



SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah

OFFICE FOR VICTIMS OF CRIME

GARY A. SCHELLER
Director, UOVC

CVRA Board Meeting
UOVC Training Room
December 13, 2022
2:00 p.m. to 5:00 p.m.

1. Approval of September 13, 2022 Minutes Brooks Keeshin
2. Proposal to Increase Forensic Nurse Examiner Rates Gary Scheller/Susan Chasson
3. Financial Update Gary Scheller/ Melanie Scarlet/Mark Petersen
4. Emergency Rule Proposals Gary Scheller/Melanie Scarlet
5. Emergency Victim Services Funding Melanie Scarlet/Rose Gomez
6. Relocation Rule Change Melanie Scarlet
7. Subrogation Claim 1079242 Melanie Scarlet
8. Proposed Legislation for 2023 Session Gary Scheller/Brooks Keeshin
 - A. UOVC Changes
 - B. Victim Services Commission
 - C. LG Lap Initiative
9. Sexual Assault Services Funding Program Coordinator Tallie Viteri/Gary Scheller
10. Partnership with Sexual Assault Coalition Strengthening and Enforcing Standards of Care TallieViteri/Gary Scheller/ Lilliana Olvera-Arbon
11. Next Meeting March 14, 2023
12. Adjourn Meeting

CVRA BOARD MEETING

Anchor Location
350 E 500 S Ste 200
Salt Lake City, Utah
Virtual Meeting
September 13, 2022
2:00 p.m. to 5:00 p.m.

Brooks Keeshin, MD*
Anna Lieber
Steve O'Camb
Troy Rawlings*
Julee Smith
Vickie Walker
Jeanetta Williams
Gary Scheller
Melanie Scarlet*
Lana Taylor, AG's Office*
*Joined Meeting Virtually

Dallas Fawson*
Tisha Littlewood*
Tasso Moss*
Christina Perry*
Tammy Talbot*
Lupe Gutierrez
Rose Gomez
Jennifer Windley*
Susana Fragoso*
Mark Petersen

Connie Wettlaufer
Madi Radcliff
Vickie Bushman*
Rachelle Hill*
Tallie Viteri*
Ken Matthews*

Dr. Keeshin convened the meeting at 2:00 p.m.

Gary introduced Mark Petersen – Federal Funds Financial Manager.

1. Approval of the May 18, 2022 Meeting Minutes Brooks Keeshin
A motion was made by Julee Smith, seconded by Anna Lieber, to approve the May 18, 2022 minutes as written. All in favor. None opposed. Motion passed.
2. Subrogation Claim 1073273 Gary Scheller
UOVC received a request from the claimant for a full waiver of UOVC's lien on this claim. Gary presented the information contained on the summary handout prepared by Shamrae Anderson. UOVC has paid out \$25,942.01 to date. The remaining funds available could be used for future medical claims up to a maximum of \$50,000. UOVC staff recommendation is a full waiver. **After review of the information provided, a motion was made by Steve O'Camb, seconded by Julee Smith, to approve the request for a full waiver.** The Chair asked if there were any further comments. There was a lengthy discussion on restitution related to the claim. **An amended motion was made by Anna Lieber to approve a full waiver on the current and future claims regarding this case, contingent on it not impacting restitution, at which time it should be brought before the Board. Motion passed. All in favor. None opposed.**
3. Advocacy Center Update Rose Gomez
Rose gave a brief updated report detailed in a handout that was provided. She talked about the Enhancement Program started in 2021 that allows the Advocacy Center to utilize funds to provide emergency assistance for crime related expenditures to clients. Rose said they are spending the funds more quickly now than when the program started. The biggest expense is housing. It is a powerful way they can provide services to victims. They work hard to try to figure out which of the victim advocacy programs available would work best for the requests received. There are funds available statewide so the focus with the advocate programs looks to be providing housing and food.

4. Strategic Planning Task Force Summary Vickie Bushman
Vickie reported that the first Strategic Planning Task Force meeting went very well. There were 30 attendees at today's meeting. They did an overview of UOVC, UDVC, and UCASA's role in the process and discussed ways they could collaborate with the coalitions. She discussed the information on the summary handout and then the task force meeting was opened for discussion. Vickie said it was exciting to see people already participating in discussions and wanting to participate in projects to work toward improving victim services in Utah. They talked about the need for training and getting all those entities that provide training together to discuss how the training could be consistent for all advocates in the State.
5. Financial Update Gary Scheller
Gary gave a report on the revenue/expenditures for FY22 provided on the updated financial document provided as a handout to the Board. FY22 totals were higher than FY21 but significantly ahead of FY20. The Trust Fund total is around 8 million dollars but will be impacted by the recent administrative rule changes increasing the maximum benefits on certain benefit types such as funeral expenses. Total benefits paid is still lower than in previous fiscal years but could still be the outcome of the COVID. He explained that the 3.7 million dollars listed in FY 2022 should have been combined with the administrative budget. This would show the actual general fund revenue to be around 6.8 million dollars. He discussed in detail several of the expenditure types. Reviewing the history of the program over the years, Gary said UOVC, based on population, tends to have more applications in the compensation program and spends more for reparation benefits than a lot of the larger states in the nation. Steve asked a question about inmate withholding being a low amount. Gary said we would check with the Department of Corrections.
6. Building Block Request Restitution Department Growth Gary Scheller
Gary reported that UOVC will be asking to have three positions funded this year. To do this the office is required to build a business case for each request to present to the Executive Director at CCJJ for consideration in the Governor's budget. One of the positions is for the assistance grant program to fund Rachelle Hill's training component of the victim services programs that receive federal money and the second is to fund Vickie Bushman's State Victim Liaison Project grant as the grant for that program will end next October. The Reparations Program will be asking for another position for the Restitution Unit. Lana said a bill passed in 2021 that mandated that if restitution is not ordered at sentencing the courts are required to set a restitution hearing. Lana said that right before the statute changed in 2021, the restitution staff covered 114 hearings. In FY22, that number increased to 301 hearings. This is good for the collection of restitution, but the unit really needs more staff. Lana said that all restitution hearings will once again be in person starting on November 1, which makes it more difficult to cover the hearings that occur in places throughout the state.
7. Overview Assistance Grants Funding Gary Scheller
The VOCA assistance grant awards went from 4.5 million dollars to a high of 32 million dollars in the past years. The awards are down to 16 million and could be 10 million next. The hope is that Congress can find a way to increase the money in the Federal fund so the awards balance out somewhere around 10 to 12 million dollars a year to share across the state. The assistance program lost 50% of the funds that they had to work with for the next grant cycles. Tallie reported that the grant team will not be presenting any grants for approval at the December Board meeting. The VAWA and SASP grants normally presented in December are being moved from a calendar year schedule to a fiscal year schedule. Tallie said the grant team plans to offer an extension of six months to VAWA and SASP grantees that have a current grant award. Then, in January, they will open an RFP for all the grants at the same time.

8. Victims Services “Consolidation/Coordination” Efforts and Activity

Gary Scheller

- A. Origin Draft Legislation to Consolidate
- B. Intent Language Reports June and October
- C. Current Status: Core Services, Costs, Appropriation Requests
- D. Sexual Assault Initiatives UOVC Support of Coalitions Services Standards
- E. Legislative Concept Victim Services Coordination Commission

Gary provided a very detailed report on the idea of consolidation/coordination efforts and activity to date. In 2018, HB177, a trauma informed initiative, required that agencies look through the system to see where and how to best infuse the trauma informed approach into victim services and other agencies, such as corrections and work force services. There were some really good ideas that were not quite finished. At that time, Representative Ivory left the Legislature. Then, about a year before last, a member of the Legislature put a draft bill (HB 490) together that kind of took any entity that had the word victim in the name or mission and put them into one agency. The director was going to be a member of the Governor’s cabinet and it was going to solve all the problems with victim services in the state. The bill was presented late in the session and was not passed. Representative Ivory is interested in establishing a system that provides a consistent standard of care to all victims across the state no matter where the victimization occurred. Several initiatives, as well as Vickie’s program, began to look for ways to best coordinate victim services to provide victim services in a uniform manner that would be provided by the State and not just Federal grant funds. Representative Ivory requested the Social Services Appropriations Committee and the Executive Offices Criminal Justice Sub-committee provide a rundown of how victims services are provided and for the committees to make recommendations on how to provide the services in the manner advocates across the State could get to the point of providing a consistent standard of care that everyone was working toward all working together whether it be a government or non-profit agency. At that point, we began to work together with other state agencies to look at all the different layers of funding that go into all the advocate agencies in the state. Gary said there have been endless meetings and he is happy to have all parties at the same table trying to work this out. The most recent development is an idea for another commission that may be proposed. Representative Ivory, Gary, Tallie and others are closely following this new suggestion. He said that as taxing as it has been in the past month or so, it has been a positive time, and hands down, he has never seen a better, more collaborative relationship with other coalitions such as the Domestic Violence Coalition. The Board will be informed of details on the progress moving forward.

