

1 **DOMESTIC VIOLENCE DEFINITION**

2 **AMENDMENT**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Brent H. Goodfellow**

6 AN ACT RELATING TO COHABITANT ABUSE PROCEDURES ACT; INCLUDING THE
7 CRIME OF DISORDERLY CONDUCT WITHIN THE DEFINITION OF DOMESTIC
8 VIOLENCE.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **77-36-1**, as last amended by Chapter 79, Laws of Utah 1996

12 *Be it enacted by the Legislature of the state of Utah:*

13 Section 1. Section **77-36-1** is amended to read:

14 **77-36-1. Definitions.**

15 As used in this chapter:

16 (1) "Cohabitant" has the same meaning as in Section 30-6-1.

17 (2) "Domestic violence" means any criminal offense involving violence or physical harm
18 or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a
19 criminal offense involving violence or physical harm, when committed by one cohabitant against
20 another. "Domestic violence" also means commission or attempt to commit, any of the following
21 offenses by one cohabitant against another:

22 (a) aggravated assault, as described in Section 76-5-103;

23 (b) assault, as described in Section 76-5-102;

24 (c) criminal homicide, as described in Section 76-5-201;

25 (d) harassment, as described in Section 76-5-106;

26 (e) telephone harassment, as described in Section 76-9-201;

27 (f) kidnaping, child kidnaping, or aggravated [~~kidnapping~~] kidnaping, as described in

- 28 Sections 76-5-301, 76-5-301.1, and 76-5-302;
- 29 (g) mayhem, as described in Section 76-5-105;
- 30 (h) sexual offenses, as described in Title 76, Chapter 5, Part 4, and Title 76, Chapter 5a;
- 31 (i) stalking, as described in Section 76-5-106.5;
- 32 (j) unlawful detention, as described in Section 76-5-304;
- 33 (k) violation of a protective order or ex parte protective order, as described in Section
- 34 76-5-108;
- 35 (l) any offense against property described in Title 76, Chapter 6, Part 1, 2, or 3;
- 36 (m) disorderly conduct, as described in Section 76-9-102;
- 37 [~~m~~] (n) possession of a deadly weapon with intent to assault, as described in Section
- 38 76-10-507; or
- 39 [~~m~~] (o) discharge of a firearm from a vehicle, near a highway, or in the direction of any
- 40 person, building, or vehicle, as described in Section 76-10-508.
- 41 (3) "Victim" means a cohabitant who has been subjected to domestic violence.

Legislative Review Note
as of 1-15-99 4:38 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel