirements;

303 (e) Section [41-6a-511](#), courts to collect and maintain data;

304 (f) Section [53-22-102](#), sexual assault offense reporting requirements for law  
305 enforcement agencies;

306 [~~f~~] (g) Section [63M-7-214](#), law enforcement agency grant reporting;

307           ~~[(g)]~~ (h) Section 63M-7-216, prosecutorial data collection;  
308           ~~[(h)]~~ (i) Section 64-13-21, supervision of sentenced offenders placed in community;  
309           ~~[(i)]~~ (j) Section 64-13-25, standards for programs;  
310           ~~[(j)]~~ (k) Section 64-13-45, department reporting requirements;  
311           ~~[(k)]~~ (l) Section 64-13e-104, housing of state probationary inmates or state parole  
312 inmates;  
313           ~~[(l)]~~ (m) Section 77-7-8.5, use of tactical groups;  
314           ~~[(m)]~~ (n) Section 77-20-103, release data requirements;  
315           ~~[(n)]~~ (o) Section 77-22-2.5, court orders for criminal investigations;  
316           ~~[(o)]~~ (p) Section 78A-2-109.5, court demographics reporting; and  
317           ~~[(p)]~~ (q) any other statutes which require the collection of specific data and the  
318 reporting of that data to the commission.

319           (6) The commission shall report:

320           (a) progress on the database, including creation, configuration, and data entered, to the  
321 Law Enforcement and Criminal Justice Interim Committee not later than November 2022; and

322           (b) all data collected as of December 31, 2022, to the Law Enforcement and Criminal  
323 Justice Interim Committee, the House Law Enforcement and Criminal Justice Standing  
324 Committee, and the Senate Judiciary, Law Enforcement and Criminal Justice Standing  
325 Committee not later than January 16, 2023.

326           Section 8. Section 63M-7-204 is amended to read:

327           **63M-7-204. Duties of commission.**

328           (1) The State Commission on Criminal and Juvenile Justice administration shall:

329           (a) promote the commission's purposes as enumerated in Section 63M-7-201;

330           (b) promote the communication and coordination of all criminal and juvenile justice  
331 agencies;

332           (c) study, evaluate, and report on the status of crime in the state and on the  
333 effectiveness of criminal justice policies, procedures, and programs that are directed toward the  
334 reduction of crime in the state;

335           (d) study, evaluate, and report on programs initiated by state and local agencies to  
336 address reducing recidivism, including changes in penalties and sentencing guidelines intended  
337 to reduce recidivism, costs savings associated with the reduction in the number of inmates, and

338 evaluation of expenses and resources needed to meet goals regarding the use of treatment as an  
339 alternative to incarceration, as resources allow;

340 (e) study, evaluate, and report on policies, procedures, and programs of other  
341 jurisdictions which have effectively reduced crime;

342 (f) identify and promote the implementation of specific policies and programs the  
343 commission determines will significantly reduce crime in Utah;

344 (g) provide analysis and recommendations on all criminal and juvenile justice  
345 legislation, state budget, and facility requests, including program and fiscal impact on all  
346 components of the criminal and juvenile justice system;

347 (h) provide analysis, accountability, recommendations, and supervision for state and  
348 federal criminal justice grant money;

349 (i) provide public information on the criminal and juvenile justice system and give  
350 technical assistance to agencies or local units of government on methods to promote public  
351 awareness;

352 (j) promote research and program evaluation as an integral part of the criminal and  
353 juvenile justice system;

354 (k) provide a comprehensive criminal justice plan annually;

355 (l) review agency forecasts regarding future demands on the criminal and juvenile  
356 justice systems, including specific projections for secure bed space;

357 (m) promote the development of criminal and juvenile justice information systems that  
358 are consistent with common standards for data storage and are capable of appropriately sharing  
359 information with other criminal justice information systems by:

360 (i) developing and maintaining common data standards for use by all state criminal  
361 justice agencies;

