

**Senator Karen Mayne** proposes the following substitute bill:

**PROTECTIONS FOR VICTIMS OF DOMESTIC  
VIOLENCE**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Eric K. Hutchings**

Senate Sponsor: Stephen H. Urquhart

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**LONG TITLE**

**General Description:**

This bill modifies the Cohabitant Abuse Procedures Act regarding procedures, records, protective orders, and jail release agreements and orders.

**Highlighted Provisions:**

This bill:

- ▶ provides time limits on protective orders and jail release agreements and orders, and provides for judicial discretion for good cause;
- ▶ authorizes the court to issue a pretrial protective order if the defendant has been charged with a domestic violence offense;
- ▶ amends terms to reflect judicial procedures regarding release of a defendant;
- ▶ provides additional definitions;
- ▶ provides that if a person charged with domestic violence is released, the person shall receive a copy of the protective order or jail release agreement or order prior to release;
- ▶ requires that the arresting officer shall provide, at the time of the arrest:
  - to the alleged victim, notification that release conditions may expire at midnight of that day; and



- 26 • to the person charged with a domestic violence offense, information about the
- 27 requirement to appear in court;
- 28 ▶ provides that the court may allow the jail release order or jail release agreement to
- 29 expire at midnight of the day the defendant appears in court, or may extend the
- 30 order or agreement for good cause;
- 31 ▶ removes the requirement of a possible showing of future violence when the court
- 32 waives the requirement that the alleged victim's location be disclosed;
- 33 ▶ requires that action regarding protective orders be transmitted to the statewide
- 34 domestic violence network;
- 35 ▶ provides that any protective order related to a dismissed criminal domestic violence
- 36 case shall be dismissed;
- 37 ▶ provides for a sentencing protective order to be issued for the duration of a domestic
- 38 violence defendant's probation and provides that violation of the order is a class A
- 39 misdemeanor; and
- 40 ▶ requires the defendant to pay the costs of counseling for children who are affected
- 41 by the domestic violence offense, in addition to the current requirement to pay for
- 42 the victim's counseling.

43 **Monies Appropriated in this Bill:**

44 None

45 **Other Special Clauses:**

46 None

47 **Utah Code Sections Affected:**

48 AMENDS:

49 **77-36-1**, as last amended by Laws of Utah 2008, Chapters 3 and 375

50 **77-36-2.4**, as last amended by Laws of Utah 2008, Chapter 3

51 **77-36-2.5**, as last amended by Laws of Utah 2008, Chapter 3

52 **77-36-2.6**, as last amended by Laws of Utah 2003, Chapter 68

53 **77-36-2.7**, as last amended by Laws of Utah 2009, Chapter 238

54 **77-36-5**, as last amended by Laws of Utah 2003, Chapter 68

55 **77-36-5.1**, as last amended by Laws of Utah 1996, Chapter 244

56 **77-36-6**, as last amended by Laws of Utah 2008, Chapter 3

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

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

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

As used in this chapter:

- (1) "Cohabitant" has the same meaning as in Section 78B-7-102.
- (2) "Department" means the Department of Public Safety.
- (3) "Divorced" means an individual who has obtained a divorce under Title 30, Chapter 3, Divorce.
- (4) "Domestic violence" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" also means commission or attempt to commit, any of the following offenses by one cohabitant against another:
  - (a) aggravated assault, as described in Section 76-5-103;
  - (b) assault, as described in Section 76-5-102;
  - (c) criminal homicide, as described in Section 76-5-201;
  - (d) harassment, as described in Section 76-5-106;
  - (e) electronic communication harassment, as described in Section 76-9-201;
  - (f) kidnapping, child kidnapping, or aggravated kidnapping, as described in Sections 76-5-301, 76-5-301.1, and 76-5-302;
  - (g) mayhem, as described in Section 76-5-105;
  - (h) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and Title 76, Chapter 5a, Sexual Exploitation of Children;
  - (i) stalking, as described in Section 76-5-106.5;
  - (j) unlawful detention, as described in Section 76-5-304;
  - (k) violation of a protective order or ex parte protective order, as described in Section 76-5-108;
  - (l) any offense against property described in Title 76, Chapter 6, Part 1, Property Destruction, 2, Burglary and Criminal Trespass, or 3, Robbery;
  - (m) possession of a deadly weapon with intent to assault, as described in Section

