

Superseded 5/12/2015

77-36-1.1 Enhancement of offense and penalty for subsequent domestic violence offenses.

- (1) For purposes of this section, "qualifying domestic violence offense" means:
 - (a) a domestic violence offense in Utah; or
 - (b) an offense in any other state, or in any district, possession, or territory of the United States, that would be a domestic violence offense under Utah law.
- (2) A person who is convicted of a domestic violence offense is:
 - (a) guilty of a class B misdemeanor if:
 - (i) the domestic violence offense described in this Subsection (2) is designated by law as a class C misdemeanor; and
 - (ii)
 - (A) the domestic violence offense described in this Subsection (2) is committed within five years after the person is convicted of a qualifying domestic violence offense; or
 - (B) the person is convicted of the domestic violence offense described in this Subsection (2) within five years after the person is convicted of a qualifying domestic violence offense;
 - (b) guilty of a class A misdemeanor if:
 - (i) the domestic violence offense described in this Subsection (2) is designated by law as a class B misdemeanor; and
 - (ii)
 - (A) the domestic violence offense described in this Subsection (2) is committed within five years after the person is convicted of a qualifying domestic violence offense; or
 - (B) the person is convicted of the domestic violence offense described in this Subsection (2) within five years after the person is convicted of a qualifying domestic violence offense;
 - (c) guilty of a felony of the third degree if:
 - (i) the domestic violence offense described in this Subsection (2) is designated by law as a class A misdemeanor; and
 - (ii)
 - (A) the domestic violence offense described in this Subsection (2) is committed within five years after the person is convicted of a qualifying domestic violence offense; or
 - (B) the person is convicted of the domestic violence offense described in this Subsection (2) within five years after the person is convicted of a qualifying domestic violence offense.
- (3) For purposes of this section, a plea of guilty or no contest to any qualifying domestic violence offense in Utah which plea is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.