362 (ii) annually performing audits of criminal history record information maintained by  
363 state criminal justice agencies to assess their accuracy, completeness, and adherence to  
364 standards;

365 (iii) defining and developing state and local programs and projects associated with the  
366 improvement of information management for law enforcement and the administration of  
367 justice; and

368 (iv) establishing general policies concerning criminal and juvenile justice information

369 systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this  
370 Subsection (1)(m);

371 (n) allocate and administer grants, from money made available, for approved education  
372 programs to help prevent the sexual exploitation of children;

373 (o) allocate and administer grants for law enforcement operations and programs related  
374 to reducing illegal drug activity and related criminal activity;

375 (p) request, receive, and evaluate data and recommendations collected and reported by  
376 agencies and contractors related to policies recommended by the commission regarding  
377 recidivism reduction, including the data described in Section 13-53-111 and Subsection  
378 62A-15-103(2)(l);

379 (q) establish and administer a performance incentive grant program that allocates funds  
380 appropriated by the Legislature to programs and practices implemented by counties that reduce  
381 recidivism and reduce the number of offenders per capita who are incarcerated;

382 (r) oversee or designate an entity to oversee the implementation of juvenile justice  
383 reforms;

384 (s) make rules and administer the juvenile holding room standards and juvenile jail  
385 standards to align with the Juvenile Justice and Delinquency Prevention Act requirements  
386 pursuant to 42 U.S.C. Sec. 5633;

387 (t) allocate and administer grants, from money made available, for pilot qualifying  
388 education programs;

389 (u) oversee the trauma-informed justice program described in Section 63M-7-209;

390 (v) request, receive, and evaluate the aggregate data collected from prosecutorial  
391 agencies and the Administrative Office of the Courts, in accordance with Sections 63M-7-216  
392 and 78A-2-109.5;

393 (w) report annually to the Law Enforcement and Criminal Justice Interim Committee  
394 on the progress made on each of the following goals of the Justice Reinvestment Initiative:

395 (i) ensuring oversight and accountability;

396 (ii) supporting local corrections systems;

397 (iii) improving and expanding reentry and treatment services; and

398 (iv) strengthening probation and parole supervision;

399 (x) compile a report of findings based on the data and recommendations provided

400 under Section 13-53-111 and Subsection 62A-15-103(2)(n) that:

401 (i) separates the data provided under Section 13-53-111 by each residential, vocational  
402 and life skills program; and

403 (ii) separates the data provided under Subsection 62A-15-103(2)(n) by each mental  
404 health or substance use treatment program; ~~and~~

405 (y) publish the report described in Subsection (1)(x) on the commission's website and  
406 annually provide the report to the Judiciary Interim Committee, the Health and Human Services  
407 Interim Committee, the Law Enforcement and Criminal Justice Interim Committee, and the  
408 related appropriations subcommittees[-]; and

409 (z) receive, compile, and publish the data provided under Section 53-22-102 on the  
410 commission's website.

411 (2) If the commission designates an entity under Subsection (1)(r), the commission  
412 shall ensure that the membership of the entity includes representation from the three branches  
413 of government and, as determined by the commission, representation from relevant stakeholder  
414 groups across all parts of the juvenile justice system, including county representation.

415 Section 9. Section 63M-7-218 is amended to read:

416 **63M-7-218. State grant requirements.**

417 Beginning July 1, 2023, the commission may not award any grant of state funds to any  
418 entity subject to, and not in compliance with, the reporting requirements in Subsections  
419 63A-16-1002(5)(a) through ~~(p)~~ (p).

