



***Utah Victim  
Services Commission***

**Victims Have Rights!**

## **INTRODUCTION**

Crime hurts! As a victim of crime, you may experience significant injury, loss, confusion and life disruption. Shock, disbelief, fear, vulnerability, anger, and frustration may also result. In addition to struggling with these impacts, your involvement in the criminal justice system may be needed. You may also find it necessary to become involved with a variety of other community agencies while seeking beneficial services. This change to your life can feel overwhelming!

The community has a legal and moral responsibility to respond to criminal victimization through support of victims of crime. This response is necessary to preserve order and protect the community. Victims and witnesses of crime are essential partners in this community effort. Without your participation and involvement as a citizen, the criminal justice systems cannot serve the community. However, the complexity and limitations of these agency processes may create additional frustration for you as a victim or a witness.

This information has been prepared to assist you in understanding your rights. Your informed participation is vital to Utah's system of criminal justice.

## **UTAH VICTIM SERVICES COMMISSION (VSC)**

Historically, the criminal justice system has often fallen short in addressing the needs of crime victims, sometimes adding to the distress of those already suffering from criminal acts. In response to these challenges, the Utah legislature established the Utah Council on Victims of Crime in 1993 to enhance the support and services available to victims. In 2023, this important responsibility was elevated to the Utah Victim Services Commission *Utah Code § 63M-7-904*

The Victim Services Commission (VSC) is responsible for advocating for and recommending changes to laws and legislation to better support crime victims. It advises the legislature, governor, and Judicial Council on improving the enforcement and enhancement of victims' rights, their role in the criminal justice system, victim restitution, and training for criminal justice professionals. The VSC works with various system and community based stakeholders to review practices, develop trauma-informed services, and foster partnerships to assess and coordinate victim services. It also supports the creation and implementation of statewide policies, makes recommendations for funding of victim services, and seeks to ensure that victims are treated with dignity and respect within the criminal justice system.

## **VICTIM RIGHTS**

Victims of crime have constitutional and statutory rights to ensure that all victims are treated with dignity, respect, courtesy, and sensitivity, and that the rights extended to victims and witnesses of crime are honored and protected by law in a manner no less vigorous than protections afforded criminal defendants. You can locate these rights in the Utah Constitution, Article 1, [Section 28](#) and in the Utah Criminal Code at [77-37](#), [77-38](#) and [77-38b](#). Following is a brief summary of the rights entitled to victims of crime:

**ALL VICTIMS - Under Utah Constitution, Article 1, Section 28, all victims of crime have the following rights:**

- 1) "To be treated with fairness, respect, and dignity, and to be free from harassment and abuse throughout the criminal justice process." *Utah Constitution, Article 1, Section 28.*
- 2) "To have a sentencing judge, for the purpose of imposing an appropriate sentence, receive and consider, without evidentiary limitation, reliable information concerning the background, character, and conduct of a person convicted of an offense except that this subsection does not apply to capital cases or situations involving privileges." *Utah Constitution, Article 1, Section 28.*

**VICTIMS OF FELONY CASES - Under Utah Constitution, Article 1, Section 28, and Utah State Code Title 77, Chapter 38, victims of felony offenses have the following rights:**

- 1) "To be informed of, be present at, and to be heard at important criminal justice hearings related to the victim, either in person or through a lawful representative, once a criminal information or indictment charging a crime has been publicly filed in court." *Utah Constitution, Article 1, Section 28.*
- 2) "To be present at the important criminal or juvenile justice hearings provided in Subsection 77-38-2(5)." *Utah Code § 77-38-4(1)(a).*
- 3) "To be heard at the important criminal or juvenile justice hearings provided in Subsection 77-38-2(5)." *Utah Code § 77-38-4(1)(b).*

**VICTIMS OF FELONY, CLASS A or B MISDEMEANORS, AND JUVENILE COURT CASES - Under Utah State Code Title 77, Chapter 38, a victim of (1) felony offense(s) filed in a Utah court, (2) class A and class B misdemeanor offense(s) filed in a court of the state; and (3) offense(s) filed in a juvenile court of the state, have the following rights:**

- 1) "To be informed as to the level of protection from intimidation and harm available to them, and from what sources, as they participate in criminal justice proceedings as designated by Section 76-8-508, regarding witness tampering, and Section 76-8-509, regarding threats against a victim." *Utah Code § 77-37-3(1)(a).*
- 2) "To be informed and assisted as to their role in the criminal justice process." *Utah Code § 77-37-3(1)(b).*
- 3) "To clear explanations regarding relevant legal proceedings; these explanations shall be appropriate to the age of child victims and witnesses." *Utah Code § 77-37-3(1)(c).*
- 4) "To have a secure waiting area that does not require a victim to be in close proximity to defendants or the family and friends of defendants." *Utah Code § 77-37-3(1)(d).*

