

Criminal Protective Order Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

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

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

78B-7-803 . Pretrial protective orders.

(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:

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

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

(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.

(c) When determining the necessity of imposing a pretrial protective order or other

32 condition of pretrial release, a court may consider the results of any relevant lethality
33 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
36 acts of domestic violence or abuse against the victim and any designated family or
37 household member;

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

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

42 (d) an order requiring the alleged perpetrator to stay away from the victim's residence,
43 school, or place of employment, and the premises of any of these, or any specified
44 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
46 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
48 communicate between the alleged perpetrator and the victim if and to the extent
49 necessary for family related matters;

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

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

55 (3) If a court orders the removal and exclusion of the alleged perpetrator from the victim's
56 residence in a pretrial protective order described in Subsection (2), the court shall
57 include a provision in the pretrial protective order:

58 (a) prohibiting the alleged perpetrator from terminating any utility service to the victim's
59 residence for at least 60 days from the day on which the pretrial protective order is
60 issued; or

61 (b) if appropriate, ordering the alleged perpetrator to restore any utility service to the
62 victim's residence.

63 [~~3~~] (4) If the court issues a pretrial protective order, the court shall determine whether to
64 allow provisions for transfer of personal property to decrease the need for contact
65 between the parties.

- 66 [~~(4)~~] (5) A pretrial protective order issued under this section against an alleged perpetrator
67 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
69 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
71 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
74 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
78 78B-7-804 or 78B-7-805.
- 79 Section 2. **Effective date.**
- 80 This bill takes effect on May 7, 2025.