420 Section 10. Section 63M-7-511 is amended to read:

421 **63M-7-511. Compensable losses and amounts.**

422 A reparations award under this part may be made if:

423 (1) the reparations officer finds the reparations claim satisfies the requirements for the  
424 reparations award under the provisions of this part and the rules of the board;

425 (2) money is available in the fund;

426 (3) the individual for whom the reparations award is to be paid is otherwise eligible  
427 under this part; and

428 (4) the reparations claim is for an allowable expense incurred by the victim, as follows:

429 (a) reasonable and necessary charges incurred for products, services, and  
430 accommodations;

431 (b) inpatient and outpatient medical treatment and physical therapy, subject to rules  
432 made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
433 Act;

434 (c) mental health counseling that:

435 (i) (A) is set forth in a mental health treatment plan that is approved before any  
436 payment is made by a reparations officer; and

437 ~~[(ii)]~~ (B) qualifies within any further rules made by the board in accordance with Title  
438 63G, Chapter 3, Utah Administrative Rulemaking Act; or

439 (ii) is for a victim of sexual assault;

440 (d) actual loss of past earnings and anticipated loss of future earnings because of a  
441 death or disability resulting from the personal injury at a rate not to exceed 66-2/3% of the  
442 individual's weekly gross salary or wages or the maximum amount allowed under the state  
443 workers' compensation statute;

444 (e) care of minor children enabling a victim or spouse of a victim, but not both, to  
445 continue gainful employment at a rate per child per week as determined under rules established  
446 by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

447 (f) funeral and burial expenses for death caused by the criminally injurious conduct,  
448 subject to rules made by the board in accordance with Title 63G, Chapter 3, Utah  
449 Administrative Rulemaking Act;

450 (g) loss of support to a dependent not otherwise compensated for a pecuniary loss for  
451 personal injury, for as long as the dependence would have existed had the victim survived, at a  
452 rate not to exceed 66-2/3% of the individual's weekly salary or wages or the maximum amount  
453 allowed under the state workers' compensation statute, whichever is less;

454 (h) personal property necessary and essential to the health or safety of the victim as  
455 defined by rules made by the board in accordance with Title 63G, Chapter 3, Utah  
456 Administrative Rulemaking Act; ~~[and]~~

457 (i) medical examinations, subject to rules made by the board in accordance with Title  
458 63G, Chapter 3, Utah Administrative Rulemaking Act, which may allow for exemptions from  
459 Sections [63M-7-509](#), [63M-7-512](#), and [63M-7-513](#)~~[-]~~; and

460 (j) for a victim of sexual assault who becomes pregnant from the sexual assault, health  
461 care:

- 462 (i) for the victim during the duration of the victim's pregnancy; and  
463 (ii) for the victim and the victim's child for one year after the day on which the victim's  
464 child is born.

465 Section 11. Section **76-7-302** is amended to read:

466 **76-7-302. Circumstances under which abortion authorized.**

467 (1) As used in this section, "viable" means that the unborn child has reached a stage of  
468 fetal development when the unborn child is potentially able to live outside the womb, as  
469 determined by the attending physician to a reasonable degree of medical certainty.

470 (2) An abortion may be performed in this state only by a physician.

471 (3) An abortion may be performed in this state only under the following circumstances:

472 (a) the unborn child is not viable; or

473 (b) the unborn child is viable, if:

474 (i) the abortion is necessary to avert:

475 (A) the death of the woman on whom the abortion is performed; or

476 (B) a serious risk of substantial and irreversible impairment of a major bodily function  
477 of the woman on whom the abortion is performed;

478 (ii) two physicians who practice maternal fetal medicine concur, in writing, in the  
479 patient's medical record that the fetus:

480 (A) has a defect that is uniformly diagnosable and uniformly lethal; or

481 (B) has a severe brain abnormality that is uniformly diagnosable; or

482 (iii) (A) the unborn child has not reached 18 weeks gestational age and the woman is  
483 pregnant as a result of:

484 (I) rape, as described in Section [76-5-402](#);

485 (II) rape of a child, as described in Section [76-5-402.1](#); or

486 (III) incest, as described in Subsection [76-5-406\(2\)\(j\)](#) or Section [76-7-102](#); and

487 (B) before the abortion is performed, the physician who performs the abortion:

488 (I) verifies that the incident described in Subsection (3)(b)(iii)(A) has been reported to  
489 law enforcement as described in Subsection (5); and

490 (II) if applicable, complies with the requirements of Section [80-2-602](#).

