

Senator Stephanie Pitcher proposes the following substitute bill:

VICTIM AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Sahara Hayes

LONG TITLE

General Description:

This bill amends provisions related to victims.

Highlighted Provisions:

This bill:

- ▶ amends a chapter title;
- ▶ modifies the name of the Address Confidentiality Program to the Safe at Home Program;
- ▶ amends provisions related to the Safe at Home Program; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-2-204, as last amended by Laws of Utah 2022, Chapter 215

59-2-407, as last amended by Laws of Utah 2022, Chapter 215

77-37-5, as last amended by Laws of Utah 2022, Chapter 430



- 26 [77-38-601](#), as enacted by Laws of Utah 2022, Chapter 215
- 27 [77-38-602](#), as enacted by Laws of Utah 2022, Chapter 215
- 28 [77-38-605](#), as enacted by Laws of Utah 2022, Chapter 215
- 29 [77-38-607](#), as enacted by Laws of Utah 2022, Chapter 215
- 30 [77-38-608](#), as enacted by Laws of Utah 2022, Chapter 215
- 31 [77-38-609](#), as enacted by Laws of Utah 2022, Chapter 215
- 32 [77-38-611](#), as enacted by Laws of Utah 2022, Chapter 215
- 33 [77-38-612](#), as enacted by Laws of Utah 2022, Chapter 215
- 34 [77-38-615](#), as enacted by Laws of Utah 2022, Chapter 215
- 35 [77-38-618](#), as enacted by Laws of Utah 2022, Chapter 215
- 36 [77-38-619](#), as enacted by Laws of Utah 2022, Chapter 215
- 37 [77-38-620](#), as enacted by Laws of Utah 2022, Chapter 215
- 38 [78B-7-804](#), as last amended by Laws of Utah 2021, Chapters 159, 260 and last
- 39 amended by Coordination Clause, Laws of Utah 2021, Chapter 159
- 40 [80-6-604](#), as enacted by Laws of Utah 2021, Chapter 261

41 REPEALS:

- 42 [77-38-1](#), as enacted by Laws of Utah 1994, Chapter 198

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

45 Section 1. Section **20A-2-204** is amended to read:

46 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

47 (1) As used in this section, "voter registration form" means, when an individual named
48 on a qualifying form, as defined in Section [20A-2-108](#), answers "yes" to the question described
49 in Subsection [20A-2-108\(2\)\(a\)](#), the information on the qualifying form that can be used for
50 voter registration purposes.

51 (2) (a) Except as provided in Subsection (2)(b), a citizen who is qualified to vote may
52 register to vote, and a citizen who is qualified to preregister to vote may preregister to vote, by
53 answering "yes" to the question described in Subsection [20A-2-108\(2\)\(a\)](#) and completing the
54 voter registration form.

55 (b) A citizen who is a program participant in the [~~Address Confidentiality~~] Safe at
56 Home Program created in Section [77-38-602](#) is not eligible to register to vote as described in

57 Subsection (2)(a), but is eligible to register to vote by any other means described in this part.

58 (3) The Driver License Division shall:

59 (a) assist an individual in completing the voter registration form unless the individual
60 refuses assistance;

61 (b) electronically transmit each address change to the lieutenant governor within five
62 days after the day on which the division receives the address change; and

63 (c) within five days after the day on which the division receives a voter registration
64 form, electronically transmit the form to the Office of the Lieutenant Governor, including the
65 following for the individual named on the form:

66 (i) the name, date of birth, driver license or state identification card number, last four
67 digits of the social security number, Utah residential address, place of birth, and signature;

68 (ii) a mailing address, if different from the individual's Utah residential address;

69 (iii) an email address and phone number, if available;

70 (iv) the desired political affiliation, if indicated;

71 (v) an indication of whether the individual requested that the individual's voter
72 registration record be classified as a private record under Subsection 20A-2-108(2)(b); and

73 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
74 verification submitted with the form.

75 (4) Upon receipt of an individual's voter registration form from the Driver License
76 Division under Subsection (3), the lieutenant governor shall:

77 (a) enter the information into the statewide voter registration database; and

78 (b) if the individual requests on the individual's voter registration form that the
79 individual's voter registration record be classified as a private record or the individual submits a
80 withholding request form described in Subsections 20A-2-104(7) and (8) and any required
81 verification, classify the individual's voter registration record as a private record.

82 (5) The county clerk of an individual whose information is entered into the statewide
83 voter registration database under Subsection (4) shall:

84 (a) ensure that the individual meets the qualifications to be registered or preregistered
85 to vote; and

86 (b) (i) if the individual meets the qualifications to be registered to vote:

87 (A) ensure that the individual is assigned to the proper voting precinct; and

88 (B) send the individual the notice described in Section 20A-2-304; or
89 (ii) if the individual meets the qualifications to be preregistered to vote, process the
90 form in accordance with the requirements of Section 20A-2-101.1.

91 (6) (a) When the county clerk receives a correctly completed voter registration form
92 under this section, the clerk shall:

93 (i) comply with the applicable provisions of this Subsection (6); or
94 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.

95 (b) If the county clerk receives a correctly completed voter registration form under this
96 section no later than 5 p.m. or, if submitting the form electronically, midnight, 11 calendar days
97 before the date of an election, the county clerk shall:

98 (i) accept the voter registration form; and
99 (ii) unless the individual is preregistering to vote:

100 (A) enter the individual's name on the list of registered voters for the voting precinct in
101 which the individual resides; and

102 (B) notify the individual that the individual is registered to vote in the upcoming
103 election; and

104 (iii) if the individual named in the form is preregistering to vote, comply with Section
105 20A-2-101.1.