9. Next Meeting December 13, 2022.

10. **A motion was made by Anna Lieber, seconded by Steve O’Camb, to adjourn the meeting.**

Request for Code R Payment Increase

This is a request to raise the compensation for a medical forensic examination from \$750 to \$1250.

In 2021 sexual assault nurse examiners responded to 1251 sexual assault patients in the state of Utah. Utah presently has 23 SANE programs. Sixteen programs are based at rural hospitals and these nurses are employees of the hospitals. There are seven independently operated programs that provide care to all adult and adolescent hospitals in the following counties; Utah, Salt Lake, Weber, Morgan, Davis, Box Elder, Washington, Iron, Summit, and Wasatch.

The independent programs rely on the examination reimbursement from UOVC to run their programs and compensate their nurses. The independent programs provided 1131 out of the 1251 examinations in 2021.

Since the last increase in 2015 the annual health care inflation rate has ranged from 5.5% to 7.0% annually. Looking at an adjustment based on inflation alone, the examination cost has increased from \$750 to \$1210. (<https://www.pwc.com/us/en/industries/health-industries/library/behind-the-numbers.html>)

There are many costs incurred by SANE programs to both run their programs and maintain the nurses' ability to provide trauma-informed care.

SANE Program Costs

Nursing salaries, taxes, workman's compensation. Varies by program. (Nursing wages in Utah range from \$35-\$40 per hour for staff nurses and \$40-\$50.00 per hour for supervisory nurses. None of the SANEs are presently paid at this rate.)

On call pay per program \$2-\$5/ hour, resulting in an annual cost of \$17,520 -\$43,000 per program

Compensation for nurses for court preparation and testimony.

Administrative time 10-40 hours per week at \$40/hr., annually \$20,000- \$80,000 per program (This time includes scheduling nurses, keeping supplies ordered and stocked, attending SART and statewide SANE meetings, working with community partners)

Other administrative costs- book keeping, taxes, IT support for computers and legal consultation fees.

Medical malpractice approximately \$10, 000 per year per program

Nursing education

Initial cost of SANE education including 40-hour SANE class, 16-hour skills class, orientation to a program and 100 hours of clinical preceptorship. This totals 260 hours at \$35/hr. equaling \$9,100 per new nurse.

Ongoing nursing education at 12 hours a year per nurse (this includes lectures, exams updates and peer review) at \$35/hour equals \$420 per nurse.

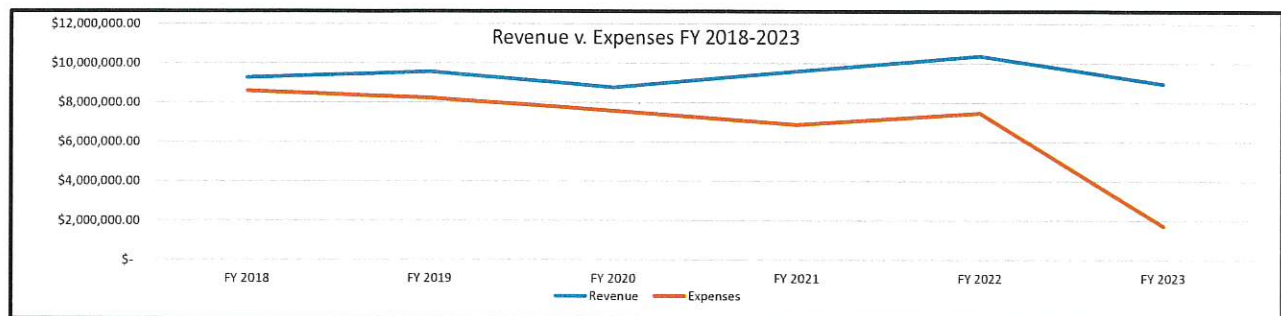
Examination supplies can cost up to \$25 per patient, includes vaginal speculums, toxicology supplies, charting supplies, pregnancy test and other items.

Since COVID many programs throughout the state have struggled to hire and keep SANEs. There is a statewide nursing shortage and SANE programs cannot compete with the amount of compensation being provided by hospitals or in rural settings by high paying jobs for traveling nurses. If we are to sustain and grow access to SANE care, we need to better compensate the nurses and the programs that support them.

Respectfully submitted,

Susan Chasson MSN, JD, SANE-A
SANE Program Manager
Utah Coalition Against Sexual Assault

Revenue	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Fines Surcharge 2650	\$ 5,921,369.80	\$ 5,740,531.00	\$ 5,290,105.38	\$ 6,113,546.00	\$ -	\$ -
General Fund	\$ -	\$ -	\$ -	\$ -	\$ 6,419,500.00	\$ 6,501,300.00
Inmate Withholdings 2651	\$ 200,775.64	\$ 202,556.67	\$ 93,868.97	\$ 76,596.46	\$ 89,449.93	\$ 15,401.96
Other/Misc 2652	\$ 10,079.45	\$ 98,551.72	\$ -	\$ 1,099.85	\$ 3,054.78	\$ (78.39)
Subrogation 2653	\$ 79,398.55	\$ 135,329.42	\$ 90,287.10	\$ 144,668.58	\$ 58,405.86	\$ 5,092.28
Restitution 2654	\$ 511,331.80	\$ 658,973.06	\$ 907,638.65	\$ 1,136,218.77	\$ 1,092,249.72	\$ 261,501.04
Diversion 2655	\$ -	\$ -	\$ -	\$ 9,880.00	\$ -	\$ 100.00
Interest 1600/2601	\$ 41,978.19	\$ 80,283.93	\$ 87,311.62	\$ 29,944.53	\$ 36,564.04	\$ 26,444.38
Grants 3028	\$ 2,530,800.00	\$ 2,657,450.00	\$ 2,320,850.00	\$ 2,093,000.00	\$ 2,687,000.00	\$ 2,168,000.00
Total	\$ 9,295,733.43	\$ 9,573,675.80	\$ 8,790,061.72	\$ 9,604,954.19	\$ 10,386,224.33	\$ 8,977,761.27
Expenses	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Dental	\$ 182,542.95	\$ 146,822.73	\$ 153,886.02	\$ 96,358.24	\$ 74,398.72	\$ 10,132.24
Rent Deposit	\$ 174,608.11	\$ 130,733.63	\$ 132,388.16	\$ 101,834.48	\$ 86,969.60	\$ 23,077.00
Economic Loss	\$ 500.00	\$ -	\$ -	\$ -	\$ -	\$ -
Essential Personal Property	\$ 7,788.01	\$ 7,665.28	\$ 8,536.64	\$ 4,657.59	\$ 13,126.22	\$ 2,047.00
Funeral Travel	\$ 10,040.46	\$ 2,841.77	\$ -	\$ -	\$ -	\$ -
Funeral & Burial	\$ 265,463.89	\$ 363,186.64	\$ 245,689.11	\$ 243,304.05	\$ 315,228.95	\$ 57,616.03
Independent Medical	\$ -	\$ 2,086.02	\$ 3,345.05	\$ 3,049.15	\$ 1,993.60	\$ 487.71
Insurance Premium/Spenddowns	\$ -	\$ -	\$ -	\$ -	\$ 27,122.20	\$ -
Inpatient Counseling	\$ 122,785.37	\$ 117,065.48	\$ 105,623.48	\$ 50,912.74	\$ 75,563.24	\$ 10,054.31
Loss of Support	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Loss of Wages	\$ 451,407.28	\$ 418,997.29	\$ 306,392.02	\$ 313,329.94	\$ 422,628.86	\$ 110,221.46
Medically Necessary Devices	\$ 22,598.96	\$ 45,624.67	\$ 9,681.38	\$ 14,557.70	\$ 17,546.47	\$ 4,584.74
Medical	\$ 1,010,609.56	\$ 694,840.17	\$ 576,121.01	\$ 669,653.45	\$ 551,782.76	\$ 132,649.58
Medical Facility	\$ 2,039,438.34	\$ 1,701,822.96	\$ 1,484,691.10	\$ 956,702.50	\$ 1,236,460.34	\$ 234,538.09
Mental Health	\$ 869,343.10	\$ 1,007,362.46	\$ 753,214.61	\$ 709,459.77	\$ 622,929.45	\$ 188,316.39
Pharmacy Mental Health	\$ 2,246.02	\$ 1,208.45	\$ 1,402.31	\$ 3,487.07	\$ 2,366.88	\$ (1,207.47)
Pharmacy Medical	\$ 14,541.52	\$ 7,719.63	\$ 2,780.47	\$ 2,874.75	\$ 1,122.42	\$ 426.38
Residential/Day Treatment	\$ 37,756.20	\$ 94,873.62	\$ 31,232.97	\$ 62,912.49	\$ 31,085.76	\$ 2,346.08
Relocation	\$ 87,734.13	\$ 80,622.44	\$ 84,767.12	\$ 48,064.73	\$ 59,960.34	\$ 17,326.32
Rehabilitative	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Replacement Services	\$ 8,416.24	\$ 19,313.60	\$ 9,901.50	\$ -	\$ 5,269.03	\$ 9,175.00
Security	\$ 18,598.27	\$ 26,933.63	\$ 28,322.71	\$ 31,347.96	\$ 40,322.38	\$ 4,156.23
Travel & Mileage	\$ 59,274.05	\$ 47,340.75	\$ 45,438.60	\$ 16,718.00	\$ 9,450.78	\$ 7,313.97
Sub-Total	\$ 5,385,692.46	\$ 4,917,061.22	\$ 3,983,414.26	\$ 3,329,224.61	\$ 3,595,328.00	\$ 813,261.06
Expenses	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Sexual Assault Examinations	\$ 24,823.97	\$ (1,344.62)	\$ (278.64)	\$ -	\$ -	\$ -
SA Evidence Collection	\$ 425,642.37	\$ 432,013.93	\$ 505,147.50	\$ 485,126.79	\$ 451,068.57	\$ 104,366.30
SA Patient Care	\$ 534,757.34	\$ 542,857.98	\$ 635,033.33	\$ 621,717.32	\$ 569,089.04	\$ 125,861.35
SA Facility	\$ 127,010.22	\$ 117,224.17	\$ 150,564.10	\$ 129,938.36	\$ 124,765.10	\$ 21,693.29
SA HIV Meds	\$ 127,450.59	\$ 80,053.16	\$ 106,526.54	\$ 76,117.35	\$ 31,311.68	\$ 7,251.01
SA Labs	\$ 62,873.32	\$ 67,409.31	\$ 70,528.99	\$ 66,484.26	\$ 54,505.24	\$ 10,991.21
SA RX Non HIV	\$ 49,285.87	\$ 61,443.07	\$ 69,519.45	\$ 58,563.54	\$ 38,077.78	\$ 6,005.95
Sexual Assault - Total	\$ 1,351,843.68	\$ 1,299,657.00	\$ 1,537,041.27	\$ 1,437,947.62	\$ 1,268,817.41	\$ 276,169.11
Benefits Total	\$ 6,737,536.14	\$ 6,216,718.22	\$ 5,520,455.53	\$ 4,767,172.23	\$ 4,864,145.41	\$ 1,089,430.17
Audit	\$ 581.80	\$ 563.13	\$ 578.11	\$ 491.84	\$ 1,084.05	\$ -
Administrative	\$ 1,849,842.94	\$ 2,019,755.70	\$ 2,067,216.61	\$ 2,131,843.00	\$ 2,612,175.84	\$ 645,725.08
Total	\$ 8,587,960.88	\$ 8,237,037.05	\$ 7,588,250.25	\$ 6,899,507.07	\$ 7,477,405.30	\$ 1,735,155.25
Surplus/(Deficit)	\$ 707,772.55	\$ 1,336,638.75	\$ 1,201,811.47	\$ 2,705,447.12	\$ 2,908,819.03	\$ 7,242,606.02



