

1st Sub. H.B. 148
PROTECTIVE ORDER AMENDMENTS

Senator **Todd Weiler** proposes the following amendments:

1. *Page 2, Lines 26 through 28:*

26 78B-7-115. Dismissal of protective order.
27 (1) Except as provided in Subsection (6). {A} a protective order that has been in effect
for at least two years may be dismissed if
28 the court determines that the petitioner no longer has a reasonable fear of future abuse. In

2. *Page 2, Lines 38 through 40:*

38 (f) any other factors the court considers relevant to the case before it.
39 (2) Except as provided in Subsection (6). {The} the court may amend or dismiss a
protective order issued in accordance with this
40 part that has been in effect for at least one year if it finds that:

3. *Page 3, Lines 61 through 67*

House Committee Amendments

2-2-2016:

61 (b) the court ~~shall~~ [f] specifically finds that the order need not continue [i] ~~if~~ [r].
61a ~~the court shall~~ [after making specific
62 findings on each factor described] and as provided ~~in~~ in Subsection (1), ~~the court shall~~ [determines that] ~~if~~
62a the petitioner no longer has
63 a reasonable fear of future abuse.

(6) (a) Notwithstanding Subsection (1) or (2), a protective order that has been entered under this chapter concerning a petitioner and a respondent who are divorced shall automatically expire, subject to Subsections (6)(b) and (c), 10 years from the day on which one of following occurs:

(i) the decree of divorce between the petitioner and respondent became absolute; or
(ii) the protective order was entered.

(b) The protective order shall automatically expire, as described in Subsection (6)(a), unless:
(i) the petitioner demonstrates that the petitioner has a reasonable fear of future abuse, as described in Subsection (1); or

(ii) the respondent has been convicted of a protective order violation or any crime of violence subsequent to the issuance of the protective order.

(c) The 10 years described in Subsection (6)(a) is tolled for any period of time that the respondent is incarcerated.

64 {~~(6)~~} (7) When the court dismisses a protective order, the court shall immediately;
65 (a) issue an order of dismissal to be filed in the protective order action; and
66 (b) transmit a copy of the order of dismissal to the statewide domestic violence
67 network as described in Section 78B-7-113.