

Effective 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; or
 - (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.

Amended by Chapter 426, 2015 General Session