

88 (c) has been previously convicted of any felony offense in Utah or of any crime in
89 another jurisdiction which if committed in Utah would be a felony, in which the victim of the
90 stalking offense or a member of the victim's immediate family was also a victim of the
91 previous felony offense;

92 (d) violated a permanent criminal stalking injunction issued pursuant to Subsection (9);
93 or

94 (e) has been or is at the time of the offense a cohabitant, as defined in Section
95 78B-7-102, of the victim.

96 (8) Stalking is a second degree felony if the offender:

97 (a) used a dangerous weapon as defined in Section 76-1-601 or used other means or
98 force likely to produce death or serious bodily injury, in the commission of the crime of
99 stalking;

100 (b) has been previously convicted two or more times of the offense of stalking;

101 (c) has been convicted two or more times in another jurisdiction or jurisdictions of
102 offenses that are substantially similar to the offense of stalking;

103 (d) has been convicted two or more times, in any combination, of offenses under
104 Subsection (7)(a), (b), or (c);

105 (e) has been previously convicted two or more times of felony offenses in Utah or of
106 crimes in another jurisdiction or jurisdictions which, if committed in Utah, would be felonies,
107 in which the victim of the stalking was also a victim of the previous felony offenses; or

108 (f) has been previously convicted of an offense under Subsection (7)(d) ~~or~~ (e) ~~or~~
109 ~~(f)~~.

110 (9) (a) A conviction for stalking or a plea accepted by the court and held in abeyance
111 for a period of time serves as an application for a permanent criminal stalking injunction
112 limiting the contact between the defendant and the victim.

113 (b) A permanent criminal stalking injunction shall be issued by the court ~~[without a~~
114 ~~hearing unless the defendant requests a hearing]~~ at the time of the conviction. ~~H~~→ [F] **The court**
114a **shall**

115 **give the defendant notice of the right to request a hearing. [F]**

116 [F] (c) **If the defendant requests a hearing under Subsection (9)(b), it shall be held at**
116a **the**
117 **time of the conviction unless the victim requests otherwise, or for good cause. [F]**

118 [F] (d) [F] ~~[c]~~ ← ~~H~~ If the conviction was entered in a justice court, a certified
118a copy of the

119 judgment and conviction or a certified copy of the court's order holding the plea in abeyance
 120 ~~[must]~~ shall be filed by the victim in the district court as an application and request for a
 121 hearing for a permanent criminal stalking injunction.

122 (10) A permanent criminal stalking injunction ~~[may grant]~~ shall be issued by the
 123 district court granting the following relief ~~H→~~ where appropriate ~~←H~~ :

124 (a) an order:

125 (i) restraining the defendant from entering the residence, property, school, or place of
 126 employment of the victim; and

127 (ii) requiring the defendant to stay away from the victim ~~H→~~ [and members of the victim's
 128 immediate family or household] ~~←H~~ , except as provided in Subsection (11), and to stay away from
 129 any specified place that is named in the order and is frequented regularly by the victim; ~~[and]~~

130 (b) an order restraining the defendant from making contact with or regarding the
 131 victim, including an order forbidding the defendant from personally or through an agent
 132 initiating any communication, except as provided in Subsection (11), likely to cause annoyance
 133 or alarm to the victim, including personal, written, or telephone contact with or regarding the
 134 victim, with the victim's employers, employees, coworkers, friends, associates, or others with
 135 whom communication would be likely to cause annoyance or alarm to the victim~~[-]; and~~

136 (c) any other orders the court considers necessary to protect the victim ~~H→~~ and members
 136a of the victim's immediate family or household ~~←H~~ .

137 (11) If the victim and defendant have minor children together, the court may consider
 138 provisions ~~H→~~ [that balance] regarding ~~←H~~ the defendant's ~~H→~~ exercise of ~~←H~~ custody and
 138a parent-time rights ~~H→~~ [and] while ensuring ~~←H~~ the ~~H→~~ [victim's] ~~←H~~ safety ~~H→~~ of the victim
 138b and any minor children ~~←H~~ .

139 If the court issues a permanent criminal stalking injunction, but declines to address custody and
 140 parent-time issues, a copy of the stalking injunction shall be filed in any action in which
 141 custody and parent-time issues are being considered and that court may modify the injunction
 142 to balance the parties' custody and parent-time rights.

143 ~~[(H) A]~~ (12) Except as provided in Subsection (11), a permanent criminal stalking
 144 injunction may be modified, dissolved, or dismissed only upon application of the victim to the
 145 court which granted the injunction.

146 ~~[(H2)]~~ (13) Notice of permanent criminal stalking injunctions issued pursuant to this
 147 section shall be sent by the court to the statewide warrants network or similar system.

148 ~~[(H3)]~~ (14) A permanent criminal stalking injunction issued pursuant to this section has
 149 effect statewide.

181 the court for good cause shown;

182 (b) the name and address, if known, of the respondent;

183 (c) specific events and dates of the actions constituting the alleged stalking;

184 (d) if there is a prior court order concerning the same conduct, the name of the court in
185 which the order was rendered; and

186 (e) corroborating evidence of stalking, which may be in the form of a police report,
187 affidavit, record, statement, item, letter, or any other evidence which tends to prove the
188 allegation of stalking.

189 (5) (a) If the court determines that there is reason to believe that an offense of stalking
190 has occurred, an ex parte civil stalking injunction may be issued by the court that includes any
191 of the following:

192 ~~[(a)]~~ (i) respondent may be enjoined from committing stalking;

193 ~~[(b)]~~ (ii) respondent may be restrained from coming near the residence, place of
194 employment, or school of the other party or specifically designated locations or persons;

195 ~~[(c)]~~ (iii) respondent may be restrained from contacting, directly or indirectly, the other
196 party, including personal, written or telephone contact with the other party, the other party's
197 employers, employees, fellow workers or others with whom communication would be likely to
198 cause annoyance or alarm to the other party; or

199 ~~[(d)]~~ (iv) any other relief necessary or convenient for the protection of the petitioner
200 and other specifically designated persons under the circumstances.

201 (b) If the petitioner and respondent have minor children, the court shall follow the
202 provisions of Section 78B-7-106 ~~H→~~ [while considering provisions that balance] and take into
202a consideration ~~←H~~ the respondent's
203 custody and parent-time rights ~~H→~~ [and] while ensuring ~~←H~~ the ~~H→~~ [victim's] ~~←H~~ safety
203a ~~H→~~ of the victim and the minor children ~~←H~~ . If the court issues a civil stalking
204 injunction, but declines to address custody and parent-time issues, a copy of the stalking
205 injunction shall be filed in any action in which custody and parent-time issues are being
206 considered.

207 (6) Within 10 days of service of the ex parte civil stalking injunction, the respondent is
208 entitled to request, in writing, an evidentiary hearing on the civil stalking injunction.

209 (a) A hearing requested by the respondent shall be held within 10 days from the date
210 the request is filed with the court unless the court finds compelling reasons to continue the
211 hearing. The hearing shall then be held at the earliest possible time. The burden is on the