

SB0070S01 compared with SB0070

~~deleted text~~ shows text that was in SB0070 but was deleted in SB0070S01.

inserted text shows text that was not in SB0070 but was inserted into SB0070S01.

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Senator Stephanie Pitcher proposes the following substitute bill:

VICTIM AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: _____

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 ~~address confidentiality program for victims~~ Safe at Home Program; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

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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

[77-38-601, as enacted by Laws of Utah 2022, Chapter 215](#)

[77-38-602, as enacted by Laws of Utah 2022, Chapter 215](#)

77-38-605, as enacted by Laws of Utah 2022, Chapter 215

77-38-607, as enacted by Laws of Utah 2022, Chapter 215

77-38-608, as enacted by Laws of Utah 2022, Chapter 215

77-38-609, as enacted by Laws of Utah 2022, Chapter 215

77-38-611, as enacted by Laws of Utah 2022, Chapter 215

77-38-612, as enacted by Laws of Utah 2022, Chapter 215

77-38-615, as enacted by Laws of Utah 2022, Chapter 215

77-38-618, as enacted by Laws of Utah 2022, Chapter 215

77-38-619, as enacted by Laws of Utah 2022, Chapter 215

[77-38-620, as enacted by Laws of Utah 2022, Chapter 215](#)

78B-7-804, as last amended by Laws of Utah 2021, Chapters 159, 260 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 159

80-6-604, as enacted by Laws of Utah 2021, Chapter 261

REPEALS:

77-38-1, as enacted by Laws of Utah 1994, Chapter 198

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

[Section 1. Section 20A-2-204 is amended to read:](#)

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

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

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voter registration purposes.

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

(b) A citizen who is a program participant in the ~~[Address Confidentiality]~~ Safe at Home Program created in Section 77-38-602 is not eligible to register to vote as described in Subsection (2)(a), but is eligible to register to vote by any other means described in this part.

(3) The Driver License Division shall:

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

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

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

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

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

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

(iv) the desired political affiliation, if indicated;

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

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

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

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

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

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verification, classify the individual's voter registration record as a private record.

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

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

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

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

(B) send the individual the notice described in Section 20A-2-304; or

(ii) if the individual meets the qualifications to be preregistered to vote, process the form in accordance with the requirements of Section 20A-2-101.1.

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

(i) comply with the applicable provisions of this Subsection (6); or

(ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.

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

(i) accept the voter registration form; and

(ii) unless the individual is preregistering to vote:

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

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

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

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

(i) accept the application for registration of the individual;

(ii) process the voter registration form; and

(iii) unless the individual is preregistering to vote, and except as provided in

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Subsection 20A-2-207(6), inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

(7) (a) If the county clerk determines that an individual's voter registration form received from the Driver License Division is incorrect because of an error, because the form is incomplete, or because the individual does not meet the qualifications to be registered to vote, the county clerk shall mail notice to the individual stating that the individual has not been registered or preregistered because of an error, because the registration form is incomplete, or because the individual does not meet the qualifications to be registered to vote.

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

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

59-2-407. Administration of uniform fees.

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

(b) Except as provided in Subsections 59-2-405.1(4), 59-2-405.2(5), and 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 be assessed at the time of:

- (i) registration as defined in Section 41-1a-102; and
- (ii) renewal of registration.

(2) The remedies for nonpayment of the uniform fees authorized by Sections 59-2-405, 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 Chapter 2, Part 13, Collection of Taxes, for nonpayment of ad valorem personal property taxes.

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

Section ~~41~~3. Section 77-37-5 is amended to read:

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

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

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

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

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

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

(5) (a) If a person acting under color of state law willfully or wantonly fails to perform duties so that the rights in this chapter are not provided, an action for injunctive relief may be

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brought against the individual and the government entity that employs the individual.

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

(c) The failure to provide the rights in this chapter or [~~Title 77, Chapter 38, Rights of Crime Victims Act~~] Title 77, Chapter 38, Crime Victims, does not constitute cause for a judgment against the state or any government entity, or any individual employed by the state or any government entity, for monetary damages, attorney fees, or the costs of exercising any rights under this chapter.

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

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

CHAPTER 38. CRIME VICTIMS

Part 6. Safe at Home Program

77-38-601. Definitions.

As used in this part:

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

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

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

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

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

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

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

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

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

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

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

(10) (a) "Mail" means first class letters or flats delivered by the United States Postal Service, including priority, express, and certified mail.

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

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

(ii) a pharmaceutical or medical item.

