

OFFICE FOR VICTIMS OF CRIME AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kyle R. Andersen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the definition of "criminally injurious conduct" to include bigamy.

Highlighted Provisions:

This bill:

▶ adds bigamy to crimes for which a victim may be awarded reparations by the Office for Victims of Crime.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63M-7-502, as last amended by Laws of Utah 2012, Chapter 369

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

Section 1. Section **63M-7-502** is amended to read:

63M-7-502. Definitions.

As used in this chapter:

(1) "Accomplice" means a person who has engaged in criminal conduct as defined in

Section **76-2-202**.



28 (2) "Board" means the Crime Victim Reparations and Assistance Board created under
29 Section [63M-7-504](#).

30 (3) "Bodily injury" means physical pain, illness, or any impairment of physical
31 condition.

32 (4) "Claim" means:

33 (a) the victim's application or request for a reparations award; and

34 (b) the formal action taken by a victim to apply for reparations pursuant to this chapter.

35 (5) "Claimant" means any of the following claiming reparations under this chapter:

36 (a) a victim;

37 (b) a dependent of a deceased victim;

38 (c) a representative other than a collateral source; or

39 (d) the person or representative who files a claim on behalf of a victim.

40 (6) "Child" means an unemancipated person who is under 18 years of age.

41 (7) "Collateral source" means the definition as provided in Section [63M-7-513](#).

42 (8) "Contested case" means a case which the claimant contests, claiming the award was
43 either inadequate or denied, or which a county attorney, a district attorney, a law enforcement
44 officer, or other individual related to the criminal investigation proffers reasonable evidence of
45 the claimant's lack of cooperation in the prosecution of a case after an award has already been
46 given.

47 (9) (a) "Criminally injurious conduct" other than acts of war declared or not declared
48 means conduct that:

49 (i) is or would be subject to prosecution in this state under Section [76-1-201](#);

50 (ii) occurs or is attempted;

51 (iii) causes, or poses a substantial threat of causing, bodily injury or death;

52 (iv) is punishable by fine, imprisonment, or death if the person engaging in the conduct
53 possessed the capacity to commit the conduct; and

54 (v) does not arise out of the ownership, maintenance, or use of a motor vehicle,
55 aircraft, or water craft, unless the conduct is intended to cause bodily injury or death, or is
56 conduct which is or would be punishable under Title 76, Chapter 5, Offenses Against the
57 Person, or as any offense chargeable as driving under the influence of alcohol or drugs.

58 (b) "Criminally injurious conduct" includes an act of terrorism, as defined in 18 U.S.C.

59 Sec. 2331 committed outside of the United States against a resident of this state. "Terrorism"
60 does not include an "act of war" as defined in 18 U.S.C. Sec. 2331.

61 (c) "Criminally injurious conduct" includes a felony violation of Section [76-7-101](#).

62 (10) "Dependent" means a natural person to whom the victim is wholly or partially
63 legally responsible for care or support and includes a child of the victim born after the victim's
64 death.

65 (11) "Dependent's economic loss" means loss after the victim's death of contributions
66 of things of economic value to the victim's dependent, not including services the dependent
67 would have received from the victim if the victim had not suffered the fatal injury, less
68 expenses of the dependent avoided by reason of victim's death.

69 (12) "Dependent's replacement services loss" means loss reasonably and necessarily
70 incurred by the dependent after the victim's death in obtaining services in lieu of those the
71 decedent would have performed for the victim's benefit if the victim had not suffered the fatal
72 injury, less expenses of the dependent avoided by reason of the victim's death and not
73 subtracted in calculating the dependent's economic loss.

74 (13) "Director" means the director of the Utah Office for Victims of Crime.

75 (14) "Disposition" means the sentencing or determination of penalty or punishment to
76 be imposed upon a person:

77 (a) convicted of a crime;

78 (b) found delinquent; or

79 (c) against whom a finding of sufficient facts for conviction or finding of delinquency
80 is made.