491 (4) An abortion may be performed only in an abortion clinic or a hospital, unless it is  
492 necessary to perform the abortion in another location due to a medical emergency.



493 (5) (a) A verification under Subsection (3)(b)(iii)(B)(I) requires the woman receiving  
494 the abortion to:

495 (i) provide to the physician performing the abortion a copy of the case report provided  
496 by the applicable law enforcement agency; or

497 (ii) sign a certification that the woman reported to law enforcement the incident  
498 described under Subsection (3)(b)(iii)(A).

499 (b) A physician who performs an abortion under Subsection (3)(b)(iii) shall:

500 (i) maintain an accurate record as to whether the abortion was verified under  
501 Subsection (5)(a)(i) or (ii); and

502 (ii) report the information described in Subsection (5)(b)(i) to the department in  
503 accordance with Section [76-7-313](#).

504 Section 12. Section **76-7-302.5** is amended to read:

505 **76-7-302.5. Circumstances under which abortion prohibited.**

506 Notwithstanding any other provision of this part, a person may not perform or attempt  
507 to perform an abortion after the unborn child reaches 18 weeks gestational age unless the  
508 abortion is permissible for a reason described in Subsection [76-7-302\(3\)\(b\)\(i\) or \(ii\)](#).

509 Section 13. Section **76-7-313** is amended to read:

510 **76-7-313. Department's enforcement responsibility -- Physician's report to**  
511 **department -- Reporting.**

512 (1) In order for the department to maintain necessary statistical information and ensure  
513 enforcement of the provisions of this part:

514 (a) any physician performing an abortion must obtain and record in writing:

515 (i) the age, marital status, and county of residence of the woman on whom the abortion  
516 was performed;

517 (ii) the number of previous abortions performed on the woman described in Subsection  
518 (1)(a)(i);

519 (iii) the hospital or other facility where the abortion was performed;

520 (iv) the weight in grams of the unborn child aborted, if it is possible to ascertain;

521 (v) the pathological description of the unborn child;

522 (vi) the given gestational age of the unborn child;

523 (vii) the date the abortion was performed;

524 (viii) the measurements of the unborn child, if possible to ascertain;  
525 (ix) if applicable, the information obtained under Subsection [76-7-302\(5\)](#) or  
526 [76-7a-201\(6\)](#); and  
527 [~~(ix)~~] (x) the medical procedure used to abort the unborn child; and  
528 (b) the department shall make rules in accordance with Title 63G, Chapter 3, Utah  
529 Administrative Rulemaking Act.

530 (2) Each physician who performs an abortion shall provide the following to the  
531 department within 30 days after the day on which the abortion is performed:

532 (a) the information described in Subsection (1);  
533 (b) a copy of the pathologist's report described in Section [76-7-309](#);  
534 (c) an affidavit:  
535 (i) indicating whether the required consent was obtained pursuant to Sections [76-7-305](#)  
536 and [76-7-305.5](#);  
537 (ii) described in Subsection (3), if applicable; and  
538 (iii) indicating whether at the time the physician performed the abortion, the physician  
539 had any knowledge that the pregnant woman sought the abortion solely because the unborn  
540 child had or may have had Down syndrome; and  
541 (d) a certificate indicating:  
542 (i) whether the unborn child was or was not viable, as defined in Subsection  
543 [76-7-302\(1\)](#), at the time of the abortion;  
544 (ii) whether the unborn child was older than 18 weeks gestational age at the time of the  
545 abortion; and  
546 (iii) if the unborn child was viable, as defined in Subsection [76-7-302\(1\)](#), or older than  
547 18 weeks gestational age at the time of the abortion, the reason for the abortion.