106 (c) If the county clerk receives a correctly completed voter registration form under this
107 section after the deadline described in Subsection (6)(b), the county clerk shall, unless the
108 individual named in the form is preregistering to vote:

109 (i) accept the application for registration of the individual;
110 (ii) process the voter registration form; and
111 (iii) unless the individual is preregistering to vote, and except as provided in
112 Subsection 20A-2-207(6), inform the individual that the individual will not be registered to
113 vote in the pending election, unless the individual registers to vote by provisional ballot during
114 the early voting period, if applicable, or on election day, in accordance with Section
115 20A-2-207.

116 (7) (a) If the county clerk determines that an individual's voter registration form
117 received from the Driver License Division is incorrect because of an error, because the form is
118 incomplete, or because the individual does not meet the qualifications to be registered to vote,

119 the county clerk shall mail notice to the individual stating that the individual has not been
120 registered or preregistered because of an error, because the registration form is incomplete, or
121 because the individual does not meet the qualifications to be registered to vote.

122 (b) If a county clerk believes, based upon a review of a voter registration form, that an
123 individual, who knows that the individual is not legally entitled to register or preregister to
124 vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer
125 the form to the county attorney for investigation and possible prosecution.

126 Section 2. Section **59-2-407** is amended to read:

127 **59-2-407. Administration of uniform fees.**

128 (1) (a) Except as provided in Subsection [59-2-405\(4\)](#) or [59-2-405.3\(4\)](#), the uniform fee
129 authorized in Sections [59-2-405](#), [59-2-405.3](#), and [72-10-110.5](#) shall be assessed at the same
130 time and in the same manner as ad valorem personal property taxes under Chapter 2, Part 13,
131 Collection of Taxes, except that in listing personal property subject to the uniform fee with real
132 property as permitted by Section [59-2-1302](#), the assessor or, if this duty has been reassigned in
133 an ordinance under Section [17-16-5.5](#), the treasurer shall list only the amount of the uniform
134 fee due, and not the taxable value of the property subject to the uniform fee.

135 (b) Except as provided in Subsections [59-2-405.1\(4\)](#), [59-2-405.2\(5\)](#), and
136 [59-2-405.3\(4\)](#), the uniform fee imposed by Section [59-2-405.1](#), [59-2-405.2](#), or [59-2-405.3](#) shall
137 be assessed at the time of:

138 (i) registration as defined in Section [41-1a-102](#); and

139 (ii) renewal of registration.

140 (2) The remedies for nonpayment of the uniform fees authorized by Sections [59-2-405](#),
141 [59-2-405.1](#), [59-2-405.2](#), [59-2-405.3](#), and [72-10-110.5](#) shall be the same as those provided in
142 Chapter 2, Part 13, Collection of Taxes, for nonpayment of ad valorem personal property taxes.

143 (3) Any disclosure of information to a county for purposes of distributing a uniform fee
144 under this part is not subject to [~~Title 77, Chapter 38, Part 6, Address Confidentiality Program~~]
145 Title 77, Chapter 38, Part 6, Safe at Home Program.

146 Section 3. Section **77-37-5** is amended to read:

147 **77-37-5. Remedies -- District Victims' Rights Committee.**

148 (1) In each judicial district, the Utah Council on Victims of Crime, established in
149 Section [63M-7-601](#), shall appoint a person who shall chair a judicial district victims' rights

150 committee consisting of:

- 151 (a) a county attorney or district attorney;
- 152 (b) a sheriff;
- 153 (c) a corrections field services administrator;
- 154 (d) an appointed victim advocate;
- 155 (e) a municipal attorney;
- 156 (f) a municipal chief of police; and
- 157 (g) other representatives as appropriate.

158 (2) The committee shall meet at least semiannually to review progress and problems
159 related to this chapter, [~~Title 77, Chapter 38, Rights of Crime Victims Act~~] Title 77, Chapter
160 38, Crime Victims, Title 77, Chapter 38b, Crime Victims Restitution Act, and Utah
161 Constitution Article I, Section 28. Victims and other interested parties may submit matters of
162 concern to the victims' rights committee. The committee may hold a hearing open to the public
163 on any appropriate matter of concern and may publish its findings. These matters shall also be
164 considered at the meetings of the victims' rights committee. The committee shall forward
165 minutes of all meetings to the Utah Council on Victims of Crime for review and other
166 appropriate action.

167 (3) If a victims' rights committee is unable to resolve a complaint, it may refer the
168 complaint to the Utah Council on Victims of Crime.

169 (4) The Utah Office for Victims of Crime shall provide materials to local law
170 enforcement to inform every victim of a sexual offense of the right to request testing of the
171 convicted sexual offender and of the victim as provided in Section 53-10-802.

172 (5) (a) If a person acting under color of state law willfully or wantonly fails to perform
173 duties so that the rights in this chapter are not provided, an action for injunctive relief may be
174 brought against the individual and the government entity that employs the individual.

175 (b) For all other violations, if the committee finds a violation of a victim's right, it shall
176 refer the matter to the appropriate court for further proceedings consistent with Subsection
177 [77-38-11\(2\)](#).

