

## HB 297 “Victims Services Amendments” (2023)

**Overview:** The goal of this document is to explain which aspects of HB 297 took effect on May 3, 2023, and how they relate to other legislation.

### Summary:

Despite the words “victim services” in the title, HB 297 is an abortion bill. At the time when sexual assault survivors should be given more freedom and privacy, this bill restricts their personal autonomy by limiting their abortion access to 18 weeks gestation. It also maintains the law enforcement reporting requirement in Utah code, and mandates new reporting and information requirements on law enforcement agencies, sexual assault hotlines, and state commissions.

### Reference links:

HB 297 “Victims Services” (2023) - <https://le.utah.gov/~2023/bills/static/HB0297.html>

HB 467 “Clinic Ban” (2023) - <https://le.utah.gov/~2023/bills/static/HB0467.html>

SB 174 “Trigger Ban” (2020) - <https://le.utah.gov/~2020/bills/static/SB0174.html>

HB 136 “18-week Ban” (2019) - <https://le.utah.gov/~2019/bills/static/HB0136.html>

## Provisions of HB 297 that took effect on May 2, 2023

-Survivors of rape or incest can only access an abortion before 18 weeks gestation;

*Note: The 18-week limit on abortion access for survivors of rape and incest is also included in the active provisions of HB 467 (Abortion Changes, 2023).*

*Note: The law enforcement reporting requirement to receive abortion care for rape or incest included in both HB 297 and HB 467 is null while the injunction against the trigger ban (SB 174, 2020) remains in effect. Due to this injunction and HB 467’s other amendments to Section 76-7-302, people can seek abortion care in Utah up to 18 weeks without meeting a defined exception or reporting a crime like rape or incest to law enforcement.*

-Providers who perform an abortion for the survivor of rape, incest, or rape of a child—and prior to 18 weeks gestation—must maintain an accurate record of how they received the verification from the patient that the sexual assault was reported to law enforcement, and must report this information to the Utah Department of Health and Human Services (DHHS) within 30 days of the abortion;

*Note: While this provision took effect on May 3, it has no practical operational impact. HB 297’s record-keeping and DHHS reporting requirements are null due to HB 467’s other amendments to Section 76-7-302 and while the injunction against the trigger ban remains in effect. In summary, the record-keeping requirement applies only to people who rely on the rape or incest exception to have an abortion. While the trigger ban is enjoined and abortion remains generally legal up to 18 weeks, no one needs to rely on the rape or incest exception to have an abortion in Utah.*

-Organizations operating a sexual assault hotline service in Utah are required to provide victims of sexual assault with information on how to access:

>>Free emergency contraception

>>Law enforcement reporting information

>>Medical and mental health services

-DHHS is required to provide information on how a victim of sexual assault may access free emergency contraception and other medical and mental health services to:

>>Victims of sexual assault

>>Sexual assault hotline services

>>Other providers who provide support services to victims of sexual assault;

-The director of the Peace Officer Standards and Training Council is required to ensure that annual training includes one hour on responses to sexual traumas and investigations of sexual assault. The law appropriates \$10,000 to develop this training;

-Beginning in 2024, law enforcement agencies shall create and maintain a policy for handling sexual assault investigations that includes best practices for investigations, protocols and training on responses to sexual trauma, emergency response procedures, preservation of evidence, and referrals to sexual assault support services;

-Beginning in 2024, law enforcement agencies shall create and post a guide for victims of sexual assault on their agency website. The guide shall include the agency's processes for handling sexual assault investigations, contact information for the law enforcement agency; and support services for victims of sexual assault;

Beginning in 2025, law enforcement agencies shall submit a report to the State Commission on Criminal and Juvenile Justice containing the number of sexual assaults that were: 1) reported to the law enforcement agency; 2) investigated by a detective; 3) referred to a prosecutor for prosecution. The report will be submitted annually on or before April 30;

-Beginning July 1, 2023, law enforcement agencies that do not implement new reporting policies would be ineligible to receive grants from the State Commission on Criminal and Juvenile Justice (CCJJ);

Beginning in 2025, the CCJJ shall develop a standardized format for reporting the data compiled by law enforcement agencies (see above). The commission will also compile the submitted data to publish as a report on the commission's website prior to August 1;

-DHHS is required to receive, compile, and create a report concerning certain information regarding abortions based upon rape or incest and provide the report to the Health and Human Services Interim Committee before November 30 of each year;

-CCJJ is required to provide "victim reparation awards" for survivors of sexual assault who become pregnant from sexual assault, that includes health care during the pregnancy (if the care is related to or resulting from the sexual assault or the pregnancy) as well as health care coverage for the survivor and any resulting children for one year after the child is born. The fiscal note for the bill predicted the health care costs for survivors of sexual assault would be \$50,000 annually but no appropriations were made.