548 (3) If the information module or the address to the website is not provided to a  
549 pregnant woman, the physician who performs the abortion on the woman shall, within 10 days  
550 after the day on which the abortion is performed, provide to the department an affidavit that:  
551 (a) specifies the information that was not provided to the woman; and  
552 (b) states the reason that the information was not provided to the woman.

553 (4) All information supplied to the department shall be confidential and privileged  
554 pursuant to Title 26, Chapter 25, Confidential Information Release.

555 (5) The department shall pursue all administrative and legal remedies when the  
556 department determines that a physician or a facility has not complied with the provisions of this  
557 part.

558 (6) (a) The department shall receive, compile, and create a report outlining the data  
559 provided under Subsection (1)(a)(ix).

560 (b) Before November 30, 2024, and before November 30 of every even-numbered year  
561 thereafter, the department shall provide the report described in Subsection (6)(a) to the Health  
562 and Human Services Interim Committee.

563 Section 14. Section **76-7a-101** is amended to read:

564 **76-7a-101. Definitions.**

565 As used in this chapter:

566 (1) (a) "Abortion" means:

567 (i) the intentional termination or attempted termination of human pregnancy after  
568 implantation of a fertilized ovum through a medical procedure carried out by a physician or  
569 through a substance used under the direction of a physician;

570 (ii) the intentional killing or attempted killing of a live unborn child through a medical  
571 procedure carried out by a physician or through a substance used under the direction of a  
572 physician; or

573 (iii) the intentional causing or attempted causing of a miscarriage through a medical  
574 procedure carried out by a physician or through a substance used under the direction of a  
575 physician.

576 (b) "Abortion" does not include:

577 (i) removal of a dead unborn child;

578 (ii) removal of an ectopic pregnancy; or

579 (iii) the killing or attempted killing of an unborn child without the consent of the  
580 pregnant woman, unless:

581 (A) the killing or attempted killing is done through a medical procedure carried out by  
582 a physician or through a substance used under the direction of a physician; and

583 (B) the physician is unable to obtain the consent due to a medical emergency.

584 (2) "Abortion clinic" means a type I abortion clinic licensed by the state or a type II  
585 abortion clinic licensed by the state.

586 (3) "Department" means the Department of Health.

587 (4) "Down syndrome" means a genetic condition associated with an extra chromosome  
588 21, in whole or in part, or an effective trisomy for chromosome 21.

589 (5) "Hospital" means:

590 (a) a general hospital licensed by the department; or

591 (b) a clinic or other medical facility to the extent the clinic or other medical facility is  
592 certified by the department as providing equipment and personnel sufficient in quantity and  
593 quality to provide the same degree of safety to a pregnant woman and an unborn child as would  
594 be provided for the particular medical procedure undertaken by a general hospital licensed by  
595 the department.

596 [~~(6) "Incest" means the same as that term is defined in Section 80-1-102.~~]

597 [(7)] (6) "Medical emergency" means a condition which, on the basis of the physician's  
598 good faith clinical judgment, so threatens the life of a pregnant woman as to necessitate the  
599 immediate abortion of her pregnancy to avert her death, or for which a delay will create serious  
600 risk of substantial and irreversible impairment of major bodily function.

601 [(8)] (7) "Physician" means:

602 (a) a medical doctor licensed to practice medicine and surgery in the state;

603 (b) an osteopathic physician licensed to practice osteopathic medicine in the state; or

604 (c) a physician employed by the federal government who has qualifications similar to  
605 an individual described in Subsection [(8)(a)] (7)(a) or (b).

606 [(9) "Rape" means the same as that term is defined in Title 76, Utah Criminal Code.]

607 [(10)] (8) (a) "Severe brain abnormality" means a malformation or defect that causes an  
608 individual to live in a mentally vegetative state.