178 (c) The failure to provide the rights in this chapter or [~~Title 77, Chapter 38, Rights of~~
179 ~~Crime Victims Act~~] Title 77, Chapter 38, Crime Victims, does not constitute cause for a
180 judgment against the state or any government entity, or any individual employed by the state or

181 any government entity, for monetary damages, attorney fees, or the costs of exercising any
182 rights under this chapter.

183 (6) The person accused of and subject to prosecution for the crime or the act which
184 would be a crime if committed by a competent adult, has no standing to make a claim
185 concerning any violation of the provisions of this chapter.

186 Section 4. Section 77-38-601 is amended to read:

187 **CHAPTER 38. CRIME VICTIMS**

188 **Part 6. Safe at Home Program**

189 **77-38-601. Definitions.**

190 As used in this part:

191 (1) "Abuse" means any of the following:

192 (a) "abuse" as that term is defined in Section 76-5-111 or 80-1-102; or

193 (b) "child abuse" as that term is defined in Section 76-5-109.

194 (2) "Actual address" means the residential street address of the program participant that
195 is stated in a program participant's application for enrollment or on a notice of a change of
196 address under Section 77-38-610.

197 (3) "Assailant" means an individual who commits or threatens to commit abuse, human
198 trafficking, domestic violence, stalking, or a sexual offense against an applicant for the
199 program or a minor or incapacitated individual residing with an applicant for the program.

200 (4) "Assigned address" means an address designated by the commission and assigned
201 to a program participant.

202 (5) "Authorization card" means a card issued by the commission that identifies a
203 program participant as enrolled in the program with the program participant's assigned address
204 and the date on which the program participant will no longer be enrolled in the program.

205 (6) "Commission" means the State Commission on Criminal and Juvenile Justice
206 created in Section 63M-7-201.

207 (7) "Domestic violence" means the same as that term is defined in Section 77-36-1.

208 (8) "Human trafficking" means a human trafficking offense under Section 76-5-308.

209 (9) "Incapacitated individual" means an individual who is incapacitated, as defined in
210 Section 75-1-201.

211 (10) (a) "Mail" means first class letters or flats delivered by the United States Postal

212 Service, including priority, express, and certified mail.

213 (b) "Mail" does not include a package, parcel, periodical, or catalogue, unless the
214 package, parcel, periodical, or catalogue is clearly identifiable as:

215 (i) being sent by a federal, state, or local agency or another government entity; or

216 (ii) a pharmaceutical or medical item.

217 (11) "Minor" means an individual who is younger than 18 years old.

218 (12) "Notification form" means a form issued by the commission that a program
219 participant may send to a person demonstrating that the program participant is enrolled in the
220 program.

221 (13) "Program" means the [~~Address Confidentiality Program~~] Safe at Home Program
222 created in Section 77-38-602.

223 (14) "Program assistant" means an individual designated by the commission under
224 Section 77-38-604 to assist an applicant or program participant.

225 (15) "Program participant" means an individual who is enrolled under Section
226 77-38-606 by the commission to participate in the program.

227 (16) "Record" means the same as that term is defined in Section 63G-2-103.

228 (17) "Sexual offense" means:

229 (a) a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses; or

230 (b) a sexual exploitation offense under Title 76, Chapter 5b, Part 2, Sexual
231 Exploitation.

232 (18) "Stalking" means the same as that term is defined in Section 76-5-106.5.

233 (19) "State or local government entity" means a county, municipality, higher education
234 institution, local district, special service district, or any other political subdivision of the state
235 or an administrative subunit of the executive, legislative, or judicial branch of this state,
236 including:

237 (a) a law enforcement entity or any other investigative entity, agency, department,
238 division, bureau, board, or commission; or

239 (b) an individual acting or purporting to act for or on behalf of a state or local entity,
240 including an elected or appointed public official.

241 (20) "Victim" means a victim of abuse, domestic violence, human trafficking, stalking,
242 or sexual assault.

243 Section 5. Section 77-38-602 is amended to read:

244 **77-38-602. Creation -- Commission responsibilities.**

245 (1) There is created the [~~Address Confidentiality~~] Safe at Home Program within the
246 commission.

247 (2) Under the program, the commission shall:

248 (a) designate, train, and manage program assistants;

249 (b) develop, distribute, and process application forms and related materials for the
250 program;

251 (c) designate an assigned address for a program participant to be used by the program
252 participant and a state or local government entity; and

253 (d) receive mail sent to a program participant's assigned address, forward the mail to
254 the program participant's actual address at the commission's expense, and track and maintain
255 records for all mail received.

256 Section 6. Section 77-38-605 is amended to read:

257 **77-38-605. Administration -- Application.**

258 (1) The commission shall provide an application form to an applicant who seeks to
259 participate in the program under this [~~chapter~~] part.

260 (2) The commission may not charge an applicant or program participant for an
261 application or participation fee to apply for, or participate in, the program.