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

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

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

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

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

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

(17) "Sexual offense" means:

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

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

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

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

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including:

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

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

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

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

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

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

(2) Under the program, the commission shall:

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

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

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

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

Section ~~{2}~~6. Section 77-38-605 is amended to read:

~~CHAPTER 38. CRIME VICTIMS~~

~~†~~ **77-38-605. Administration -- Application.**

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

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

(3) The application shall include:

(a) the applicant's name;

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

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- (c) an indication regarding whether the assailant is employed by a state or local government entity, and if applicable, the name of the state or local government entity;
- (d) a statement that the applicant understands and consents to:
 - (i) remain enrolled in the program for four years, unless the applicant's participation in the program is cancelled under Section 77-38-617;
 - (ii) while the applicant is enrolled in the program, notify the commission when the applicant changes the applicant's actual address or legal name;
 - (iii) develop a safety plan with a program assistant;
 - (iv) authorize the commission to notify a state or local government entity that the applicant is a program participant;
 - (v) submit written notice to the commission if the applicant chooses to cancel the applicant's participation in the program;
 - (vi) register to vote in person at the office of the clerk in the county where the applicant's actual address is located; and
 - (vii) certify that the commission is the applicant's designated agent for service of process for personal service;
- (e) evidence that the applicant, or a minor or an incapacitated individual residing with the applicant, is a victim, including:
 - (i) a law enforcement, court, or other state, local, or federal government agency record;or
 - (ii) a document from:
 - (A) a domestic violence program, facility, or shelter;
 - (B) a sexual assault program; or
 - (C) a religious, medical, or other professional from whom the applicant, or the minor or the incapacitated individual residing with the applicant, sought assistance in dealing with alleged abuse, domestic violence, stalking, or a sexual offense;
- (f) a statement from the applicant that a disclosure of the applicant's actual address would endanger the applicant, or a minor or an incapacitated individual residing with the applicant;
- (g) a statement by the applicant that the applicant:
 - (i) resides at a residential address that is not known by the assailant;

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(ii) has relocated to a different residential address in the past 90 days that is not known by the assailant; or

(iii) will relocate to a different residential address in the state within 90 days that is not known by the assailant;

(h) the actual address that:

(i) the applicant requests that the commission not disclose; and

(ii) is at risk of discovery by the assailant or potential assailant;

(i) a statement by the applicant disclosing:

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

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

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

(k) a statement by the applicant that:

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

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

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

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

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

(m) a statement that:

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

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Commission; and

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

(A) the motor vehicle or hull identification number;

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

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

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

Section ~~3~~7. Section 77-38-607 is amended to read:

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

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

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

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

Section ~~4~~8. Section 77-38-608 is amended to read:

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

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

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

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

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

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

(3) A state or local government entity, after receiving a copy of the notification form

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from a program participant or a notification of the program participant's enrollment from the commission, may not:

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

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

(c) except as provided in Section 77-38-611, intentionally disclose to another person or state or local government entity the program participant's actual address.

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

(a) for voter registration; and

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

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

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

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

Section ~~5~~9. Section **77-38-609** is amended to read:

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

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

(i) required by a court order; or

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

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

(2) If, at the time of application, an applicant, or a parent or guardian of an applicant, is subject to a court order relating to a divorce proceeding, a child support order or judgment, or an allocation of custody or parent-time, the commission shall provide notice of whether the applicant is enrolled under the program and the assigned address of the applicant to the court

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that issued the order or has jurisdiction over the action.

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

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

(a) the employee obtains a program participant's actual address during the course of the employee's official duties; and

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

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

Section ~~6~~10. Section 77-38-611 is amended to read:

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

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

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

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

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

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

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

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- (ii) classify the program participant's actual address as concealed; and
- (iii) keep the program participant's actual address confidential from the public.

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

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

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

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

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

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

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

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

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

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

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

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

(i) the full name of the program participant;

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- (ii) the assigned address of the program participant;
- (iii) the motor vehicle or hull identification number for each motor vehicle or watercraft that is owned or leased by the program participant;
- (iv) the license plate or registration number for each motor vehicle or watercraft that is owned or leased by the program participant; and
- (v) the physical address where each motor vehicle or watercraft that is owned or leased by the program participant.

(d) Notwithstanding any other provision of this part, the Motor Vehicle Division may disclose to another state or local government entity all information that is necessary for the state or local government entity to distribute any taxes or fees collected for titling or registering a motor vehicle or a watercraft.

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

- (i) the Utah Criminal Justice Information System; or
- (ii) the title, lien, and registration system that is provided to the Motor Vehicle Division by a third party contractor and is accessed in accordance with Subsection 41-1a-116(4).

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

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

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

(10) (a) A school district shall:

- (i) accept the assigned address as the address of record; and
- (ii) verify student enrollment eligibility with the commission.

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

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

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

(i) in a record created more than 90 days before the date on which the program participant applied for enrollment in the program; or

(ii) if a program participant voluntarily requests, in writing, that the program participant's actual address be disclosed to the third party.

(c) For a record created within 90 days before the date that a program participant applied for enrollment in the program, a state or local government entity shall redact the actual address from the record or change the actual address to the assigned address in the public record if the program participant presents a valid authorization card or a notification form and requests that the state or local government entity use the assigned address instead of the actual address on the record.