88 76-10-507;

89 (n) discharge of a firearm from a vehicle, near a highway, or in the direction of any  
90 person, building, or vehicle, as described in Section 76-10-508;

91 (o) disorderly conduct, as defined in Section 76-9-102, if a conviction of disorderly  
92 conduct is the result of a plea agreement in which the defendant was originally charged with  
93 any of the domestic violence offenses otherwise described in this Subsection (2). Conviction  
94 of disorderly conduct as a domestic violence offense, in the manner described in this  
95 Subsection (2)(o), does not constitute a misdemeanor crime of domestic violence under 18  
96 U.S.C. Section 921, and is exempt from the provisions of the federal Firearms Act, 18 U.S.C.  
97 Section 921 et seq.; or

98 (p) child abuse as described in Section 76-5-109.1.

99 (5) "Jail release agreement" means a written agreement:

100 (a) specifying and limiting the contact a person arrested for a domestic violence offense  
101 may have with an alleged victim or other specified individuals; and

102 (b) specifying other conditions of release from jail as required in Subsection 77-36-2.5  
103 (1).

104 (6) "Jail release court order" means a written court order:

105 (a) specifying and limiting the contact a person arrested for a domestic violence offense  
106 may have with an alleged victim or other specified individuals; and

107 (b) specifying other conditions of release from jail as required in Subsection  
108 77-36-2.5(1).

109 [~~5~~] (7) "Marital status" means married and living together, divorced, separated, or not  
110 married.

111 [~~6~~] (8) "Married and living together" means a man and a woman whose marriage was  
112 solemnized under Section 30-1-4 or 30-1-6 and who are living in the same residence.

113 [~~7~~] (9) "Not married" means any living arrangement other than married and living  
114 together, divorced, or separated.

115 (10) "Pretrial protective order" means a written order:

116 (a) specifying and limiting the contact a person who has been charged with a domestic  
117 violence offense may have with an alleged victim or other specified individuals; and

118 (b) specifying other conditions of release pursuant to Subsection 77-36-2.5(2)(c).

119 Subsection 77-36-26(3), or Section 77-36-2.7, pending trial in the criminal case.

120 (11) "Sentencing protective order" means a written order of the court as part of  
 121 sentencing in a domestic violence case that limits the contact a person who has been convicted  
 122 of a domestic violence offense may have with a victim or other specified individuals pursuant  
 123 to Sections 77-36-5 and 77-36-5.1.

124 ~~[(8)]~~ (12) "Separated" means a man and a woman who have had their marriage  
 125 solemnized under Section 30-1-4 or 30-1-6 and who are not living in the same residence.

126 ~~[(9)]~~ (13) "Victim" means a cohabitant who has been subjected to domestic violence.

127 Section 2. Section **77-36-2.4** is amended to read:

128 **77-36-2.4. Violation of protective orders -- Mandatory arrest -- Penalties.**

129 (1) A law enforcement officer shall, without a warrant, arrest an alleged perpetrator  
 130 whenever there is probable cause to believe that the alleged perpetrator has violated any of the  
 131 provisions of an ex parte protective order or protective order.

132 (2) (a) Intentional or knowing violation of any ex parte protective order or protective  
 133 order is a class A misdemeanor, in accordance with Section 76-5-108, except where a greater  
 134 penalty is provided in this chapter, and is a domestic violence offense, pursuant to Section  
 135 77-36-1.