262 (3) The application shall include:

263 (a) the applicant's name;

264 (b) a mailing address, a phone number, and an email address where the applicant may
265 be contacted by the commission;

266 (c) an indication regarding whether the assailant is employed by a state or local
267 government entity, and if applicable, the name of the state or local government entity;

268 (d) a statement that the applicant understands and consents to:

269 (i) remain enrolled in the program for four years, unless the applicant's participation in
270 the program is cancelled under Section 77-38-617;

271 (ii) while the applicant is enrolled in the program, notify the commission when the
272 applicant changes the applicant's actual address or legal name;

273 (iii) develop a safety plan with a program assistant;

- 274 (iv) authorize the commission to notify a state or local government entity that the
275 applicant is a program participant;
- 276 (v) submit written notice to the commission if the applicant chooses to cancel the
277 applicant's participation in the program;
- 278 (vi) register to vote in person at the office of the clerk in the county where the
279 applicant's actual address is located; and
- 280 (vii) certify that the commission is the applicant's designated agent for service of
281 process for personal service;
- 282 (e) evidence that the applicant, or a minor or an incapacitated individual residing with
283 the applicant, is a victim, including:
- 284 (i) a law enforcement, court, or other state, local, or federal government agency record;
285 or
- 286 (ii) a document from:
- 287 (A) a domestic violence program, facility, or shelter;
- 288 (B) a sexual assault program; or
- 289 (C) a religious, medical, or other professional from whom the applicant, or the minor
290 or the incapacitated individual residing with the applicant, sought assistance in dealing with
291 alleged abuse, domestic violence, stalking, or a sexual offense;
- 292 (f) a statement from the applicant that a disclosure of the applicant's actual address
293 would endanger the applicant, or a minor or an incapacitated individual residing with the
294 applicant;
- 295 (g) a statement by the applicant that the applicant:
- 296 (i) resides at a residential address that is not known by the assailant;
- 297 (ii) has relocated to a different residential address in the past 90 days that is not known
298 by the assailant; or
- 299 (iii) will relocate to a different residential address in the state within 90 days that is not
300 known by the assailant;
- 301 (h) the actual address that:
- 302 (i) the applicant requests that the commission not disclose; and
- 303 (ii) is at risk of discovery by the assailant or potential assailant;
- 304 (i) a statement by the applicant disclosing:

305 (i) the existence of a court order or action involving the applicant, or a minor or an
306 incapacitated individual residing with the applicant, related to a divorce proceeding, a child
307 support order or judgment, or the allocation of custody or parent-time; and

308 (ii) the court that issued the order or has jurisdiction over the action;

309 (j) the name of any other individual who resides with the applicant who needs to be a
310 program participant to ensure the safety of the applicant, or a minor or an incapacitated
311 individual residing with the applicant;

312 (k) a statement by the applicant that:

313 (i) the applicant, or a minor or an incapacitated individual residing at the same address
314 as the applicant, will benefit from participation in the program;

315 (ii) if the applicant intends to vote, the applicant will register to vote at the office of the
316 clerk in the county in which the applicant actually resides;

317 (iii) the applicant does not have a current obligation to register as a sex offender or a
318 kidnap offender under Title 77, Chapter 41, Sex and Kidnap Offender Registry; and

319 (iv) the applicant does not have a current obligation to register as a child abuse
320 offender under Title 77, Chapter 43, Child Abuse Offender Registry;

321 (l) a statement by the applicant, under penalty of perjury, that the information
322 contained in the application is true;

323 (m) a statement that:

324 (i) if the applicant intends to use the assigned address for any correspondence with the
325 State Tax Commission, the applicant must provide the State Tax Commission with the
326 applicant's social security number, federal employee identification number, and any other
327 identification number related to a tax, fee, charge, or license administered by the State Tax
328 Commission; and

329 (ii) if the applicant intends to use the assigned address for correspondence to a state or
330 local government entity for the purpose of titling or registering a motor vehicle or a watercraft
331 that is owned or leased by the applicant, the applicant shall provide to the state or local
332 government entity for each motor vehicle or watercraft:

333 (A) the motor vehicle or hull identification number;

334 (B) the license plate or registration number for the motor vehicle or the watercraft; and

335 (C) the physical address where each motor vehicle or watercraft is stored; and

336 (n) a statement that any assistance or counseling provided by a program assistant as
337 part of the program does not constitute legal advice or legal services to the applicant.

338 Section 7. Section **77-38-607** is amended to read:

339 **77-38-607. Use of assigned address -- Release of information.**

340 (1) The commission shall forward all mail that the office receives at the assigned
341 address for a program participant to the program participant's actual address.

342 (2) The commission shall provide, at the request of a program participant or a state or
343 local government entity, confirmation of an individual's status as a program participant.

344 (3) Except as provided in Sections [77-38-611](#), [77-38-612](#), and [77-38-613](#), the [~~office~~]
345 commission may not disclose a program participant's actual address to any person.

346 Section 8. Section **77-38-608** is amended to read:

347 **77-38-608. Use of assigned address -- Confidentiality.**

348 (1) A program participant may use the assigned address provided to the program
349 participant to receive mail as provided in Subsection [77-38-602](#)(2).

350 (2) (a) A state or local government entity may not refuse to use a program participant's
351 assigned address for any official business, unless:

352 (i) the state or local government entity is statutorily required to use the program
353 participant's actual address; or

354 (ii) the state or local government entity is permitted or required to use the program
355 participant's actual address under this part.

356 (b) A state or local government entity may confirm an individual's status as a program
357 participant with the commission.

358 (3) A state or local government entity, after receiving a copy of the notification form
359 from a program participant or a notification of the program participant's enrollment from the
360 commission, may not:

361 (a) except as provided in Subsection (2)(a), refuse to use the assigned address for the
362 program participant, or a minor or an incapacitated individual residing with the program
363 participant;

364 (b) except as provided in Subsection (4), require a program participant to disclose the
365 program participant's actual address; or

366 (c) except as provided in Section [77-38-611](#), intentionally disclose to another person or

367 state or local government entity the program participant's actual address.