Applications	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Received	7440	7795	7328	7258	8391	2263
Approved	5340	5829	5572	5339	6600	1860
Denied	2047	1899	1653	1290	1667	373

STATEMENT OF ACCOUNT
P T I F
UTAH PUBLIC TREASURERS' INVESTMENT FUND

Marlo M. Oaks, Utah State Treasurer, Fund Manager
PO Box 142315
350 N State Street, Suite 180
Salt Lake City, Utah 84114-2315
Local Call (801) 538-1042 Toll Free (800) 395-7665
www.treasurer.utah.gov

DAS-VICTIMS REPARATIONS
CRIME VICTIMS REPARATION
DAN R. DAVIS
BUILDING MAIL

Account	Account Period
751	January 01, 2022 through December 13, 2022

Summary

Beginning Balance	\$ 6,949,682.90	Average Daily Balance	\$ 7,742,077.03
Deposits	\$ 2,204,567.91	Interest Earned	\$ 109,736.91
Withdrawals	\$ 0.00	360 Day Rate	1.4705
Ending Balance	\$ 9,154,250.81	365 Day Rate	1.4909

Date	Activity	Deposits	Withdrawals	Balance
01/01/2022	FORWARD BALANCE	\$ 0.00	\$ 0.00	\$ 6,949,682.90
01/31/2022	REINVESTMENT	\$ 2,302.55	\$ 0.00	\$ 6,951,985.45
02/28/2022	REINVESTMENT	\$ 2,528.70	\$ 0.00	\$ 6,954,514.15
03/31/2022	REINVESTMENT	\$ 3,119.88	\$ 0.00	\$ 6,957,634.03
04/25/2022	JV1811	\$ 1,094,831.00	\$ 0.00	\$ 8,052,465.03
04/30/2022	REINVESTMENT	\$ 3,671.53	\$ 0.00	\$ 8,056,136.56
05/31/2022	REINVESTMENT	\$ 5,495.48	\$ 0.00	\$ 8,061,632.04
06/30/2022	REINVESTMENT	\$ 7,450.36	\$ 0.00	\$ 8,069,082.40
07/31/2022	REINVESTMENT	\$ 11,256.65	\$ 0.00	\$ 8,080,339.05
08/31/2022	REINVESTMENT	\$ 15,187.73	\$ 0.00	\$ 8,095,526.78
09/30/2022	REINVESTMENT	\$ 16,494.09	\$ 0.00	\$ 8,112,020.87
10/31/2022	REINVESTMENT	\$ 19,714.19	\$ 0.00	\$ 8,131,735.06
11/30/2022	REINVESTMENT	\$ 22,515.75	\$ 0.00	\$ 8,154,250.81
12/05/2022	JV829	\$ 1,000,000.00	\$ 0.00	\$ 9,154,250.81
12/13/2022	ENDING BALANCE	\$ 0.00	\$ 0.00	\$ 9,154,250.81

Effective 5/4/2022

63G-3-304 Emergency rulemaking procedure.

- (1) All agencies shall comply with the rulemaking procedures of Section 63G-3-301 unless an agency finds that these procedures would:
 - (a) cause an imminent peril to the public health, safety, or welfare;
 - (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
 - (c) place the agency in violation of federal or state law.
- (2)
 - (a) When finding that its rule is excepted from regular rulemaking procedures by this section, the agency shall file with the office and the members of the Administrative Rules Review and General Oversight Committee:
 - (i) the text of the rule; and
 - (ii) a rule analysis that includes the specific reasons and justifications for its findings.
 - (b) The office shall publish the rule in the bulletin as provided in Subsection 63G-3-301(4).
 - (c) The agency shall notify interested persons as provided in Subsection 63G-3-301(10).
 - (d) Subject to Subsection 63G-3-502(4), the rule becomes effective for a period not exceeding 120 days on the date of filing or any later date designated in the rule.
- (3) If the agency intends the rule to be effective beyond 120 days, the agency shall also comply with the procedures of Section 63G-3-301.

Amended by Chapter 443, 2022 General Session

R270-1-25. Victim Services.

(1) Pursuant to Subsection 63M-7-506(1)(i), the board may authorize the program when there is a surplus of money in the fund in addition to what is necessary to pay reparations awards and associated administrative costs for the upcoming year.

(2) When the program is authorized, the board:

(a) shall determine the amount available for the program for that year;

(b) ~~shall~~ may make an award to a qualified victim services program managed by the office or announce the availability of program funds through a request for proposals or other similar competitive process approved by the board; and

(c) may establish funding priorities and shall include any priorities in the announcement of funds.

(3) Requests for funding shall be submitted on a form approved by the board.

(4) The board shall establish a process to review requests for funding and shall make final decisions regarding the

approval, modification, or denial of requests for funding. The board may award less than the amount determined in R270-1-

25(2)(a). The decisions of the board may not be appealed.

(5) An award by the board shall not constitute a commitment for funding in future years. The board may limit funding

for ongoing projects.

(6) Award recipients shall submit quarterly reports to the board on forms established by the director.

The office staff

shall monitor victim services grants and provide regular reports to the board.

R270-1-23. Sexual Assault Forensic Examinations.

(1) The office may pay a medical service provider who performs a medical forensic sexual assault examination;

(a) up to ~~\$750~~ 1,250. for a complete medical forensic sexual assault examination with photo documentation; and

(b) the full cost of any medications the medical service provider gives directly to a victim during a medical forensic

sexual assault examination such as;

R270-1-11. Moving, Transportation Expenses.