136 (b) Second or subsequent violations of ex parte protective orders or protective orders  
 137 carry increased penalties, in accordance with Section 77-36-1.1.

138 (3) As used in this section, "ex parte protective order" or "protective order" includes:

139 (a) any protective order or ex parte protective order issued under Title 78B, Chapter 7,  
 140 Part 1, Cohabitant Abuse Act~~[-or];~~

141 (b) any jail release agreement, jail release court order, pretrial protective order, or  
 142 sentencing protective order issued under Title 77, Chapter 36, Cohabitant Abuse Procedures  
 143 Act;

144 ~~[(b)]~~ (c) any child protective order or ex parte child protective order issued under Title  
 145 78B, Chapter 7, Part 2, Child Protective Orders; or

146 ~~[(c)]~~ (d) a foreign protection order enforceable under Title 78B, Chapter 7, Part 3,  
 147 Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

148 Section 3. Section **77-36-2.5** is amended to read:

149 **77-36-2.5. Conditions for release after arrest for domestic violence -- Jail release**

150 **agreements -- Jail release court orders.**

151 (1) Upon arrest for domestic violence, a person may not be released on bail,  
152 recognizance, or otherwise prior to the close of the next court day following the arrest, unless  
153 as a condition of that release ~~[he]~~ the person is ordered by the court or agrees in writing that  
154 until ~~[the expiration of that time he]~~ further order of the court, the person will:

- 155 (a) have no personal contact with the alleged victim;  
156 (b) not threaten or harass the alleged victim; and  
157 (c) not knowingly enter onto the premises of the alleged victim's residence or any  
158 premises temporarily occupied by the alleged victim.

159 (2) (a) The jail release agreement or jail release court order expires at midnight on the  
160 day on which the person arrested appears in person or by video for arraignment or an initial  
161 appearance.

162 (b) (i) If criminal charges have not been filed against the arrested person, the court  
163 may, for good cause and in writing, extend the jail release agreement or jail release court order  
164 beyond the time period under Subsection (2)(a) as provided in Subsection (2)(b)(ii).

165 (ii) (A) The court may extend a jail release agreement or jail release court order under  
166 Subsection (2)(b)(i) to no longer than midnight of the third business day after the arrested  
167 person's first court appearance.

168 (B) If criminal charges are filed against the arrested person within the three business  
169 days under Subsection (2)(b)(ii)(A), the jail release agreement or the jail release court order  
170 continues in effect until the arrested person appears in person or by video at the arrested  
171 person's next scheduled court appearance.

172 (c) If criminal charges have been filed against the arrested person the court may, upon  
173 the request of the prosecutor or the victim or upon the court's own motion, issue a pretrial  
174 protective order.

175 ~~[(2)]~~ (3) As a condition of release, the court may order the defendant to participate in  
176 an electronic or other monitoring program and to pay the costs associated with the program.

177 ~~[(3)]~~ (4) (a) Subsequent to an arrest for domestic violence, an alleged victim may  
178 waive in writing any or all of the ~~[requirements]~~ release conditions described in Subsection  
179 (1)(a) or (c). Upon waiver, those ~~[requirements shall]~~ release conditions do not apply to the  
180 alleged perpetrator.

181 (b) A court or magistrate may modify the ~~[requirements]~~ release conditions described  
182 in Subsections (1)(a) or (c), in writing or on the record, and only for good cause shown.

183 ~~[(4)]~~ (5) (a) ~~[Whenever]~~ When a person is released pursuant to Subsection (1), the  
184 releasing agency shall notify the arresting law enforcement agency of the release, conditions of  
185 release, and any available information concerning the location of the victim. The arresting law  
186 enforcement agency shall then make a reasonable effort to notify the victim of that release.

187 (b) (i) When a person is released pursuant to Subsection (1) based on a written jail  
188 release agreement, the releasing agency shall transmit that information to the statewide  
189 domestic violence network described in Section 78B-7-113.

