

HB 297 – Victim Services Amendments

Sponsor: Rep. Kera Birkeland (R-Morgan)

Among other provisions, HB 297 requires victims of rape to initiate and confirm an active law enforcement investigation for their sexual assault in order to qualify for an abortion under current state law. This bill also restricts the time period that victims of sexual assault may access emergency contraception in a medical setting.

Position: We oppose HB 297.

Background:

In fall of 2022, Rep. Kera Birkeland discussed new legislation to require an active law enforcement investigation to qualify for the rape exception to receive an abortion in Utah. HB 297 is new legislation that includes this provision.

As introduced, HB 297 not only requires rape victims to file a police report and submit a case report or affidavit of sexual assault to the physician providing the abortion, but this bill also limits this exception to before 18 weeks gestation—a new restriction on abortion access in Utah. In addition, HB 297 limits of the availability of free emergency contraception for victims of assault to 72 hours after the assault despite medical evidence that these interventions can be effective up to 120 hours.

Other components of HB 297 involve mandating additional training on reporting sexual assault for law enforcement, as well as new rape-related reporting requirements for law enforcement and medical providers to the Department of Health and Human Services. Law enforcement agencies that do not implement these training policies would be ineligible for grants from the State Commission on Criminal and Juvenile Justice. The Commission is also tasked to publish data on sexual assault offenses and to provide “victim reparation awards” for mental health counseling for a victim of sexual assault and one year of health care coverage for a victim of sexual assault who becomes pregnant from a sexual assault as well as any resulting children.

Talking points:

- HB 297 limits the control that victims of sexual assault have of their bodies at the exact time they should be given more agency, not less, over their personal health decisions.
- HB 297 punishes sexual assault victims with unnecessary and harmful reporting requirements and health care restrictions. By requiring patients to "certify" that a crime has been reported, HB 297 raises the possibility that patients, and specifically sexual assault survivors, will become the focus of law enforcement investigations into whether the exception's requirements have been satisfied.
- Many of the proposed victim services and support elements in HB 297 are already established in current Utah law, codes, and procedures.
- Survivors of sexual violence know best when and how to report their assault to law enforcement. Adding new requirements and deadlines for reporting could compromise their personal safety, especially because people who are pregnant women are at heightened risk for intimate partner violence.

- HB 297 contains new public reporting requirements about sexual assaults to multiple government agencies and committees that raise concerns about preserving the privacy of both patients and victims of sexual assault.
- HB 297 violates best practices for trauma-informed care for victims of rape and sexual assault.
- According to statewide polling in 2020, 80% of Utahns said the state does not need additional restrictions on abortion after being informed about Utah's current restrictions.

Media quote:

"A good rule for lawmakers, as well as for doctors, is to 'first, do no harm,' especially after harm has already occurred. This bill takes the traumatic experience of sexual assault and burdens the victim with more hurdles and new trauma by restricting their personal liberty and privacy and forcing them to file a police report in order to receive essential health care."

> Karrie Galloway, CEO and Executive Director of Planned Parenthood Association of Utah

Additional Resources:

[Rep. Birkeland introduces new abortion bill, opposed by her own sister](#), ABC4, January 30, 2023.

[New bill: No abortions for rape victims after 18 weeks, 'free emergency contraceptives,'](#) KUTV/KJZZ Tribune, January 26, 2023

[A sexual assault survivor is sharing her story in an attempt to stop her lawmaker sister's abortion bill,](#) Salt Lake Tribune, October 21, 2022