81 (15) "Economic loss" means economic detriment consisting only of allowable expense,
82 work loss, replacement services loss, and if injury causes death, dependent's economic loss and
83 dependent's replacement service loss. Noneconomic detriment is not loss, but economic
84 detriment is loss although caused by pain and suffering or physical impairment.

85 (16) "Elderly victim" means a person 60 years of age or older who is a victim.

86 (17) "Fraudulent claim" means a filed claim based on material misrepresentation of
87 fact and intended to deceive the reparations staff for the purpose of obtaining reparation funds
88 for which the claimant is not eligible as provided in Section [63M-7-510](#).

89 (18) "Fund" means the Crime Victim Reparations Fund created in Section [51-9-404](#).

90 (19) "Law enforcement officer" means a law enforcement officer as defined in Section
91 [53-13-103](#).

92 (20) "Medical examination" means a physical examination necessary to document
93 criminally injurious conduct but does not include mental health evaluations for the prosecution
94 and investigation of a crime.

95 (21) "Mental health counseling" means outpatient and inpatient counseling necessitated
96 as a result of criminally injurious conduct. The definition of mental health counseling is
97 subject to rules promulgated by the board pursuant to Title 63G, Chapter 3, Utah
98 Administrative Rulemaking Act.

99 (22) "Misconduct" as provided in Subsection [63M-7-512\(1\)\(b\)](#) means conduct by the
100 victim which was attributable to the injury or death of the victim as provided by rules
101 promulgated by the board pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking
102 Act.

103 (23) "Noneconomic detriment" means pain, suffering, inconvenience, physical
104 impairment, and other nonpecuniary damage, except as provided in this chapter.

105 (24) "Pecuniary loss" does not include loss attributable to pain and suffering except as
106 otherwise provided in this chapter.

107 (25) "Offender" means a person who has violated the criminal code through criminally
108 injurious conduct regardless of whether the person is arrested, prosecuted, or convicted.

109 (26) "Offense" means a violation of the criminal code.

110 (27) "Perpetrator" means the person who actually participated in the criminally
111 injurious conduct.

112 (28) "Reparations officer" means a person employed by the office to investigate claims
113 of victims and award reparations under this chapter, and includes the director when the director
114 is acting as a reparations officer.

115 (29) "Replacement service loss" means expenses reasonably and necessarily incurred in
116 obtaining ordinary and necessary services in lieu of those the injured person would have
117 performed, not for income but the benefit of the injured person or the injured person's
118 dependents if the injured person had not been injured.

119 (30) "Representative" means the victim, immediate family member, legal guardian,
120 attorney, conservator, executor, or an heir of a person but does not include service providers.

121 (31) "Restitution" means money or services an appropriate authority orders an offender
122 to pay or render to a victim of the offender's conduct.

123 (32) "Secondary victim" means a person who is traumatically affected by the criminally
124 injurious conduct subject to rules promulgated by the board pursuant to Title 63G, Chapter 3,
125 Utah Administrative Rulemaking Act.

126 (33) "Service provider" means a person or agency who provides a service to crime
127 victims for a monetary fee except attorneys as provided in Section [63M-7-524](#).

128 (34) "Utah Office for Victims of Crime" or "office" means the director, the reparations
129 and assistance officers, and any other staff employed for the purpose of carrying out the
130 provisions of this chapter.

131 (35) (a) "Victim" means a person who suffers bodily or psychological injury or death as
132 a direct result of criminally injurious conduct or of the production of pornography in violation
133 of Section [76-5b-201](#) if the person is a minor.

134 (b) "Victim" does not include a person who participated in or observed the judicial
135 proceedings against an offender unless otherwise provided by statute or rule.

136 (c) "Victim" includes a resident of this state who is injured or killed by an act of
137 terrorism, as defined in 18 U.S.C. Sec. 2331, committed outside of the United States.

138 (36) "Work loss" means loss of income from work the injured victim would have
139 performed if the injured victim had not been injured and expenses reasonably incurred by the
140 injured victim in obtaining services in lieu of those the injured victim would have performed
141 for income, reduced by any income from substitute work the injured victim was capable of
142 performing but unreasonably failed to undertake.