190 (ii) When a person is released pursuant to Subsection (1) or (2) based upon a ~~[court~~  
191 ~~order]~~ jail release court order or if a jail release agreement is modified pursuant to Subsection  
192 (4)(b), the court shall transmit that order to the statewide domestic violence network described  
193 in Section 78B-7-113.

194 (iii) A copy of the jail release court order or written jail release agreement shall be  
195 given to the person by the releasing agency before the person is released.

196 (c) This Subsection ~~[(4)]~~ (5) does not create or increase liability of a law enforcement  
197 officer or agency, and the good faith immunity provided by Section 77-36-8 is applicable.

198 ~~[(5)]~~ (6) (a) If a law enforcement officer has probable cause to believe that a person has  
199 violated a jail release court order or jail release agreement executed pursuant to Subsection (1)  
200 the officer shall, without a warrant, arrest the alleged violator.

201 (b) Any person who knowingly violates a ~~[court]~~ jail release court order or jail release  
202 agreement executed pursuant to Subsection (1) ~~[shall be]~~ is guilty as follows:

203 (i) if the original arrest was for a felony, an offense under this section is a third degree  
204 felony; or

205 (ii) if the original arrest was for a misdemeanor, an offense under this section is a class  
206 A misdemeanor.

207 (c) City attorneys may prosecute class A misdemeanor violations under this section.

208 ~~[(6)]~~ (7) An individual who was originally arrested for a felony under this chapter and  
209 released pursuant to this section may subsequently be held without bail if there is substantial  
210 evidence to support a new felony charge against him.

211 ~~[(7)]~~ (8) At the time an arrest for domestic violence is made, the arresting officer shall

212 provide the alleged victim with written notice containing ~~[the following information]:~~

213 (a) the ~~[requirements]~~ release conditions described in Subsection (1), and notice that  
214 those ~~[requirements]~~ release conditions shall be ordered by a court or must be agreed to by the  
215 alleged perpetrator prior to release;

216 (b) notification of the penalties for violation of ~~[the]~~ any jail release court order or any  
217 jail release agreement executed under Subsection (1);

218 ~~[(c) the date and time, absent modification by a court or magistrate, that the~~  
219 ~~requirements expire;]~~

220 (c) notification that the alleged perpetrator is to personally appear in court on the next  
221 day the court is open for business after the day of the arrest;

222 (d) the address of the appropriate court in the district or county in which the alleged  
223 victim resides;

224 (e) the availability and effect of any waiver of the ~~[requirements]~~ release conditions;  
225 and

226 (f) information regarding the availability of and procedures for obtaining civil and  
227 criminal protective orders with or without the assistance of an attorney.

228 ~~[(8)]~~ (9) At the time an arrest for domestic violence is made, the arresting officer shall  
229 provide the alleged perpetrator with written notice containing ~~[the following information]:~~

230 (a) the ~~[requirements]~~ release conditions described in Subsection (1) and notice that  
231 those ~~[requirements]~~ release conditions shall be ordered by a court or ~~[must]~~ shall be agreed to  
232 by the alleged perpetrator prior to release;

233 (b) notification of the penalties for violation of ~~[the]~~ any jail release court order or any  
234 written jail release agreement executed under Subsection (1); and

235 ~~[(c) the date and time absent modification by a court or magistrate that the~~  
236 ~~requirements expire;]~~

237 (c) notification that the alleged perpetrator is to personally appear in court on the next  
238 day the court is open for business after the day of the arrest;

239 (10) (a) If the alleged perpetrator fails to personally appear in court as scheduled, the  
240 jail release court order or jail release agreement does not expire and continues in effect until the  
241 alleged perpetrator makes the personal appearance in court as required by Section 77-36-2.6.

242 (b) If, when the alleged perpetrator personally appears in court as required by Section

243 77-36-2.6, criminal charges have not been filed against the arrested person, the court may allow  
 244 the jail release court order or jail release agreement to expire at midnight on the day of the  
 245 court appearance or may extend it for good cause.