- 5) "To seek restitution or reparations, including medical costs, as provided in Title 63M, Chapter 7, Criminal Justice and Substance Abuse, Title 77, Chapter 38b, Crime Victims Restitution Act, and Section 80-6-710." *Utah Code § 77-37-3(1)(e)*.
- 6) "To have any personal property returned as provided in Chapter 11a, Seizure of Property and Contraband, and Chapter 11d, Lost or Mislaid Property." *Utah Code § 77-37-3(1)(f)*.
- 7) "To reasonable employer intercession services, including pursuing employer cooperation in minimizing employees' loss of pay and other benefits resulting from their participation in the criminal justice process." *Utah Code § 77-37-3(1)(g)*.
- 8) "To have a speedy disposition of the entire criminal justice process." *Utah Code § 77-37-3(1)(h)*.
- 9) "To timely notice of judicial proceedings they are to attend and timely notice of cancellation of any proceedings." *Utah Code § 77-37-3(1)(i)*.
- 10) "To submit a written statement in any action on appeal related to that crime." *Utah Code § 77-38-4(1)(c)*.
- 11) "To be present and heard at the initial appearance of the person suspected of committing the conduct or criminal offense against the victim on issues relating to whether to release a defendant or minor and, if so, under what conditions release may occur." *Utah Code § 77-38-4(1)(d)*.
- 12) "Not to testify regarding the victim's address, telephone number, place of employment, or other locating information unless the victim specifically consents or the court orders disclosure on finding that a compelling need exists to disclose the information." *Utah Code § 77-38-6(1)*.
- 13) "To a speedy disposition of the charges free from unwarranted delay caused by or at the behest of the defendant or minor and to prompt and final conclusion of the case after the disposition or conviction and sentence, including prompt and final conclusion of all collateral attacks on dispositions or criminal judgments." *Utah Code § 77-38-7(2)*.
- 14) "To designate, with the approval of the court, a representative who may exercise the same rights that the victim is entitled to exercise under this chapter, including pursuing restitution." *Utah Code § 77-38-9(1)(a)*.
- 15) "To object to a petition for expungement." *Utah Code § 77-38-14, Utah Code § 77-40a-305 and Utah Code § 80-6-1004.1*.

**VICTIMS OF JUSTICE COURT CASES - Under Utah State Code Title 77, Chapter 38b or Title 78A, Chapter 7, a victim of criminal conduct originating in prosecution in a justice court of the state, has the following rights to restitution:**

- 1) "To file a motion for restitution." *Utah Code § 77-38b-205(6)(a)*.

- 2) "To file a motion modifying an existing order of restitution." *Utah Code § 77-38b-205(7)*.
- 3) "To a restitution hearing de novo in the district court if a request for restitution for the victim was made in the justice court and the justice court either failed to order the defendant to pay restitution to the victim or ordered the defendant to pay restitution in an amount less than requested." *Utah Code § 78A-7-118(8)(a)*.

**VICTIMS OF JUVENILE COURT CASES - Under Utah State Code Title 80, Chapter 6, a victim whom a juvenile court determines suffered a material loss as a result of a minor's wrongful act or conduct has the following right to restitution:**

"To have an attorney make a request for an order for restitution in the juvenile court on their behalf at the time of disposition or within 90 days after disposition." *Utah Code § 80-6-710(4)(a)*.

**VICTIMS SEEKING TO APPEAL DENIAL OF MOTION FOR RESTITUTION - "To appeal the district court's denial of a motion for restitution." *State v Brown*, 2014 UT 48 and *State v Hembree*, 2023 UT App 112.**

**VICTIMS OF A SEXUAL OFFENSE - Under Utah State Code Title 77, Chapter 37, Subsection (3)(1), a victim of a sexual offense has the following additional rights:**