609 (b) "Severe brain abnormality" does not include:

610 (i) Down syndrome;

611 (ii) spina bifida;

612 (iii) cerebral palsy; or

613 (iv) any other malformation, defect, or condition that does not cause an individual to  
614 live in a mentally vegetative state.

615 Section 15. Section 76-7a-201 is amended to read:

616 **76-7a-201. Abortion prohibition -- Exceptions -- Penalties.**

- 617 (1) An abortion may be performed in this state only under the following circumstances:
- 618 (a) the abortion is necessary to avert:
- 619 (i) the death of the woman on whom the abortion is performed; or
- 620 (ii) a serious risk of substantial and irreversible impairment of a major bodily function
- 621 of the woman on whom the abortion is performed;
- 622 (b) two physicians who practice maternal fetal medicine concur, in writing, in the
- 623 patient's medical record that the fetus:
- 624 (i) has a defect that is uniformly diagnosable and uniformly lethal; or
- 625 (ii) has a severe brain abnormality that is uniformly diagnosable; or
- 626 (c) (i) the unborn child has not reached 18 weeks gestational age and the woman is
- 627 pregnant as a result of:
- 628 (A) rape, as described in Section 76-5-402;
- 629 (B) rape of a child, as described in Section 76-5-402.1; or
- 630 (C) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102; and
- 631 (ii) before the abortion is performed, the physician who performs the abortion:
- 632 (A) verifies that the incident described in Subsection (1)(c)(i) has been reported to law
- 633 enforcement as described in Subsection (6); and
- 634 (B) if applicable, complies with requirements related to reporting suspicions of or
- 635 known child abuse.
- 636 (2) An abortion may be performed only:
- 637 (a) by a physician; and
- 638 (b) in an abortion clinic or a hospital, unless it is necessary to perform the abortion in
- 639 another location due to a medical emergency.
- 640 (3) A person who performs an abortion in violation of this section is guilty of a second
- 641 degree felony.
- 642 (4) In addition to the penalty described in Subsection (3), the department may take
- 643 appropriate corrective action against an abortion clinic, including revoking the abortion clinic's
- 644 license, if a violation of this chapter occurs at the abortion clinic.
- 645 (5) The department shall report a physician's violation of any provision of this section
- 646 to the state entity that regulates the licensing of a physician.
- 647 (6) (a) A verification under Subsection (1)(c)(ii)(A) requires that the woman receiving

648 the abortion to:

649 (i) provide to the physician performing the abortion a copy of the case report provided  
650 by the applicable law enforcement agency; or

651 (ii) sign a certification that the woman reported to law enforcement the incident  
652 described under Subsection (1)(c)(i).

653 (b) A physician who performs an abortion under Subsection (1)(c) shall:

654 (i) maintain an accurate record as to whether the abortion was verified under  
655 Subsection (6)(a)(i) or (ii); and

656 (ii) report the information described in Subsection (6)(b)(i) to the department in  
657 accordance with Section [76-7-313](#).

658 Section 16. **Appropriation.**

659 The following sums of money are appropriated for the fiscal year beginning July 1,  
660 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for  
661 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
662 Act, the Legislature appropriates the following sums of money from the funds or accounts  
663 indicated for the use and support of the government of the state of Utah.

664 ITEM 1

665 To Department of Public Safety - Peace Officer Standards and Training

666 From General Fund, One-time 10,000

667 Schedule of Programs:

668 Peace Officer Standards and Training 10,000

669 The Legislature intends that:

670 (1) the appropriation under this item be used for the training program described in  
671 Subsections [53-6-202\(6\)](#) and [53-10-908\(2\)](#) of this bill; and

672 (2) under Section [63J-1-603](#), the One-time appropriation provided under this item not  
673 lapse at the close of fiscal year 2024 and the use of any nonlapsing funds is limited to the  
674 purposes described in Subsection (1) of this item.