246 [~~(9)~~] (11) In addition to the provisions of Subsections (1) through [~~(6)~~] (7), because of  
 247 the unique and highly emotional nature of domestic violence crimes, the high recidivism rate of  
 248 violent offenders, and the demonstrated increased risk of continued acts of violence subsequent  
 249 to the release of an offender who has been arrested for domestic violence, it is the finding of  
 250 the Legislature that domestic violence crimes, as defined in Section 77-36-1, are crimes for  
 251 which bail may be denied if there is substantial evidence to support the charge, and if the court  
 252 finds by clear and convincing evidence that the alleged perpetrator would constitute a  
 253 substantial danger to an alleged victim of domestic violence if released on bail. [~~If bail is~~  
 254 ~~denied under this Subsection (9), it shall be under the terms and conditions described in~~  
 255 ~~Subsections (1) through (6).]~~

256 Section 4. Section 77-36-2.6 is amended to read:

257 **77-36-2.6. Appearance of defendant required -- Determinations by court --**  
 258 **Pretrial protective order.**

259 (1) A defendant who has been arrested for an offense involving domestic violence shall  
 260 appear in person or by video before the court or a magistrate within one judicial day after the  
 261 arrest.

262 (2) A defendant who has been charged by citation, indictment, or information with an  
 263 offense involving domestic violence but has not been arrested, shall appear before the court in  
 264 person for arraignment or initial appearance as soon as practicable, but no later than 14 days  
 265 after the next day on which court is in session following the issuance of the citation or the  
 266 filing of the indictment or information.

267 (3) At the time of an appearance under Subsection (1) or (2), the court shall determine  
 268 the necessity of imposing a pretrial protective order or other condition of pretrial release  
 269 including, but not limited to, participating in an electronic or other type of monitoring program,  
 270 and shall state its findings and determination in writing.

271 (4) Appearances required by this section are mandatory and may not be waived.

272 Section 5. Section 77-36-2.7 is amended to read:

273 **77-36-2.7. Dismissal -- Diversion prohibited -- Plea in abeyance -- Pretrial**

274 **protective order pending trial.**

275 (1) Because of the serious nature of domestic violence, the court, in domestic violence  
276 actions:

277 (a) may not dismiss any charge or delay disposition because of concurrent divorce or  
278 other civil proceedings;

279 (b) may not require proof that either party is seeking a dissolution of marriage before  
280 instigation of criminal proceedings;

281 (c) shall waive any requirement that the victim's location be disclosed other than to the  
282 defendant's attorney[~~-, upon a showing that there is any possibility of further violence,]~~ and  
283 order the defendant's attorney not to disclose the victim's location to ~~[his]~~ the client;

284 (d) shall identify, on the docket sheets, the criminal actions arising from acts of  
285 domestic violence;

286 (e) may dismiss a charge on stipulation of the prosecutor and the victim; and

287 (f) may hold a plea in abeyance, in accordance with the provisions of Chapter 2a, Pleas  
288 in Abeyance, making treatment or any other requirement for the defendant a condition of that  
289 status.

290 (2) When the court holds a plea in abeyance in accordance with Subsection (1)(f), the  
291 case against a perpetrator of domestic violence may be dismissed only if the perpetrator  
292 successfully completes all conditions imposed by the court. If the defendant fails to complete  
293 any condition imposed by the court under Subsection (1)(f), the court may accept the  
294 defendant's plea.