368 (4) Notwithstanding Subsections (2) and (3), a county clerk may require a program
369 participant to disclose the program participant's actual address:

370 (a) for voter registration; and

371 (b) to enroll a program participant in a program designed to protect the confidentiality
372 of a voter's address.

373 (5) If a program participant is enrolled in a program designed to protect the
374 confidentiality of a voter's address, a county clerk:

375 (a) shall classify the program participant's actual address as concealed; and

376 (b) may not disclose the program participant's actual address.

377 Section 9. Section ~~77-38-609~~ is amended to read:

378 **77-38-609. Disclosure of actual address prohibited.**

379 (1) (a) The commission may not disclose a program participant's actual address, unless:

380 (i) required by a court order; or

381 (ii) the commission grants a request from a state or local government entity under
382 Section ~~77-38-612~~.

383 (b) The commission shall provide a program participant immediate notification of a
384 disclosure of the program participant's actual address if the disclosure is made under
385 Subsection (1)(a)(i) or (ii).

386 (2) If, at the time of application, an applicant, or a parent or guardian of an applicant, is
387 subject to a court order relating to a divorce proceeding, a child support order or judgment, or
388 an allocation of custody or parent-time, the commission shall provide notice of whether the
389 applicant is enrolled under the program and the assigned address of the applicant to the court
390 that issued the order or has jurisdiction over the action.

391 (3) A person may not knowingly or intentionally obtain a program participant's actual
392 address from the commission or any state or local government entity if the person is not
393 authorized to obtain the program participant's actual address.

394 (4) Unless the disclosure is permitted under this [~~chapter~~] part or is otherwise
395 permitted by law, an employee of the commission or a state or local government entity may not
396 knowingly or intentionally disclose a program participant's actual address if:

397 (a) the employee obtains a program participant's actual address during the course of the

398 employee's official duties; and

399 (b) at the time of disclosure, the employee has specific knowledge that the address is
400 the actual address of the program participant.

401 (5) A person who intentionally or knowingly obtains or discloses information in
402 violation of this [chapter] part is guilty of a class B misdemeanor.

403 Section 10. Section 77-38-611 is amended to read:

404 **77-38-611. Address use by state or local government entities.**

405 (1) Except as otherwise provided in Subsection (7), a program participant is
406 responsible for requesting that a state or local government entity use the program participant's
407 assigned address as the program participant's residential address.

408 (2) Except as otherwise provided in this [chapter] part, if a program participant submits
409 a valid authorization card, or a notification form, to a state or local government entity, the state
410 or local government entity shall accept the assigned address listed on the authorization card or
411 notification form as the program participant's address to be used as the program participant's
412 residential address when creating a record.

413 (3) The program participant's assigned address shall be listed as the last known address
414 if any last known address requirement is needed by the state or local government entity.

415 (4) The state or local government entity may photocopy a program participant's
416 authorization card for a record for the state or local government entity, but the state or local
417 government entity shall immediately return the authorization card to the program participant.

418 (5) (a) An election official, as defined in Section 20A-1-102, shall:

419 (i) use a program participant's actual address for precinct designation and all official
420 election-related purposes;

421 (ii) classify the program participant's actual address as concealed; and

422 (iii) keep the program participant's actual address confidential from the public.

423 (b) A program participant may not use the program participant's assigned address for
424 voter registration.

425 (c) An election official shall use the assigned address for all correspondence and mail
426 for the program participant placed in the United States mail.

427 (d) A state or local government entity's access to a program participant's voter
428 registration is subject to the request for disclosure process under Section 77-38-612.

429 (e) This Subsection (5) applies only to a program participant who submits a valid
430 authorization card or a notification form when registering to vote.

431 (6) (a) A state or local government entity may not use a program participant's assigned
432 address for the purposes of listing, or appraising a property, or assessing property taxes.

433 (b) Except as provided by Subsection (6)(c), all property assessments and tax notices,
434 property tax collection notices, and all property related correspondence placed in the United
435 States mail for the program participant shall be addressed to the assigned address.

436 (c) The State Tax Commission shall use the actual address of a program participant,
437 unless the commission provides the following information to the State Tax Commission:

438 (i) the full name of the program participant; and

439 (ii) the ~~[applicant's]~~ program participant's social security number, federal employee
440 identification number, and any other identification number related to a tax, fee, charge, or
441 license administered by the State Tax Commission.

442 (7) (a) A state or local government entity may not use a program participant's assigned
443 address for purposes of assessing any taxes or fees on a motor vehicle or a watercraft for titling
444 or registering a motor vehicle or a watercraft.

445 (b) Except as provided by Subsection (7)(c), all motor vehicle and watercraft
446 assessments and tax notices, title registration notices, and all related correspondence placed in
447 the United States mail for the program participant is required to be addressed to the assigned
448 address.

449 (c) The Motor Vehicle Division shall use the actual address of a program participant,
450 unless the commission provides the following information to the Motor Vehicle Division:

451 (i) the full name of the program participant;

452 (ii) the assigned address of the program participant;

453 (iii) the motor vehicle or hull identification number for each motor vehicle or
454 watercraft that is owned or leased by the program participant;

455 (iv) the license plate or registration number for each motor vehicle or watercraft that is
456 owned or leased by the program participant; and

457 (v) the physical address where each motor vehicle or watercraft that is owned or leased
458 by the program participant.

