

HB0129S03 compared with HB0129S02

~~deleted text~~ shows text that was in HB0129S02 but was deleted in HB0129S03.

inserted text shows text that was not in HB0129S02 but was inserted into HB0129S03.

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Representative V. Lowry Snow proposes the following substitute bill:

OFFICE ON DOMESTIC AND SEXUAL VIOLENCE

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill creates the Office on Domestic and Sexual Violence and the Domestic Violence Offender Advisory Board within the State Commission on Criminal and Juvenile Justice.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Office on Domestic and Sexual Violence within the State Commission on Criminal and Juvenile Justice;
- ▶ requires the executive director of the commission to appoint a director of the office;
- ▶ creates the Domestic Violence Offender Advisory Board within the commission;
- ▶ requires the office to coordinate with the advisory board and other advisory councils

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within the commission to create and implement statewide resources and policies for reducing instances of domestic and sexual violence;

- ▶ adds the director of the office to the Utah Council on Victims of Crime; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

63M-7-601, as last amended by Laws of Utah 2019, Chapter 246

ENACTS:

63M-7-701, Utah Code Annotated 1953

63M-7-702, Utah Code Annotated 1953

63M-7-703, Utah Code Annotated 1953

63M-7-704, Utah Code Annotated 1953

63M-7-801, Utah Code Annotated 1953

63M-7-802, Utah Code Annotated 1953

63M-7-803, Utah Code Annotated 1953

63M-7-804, Utah Code Annotated 1953

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

Section 1. Section **63M-7-601** is amended to read:

63M-7-601. Creation -- Members -- Chair.

(1) There is created within the governor's office the Utah Council on Victims of Crime.

(2) The Utah Council on Victims of Crime shall be composed of [25] 26 voting

members as follows:

(a) a representative of the Commission on Criminal and Juvenile Justice appointed by the executive director;

(b) a representative of the Department of Corrections appointed by the executive director;

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- (c) a representative of the Board of Pardons and Parole appointed by the chair;
 - (d) a representative of the Department of Public Safety appointed by the commissioner;
 - (e) a representative of the Division of Juvenile Justice Services appointed by the director;
 - (f) a representative of the Utah Office for Victims of Crime appointed by the director;
 - (g) a representative of the Office of the Attorney General appointed by the attorney general;
 - (h) a representative of the United States Attorney for the district of Utah appointed by the United States Attorney;
 - (i) a representative of Utah's Native American community appointed by the director of the Division of Indian Affairs after input from federally recognized tribes in Utah;
 - (j) a professional or volunteer working in the area of violence against women and families appointed by the governor;
 - (k) the chair of each judicial district's victims' rights committee;
 - (l) the director of the Office on Domestic and Sexual Violence created in Section 63M-7-703;
- ~~(m)~~ (m) the following members appointed to serve four-year terms:
- (i) a representative of the Statewide Association of Public Attorneys appointed by that association;
 - (ii) a representative of the Utah Chiefs of Police Association appointed by the president of that association;
 - (iii) a representative of the Utah Sheriffs' Association appointed by the president of that association;
 - (iv) a representative of a Children's Justice Center appointed by the attorney general;
- and
- (v) a citizen representative appointed by the governor; and
- ~~(m)~~ (n) the following members appointed by the members in Subsections (2)(a) through (2)(k) to serve four-year terms:
- (i) an individual who works professionally with victims of crime; and
 - (ii) a victim of crime.
- (3) The council shall annually elect one member to serve as chair.

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Section 2. Section **63M-7-701** is enacted to read:

Part 7. Office on Domestic and Sexual Violence

63M-7-701. Title.

This part is known as the "Office on Domestic and Sexual Violence."

Section 3. Section **63M-7-702** is enacted to read:

63M-7-702. Definitions.

As used in this part:

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

(2) "Office" means the Office on Domestic and Sexual Violence created in Section 63M-7-703.

Section 4. Section **63M-7-703** is enacted to read:

63M-7-703. Office on Domestic and Sexual Violence -- Creation -- Appointment of director.

(1) There is created the Office on Domestic and Sexual Violence within the commission.

(2) The executive director of the commission shall appoint a director of the office.

Section 5. Section **63M-7-704** is enacted to read:

63M-7-704. Office duties.