- (1) Pursuant to Subsection 63M-7-511(4)(a), victims of violent crime who suffer a traumatic experience or threat of bodily harm are allowed moving expenses up to \$1,000. Board approval is needed where extenuating circumstances exist.
- (2) Transportation expenses up to \$1000 are allowed for crime-related travel including, but not limited to, participation in court hearings and parole hearings as well as medical or mental health visits for primary and secondary victims. The board may approve travel expenses in excess of \$1000 where extenuating circumstances exist.

R270-1-11. Relocation Expenses.

- (1)(a) Pursuant to Subsection 63M-7-511(4)(a), UOVC may pay up to \$2,000 for all reasonable and necessary costs for a victim to secure a safe living situation after a crime has occurred.
- (b) Relocation expenses include:
 - (i) moving to a new location;
 - (ii) maintaining or assuming responsibility for rent at a current residence;
 - (iii) moving or shipping the victim's personal property;
 - (iv) storing the victim's belonging; and
 - (e) any other reasonable expense.
- (2) The board may approve relocation expenses in excess of \$2,000 where extenuating circumstances exist.

R270-1-12. Transportation Expenses.

- (1) Pursuant to Subsection 63M-7-511(4)(a), UOVC may pay up to \$1,000 for the reasonable and necessary costs for a victim to travel to and from:
 - (a) court and parole hearings;
 - (b) meetings with law enforcement or prosecution; or
 - (c) medical, mental health or other crime related appointments.
- (2) The board may approve transportation expenses in excess of \$1000 where extenuating circumstances exist.

Claim # 1079242

1. **Crime Type:** Attempted Homicide
2. **UOVC Paid:** \$34,781.49
3. **Restitution Ordered to UOVC:** \$0.00 – There is an ongoing court case that has not yet been sentenced. Defendant is awaiting trial. Trial is in February 2023.
4. **Crime Summary:** The Victim and Defendant are brothers and had been fishing earlier in the day and met at their mother's house for drinks. The Victim went to meet someone at a bar for a short time and then returned home. The Defendant had been drinking and getting argumentative with the family at the house, and when the Victim pulled up, the Defendant went into the Victim's car to "vent" to him. They went for a drive together. The Defendant was getting upset as they were discussing his ongoing life struggles and he was getting argumentative with the Victim. At one point, they stopped, the Defendant got out of the car, and the Victim drove off. The Victim felt bad and turned around to pick up the Defendant again. The Defendant jumped in front of the Victim's car and the Victim "tapped" the Defendant. The Victim got out of the car to talk to the Defendant and the Defendant became aggressive. The Defendant got into the car and drove over the Victim at least twice, once the full length of his body, and then parked on top of the Victim. The Victim yelled for the Defendant to stop, but the Defendant continued to drive over him and left the Victim there. The Defendant went home and told his family he'd killed the Victim. A passerby found the Victim and called police.
5. **Claim closure date:** 6/28/2023
6. **Claim Financial Information:**
 - \$50,000 available on claim
 - Paid \$5,785.89 for Loss of Wages (12 weeks)
 - Paid \$28,995.60 for medical costs
 - Total: \$34,781.49**
7. **Claimant Request:** The Victim is not represented by counsel and the insurance company is requesting a waiver for the Victim on the Victim's behalf.
8. **Monies Claimant has Received and/or is Expecting to Receive from Other Sources:**

\$25,000 from the Victim's own liability policy
\$16,000 from the Victim's PIP that was paid directly to providers (not available to subrogate)
9. **Claimant Additional Expenses:**

\$92,591.98 outstanding hospital bill for stay immediately following the incident.
10. **Total Going to Claimant After Expenses:**
 - Full waiver: -\$67,591.98
 - 1/3 waiver (\$23,188.82): -\$90,780.80
 - No waiver: -\$102,373.47

11. Additional Money Received by Claimant:

- \$0.00

12. Ongoing Medical or Mental Health Financial Assistance Need:

The Victim was pretty badly injured and a plate that goes from the Victim's hip to the knee that was placed as a result of the injuries has been causing issues as of April 2022. Disability insurance paid significant lost wages and UOVC paid the maximum 12 weeks allowed, but he has more lost wages that haven't been paid. The Victim's medical insurance termed and paid only a few of his medical bills. The Victim has outstanding medical expenses. There is currently a bill outstanding of \$92,591.98 for the Victim's stay at the hospital immediately following the incident. The billed amount was \$123,455.98, but the hospital has made an adjustment to the bill. The Victim is contacting the hospital to see if there is financial assistance.

There is only \$15,218.51 remaining on the claim for the Victim's expenses. If UOVC process the remaining hospital bill if there is no additional financial assistance, the Victim could still be balance billed by the hospital for \$40,336.68.

13. UOVC's Recommendation:

Max out UOVC's claim and waive UOVC's lien. Possibly work with the hospital to waive or reduce their lien.

Part 5
Utah Office for Victims of Crime

63M-7-501 Title.

This part is known as the "Utah Office for Victims of Crime" and may be abbreviated as the "UOVC."

Amended by Chapter 131, 2011 General Session

63M-7-502 Definitions.

As used in this part:

- (1) "Accomplice" means an individual who has engaged in criminal conduct as described in Section 76-2-202.
- (2) "Advocacy services provider" means the same as that term is defined in Section 77-38-403.

"Assistance officer" means the victim services program coordinator, grant analysts, and other staff employed by the office to perform the duties and functions provided in 63M-7-508.5.

- (3) "Board" means the Crime Victim Reparations and Assistance Board created under Section 63M-7-504.
- (4) "Bodily injury" means physical pain, illness, or any impairment of physical condition.
- (5) "Claimant" means any of the following claiming reparations under this part:
 - (a) a victim;
 - (b) a dependent of a deceased victim; or
 - (c) an individual or representative who files a reparations claim on behalf of a victim.
- (6) "Child" means an unemancipated individual who is under 18 years old.
- (7) "Collateral source" means any source of benefits or advantages for economic loss otherwise reparable under this part that the victim or claimant has received, or that is readily available to the victim from:
 - (a) the offender;
 - (b) the insurance of the offender or the victim;
 - (c) the United States government or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, except in the case on nonobligatory state-funded programs;
 - (d) social security, Medicare, and Medicaid;
 - (e) state-required temporary nonoccupational income replacement insurance or disability income insurance;
 - (f) workers' compensation;
 - (g) wage continuation programs of any employer;
 - (h) proceeds of a contract of insurance payable to the victim for the loss the victim sustained because of the criminally injurious conduct;
 - (i) a contract providing prepaid hospital and other health care services or benefits for disability; or
 - (j) veteran's benefits, including veteran's hospitalization benefits.

"Commission" means the Utah Commission on Victims of Crime defined in section 63M-7-802 (proposed)

- (8) "Criminal justice system victim advocate" means the same as that term is defined in Section 77-38-403.
- (9)
 - (a) "Criminally injurious conduct" other than acts of war declared or not declared means conduct that:

(i) is or would be subject to prosecution in this state under Section 76-1-201;
(ii) occurs or is attempted;
(iii) causes, or poses a substantial threat of causing, bodily injury or death;
(iv) is punishable by fine, imprisonment, or death if the individual engaging in the conduct possessed the capacity to commit the conduct; and
(v) does not arise out of the ownership, maintenance, or use of a motor vehicle, aircraft, or water craft, unless the conduct is:

(A) intended to cause bodily injury or death;

(B) punishable under Title 76, Chapter 5, Offenses Against the Individual; or

(C) chargeable as an offense for driving under the influence of alcohol or drugs.

(b) "Criminally injurious conduct" includes a felony violation of Section 76-7-101 and other conduct leading to the psychological injury of an individual resulting from living in a setting that involves a bigamous relationship.

(10)

(a) "Dependent" means a natural person to whom the victim is wholly or partially legally responsible for care or support.

(b) "Dependent" includes a child of the victim born after the victim's death.

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

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

(13) "Director" means the director of the office.

(14) "Disposition" means the sentencing or determination of penalty or punishment to be imposed upon an individual:

(a) convicted of a crime;

(b) found delinquent; or

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

(15)

(a) "Economic loss" means economic detriment consisting only of allowable expense, work loss, replacement services loss, and if injury causes death, dependent's economic loss and dependent's replacement service loss.

(b) "Economic loss" includes economic detriment even if caused by pain and suffering or physical impairment.

(c) "Economic loss" does not include noneconomic detriment.

(16) "Elderly victim" means an individual who is 60 years old or older and who is a victim.