459 (d) Notwithstanding any other provision of this part, the Motor Vehicle Division may

460 disclose to another state or local government entity all information that is necessary for the
461 state or local government entity to distribute any taxes or fees collected for titling or registering
462 a motor vehicle or a watercraft.

463 (e) Notwithstanding Section 41-1a-116 or any other provision of this part, the Motor
464 Vehicle Division may not disclose the actual address of a program participant described in
465 Subsection 77-38-605(3)(m)(ii) to:

466 (i) the Utah Criminal Justice Information System; or

467 (ii) the title, lien, and registration system that is provided to the Motor Vehicle
468 Division by a third party contractor and is accessed in accordance with Subsection
469 41-1a-116(4).

470 (8) (a) The Department of Corrections, or any other entity responsible for supervising a
471 program participant who is on probation or parole as a result of a criminal conviction or an
472 adjudication, may not use the program participant's assigned address if the program
473 participant's actual address is necessary for supervising the program participant.

474 (b) All written communication delivered through the United States mail to the program
475 participant by the Department of Corrections, or the other entity described in Subsection (8)(a),
476 shall be addressed to the program participant's assigned address.

477 (9) If a program participant is required by law to swear or affirm to the program
478 participant's address, the program participant may use the program participant's assigned
479 address.

480 (10) (a) A school district shall:

481 (i) accept the assigned address as the address of record; and

482 (ii) verify student enrollment eligibility with the commission.

483 (b) The commission shall help facilitate the transfer of student records as needed.

484 (11) (a) Notwithstanding Title 63G, Chapter 2, Government Records Access and
485 Management Act, a record containing a program participant's address is confidential and,
486 regardless of the record's classification under Title 63G, Chapter 2, Part 3, Classification, may
487 not be disclosed by a state or local government entity, unless otherwise provided under this
488 ~~chapter~~ part.

489 (b) A program participant's actual address may not be disclosed to a third party by a
490 state or local government entity, except:

- 491 (i) in a record created more than 90 days before the date on which the program
492 participant applied for enrollment in the program; or
493 (ii) if a program participant voluntarily requests, in writing, that the program
494 participant's actual address be disclosed to the third party.
495 (c) For a record created within 90 days before the date that a program participant
496 applied for enrollment in the program, a state or local government entity shall redact the actual
497 address from the record or change the actual address to the assigned address in the public
498 record if the program participant presents a valid authorization card or a notification form and
499 requests that the state or local government entity use the assigned address instead of the actual
500 address on the record.

501 Section 11. Section **77-38-612** is amended to read:

502 **77-38-612. Request for disclosure.**

503 (1) A state or local government entity requesting disclosure of a program participant's
504 actual address in accordance with this section shall make the request:

- 505 (a) in writing;
506 (b) on the state or local government entity's letterhead; and
507 (c) with the signature of the head or an executive-level official of the state or local
508 government entity.

509 (2) In accordance with Subsection (1), a state or local government entity requesting
510 disclosure of a program participant's actual address shall provide the commission with the
511 name of the program participant and a statement:

- 512 (a) explaining why the state or local government entity is requesting the program
513 participant's actual address;
514 (b) explaining why the state or local government entity cannot meet the state or local
515 government entity's statutory or administrative obligations without the disclosure of the
516 program participant's actual address;
517 (c) of facts showing that:
518 (i) other methods to locate the program participant's actual address have failed;
519 (ii) other methods will be unlikely to succeed; or
520 (iii) other means of contacting the program participant have failed or are unavailable;

521 and

522 (d) that the state or local government entity has adopted a procedure to protect the
523 confidentiality of the program participant's actual address.

524 (3) In response to a request for disclosure under Subsection (2), the commission may
525 request additional information from the state or local government entity to help identify the
526 program participant in the records of the office or to assess whether disclosure to the state or
527 local government entity is permitted under this [chapter] part.

528 (4) (a) Except as provided in Subsection (4)(b), after receiving a request for disclosure
529 from a state or local government entity under Subsection (1), the commission shall provide a
530 program participant with written notification:

531 (i) informing the participant of the request, and to the extent possible, of an opportunity
532 to be heard regarding the request; and

533 (ii) after a decision is made by the commission, whether the request has been granted
534 or denied.

535 (b) The commission is not required to provide notice of a request for disclosure to a
536 program participant under Subsection (4)(a) when:

537 (i) the request is made by a state or local law enforcement agency conducting a
538 criminal investigation involving alleged criminal conduct by the program participant; or

539 (ii) providing notice to the program participant would jeopardize an ongoing criminal
540 investigation or the safety of law enforcement personnel.

541 (5) The commission shall grant a state or local government entity's request for
542 disclosure and disclose the program participant's actual address if:

543 (a) the state or local government entity has demonstrated a good faith statutory or
544 administrative need for the actual address;

545 (b) the actual address will be used only for the purpose stated in the request;

546 (c) other methods to locate the program participant or the program participant's actual
547 address have failed or are unlikely to succeed;

548 (d) other means of contacting the program participant have failed or are unavailable;
549 and

550 (e) the state or local government entity has adopted a procedure to protect the
551 confidentiality of the program participant's actual address.