295 (3) (a) Because of the likelihood of repeated violence directed at those who have been  
296 victims of domestic violence in the past, when any defendant is charged with a crime involving  
297 domestic violence, the court may, during any court hearing where the defendant is present,  
298 issue ~~[an]~~ a pretrial protective order, pending trial:

299 (i) enjoining the defendant from threatening to commit or committing acts of domestic  
300 violence or abuse against the victim and any designated family or household member;

301 (ii) prohibiting the defendant from harassing, telephoning, contacting, or otherwise  
302 communicating with the victim, directly or indirectly;

303 (iii) removing and excluding the defendant from the victim's residence and the  
304 premises of the residence;

305 (iv) ordering the defendant to stay away from the residence, school, place of  
306 employment of the victim, and the premises of any of these, or any specified place frequented  
307 by the victim and any designated family member; and

308 (v) ordering any other relief that the court considers necessary to protect and provide  
309 for the safety of the victim and any designated family or household member.

310 (b) Violation of an order issued pursuant to this section is punishable as follows:

311 (i) if the original arrest or subsequent charge filed is a felony, an offense under this  
312 section is a third degree felony; and

313 (ii) if the original arrest or subsequent charge filed is a misdemeanor, an offense under  
314 this section is a class A misdemeanor.

315 (c) (i) The court shall provide the victim with a certified copy of any pretrial protective  
316 order that has been issued [~~pursuant to this section~~] if the victim can be located with reasonable  
317 effort.

318 (ii) The court shall also transmit the pretrial protective order to the statewide domestic  
319 violence network.

320 (d) Issuance of a pretrial or sentencing protective order supercedes a written jail release  
321 agreement or a written jail release court order issued by the court at the time of arrest.

322 (4) (a) When a court dismisses criminal charges or a prosecutor moves to dismiss  
323 charges against a defendant accused of a domestic violence offense, the specific reasons for  
324 dismissal shall be recorded in the court file and made a part of the statewide domestic violence  
325 network described in Section 78B-7-113.

326 (b) The court shall transmit the dismissal to the statewide domestic violence network.

327 (c) Any pretrial protective orders, including jail release court orders and jail release  
328 agreements, related to the dismissed domestic violence criminal charge shall also be dismissed.

329 (5) When the privilege of confidential communication between spouses, or the  
330 testimonial privilege of spouses is invoked in any criminal proceeding in which a spouse is the  
331 victim of an alleged domestic violence offense, the victim shall be considered to be an  
332 unavailable witness under the Utah Rules of Evidence.

333 (6) The court may not approve diversion for a perpetrator of domestic violence.

334 Section 6. Section **77-36-5** is amended to read:

335 **77-36-5. Sentencing -- Restricting contact with victim -- Electronic monitoring --**

336 **Counseling -- Cost assessed against defendant -- Sentencing protective order.**

337 (1) (a) When a defendant is found guilty of a crime involving domestic violence and a  
338 condition of the sentence restricts the defendant's contact with the victim, [~~an~~] a sentencing  
339 protective order may be issued [~~or, if one has already been issued, it may be extended~~] under  
340 Subsection 77-36-5.1(2) for the length of the defendant's probation. [~~The~~]

341 (b) (i) The sentencing protective order shall be in writing, and the prosecutor shall  
342 provide a certified copy of that order to the victim.

343 (ii) The court shall transmit the sentencing protective order to the statewide domestic  
344 violence network.

345 (c) Violation of a sentencing protective order issued pursuant to this Subsection (1) is a  
346 class A misdemeanor.

347 (2) In determining its sentence the court, in addition to penalties otherwise provided by  
348 law, may require the defendant to participate in an electronic or other type of monitoring  
349 program.

350 (3) The court may also require the defendant to pay all or part of the costs of  
351 counseling incurred by the victim and any children affected by or exposed to the domestic  
352 violence offense, as well as the costs for the defendant's own counseling.

353 (4) The court shall:

354 (a) assess against the defendant, as restitution, any costs for services or treatment  
355 provided to the [~~abused spouse~~] victim and affected children of the victim or the defendant by  
356 the Division of Child and Family Services under Section 62A-4a-106; and

357 (b) order those costs to be paid directly to the division or its contracted provider.