(17) "Fraudulent claim" means a filed reparations based on material misrepresentation of fact and intended to deceive the reparations staff for the purpose of obtaining reparation funds for which the claimant is not eligible.

(18) "Fund" means the Crime Victim Reparations Fund created in Section 63M-7-526.

(19)

(a) "Interpersonal violence" means an act involving violence, physical harm, or a threat of violence or physical harm, that is committed by an individual who is or has been in a domestic, dating, sexual, or

intimate relationship with the victim.

(b) "Interpersonal violence" includes any attempt, conspiracy, or solicitation of an act described in Subsection (19)(a).

(20) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

(21)

(a) "Medical examination" means a physical examination necessary to document criminally injurious conduct.

(b) "Medical examination" does not include mental health evaluations for the prosecution and investigation of a crime.

(22) "Mental health counseling" means outpatient and inpatient counseling necessitated as a result of criminally injurious conduct, is subject to rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(23) "Misconduct" means conduct by the victim that was attributable to the injury or death of the victim as provided by rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(24) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment, and other nonpecuniary damage, except as provided in this part.

(25) "Nongovernment organization victim advocate" means the same as that term is defined in Section 77-38-403.

(26) "Pecuniary loss" does not include loss attributable to pain and suffering except as otherwise provided in this part.

(27) "Offender" means an individual who has violated Title 76, Utah Criminal Code, through criminally injurious conduct regardless of whether the individual is arrested, prosecuted, or convicted.

(28) "Offense" means a violation of Title 76, Utah Criminal Code.

(29) "Office" means the director, the reparations and assistance officers, and any other staff employed for the purpose of carrying out the provisions of this part.

(30) "Perpetrator" means the individual who actually participated in the criminally injurious conduct.

(31) "Reparations award" means money or other benefits provided to a claimant or to another on behalf of a claimant after the day on which a reparations claim is approved by the office.

(32) "Reparations claim" means a claimant's request or application made to the office for a reparations award.

(33)

(a) "Reparations officer" means an individual employed by the office to investigate claims of victims and award reparations under this part.

(b) "Reparations officer" includes the director when the director is acting as a reparations officer.

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

(35)

(a) "Representative" means the victim, immediate family member, legal guardian, attorney, conservator, executor, or an heir of an individual.

(b) "Representative" does not include a service provider or collateral source.

(36) "Restitution" means the same as that term is defined in Section 77-38b-102.

(37) "Secondary victim" means an individual who is traumatically affected by the criminally injurious conduct subject to rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(38) "Service provider" means an individual or agency who provides a service to a victim for a monetary fee, except attorneys as provided in Section 63M-7-524.

(39) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.

(40) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses.

(41) "Strangulation" means any act involving the use of unlawful force or violence that:

(a) impedes breathing or the circulation of blood; and

(b) is likely to produce a loss of consciousness by:

(i) applying pressure to the neck or throat of an individual; or

(ii) obstructing the nose, mouth, or airway of an individual.

(42) "Substantial bodily injury" means the same as that term is defined in Section 76-1-101.5.

(43)

(a) "Victim" means an individual who suffers bodily or psychological injury or death as a direct result of:

(i) criminally injurious conduct; or

(ii) the production of pornography in violation of Section 76-5b-201 or 76-5b-201.1 if the individual is a minor.

(b) "Victim" does not include an individual who participated in or observed the judicial proceedings against an offender unless otherwise provided by statute or rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

Amended by Chapter 148, 2022 General Session

Amended by Chapter 185, 2022 General Session

Amended by Chapter 430, 2022 General Session

63M-7-503 Restitution -- Reparations not to supplant restitution -- Assignment of claim for restitution judgment to Reparations Office.

(1) A reparations award may not supplant an order for restitution under Title 77, Chapter 38b, Crime Victims Restitution Act, or under any other provision of law.

(2) The court may not reduce an order for restitution based on a reparations award.

(3)

(a)

(i) If a victim receives a reparations award and the office is assigned the victim's claim for restitution, or a portion of the victim's claim for restitution, under Section 63M-7-519, the office may file with the sentencing court a notice of restitution listing the amounts or estimated future amounts of payments made or anticipated to be made to or on behalf of the victim.

(ii) The office may provide a notice of restitution to the victim or victim's representative before or at sentencing.

(iii) The office's failure to provide notice under Subsection (3)(a)(i) or (ii) does not invalidate the imposition of the judgment or an order for restitution if the defendant is given the opportunity to object and be heard as provided in this part.

(b)

(i) Any objection by the defendant to the imposition or amount of restitution under Subsection (3)(a)(i) shall be:

- (A) made at the time of sentencing; or
- (B) made in writing within 20 days after the day on which the defendant receives the notice described in Subsection (3)(a) and filed with the court and a copy mailed to the office.
- (ii) Upon an objection, the court shall allow the defendant a hearing on the issue.
- (iii) After a hearing under Subsection (3)(b)(ii), the court shall:
- (A) enter an order for restitution in accordance with Section 77-38b-205; and
- (B) identify the office as an assignee for the order for restitution.
- (iv) Subject to the right of the defendant to object, the amount of restitution sought by the office may be updated and the office identified as an assignee of an order for restitution in accordance with the time periods established under Subsection 77-38b-205(5).
- (4) If no objection is made or filed by the defendant under Subsection (3), the court shall upon conviction and sentencing:
- (a) enter an order for restitution in accordance with Section 77-38b-205; and
- (b) identify the office as an assignee for the order for restitution.
- (5)
- (a) If the notice of restitution is filed after sentencing but during the term of probation or parole, the court shall:
- (i) modify any order for restitution to include expenses paid by the office on behalf of the victim in accordance with Subsection 77-38b-205(5); and
- (ii) identify the office as an assignee of the order for restitution.
- (b) If an order for restitution has not been entered, the court shall:
- (i) enter an order for restitution in accordance with Section 77-38b-205; and
- (ii) identify the office as an assignee of the order for restitution.

Amended by Chapter 260, 2021 General Session

63M-7-504 Crime Victim Reparations and Assistance Board -- Members.

- (1)
- (a) A Crime Victim Reparations and Assistance Board is created, consisting of seven members appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- (b) The membership of the board shall consist of:
- (i) a member of the bar of this state;
- (ii) a victim of criminally injurious conduct;
- (iii) a licensed physician;
- (iv) a representative of law enforcement;
- (v) a mental health care provider;
- (vi) a victim advocate; and
- (vii) a private citizen.
- (c) The governor may appoint a chair of the board who shall serve for a period of time prescribed by the governor, not to exceed the length of the chair's term. The board may elect a vice chair to serve in the absence of the chair.
- ~~(d) The board may hear appeals from administrative decisions as provided in rules adopted pursuant to Section 63M-7-515.~~
- (2)
- (a) Except as required by Subsection (2)(b), as terms of current board members expire, the governor shall

1 appoint each new member or reappointed member to a four-year term.

2 (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment
3 or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so
4 that approximately half of the board is appointed every two years.

5 (c) A member may be reappointed to one successive term in addition to a member's initial full-term
6 appointment.

7 (3)

8 (a) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the
9 unexpired term.

0 (b) A member resigning from the board shall serve until the member's successor is appointed and qualified.

1 (4) A member may not receive compensation or benefits for the member's service, but may receive per diem
2 and travel expenses in accordance with:

3 (a) Section 63A-3-106;

4 (b) Section 63A-3-107; and

5 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

6 (5) The board shall meet at least once quarterly but may meet more frequently as necessary.

7 (6) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3,
8 Conflicts of Interest.

9
0 Amended by Chapter 352, 2020 General Session

1 Amended by Chapter 373, 2020 General Session
2

3 **63M-7-505 Board and office within Commission on Criminal and Juvenile Justice.**

4 ~~(1)~~ (1) The board and the office are placed within the Commission on Criminal and Juvenile Justice for the
5 provision by the commission of administrative and support services.

6 (2) The board and the office are the crime victim reparations and assistance authority for the state and
7 have all the functions, powers, duties, rights, and responsibilities created in accordance with this part.

8 ~~(1)~~
9 ~~(2)~~(3) The board or the director may request assistance from the Commission on Criminal and Juvenile Justice,
0 the Department of Public Safety, and other state agencies in conducting research, developing, coordinating
1 and ~~or~~ monitoring victims' programs, or for any other needs in carrying out this part.