The office shall:

(1) provide leadership and generate unity for the state's ongoing efforts to reduce and eliminate the impact of rape, sexual assault, and intimate partner and domestic and sexual violence through comprehensive and evidence-based prevention, intervention, and treatment for juvenile and adult offenders;

(2) coordinate with the Domestic Violence Offender Advisory Board, and other advisory councils within the commission focused on domestic and sexual violence, to create, disseminate, implement, and recommend statewide policies to address intimate partner and domestic and sexual violence;

(3) collaborate and partner with public and private partners to perform the duties described in this section using a multidisciplinary approach; and

(4) facilitate planning for a balanced continuum of intimate partner and domestic and

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sexual violence prevention, intervention, treatment, and justice services.

Section 6. Section **63M-7-801** is enacted to read:

Part 8. Domestic Violence Offender Advisory Board

63M-7-801. Title.

This part is known as the "Domestic Violence Offender Advisory Board."

Section 7. Section **63M-7-802** is enacted to read:

63M-7-802. Definitions.

As used in this part:

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

(2) "Advisory board" means the Domestic Violence Offender Advisory Board created in Section 63M-7-803.

Section 8. Section **63M-7-803** is enacted to read:

63M-7-803. Domestic Violence Offender Advisory Board -- Creation --

Membership -- Quorum -- Per diem -- Staff support -- Meetings.

(1) There is created within the commission the Domestic Violence Offender Advisory Board consisting of the following members:

(a) the executive director of the Department of Corrections, or the executive director's designee;

(b) the executive director of the Department of Human Services, or the executive director's designee;

(c) the executive director of the Department of Health, or the executive director's designee;

(d) the commissioner of public safety for the Department of Public Safety, or the commissioner's designee;

(e) the director of the Office for Victims of Crime, or the director's designee;

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

(g) the director of the Division of Juvenile Justice Services, or the director's designee;

(~~g~~h) one judge appointed by the presiding officer of the Utah Judicial Council;

(~~h~~i) one individual who represents the Administrative Office of the Courts appointed by the state court administrator; and

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(fi) nine individuals appointed by the executive director of the commission, including:

(i) a clinical social worker, a marriage and family therapist, a professional counselor, and a psychologist licensed under Title 58, Chapter 60, Mental Health Professional Practice Act;

(ii) an individual who represents an association of criminal defense attorneys;

(iii) an individual who represents an association of prosecuting attorneys;

(iv) an individual who represents law enforcement;

(v) an individual who represents an association of criminal justice victim advocates;

and

(vi) an individual who represents a nonprofit organization that provides domestic violence victim advocate services.

(2) (a) A member may not serve on the advisory board for more than eight consecutive years.

(b) If a vacancy occurs in the membership of the advisory board appointed under Subsection (1), the member shall be replaced in the same manner in which the original appointment was made.

(c) A member of the advisory board serves until the member's successor is appointed.

(3) The members of the advisory board shall vote on a chair and co-chair of the advisory board to serve for two years.

(4) (a) A majority of the advisory board members constitutes a quorum.

(b) The action of a majority of a quorum constitutes an action of the advisory board.

(5) An advisory board member may not receive compensation or benefits for the member's service on the advisory board, but may receive per diem and reimbursement for travel expenses incurred as an advisory board member at the rates established by the Division of Finance under:

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

(b) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(6) The commission shall provide staff support to the advisory board.

(7) The advisory board shall meet at least quarterly on a date the advisory board sets.

Section 9. Section **63M-7-804** is enacted to read:

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63M-7-804. Advisory board duties -- Rulemaking.

(1) The advisory board shall advise and make recommendations to the Office on Domestic and Sexual Violence created in Section 63M-7-703.

(2) As part of the advisory board's duties under Subsection (1), the advisory board shall:

(a) research standardized procedures and methods for intimate partner and domestic violence offender evaluation, intervention, treatment, and monitoring that prioritize physical and psychological safety of victims;

(b) identify and establish best practice standards for intimate partner and domestic violence evaluation, intervention, treatment, and monitoring that:

(i) are applicable to the state's needs;

(ii) are based on scientific research to address an individual's intimate partner and domestic violence risk factors; and

(iii) incorporate evidence-based trauma informed care to enhance the quality and continuity of intervention and treatment;

(c) disseminate the best practice standards described in Subsection (2)(b) to be used in the evaluation, intervention, treatment, and monitoring of intimate partner and domestic violence offenders; and

(d) establish an accreditation program for public and private providers of intervention and treatment for intimate partner and domestic violence offenders that requires the public and private providers comply with the best practices described in Subsection (2)(b).

(3) The advisory board shall make rules in accordance with Title 63G, Chapter 3, Administrative Rulemaking Act, to implement this part.

Section 10. Effective date.

This bill takes effect on July 1, 2021.