

SB0123S01 compared with SB0123

{Omitted text} shows text that was in SB0123 but was omitted in SB0123S01

inserted text shows text that was not in SB0123 but was inserted into SB0123S01

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Criminal Protective Order Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor:

LONG TITLE

General Description:

This bill addresses criminal protective orders.

Highlighted Provisions:

This bill:

- requires a court to include certain provisions in a criminal pretrial protective order to address a utility service for a victim's residence; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

None

AMENDS:

78B-7-803, as last amended by Laws of Utah 2023, Chapters 114, 447, as last amended by Laws of Utah 2023, Chapters 114, 447

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

SB0123

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20 Section 1. Section **78B-7-803** is amended to read:

21 **78B-7-803. Pretrial protective orders.**

22 (1)

. (a) When an alleged perpetrator is charged with a crime involving a qualifying offense, the court shall, at the time of the alleged perpetrator's court appearance under Section 77-36-2.6:

25 (i) determine the necessity of imposing a pretrial protective order or other condition of pretrial release; and

27 (ii) state the court's findings and determination in writing.

28 (b) Except as provided in Subsection [(4)] (5), in any criminal case, the court may, during any court hearing where the alleged perpetrator is present, issue a pretrial protective order, pending trial.

31 (c) When determining the necessity of imposing a pretrial protective order or other condition of pretrial release, a court may consider the results of any relevant lethality assessment conducted in accordance with Section 77-36-2.1.

34 (2) [A] The court may include any of the following provisions in a pretrial protective order:

35 (a) an order enjoining the alleged perpetrator from threatening to commit or committing acts of domestic violence or abuse against the victim and any designated family or household member;

38 (b) an order prohibiting the alleged perpetrator from harassing, telephoning, contacting, or otherwise communicating with the victim, directly or indirectly;

40 (c) an order removing and excluding the alleged perpetrator from the victim's residence and the premises of the residence;

42 (d) an order requiring the alleged perpetrator to stay away from the victim's residence, school, or place of employment, and the premises of any of these, or any specified place frequented by the victim and any designated family member;

45 (e) an order for any other relief that the court considers necessary to protect and provide for the safety of the victim and any designated family or household member;

47 (f) an order identifying and requiring an individual designated by the victim to communicate between the alleged perpetrator and the victim if and to the extent necessary for family related matters;

50 (g) an order requiring the alleged perpetrator to participate in an electronic or other type of monitoring program; and

52 (h) if the alleged victim and the alleged perpetrator share custody of one or more minor children, an order for indirect or limited contact to temporarily facilitate parent visitation with a minor child.

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- 55 (3)
- 55 ~~{(3)}~~ (a) If a court orders the removal and exclusion of the alleged perpetrator from the victim's residence in a pretrial protective order described in Subsection (2), the court shall include a provision in the pretrial protective order:
- 58 ~~{(a)}~~ (i) prohibiting the alleged perpetrator from terminating any utility service to the victim's residence for at least 60 days from the day on which the pretrial protective order is issued; or
- 61 ~~{(b)}~~ (ii) if appropriate, ordering the alleged perpetrator to restore any utility service to the victim's residence.
- 63 (b) A provision in a pretrial protective order described Subsection (3)(a)(i) or (ii) is not a determination that the alleged perpetrator is responsible for the costs of a utility service to a victim's residence.
- 66 (c) If the court includes a provision described in Subsection (3)(a) in a pretrial protective order, the court may include:
- 68 (i) a provision in the pretrial protective order addressing the party responsible for paying the costs of a utility service to the victim's residence; or
- 70 (ii) a provision in the pretrial protective order requiring the alleged perpetrator to pay the costs of restoring a utility service if the court includes the provision described in Subsection (3)(a)(ii).
- 63 ~~[(3)]~~ (4) If the court issues a pretrial protective order, the court shall determine whether to allow provisions for transfer of personal property to decrease the need for contact between the parties.
- 66 ~~[(4)]~~ (5) A pretrial protective order issued under this section against an alleged perpetrator who is a minor expires on the earlier of:
- 68 (a) the day on which the alleged perpetrator is served with an order issued under Section 78B-7-804 or 78B-7-805;
- 70 (b) the day on which the court makes a disposition of the alleged perpetrator's case under Title 80, Chapter 6, Part 7, Adjudication and Disposition; or
- 72 (c) the day on which the juvenile court terminates jurisdiction.
- 73 ~~[(5)]~~ (6) A pretrial protective order issued under this section against an alleged perpetrator who is not a minor expires on the earliest of:
- 75 (a) the day on which the court dismisses the case;
- 76 (b) the day on which the court dismisses the pretrial protective order; or
- 77 (c) the day on which the alleged perpetrator is served with an order issued under Section 78B-7-804 or 78B-7-805.

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89 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

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