

According to the 2007 Rape in Utah survey, 15.7% of rapes and 17.8% of attempted rapes against Utah women are committed by boyfriends or ex-boyfriends.

In a survey of University of Utah students, 22% reported physical violence, 36% jealous controlling behavior, and 47% emotional abuse in dating relationships in the previous 12 months.

EVERYONE IN UTAH DESERVES TO BE SAFE

Some individuals criticize about the few days a respondent will have to wait to be heard before a judge. The truth to the matter is, a judge reads the PO application and determines if it merits someone to be safe, and sets a hearing within 20 days. The average wait in Utah is 10-14 days. This respondent can do whatever they want during those 10-14 days except contact the person who applied for the PO.

Protective Order: "Cohabitant" victims of physical violence or threats 16 years or older. "Civil" provisions regarding children are valid for 180 days and punishable by civil contempt. Criminal provisions such as "no contact" are indefinite in duration (but respondent can move to dismiss after two years).

Civil Stalking Injunction: Anyone (no age or cohabitant requirement) who has been subject to two or more incidents of stalking that would place a reasonable person to fear for his/her safety or suffer other emotional distress. Requires corroborating evidence.

Dating Violence Protective Orders: Anyone 18 and older (no cohabitant requirement) in a dating relationship who is a victim of physical violence or threat. Duration of 180 days and punishable as class A misdemeanor.

Why the need?

Provides protection for victims of abuse before they enter permanent relationships (living together, married, or have a child together) that regular protective orders and stalking injunctions do not address.

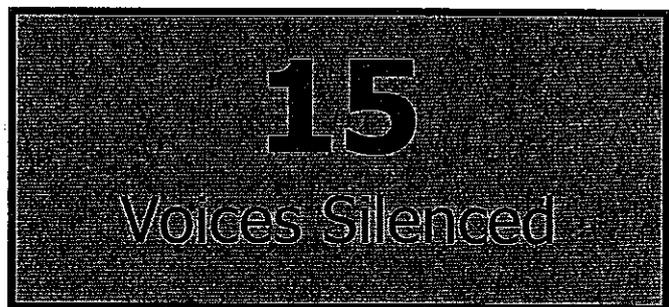
H.B. 315 Dating Violence Definition: is 18 years of age or older; is, or has been, in a dating relationship with the other party; and is not, and has not been, a cohabitant of the other party. "Dating relationship" means a social relationship of romantic or intimate nature, regardless of whether the relationship involves sexual intimacy. "Dating relationship" does not include: a casual relationship; or casual fraternization between two individuals in a business, educational, or social context.

THESE PROTECTIVE ORDERS WILL NOT TAKE AWAY FIREARMS

Utah Dating Violence Homicides 2004- 2011

Counties

Grand	=	1
Washington	=	1
Salt Lake	=	8
Davis	=	1
San Juan	=	1
Sanpete	=	1
Carbon	=	1
Sevier	=	1



Ages 15, 16, 21, 22, 25, 26, 26, 27, 31, 33, 34, 36, 39, 42, 46 Median Age=29.3

2013 GENERAL SESSION DATING VIOLENCE PROTECTION ACT

Representative J. Seelig

For individuals who go on one date or who are dating and they are sexually assaulted or abused by their dating partner, no protection order is available for them. In order for them to acquire a stalking injunction there has to be at least two incidents of abuse, and, because they do not live together or have a child in common they cannot obtain a protective order. This bill provides protection for victims of abuse before they enter into permanent relationships (living together, married or have a child in common) that regular protective orders and stalking injunctions do not address. This bill fills a gap in Utah code protecting victims who are not protected by juvenile laws and who are not protected under Utah's co-habitant abuse act, but are still subjected to serious abuse and violence in dating relationships.

- This bill protects individuals who are emancipated or 18 years of age (Lines 46-48)
- The dating violence definition for this bill is: is, or has been, in a dating relationship with the other party; and is not, and has not been, a cohabitant of the other party. "Dating relationship" means a social relationship of romantic or intimate nature, regardless of whether the relationship involves sexual intimacy. "Dating relationship" does not include: a casual relationship; or casual fraternization between two individuals in a business, educational, or social context (Lines 52-55)
- Providing a protective order under this law will not restrict individuals rights under the Federal Gun Act because the term dating partner does not fit under the category of intimate partner required for firearm removal. A dating partner is not an "intimate partner" for purposes of invoking the Federal Gun Act (Lines 50, 150 - 154)
- Dating violence protective orders are processed and enforced like all other protective orders
In Utah (Lines 157-233)
- A dating violence protective order cannot exclude the respondent from the same school or employment of the petitioner (Lines 144-149)
- A judge reads the dating violence protective order application and sets a hearing within 20 days. The average wait for a hearing in Utah is 10-14 days. The only thing a respondent cannot do is contact the petitioner of the dating violence protective order (lines 192-199)
- Under this bill a violation of a dating violence protection order is a class B misdemeanor (Lines 234-235)
- A dating violence protective order remains in place for 180 days (Lines 155-156)

Weapons Restriction Clarification: In a dating violence protective order, the victim may request the court to order the respondent to not own, have access to or use weapons (firearms, knives, etc.) while the dating violence protective order is in effect (180 days). This weapons restriction, if violated, is enforceable only as a violation of the state dating violence protective order, a class B misdemeanor. The federal prohibitions against owning, using, or accessing firearms are not triggered. A dating partner is not an "intimate partner" for purposes of the federal law.