2
3 Amended by Chapter 149, 2020 General Session
4
5

6 **63M-7-505.5. Duties of the office.**

7
8 The office shall:

9 (1) administer the reparations program in accordance with this part;

0 (2) administer the victim assistance program in accordance with this part;

1 (3) administer any other victim services programs assigned to the office and appropriated for by the legislature
2

3
4 **63M-7-506 Functions of board.**

5 (1) The board shall:

- 6 (a) adopt a description of the office and prescribe the general operation of the board;
7 (b) prescribe policy for the office;
8 (c) adopt rules to implement and administer this part in accordance with Title 63G, Chapter 3, Utah
9 Administrative Rulemaking Act, which may include setting of ceilings on reparations, defining of terms not
0 specifically stated in this part, and establishing of rules governing attorney fees;
1 (d) prescribe forms for applications for reparations;

2
3 (e) the board may hear appeals from administrative decisions as provided in rules adopted pursuant to
4 Section 63M-7-515

5
6 (e)(f) the board may review ~~all~~ reparations awards made by the reparations staff, although the board may
7 not reverse or modify reparations awards authorized by the reparations staff, unless hearing an appeal in
8 accordance with 63M-7-506(e);

9
0 (~~f~~g) render an annual report to the governor and the Legislature regarding the staff's and the board's
1 activities;

2 (~~g~~h) cooperate with the director and the director's staff in formulating standards for the uniform application
3 of Section 63M-7-509, taking into consideration the rates and amounts of reparation payable for injuries
4 and death under other laws of this state and the United States;

5 (~~h~~i) allocate money available in the fund to victims of criminally injurious conduct for reparations claims;

6 (~~i~~j) allocate money available to other victim services as provided by administrative rule made in accordance
7 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, once a sufficient reserve has been
8 established for reparation claims; and

9 (~~j~~k) approve the allocation and disbursement of funds made available to the office by the United States, the
0 state, foundations, corporations, or other entities or individuals to subgrantees from private, non-profit,
1 and governmental entities operating qualified statewide assistance programs.

2 (2) All rules, or other statements of policy, along with application forms specified by the board, are binding
3 upon the director, the reparations officers, assistance officers, and other staff.
4

5 Amended by Chapter 149, 2020 General Session
6

7 **63M-7-507 Director -- Appointment and functions.**

8 (1) The executive director of the Commission on Criminal and Juvenile Justice, after consulting with the board,
9 shall appoint a director to carry out the provisions of this part.

0 (2) The director shall:

1 (a) be an experienced administrator with a background in at least one of the following fields:

2 (i) social work;

3 (ii) psychology;

4 (iii) criminal justice;

5 (iv) law; or

6 (v) another field related to the fields described in Subsections (2)(a)(i) through (iv);

7 (b) demonstrate an understanding of the needs of crime victims and of services to victims; and

8 (c) devote the director's time and capacity to the director's duties.

(3) In addition to the requirements under Subsection (2), the director shall:

- (a) hire staff, including reparations and assistance officers, as necessary;
- (b) act when necessary as a reparations officer in deciding an initial reparations claim;
- (c) possess the same investigation and decision-making authority as the reparations officers;
- (d) hear appeals from the decisions of the reparations officers, unless the director acted as a reparations officer on the initial reparations claim;
- (e) serve as a liaison between the office and the board;

serve as the liaison between the office and the Governor's office;

serve as the liaison between the office and the legislature;

serve as the liaison between the office and the commission or designate a liaison

(f) serve as the public relations representative of the office or designate a representative as needed;

(g) provide for payment of all administrative salaries, fees, and expenses incurred by the staff of the board, to be paid out of appropriations from the fund;

(h) cooperate with the state treasurer and the state Division of Finance in causing the funds in the fund to be invested and the fund's investments sold or exchanged and the proceeds and income collected;

(i) act when necessary, as an assistance officer to apply for, receive, allocate, disburse, and account for, subject to approval and in conformance with policies adopted by the board, all grant and other funds made available by the United States, the state, foundations, corporations, and other businesses, agencies, or individuals;

(j) obtain and utilize the services of other governmental agencies upon request; and

(k) act in any other capacity or perform any other acts necessary for the office or board to successfully fulfill the office's or board's statutory duties and objectives.

Amended by Chapter 149, 2020 General Session

63M-7-508 Reparations officers.

The reparations officers shall in addition to any assignments made by the director:

(1) hear and determine all matters relating to a reparations claim and reinvestigate or reopen a reparations claim without regard to statutes of limitation or periods of prescription;

(2) obtain from prosecuting attorneys, law enforcement officers, and other criminal justice agencies, investigations and data to enable the reparations officer to determine whether and to what extent a claimant qualifies for reparations;

(3) as determined necessary by the reparations officers, hold hearings, administer oaths or affirmations, examine any individual under oath or affirmation, issue subpoenas requiring the attendance and giving of testimony of witnesses, require the production of any books, papers, documents, or other evidence which may contribute to the reparations officer's ability to determine particular reparation awards;

(4) determine who is a victim or dependent;

(5) award reparations or other benefits determined to be due under this part and the rules of the board made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(6) take notice of judicially recognized facts and general, technical, and scientific facts within the reparations officers' specialized knowledge;

(7) advise and assist the board in developing policies recognizing the rights, needs, and interests of crime victims;

(8) render periodic reports as requested by the board concerning:

- 5 (a) the reparations officers' activities; and
6 (b) the manner in which the rights, needs, and interests of crime victims are being addressed by the state's
7 criminal justice system;
8 (9) establish priorities for assisting elderly victims of crime or those victims facing extraordinary hardships;
9 (10) cooperate with the State Commission on Criminal and Juvenile Justice to develop information regarding
0 crime victims' problems and programs; and
1 (11) assist the director in publicizing the provisions of the office, including the procedures for obtaining
2 reparation, and in encouraging law enforcement agencies, health providers, and other related officials to take
3 reasonable care to ensure that victims are informed about the provisions of this part and the procedure for
4 applying for reparation.

5
6 Amended by Chapter 149, 2020 General Session

7
8 **63M-7-508.5. Assistance officer duties and program functions.**

9 Assistance officers shall, in addition to assignments made by the director and under the supervision of the victim
0 assistance program manager:

- 1 (1) apply for grant and other funds made available by the United States, the state, foundations, corporations, and other
2 businesses and agencies, or individuals;
3 (2) monitor, account for, prepare and submit timely, all reports required to ensure accountability to the funding entity;
4 (3) advise and assist the program manager and board in developing policies and procedures for screening, awarding
5 grants, contracts, and disbursing of funds to subaward recipients for the development, coordination and administration
6 of victim service programs statewide;
7 (4) render periodic reports as requested by the board concerning:
8 (a) the needs, status, development, and implementation of victim assistance programs statewide; and
9 (b) the coordinated statewide victim services delivery model and infrastructure; and
0 (c) quarterly financial reports as to revenue and subaward fund balances and disbursements;
1 (5) conduct financial and programmatic site reviews and audits of subawarded victim assistance programs;
2 (6) in partnership with the commission, state victim service coalitions and other relevant stakeholders routinely:
3 (a) provide, coordinate, facilitate, support and assist in the development of statewide training of victim service providers
4 and associated criminal justice agencies;
5 (b) assess the needs of victims and victim services statewide;
6 (c) develop and update strategic plans for a coordinated statewide victim
7 services delivery model and infrastructure;
8 (e) recommend victim advocate training and credentialing to the board that:
9 (i) reasonably ensure an individual working or volunteering with a victim as a victim
0 advocate is competent to act as a victim advocate;
1 (ii) do not create undue financial or administrative hardship for a victim advocate or a
2 victim service provider;
3 (iii) promote and elevate victim advocacy and victim services as a profession;
4 (iv) consider current state and national standards that inform and strengthen
5 professional practice and are current with best practices;
6 (v) do not conflict with or undermine a victim advocate's licensing or other
7 professional accreditation; and
8 (vi) do not conflict with an organization's funding requirements;

(7) assist the director and board in performing any other acts necessary for the office or board to successfully fulfill its statutory duties or objectives.

63M-7-509 Grounds for Reparations eligibility.

(1) A victim is eligible for a reparations award under this part if:

(a) the claimant is:

- (i) a victim of criminally injurious conduct;
- (ii) a dependent of a deceased victim of criminally injurious conduct; or
- (iii) a representative acting on behalf of one of the above;

(b)

- (i) the criminally injurious conduct occurred in Utah; or
 - (ii) the victim is a Utah resident who suffers injury or death as a result of criminally injurious conduct inflicted in a state, territory, or country that does not provide a crime victims' compensation program;
- (c) the application is made in writing in a form that conforms substantially to that prescribed by the board;
- (d) the criminally injurious conduct is reported to a law enforcement officer, in the law enforcement officer's capacity as a law enforcement officer, or another federal or state investigative agency;
- (e) the claimant or victim cooperates with the appropriate law enforcement agencies and prosecuting attorneys in efforts to apprehend or convict the perpetrator of the alleged offense; and
- (f) the criminally injurious conduct occurred after December 31, 1986.

(2) A reparations award may be made to a victim regardless of whether any individual is arrested, prosecuted, or convicted of the criminally injurious conduct giving rise to a reparations claim.