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

77-38-612. Request for disclosure.

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

(a) in writing;

(b) on the state or local government entity's letterhead; and

(c) with the signature of the head or an executive-level official of the state or local government entity.

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

(a) explaining why the state or local government entity is requesting the program participant's actual address;

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(b) explaining why the state or local government entity cannot meet the state or local government entity's statutory or administrative obligations without the disclosure of the program participant's actual address;

(c) of facts showing that:

(i) other methods to locate the program participant's actual address have failed;

(ii) other methods will be unlikely to succeed; or

(iii) other means of contacting the program participant have failed or are unavailable;

and

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

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

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

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

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

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

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

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

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

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

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- (b) the actual address will be used only for the purpose stated in the request;
 - (c) other methods to locate the program participant or the program participant's actual address have failed or are unlikely to succeed;
 - (d) other means of contacting the program participant have failed or are unavailable;
- and
- (e) the state or local government entity has adopted a procedure to protect the confidentiality of the program participant's actual address.
- (6) If the commission grants a request for disclosure under this section, the commission shall provide the state or local government entity with a disclosure that contains:
- (a) the program participant's actual address;
 - (b) a statement of the permitted use of the program participant's actual address;
 - (c) the names or classes of persons permitted to have access to or use of the program participant's actual address;
 - (d) a statement that the state or local government entity is required to limit access to and use of the program participant's actual address to the permitted use and to the listed persons or classes of persons; and
 - (e) if expiration of the disclosure is appropriate, the date on which the permitted use of the program participant's actual address expires.
- (7) If a request for disclosure is granted by the commission, a state or local government entity shall:
- (a) limit use of the program participant's actual address to the purpose stated in the disclosure;
 - (b) limit access to the program participant's actual address to the persons or classes of persons stated in the disclosure;
 - (c) cease use of the program participant's actual address upon the expiration of the permitted use;
 - (d) dispose of the program participant's actual address upon the expiration of the permitted use; and
 - (e) except as permitted in the request for disclosure, maintain the confidentiality of the program participant's actual address.
- (8) Upon denial of a state or local government entity's request for disclosure, the

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commission shall promptly provide a written notification to the state or local government entity explaining the specific reasons for denying the request for disclosure.

(9) (a) A state or local government entity may file a written appeal with the commission no later than 15 days after the day on which the state or local government entity receives the written notification under Subsection (8).

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

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

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

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

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

Section ~~{8}~~12. Section 77-38-615 is amended to read:

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

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

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

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

Section ~~{9}~~13. Section 77-38-618 is amended to read:

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

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

Section ~~{10}~~14. Section 77-38-619 is amended to read:

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77-38-619. Immunity from suit.

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

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

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

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

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

77-38-620. ~~{Address Confidentiality}~~Safe at Home Program Restricted Account -- Report.

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

(2) The account shall be funded by:

(a) private contributions;

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

(c) interest and earnings on account money.

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

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

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

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

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

(4) No later than December 31 of each year, the commission shall provide to the

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Executive Offices and Criminal Justice Appropriations Subcommittee a written report of the program's activities, including:

- (a) the contributions received under Subsection (2);
- (b) an accounting of the money expended or committed to be expended by the commission under Subsection (3); and
- (c) the balance of the account.

Section ~~{11}~~16. Section **78B-7-804** is amended to read:

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

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

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

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

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

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

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

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

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

(3) (a) Because of the serious, unique, and highly traumatic nature of domestic violence crimes, the high recidivism rate of violent offenders, and the demonstrated increased risk of continued acts of violence subsequent to the release of a perpetrator who is convicted of or adjudicated for domestic violence, it is the finding of the Legislature that domestic violence

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crimes warrant the issuance of continuous protective orders under this Subsection (3) because of the need to provide ongoing protection for the victim and to be consistent with the purposes of protecting victims' rights under Title 77, Chapter 37, Victims' Rights, and [~~Title 77, Chapter 38, Rights of Crime Victims Act~~] Title 77, Chapter 38, Crime Victims, and Article I, Section 28 of the Utah Constitution.

(b) Except as provided in Subsection (6), if a perpetrator is convicted of a domestic violence offense resulting in a sentence of imprisonment, including jail, that is to be served after conviction, the court shall issue a continuous protective order at the time of the conviction or sentencing limiting the contact between the perpetrator and the victim unless the court determines by clear and convincing evidence that the victim does not have a reasonable fear of future harm or abuse.

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

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

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

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

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

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

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

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

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

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

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

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

(i) the day on which the juvenile court terminates jurisdiction; or

(ii) in accordance with Section 80-6-807, the day on which the Division of Juvenile Justice Services discharges the perpetrator.

Section ~~(12)~~17. Section **80-6-604** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

Section ~~{13}~~18. **Repealer.**

This bill repeals:

Section **77-38-1, Title.**