552 (6) If the commission grants a request for disclosure under this section, the commission

553 shall provide the state or local government entity with a disclosure that contains:

554 (a) the program participant's actual address;

555 (b) a statement of the permitted use of the program participant's actual address;

556 (c) the names or classes of persons permitted to have access to or use of the program

557 participant's actual address;

558 (d) a statement that the state or local government entity is required to limit access to

559 and use of the program participant's actual address to the permitted use and to the listed persons

560 or classes of persons; and

561 (e) if expiration of the disclosure is appropriate, the date on which the permitted use of

562 the program participant's actual address expires.

563 (7) If a request for disclosure is granted by the commission, a state or local government

564 entity shall:

565 (a) limit use of the program participant's actual address to the purpose stated in the

566 disclosure;

567 (b) limit access to the program participant's actual address to the persons or classes of

568 persons stated in the disclosure;

569 (c) cease use of the program participant's actual address upon the expiration of the

570 permitted use;

571 (d) dispose of the program participant's actual address upon the expiration of the

572 permitted use; and

573 (e) except as permitted in the request for disclosure, maintain the confidentiality of the

574 program participant's actual address.

575 (8) Upon denial of a state or local government entity's request for disclosure, the

576 commission shall promptly provide a written notification to the state or local government entity

577 explaining the specific reasons for denying the request for disclosure.

578 (9) (a) A state or local government entity may file a written appeal with the

579 commission no later than 15 days after the day on which the state or local government entity

580 receives the written notification under Subsection (8).

581 (b) A state or local government entity filing a written appeal under Subsection (9)(a)

582 shall:

583 (i) restate the information contained in the request for disclosure; and

584 (ii) respond to the commission's reason for denying the request for disclosure.

585 (c) The commission shall make a final determination on the appeal within 30 days after
586 the day on which the appeal is received by the commission, unless the state or local
587 government entity and the [~~office~~] commission agree to a different deadline.

588 (d) Before the commission makes a final determination, the commission may conduct a
589 hearing or request additional information from the state or local government entity or the
590 program participant.

591 Section 12. Section **77-38-615** is amended to read:

592 **77-38-615. Participation in the program -- Orders in relation to allocation of**
593 **custody or parent-time.**

594 (1) A court may not consider a parent's participation in the program for the purpose of
595 making an order allocating custody under Section **30-3-10** or parent-time under Section
596 **30-3-32**.

597 (2) A court shall take practical measures to keep a program participant's actual address
598 confidential when making an order allocating custody or parent-time.

599 (3) Nothing in this [~~chapter~~] part affects an order relating to the allocation of custody
600 or parent-time in effect prior to or during a program participant's participation in the program.

601 Section 13. Section **77-38-618** is amended to read:

602 **77-38-618. Retention and destruction of records.**

603 The commission shall establish policies and procedures regarding the maintenance and
604 destruction of applications, records, and other documents received or generated under this
605 [~~chapter~~] part.

606 Section 14. Section **77-38-619** is amended to read:

607 **77-38-619. Immunity from suit.**

608 (1) A program assistant, or a program assistant's employer, is immune from liability in
609 a civil action or proceeding involving the performance or nonperformance of a duty under this
610 [~~chapter~~] part, unless:

611 (a) the performance or nonperformance of a program assistant was manifestly outside
612 the scope of the program assistant's duties in the program; or

613 (b) the program assistant acted with malicious purpose, bad faith, or in a wanton or
614 reckless manner.

615 (2) In addition to the governmental immunity granted in Title 63G, Chapter 7,
616 Governmental Immunity Act of Utah, or any other governmental immunity provided by law,
617 the commission, the state, and the political subdivisions of the state are immune from liability
618 in a civil action or proceeding involving the performance or nonperformance of a duty under
619 the program.

620 Section 15. Section **77-38-620** is amended to read:

621 **77-38-620. Safe at Home Program Restricted Account -- Report.**

622 (1) There is created a restricted account in the General Fund known as the ["Address
623 Confidentiality] "Safe at Home Program Restricted Account."

624 (2) The account shall be funded by:

625 (a) private contributions;

626 (b) gifts, donations, or grants from public or private entities; and

627 (c) interest and earnings on account money.

628 (3) Upon appropriation by the Legislature, the commission may expend funds from the
629 account to:

630 (a) designate, train, and manage program assistants;

631 (b) develop, distribute, and process application forms and related materials for the
632 program;

633 (c) assist applicants and program participants in enrolling in the program; or

634 (d) ensure program participants receive mail forwarded from the program to the
635 program participant's actual address.

636 (4) No later than December 31 of each year, the commission shall provide to the
637 Executive Offices and Criminal Justice Appropriations Subcommittee a written report of the
638 program's activities, including:

639 (a) the contributions received under Subsection (2);

640 (b) an accounting of the money expended or committed to be expended by the
641 commission under Subsection (3); and

642 (c) the balance of the account.

643 Section 16. Section **78B-7-804** is amended to read:

644 **78B-7-804. Sentencing and continuous protective orders for a domestic violence**
645 **offense -- Modification -- Expiration.**

646 (1) Before a perpetrator who has been convicted of or adjudicated for a domestic
647 violence offense may be placed on probation, the court shall consider the safety and protection
648 of the victim and any member of the victim's family or household.