(3)

(a) Notwithstanding the requirements of Subsections (1)(d) and (e), a victim of sexual assault is not required to report the sexual assault to a law enforcement officer or another federal or state investigative agency or cooperate with the appropriate law enforcement agencies and prosecuting attorneys to be eligible for a reparations award under this section if:

- (i) the victim seeks assistance from an advocacy services provider, a criminal justice system victim advocate, or a nongovernment organization victim advocate; and
- (ii) the advocacy services provider, the criminal justice system victim advocate, or the nongovernment organization victim advocate completes a questionnaire, provided by the office, regarding the sexual assault.

(b) Notwithstanding the requirement of Subsection (1)(e), a victim who has suffered strangulation in the course of interpersonal violence is not required to cooperate with the appropriate law enforcement agencies and prosecuting attorneys to be eligible for a reparations award under this section if the victim:

- (i) reports the strangulation to a law enforcement officer or another federal or state investigative agency after the strangulation occurs; or
- (ii) seeks medical care for the strangulation immediately after the strangulation occurs.

Amended by Chapter 148, 2022 General Session

63M-7-510 Ineligible individuals -- Fraudulent reparations claims -- Penalties.

(1) The following individuals are not eligible to receive a reparations award:

- (a) an individual who does not meet all of the provisions set forth in Section 63M-7-509;
- (b) the offender;
- (c) an accomplice of the offender;

- (d) an individual whose receipt of a reparations award would unjustly benefit the offender, accomplice, or another individual reasonably suspected of participating in the offense;
- (e) the victim of a motor vehicle injury who was the owner or operator of the motor vehicle and was not at the time of the injury in compliance with the state motor vehicle insurance laws;
- (f) a convicted offender serving a sentence of imprisonment in any prison or jail or residing in any other correctional facility;
- (g) an individual who is on probation or parole if the circumstances surrounding the offense of which the individual is a victim is a violation of the individual's probation or parole;
- (h) an individual whose injuries are the result of criminally injurious conduct that occurred in a prison, jail, or another correctional facility while the individual was incarcerated; and
- (i) an individual who:
 - (i) submits a fraudulent claim; or
 - (ii) misrepresents a material fact in requesting a reparations award.

(2)

- (a) An individual may not knowingly:
 - (i) submit a fraudulent claim; or
 - (ii) misrepresent a material fact in requesting a reparations award.
- (b) A violation of Subsection (2)(a) is:
 - (i) a class B misdemeanor if:
 - (A) the individual who violates Subsection (2)(a) does not receive a reparations award; or
 - (B) the value of the reparations award received is less than \$500;
 - (ii) a class A misdemeanor if the value of the reparations award received is or exceeds \$500 but is less than \$1,500;
 - (iii) a third degree felony if the value of the reparations award received is or exceeds \$1,500 but is less than \$5,000; and
 - (iv) a second degree felony if the value of the reparations award received is or exceeds \$5,000.

(3) The state attorney general may prosecute violations under this section or may make arrangements with county or city attorneys for the prosecution of violations under this section when the attorney general cannot conveniently prosecute.

(4)

- (a) A claimant who is not eligible to receive a reparations award under Subsection (1) but receives a reparations award shall reimburse the fund for the amount of the reparations award.
- (b) The office may bring a civil action against a victim who does not reimburse the fund for the amount of the reparations award in accordance with Subsection (4)(a).

Amended by Chapter 149, 2020 General Session

63M-7-511 Compensable reparations losses and amounts.

A reparations award under this part may be made if:

- (1) the reparations officer finds the reparations claim satisfies the requirements for the reparations award under the provisions of this part and the rules of the board;
- (2) money is available in the fund;
- (3) the individual for whom the reparations award is to be paid is otherwise eligible under this part; and
- (4) the reparations claim is for an allowable expense incurred by the victim, as follows:
 - (a) reasonable and necessary charges incurred for products, services, and accommodations;
 - (b) inpatient and outpatient medical treatment and physical therapy, subject to rules made by the board in

0 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1 (c) mental health counseling that:

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

4 (ii) qualifies within any further rules made by the board in accordance with Title 63G, Chapter 3, Utah
5 Administrative Rulemaking Act;

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

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

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

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

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

0 (i) medical examinations, subject to rules made by the board in accordance with Title 63G, Chapter 3, Utah
1 Administrative Rulemaking Act, which may allow for exemptions from Sections 63M-7-509, 63M-7-512, and
2 63M-7-513.

3
4 Amended by Chapter 149, 2020 General Session

5
6 **63M-7-511.5 Limitation of reparations awards.**

7 (1)

8 (a) Except as provided in Subsection (1)(b), a reparations award may not exceed \$25,000.

9 (b) Notwithstanding Subsection (1)(a), a reparations award for medical expenses resulting from serious
0 bodily injury or substantial bodily injury may not exceed \$50,000.

1 (2)

2 (a) A reparations award under Subsection (1) includes any reparations award for a secondary victim.

3 (b) Unless otherwise requested by the claimant, the office shall pay a reparations award for the victim
4 before a reparations award for a secondary victim.

5 (c) The reparations officer shall determine the priority of payment among multiple secondary victims on a
6 single reparations claim.

7
8 Amended by Chapter 149, 2020 General Session

9
0 **63M-7-512 Reparations reduction.**

1 (1) Reparations otherwise payable to a claimant may be reduced or denied as follows:

2 (a) the economic loss upon which the claim is based has been or could be recouped from other persons,
3 including collateral sources;

4 (b) the reparations officer considers the reparations claim unreasonable because of the misconduct of the
5 claimant; or

(c) the victim did not use a facility or health care provider which would be covered by a collateral source.
(2) When two or more dependents are entitled to a reparations award as a result of a victim's death, the reparations officer shall apportion the reparations award among the dependents.

Amended by Chapter 149, 2020 General Session

63M-7-513 Collateral reparations sources.

- (1)
- (a) An order for restitution may not be considered readily available as a collateral source.
 - (b) Receipt of a reparations award under this part is considered an assignment of the victim's rights to restitution from the offender.
- (2)
- (a) The victim may not discharge a claim against an individual or entity without the office's written permission.
 - (b) The victim shall fully cooperate with the office in pursuing the office's right of reimbursement, including providing the office with any evidence in the victim's possession.
- (3) The office's right of reimbursement applies regardless of whether the victim is fully compensated for the victim's losses.
- (4) Notwithstanding Subsection 63M-7-512(1)(a), a victim of a sexual offense who requests testing of the victim's self may be reimbursed for the costs of the HIV test only as provided in Subsection 53-10-803(4).

Amended by Chapter 430, 2022 General Session

63M-7-514 Notification of reparations claimant -- Suspension of proceedings.

- (1)
- (a) The office shall immediately notify the claimant in writing of a reparations award and shall forward to the Division of Finance a certified copy of the reparations award and a warrant request for the amount of the reparations award.
 - (b) The Division of Finance shall pay the claimant the amount submitted to the division, out of the fund.
 - (c) If money in the fund is temporarily depleted, the office shall place claimants approved to receive a reparations award on a waiting list and provide the reparations awards as funds are available in the order in which the reparations awards are approved.
- (2) The reparations officer may suspend the proceedings pending disposition of a criminal prosecution that is commenced or is imminent.

Amended by Chapter 149, 2020 General Session

63M-7-515 Rules for contested reparations claims -- Exemption from Administrative Procedures Act.

- (1) Rules for procedures for contested determinations by a reparations officer shall be adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) The office is exempt from Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 149, 2020 General Session

63M-7-516 Reparations claimant Waiver of privilege.

- (1)

(a) A victim who is a claimant waives any privilege as to communications or records relevant to an issue of the physical, mental, or emotional conditions of the victim except for the attorney-client privilege.

(b) The waiver described in Subsection (1)(a) applies only to reparations officers, the director, the board, and legal counsel.

(2) A claimant may be required to supply any additional medical or psychological reports available relating to the injury or death for which compensation is claimed.

(3)

(a) The reparations officer hearing a reparations claim or an appeal from a reparations claim shall make available to the claimant a copy of the report.

(b) If the victim is deceased, the director or the director's appointee, on request, shall furnish the claimant a copy of the report unless dissemination of that copy is prohibited by law.

Amended by Chapter 149, 2020 General Session

63M-7-517 Additional testing reparations claim.

(1) If the mental, physical, or emotional condition of a victim is material to a reparations claim, the reparations officer, director, or chair of the board who hears the reparations claim or the appeal may order the claimant to submit to a mental or physical examination by a physician or psychologist and may recommend to the court to order an autopsy of a deceased victim.

(2) The court may order an additional examination for good cause shown and shall provide notice to the individual to be examined and the individual's representative.

