

Stephanie Pitcher proposes the following substitute bill:

Criminal Protective Order Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Grant Amjad Miller

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

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

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

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

63 (b) A provision in a pretrial protective order described Subsection (3)(a)(i) or (ii) is not a

64 determination that the alleged perpetrator is responsible for the costs of a utility
65 service to a victim's residence.

66 (c) If the court includes a provision described in Subsection (3)(a) in a pretrial protective
67 order, the court may include:

68 (i) a provision in the pretrial protective order addressing the party responsible for
69 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
71 the costs of restoring a utility service if the court includes the provision described
72 in Subsection (3)(a)(ii).

73 [~~3~~] (4) If the court issues a pretrial protective order, the court shall determine whether to
74 allow provisions for transfer of personal property to decrease the need for contact
75 between the parties.

76 [~~4~~] (5) A pretrial protective order issued under this section against an alleged perpetrator
77 who is a minor expires on the earlier of:

78 (a) the day on which the alleged perpetrator is served with an order issued under Section
79 78B-7-804 or 78B-7-805;

80 (b) the day on which the court makes a disposition of the alleged perpetrator's case under
81 Title 80, Chapter 6, Part 7, Adjudication and Disposition; or

82 (c) the day on which the juvenile court terminates jurisdiction.

83 [~~5~~] (6) A pretrial protective order issued under this section against an alleged perpetrator
84 who is not a minor expires on the earliest of:

85 (a) the day on which the court dismisses the case;

86 (b) the day on which the court dismisses the pretrial protective order; or

87 (c) the day on which the alleged perpetrator is served with an order issued under Section
88 78B-7-804 or 78B-7-805.

89 Section 2. **Effective date.**

90 This bill takes effect on May 7, 2025.