- 1) "To request voluntary testing for themselves for HIV infection as provided in Section 53-10-803 and to request mandatory testing of the alleged sexual offender for HIV infection as provided in Section 53-10-802." *Utah Code § 77-37-3(1)(j)(i)*.
- 2) "To be informed whether a DNA profile was obtained from the testing of the rape kit evidence or from other crime scene evidence." *Utah Code § 77-37-3(1)(j)(ii)*.
- 3) "To be informed whether a DNA profile developed from the rape kit evidence or other crime scene evidence has been entered into the Utah Combined DNA Index System." *Utah Code § 77-37-3(1)(j)(iii)*.
- 4) "To be informed whether there is a match between a DNA profile developed from the rape kit evidence or other crime scene evidence and a DNA profile contained in the Utah Combined DNA Index System, provided that disclosure would not impede or compromise an ongoing investigation." *Utah Code § 77-37-3(1)(j)(iv)*.
- 5) "To designate a person of the victim's choosing to act as a recipient of the information provided under this Subsection 77-37-3(1)(j) and under Subsections 77-37-3(2) and (3)." *Utah Code § 77-37-3(1)(j)(v)*.

**VICTIMS WHO ARE MINORS - Under Utah State Code Title 77, Chapter 37 and 38, child victims have the following additional rights:**

- 1) "To protection from physical and emotional abuse during their involvement with the criminal justice process." *Utah Code § 77-37-4(1)*.

- 2) "To not be questioned, in any manner, nor to have allegations made, implying that children are responsible for inappropriate behavior adults commit against them." *Utah Code § 77-37-4(2)*.
- 3) "To have interviews relating to a criminal prosecution kept to a minimum." *Utah Code § 77-37-4(3)*.
- 4) "To be informed of available community resources that might assist them and how to gain access to those resources." *Utah Code § 77-37-4(4)*.
- 5) "To keep confidential their interviews that are conducted at a Children's Justice Center, including video and audio recordings, and transcripts of those recordings." *Utah Code § 77-37-4(5)(a)*.
- 6) To be examined or cross-examined in any criminal proceeding or juvenile court in age appropriate language. *Utah Code § 77-38-8(1)*.

## **JUDICIAL DISTRICTS VICTIM RIGHTS COMMITTEES**

Under Utah Code § 63M-7-1002, within each judicial district there is a Victims Rights Committee. These Committees are required to review complaints filed by a victim and make a decision as to whether or not a victim's rights have been violated. The Committees are a multidisciplinary group as listed in statute and work together to improve response to victims in their community.

## **RESPONSIBILITIES**

a. There are eight judicial districts and each judicial district has a committee. The Victim Services Commission shall appoint a chair to serve on each committee.

B. The committee membership consists of a county or district attorney, a sheriff, a representation of the Division of Adult Probation and Parole, an appointed victim advocate, a municipal attorney, a municipal chief of police; and other representatives as appropriate.

b. Each committee shall schedule a meeting to review received complaints as soon as practicable.

c. If the committee finds a violation of a victim's right, it shall notify the victim, the subject of the complaint, and the subject's supervisor, of their findings within 30 days after the day on which the committee meeting is held.

## **COMPLAINT PROCEDURES**

### **Complaint Process**

- a. Complaints can be submitted via the online form, or in writing and emailed to [katiefox@utah.gov](mailto:katiefox@utah.gov). The Victim Rights Coordinator, who reports to the VSC, will acknowledge receipt of the complaint within 5 working days. The complaint will be sent to the appropriate District Victims' Rights Committee Chair.
- b. The committee will respond to the complainant within 30 days of receiving the complaint if no violation is substantiated. If a complaint meeting before the committee is deemed appropriate, it will be held as soon as practicable.

### **Complaint Meeting**

- a. The Judicial District Victim Rights Committee shall hold public meetings and comply with the [Open Public Meetings Act](#) requirements.
- b. There must be a quorum consisting of the majority of the committee membership present at the meeting.
- c. The complainant may address the committee in writing, appear in person, or be represented by another individual at the meeting when the complaint is reviewed.
- d. An individual or agency named in the complaint may respond in writing, appear in person, or be represented by another individual.
- e. If deemed appropriate by the committee, parties may be allowed to respond. The committee chair may set time limits on statements made by the victim, the subject of the complaint, or other persons allowed to address the committee.

### **Possible Complaint Resolutions**

After reviewing the complaint and any information provided by the subject of the complaint the committee may:

- a. Inform the subject of the complaint what victim's rights were violated and educate them on their obligation regarding the rights as required by law;
- b. Refer the victim, or the representative of a victim, to other resources in the community;  
or
- c. Inform the victim, or the representative of a victim, of the victim's rights and remedies described in Title 77, chapter 37, Victims' Rights, Title 77, Chapter 38, Crime Victims, and Utah Constitution, Article I, Section 28.