(3) All reports from additional examinations shall set out findings, including results of all tests made, diagnoses, prognoses, other conclusions, and reports of earlier examinations of the same conditions.

(4) A copy of the report shall be made available to the victim or the representative of the victim unless dissemination of that copy is prohibited by law.

Amended by Chapter 149, 2020 General Session

63M-7-518 Failure to comply reparations claim.

If an individual refuses to comply with an order under this part or asserts a privilege, except privileges arising from the attorney-client relationship, to withhold or suppress evidence relevant to a reparations claim, the director or reparations officer may make any appropriate determination including denial of the reparations claim.

Amended by Chapter 149, 2020 General Session

63M-7-519 Assignment of recovery ~~---~~ Reparations R reimbursement.

(1)

(a) By accepting a reparations award, the victim:

(i) automatically assigns to the office any claim the victim may have relating to criminally injurious conduct in the reparations claim; and

(ii) is required to reimburse the office if the victim recovers any money relating to the criminally injurious conduct.

(b) The office's right of assignment and reimbursement under Subsection (1)(a) is limited to the lesser of:

(i) the amount paid by the office; or

(ii) the amount recovered by the victim from the third party.

- (c) The office may be reimbursed under Subsection (1)(a) regardless of whether the office exercises the office's right of assignment under Subsection (1)(a).
- (2) The board, with the concurrence of the director, may reduce the office's right of reimbursement if the board determines that:
- (a) the reduction will benefit the fund; or
 - (b) the victim has ongoing expenses related to the offense upon which the reparations claim is based and the benefit to the victim of reducing the office's right of reimbursement exceeds the benefit to the office of receiving full reimbursement.
- (3) The office reserves the right to make a claim for reimbursement on behalf of the victim and the victim may not impair the office's claim or the office's right of reimbursement.

Amended by Chapter 149, 2020 General Session

63M-7-521 Reparations award -- Payment methods -- Claims against the award.

- (1)
- (a) Except as provided in Subsection (1)(b), a reparations officer may provide for the payment of a reparations award in a lump sum or in installments.
 - (b)
 - (i) The reparations officer shall pay the part of a reparations award equal to the amount of economic loss accrued to the date of the reparations award in a lump sum.
 - (ii) A reparations officer may not pay allowable expense that would accrue after an initial reparations award is made in a lump sum.
 - (iii) Except as provided in Subsection (2), a reparations officer shall award the part of a reparations award that may not be paid in a lump sum under this Subsection (1)(b) in installments.
- (2) At the request of the claimant, the reparations officer may convert future economic loss installment payments, other than allowable expense, to a lump sum payment, discounted to present value, but only upon a finding by the reparations officer that the reparations award in a lump sum will promote the interests of the claimant.
- (3)
- (a) A reparations award for future economic loss payable in installments may be made only for a period for which the reparations officer can reasonably determine future economic loss.
 - (b) The reparations officer may reconsider and modify a reparations award for future economic loss payable in installments, upon the reparations officer's finding that a material and substantial change of circumstances has occurred.
- (4) A reparations award is not subject to execution, attachment, or garnishment, except that a reparations award for allowable expense is not exempt from a claim of a creditor to the extent that the creditor provided products, services, or accommodations, the costs of which are included in the reparations award.
- (5) An assignment or agreement to assign a reparations award for loss accruing in the future is unenforceable, except:
- (a) an assignment of a reparations award of reparations for work loss to secure payment of alimony, maintenance, or child support;
 - (b) an assignment of a reparations award for allowable expense to the extent that the benefits are for the cost of products, services, or accommodations necessitated by the injury or death on which the reparations claim is based and are provided or to be provided by the assignee; or
 - (c) an assignment to repay a loan obtained to pay for the obligations or expenses described in Subsection (5)(a) or (b).

Amended by Chapter 149, 2020 General Session

63M-7-521.5 Reparations Payments to medical service providers.

- (1)
- (a) Except as provided in Subsection (2), a medical service provider who accepts payment from the office shall agree to accept payments as payment in full on behalf of the victim or claimant and may not attempt to collect further payment from the victim or the claimant for services for which the office has made payment.
- (b) In the event the office is unable to make full payment in accordance with the office's rules, the medical service provider may collect from the victim or claimant, but not more than the amount the provider would have received from the office.
- (2)
- (a) When a medical service provider receives notice that a reparations claim has been filed, the medical service provider may not, before the office determines whether to issue a reparations award, engage in debt collection for the claim, including:
- (i) repeatedly calling or writing to a victim and threatening to refer unpaid health care costs to a debt collection agency, attorney, or other person for collection; or
- (ii) filing for or pursuing a legal remedy for payment of unpaid health care costs.
- (b) The statute of limitations for collecting a debt is tolled during the time in which a request for a reparations award is being reviewed by the office.
- (3) The office may:
- (a) use the fee schedule utilized by the Utah Public Employees Health Plan or any other fee schedule adopted by the board; and
- (b) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to implement the fee schedule adopted in accordance with this section.

Amended by Chapter 149, 2020 General Session

63M-7-522 Emergency reparations award.

- (1) If the reparations officer determines that the claimant will suffer financial hardship unless an emergency reparations award is made, and it appears likely that a final reparations award will be made, an amount may be paid to the claimant, to be deducted from the final reparations award or repaid by and recoverable from the claimant to the extent that it exceeds the final reparations award.
- (2) The board may limit emergency reparations awards under Subsection (1) to any amount the board considers necessary.

Amended by Chapter 149, 2020 General Session

63M-7-523 Review of reparations award decision.

- (1) The reparations officer shall review at least annually every reparations award being paid in installments.
- (2) An order on review of a reparations award does not require refund of amounts previously paid unless the reparations award was obtained by fraud or a material mistake of fact.

Amended by Chapter 149, 2020 General Session

63M-7-524 Attorney fees reparations awards.

(1) The claims procedures shall be sufficiently simple that the assistance of an attorney is unnecessary, and no attorney fees may be paid for the assistance of an attorney or any other representative in filing the reparations claim or providing information to the reparations officer.

(2) Attorney fees may be granted in the following circumstances and shall be paid out of the reparations award not to exceed 15% of the amount of the reparations award:

(a) when a reparations award is denied and, after a hearing, the decision to deny is overturned; or

(b) when minor dependents of a deceased victim require assistance in establishing a trust or determining a guardian.

(3)

(a) An attorney or any other person providing assistance in a reparations claim, who contracts for or receives sums not allowed under this part, is guilty of a class B misdemeanor.

(b) This Subsection (3) does not apply to attorneys who assist the victim in filing a civil action against the perpetrator.

Amended by Chapter 149, 2020 General Session

63M-7-525 Purpose ~~---~~ Reparations ~~Not~~ entitlement program.

(1)

(a) The purpose of the office reparations program is to assist victims of criminally injurious conduct who may be eligible for assistance from the fund.

(b) Reparation to a victim under this part is limited to the money available in the fund.

(2)

(a) The assistance reparations program described in Subsection (1) is not an entitlement program.

(b) A reparations award may be limited or denied as determined appropriate by the board.

(c) Failure to grant a reparations award does not create a cause of action against the office, the state, or any of its subdivisions and there is no right to judicial review over the decision whether or not to grant a reparations award.

(3) A cause of action based on a failure to give or receive the notice required by this part does not accrue to any person against the state, any of its agencies or local subdivisions, any of their law enforcement officers or other agents or employees, or any health care or medical provider or its agents or employees nor does it affect or alter any requirement for filing or payment of a reparations claim.

Amended by Chapter 149, 2020 General Session

63M-7-526 Crime Victims Reparations Fund.

(1)

(a) There is created an expendable special revenue fund known as the "Crime Victim Reparations Fund" to be administered and distributed as provided in this section by the office in cooperation with the Division of Finance.

(b) The fund shall consist of:

(i) appropriations by the Legislature; and

(ii) funds collected under Subsections (2) and (3).

(c) Money deposited in this fund is for victim reparations, other victim services, and, as appropriated, for administrative costs of the office.

(2)

6 (a) A percentage of the income earned by inmates working for correctional industries in a federally certified
7 private sector/prison industries enhancement program shall be deposited in the fund.

8 (b) The percentage of income deducted from inmate pay under Subsection (2)(a) shall be determined by the
9 executive director of the Department of Corrections in accordance with the requirements of the private
0 sector/prison industries enhancement program.

1 (3)

2 (a) Judges are encouraged to, and may in their discretion, impose additional reparations to be paid into the
3 fund by convicted criminals.

4 (b) The additional discretionary reparations may not exceed the statutory maximum fine permitted by Title
5 76, Utah Criminal Code, for that offense.
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7 Enacted by Chapter 230, 2020 General Session
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