649 (2) The court may condition probation or a plea in abeyance on the perpetrator's
650 compliance with a sentencing protective order that includes:

651 (a) an order enjoining the perpetrator from threatening to commit or committing acts of
652 domestic violence against the victim or other family or household member;

653 (b) an order prohibiting the perpetrator from harassing, telephoning, contacting, or
654 otherwise communicating with the victim, directly or indirectly;

655 (c) an order requiring the perpetrator to stay away from the victim's residence, school,
656 place of employment, and the premises of any of these, or a specified place frequented
657 regularly by the victim or any designated family or household member;

658 (d) an order prohibiting the perpetrator from purchasing, using, or possessing a firearm
659 or other specified weapon;

660 (e) an order directing the perpetrator to surrender any weapons the perpetrator owns or
661 possesses; and

662 (f) an order imposing any other condition necessary to protect the victim and any other
663 designated family or household member or to rehabilitate the perpetrator.

664 (3) (a) Because of the serious, unique, and highly traumatic nature of domestic violence
665 crimes, the high recidivism rate of violent offenders, and the demonstrated increased risk of
666 continued acts of violence subsequent to the release of a perpetrator who is convicted of or
667 adjudicated for domestic violence, it is the finding of the Legislature that domestic violence
668 crimes warrant the issuance of continuous protective orders under this Subsection (3) because
669 of the need to provide ongoing protection for the victim and to be consistent with the purposes
670 of protecting victims' rights under Title 77, Chapter 37, Victims' Rights, and [~~Title 77, Chapter~~
671 ~~38, Rights of Crime Victims Act~~] Title 77, Chapter 38, Crime Victims, and Article I, Section
672 28 of the Utah Constitution.

673 (b) Except as provided in Subsection (6), if a perpetrator is convicted of a domestic
674 violence offense resulting in a sentence of imprisonment, including jail, that is to be served
675 after conviction, the court shall issue a continuous protective order at the time of the conviction
676 or sentencing limiting the contact between the perpetrator and the victim unless the court

677 determines by clear and convincing evidence that the victim does not have a reasonable fear
678 of future harm or abuse.

679 (c) (i) The court shall notify the perpetrator of the right to request a hearing.

680 (ii) If the perpetrator requests a hearing under this Subsection (3)(c), the court shall
681 hold the hearing at the time determined by the court. The continuous protective order shall be
682 in effect while the hearing is being scheduled and while the hearing is pending.

683 (d) A continuous protective order is permanent in accordance with this Subsection (3)
684 and may include:

685 (i) an order enjoining the perpetrator from threatening to commit or committing acts of
686 domestic violence against the victim or other family or household member;

687 (ii) an order prohibiting the perpetrator from harassing, telephoning, contacting, or
688 otherwise communicating with the victim, directly or indirectly;

689 (iii) an order prohibiting the perpetrator from going to the victim's residence, school,
690 place of employment, and the premises of any of these, or a specified place frequented
691 regularly by the victim or any designated family or other household member;

692 (iv) an order directing the perpetrator to pay restitution to the victim as may apply, and
693 shall be enforced in accordance with Title 77, Chapter 38b, Crime Victims Restitution Act; and

694 (v) any other order the court considers necessary to fully protect the victim and
695 members of the victim's family or other household member.

696 (4) A continuous protective order may be modified or dismissed only if the court
697 determines by clear and convincing evidence that all requirements of Subsection (3) have been
698 met and the victim does not have a reasonable fear of future harm or abuse.

699 (5) Except as provided in Subsection (6), in addition to the process of issuing a
700 continuous protective order described in Subsection (3), a district court may issue a continuous
701 protective order at any time if the victim files a petition with the court, and after notice and
702 hearing the court finds that a continuous protective order is necessary to protect the victim.

703 (6) (a) Unless the juvenile court transfers jurisdiction of the offense to the district court
704 under Section 80-6-504, a continuous protective order may not be issued under this section
705 against a perpetrator who is a minor.

706 (b) Unless the court sets an earlier date for expiration, a sentencing protective order
707 issued under this section against a perpetrator who is a minor expires on the earlier of:

708 (i) the day on which the juvenile court terminates jurisdiction; or
709 (ii) in accordance with Section 80-6-807, the day on which the Division of Juvenile
710 Justice Services discharges the perpetrator.

711 Section 17. Section 80-6-604 is amended to read:

712 **80-6-604. Victim's rights -- Access to juvenile court records.**

713 (1) (a) If a minor is charged in a petition or information under this chapter for an
714 offense that if committed by an adult would be a felony or a class A or class B misdemeanor, a
715 victim of any act charged in the petition or information shall, upon request, be afforded all
716 rights afforded to victims in:

717 (i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act;

718 (ii) Title 77, Chapter 37, Victims' Rights;

719 (iii) [~~Title 77, Chapter 38, Rights of Crime Victims Act~~] Title 77, Chapter 38, Crime
720 Victims; and

721 (iv) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.

722 (b) The notice provisions in Section 77-38-3 do not apply to important juvenile justice
723 hearings as defined in Section 77-38-2.

724 (2) A victim, upon request to the appropriate juvenile court personnel, shall have the
725 right to inspect and duplicate juvenile court records related to the offense against the victim
726 that have not been expunged under Part 10, Juvenile Records and Expungement, concerning:

727 (a) the scheduling of any juvenile court hearings on a petition or information filed
728 under this chapter;

729 (b) any findings made by the juvenile court; and

730 (c) any order or disposition imposed by the juvenile court.

731 Section 18. **Repealer.**

732 This bill repeals:

733 Section 77-38-1, Title.