358 (5) The court shall order the defendant to obtain and satisfactorily complete treatment  
359 or therapy in a domestic violence treatment program, as defined in Section 62A-2-101, that is  
360 licensed by the Department of Human Services, unless the court finds that there is no licensed  
361 program reasonably available or that the treatment or therapy is not necessary.

362 Section 7. Section **77-36-5.1** is amended to read:

363 **77-36-5.1. Conditions of probation for person convicted of domestic violence**  
364 **offense.**

365 (1) Before any perpetrator who has been convicted of a domestic violence offense may  
366 be placed on probation, the court shall consider the safety and protection of the victim and any

367 member of the victim's family or household.

368 (2) The court may condition probation or a plea in abeyance on the perpetrator's  
369 compliance with one or more orders of the court, which may include~~[-but are not limited to;~~  
370 ~~an]~~ a sentencing protective order:

371 (a) enjoining the perpetrator from threatening to commit or committing acts of  
372 domestic violence against the victim or other family or household member;

373 (b) prohibiting the perpetrator from harassing, telephoning, contacting, or otherwise  
374 communicating with the victim, directly or indirectly;

375 (c) requiring the perpetrator to stay away from the victim's residence, school, place of  
376 employment, and the premises of any of these, or a specified place frequented regularly by the  
377 victim or any designated family or household member;

378 (d) prohibiting the perpetrator from possessing or consuming alcohol or controlled  
379 substances;

380 (e) prohibiting the perpetrator from purchasing, using, or possessing a firearm or other  
381 specified weapon;

382 (f) directing the perpetrator to surrender any weapons ~~[that he]~~ the perpetrator owns or  
383 possesses;

384 (g) directing the perpetrator to participate in and complete, to the satisfaction of the  
385 court, a program of intervention for perpetrators, treatment for alcohol or substance abuse, or  
386 psychiatric or psychological treatment;

387 (h) directing the perpetrator to pay restitution to the victim; and

388 (i) imposing any other condition necessary to protect the victim and any other  
389 designated family or household member or to rehabilitate the perpetrator.

390 (3) The perpetrator is responsible for the costs of any condition of probation, according  
391 to ~~[his]~~ the perpetrator's ability to pay.

392 (4) (a) Adult Probation and Parole, or other provider, shall immediately report to the  
393 court and notify the victim of any ~~[assault]~~ offense involving domestic violence committed by  
394 the perpetrator, the perpetrator's failure to comply with any condition imposed by the court, and  
395 any ~~[threat of harm made by the perpetrator]~~ violation of any sentencing criminal protective  
396 order issued by the court.

397 (b) Notification of the victim under Subsection (4)(a) shall consist of a good faith

398 reasonable effort to provide prompt notification, including mailing a copy of the notification to  
399 the last-known address of the victim.

400 (5) The court shall transmit all dismissals, terminations, and expirations of pretrial and  
401 sentencing criminal protective orders issued by the court to the statewide domestic violence  
402 network.

403 Section 8. Section **77-36-6** is amended to read:

404 **77-36-6. Enforcement of orders.**

405 (1) Each law enforcement agency in this state shall enforce all orders of the court  
406 issued pursuant to the requirements and procedures described in this chapter, and shall enforce:

407 (a) all protective orders and ex parte protective orders issued pursuant to Title 78B,  
408 Chapter 7, Part 1, Cohabitant Abuse Act; ~~and~~

409 (b) jail release agreements, jail release court orders, pretrial protective orders, and  
410 sentencing protective orders; and

411 ~~[(b)]~~ (c) all foreign protection orders enforceable under Title 78B, Chapter 7, Part 3,  
412 Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

413 (2) The requirements of this section apply statewide, regardless of the jurisdiction in  
414 which the order was issued or the location of the victim or the perpetrator.

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**H.B. 303 1st Sub. (Buff) - Protections for Victims of Domestic Violence**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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