

# HB0539S02 compared with HB0539S01

~~{Omitted text}~~ shows text that was in HB0539S01 but was omitted in HB0539S02  
inserted text shows text that was not in HB0539S01 but was inserted into HB0539S02

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1                    **Public Safety {~~and Prosecution Amendments~~} Modifications**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matt MacPherson**

Senate Sponsor:



2

3 **LONG TITLE**

4 **General Description:**

5        This bill amends provisions related to public safety {~~and prosecution of offenses~~} .

6 **Highlighted Provisions:**

7        This bill:

- 8            ▶ modifies the venue for a criminal action;
- 9            ▶ clarifies the definition of cohabitant for the battered person mitigation statute;
- 10           ▶ defines and modifies terms related to domestic violence, including expanding the definition of a domestic violence offense;
- 12           ▶ addresses the right to bail for a domestic violence offense;
- 13           ▶ clarifies a term regarding a predominant aggressor when a law enforcement officer is responding to multiple incidents of domestic violence;
- 15           ▶ clarifies and amends definitions for protective order statutes, including the definition of cohabitant;
- 17           ▶ amends the requirements for a workplace violence protective order;
- 18           ▶

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provides that a jail release agreement may not prohibit an individual arrested or cited for the commission of domestic violence in the presence of a child from communicating with a minor child in certain circumstances;

21       ▶ prohibits a parent from waiving the conditions of a jail release agreement when the minor child is the alleged victim and the parent was arrested or cited for the qualifying offense;

23       ▶ makes technical and conforming changes;

24       ▶ includes a coordination clause to modify a definition if this bill and H.B. 221, Coercion Amendments, both pass and become law; and

26       ▶ includes a coordination clause to modify a definition if this bill and H.B. 90, Sexual Offenses Amendments, both pass and become law.

### 28 **Money Appropriated in this Bill:**

29       None

### 30 **Other Special Clauses:**

31       This bill provides coordination clauses.

### 32 **Utah Code Sections Affected:**

33 AMENDS:

34       **76-1-202** , as last amended by Laws of Utah 2025, Chapter 291

35       **76-1-402** , as last amended by Laws of Utah 2025, Chapter 302

36       **76-2-409** , as enacted by Laws of Utah 2020, Chapter 411

37       **77-20-102** , as last amended by Laws of Utah 2025, Chapter 526

38       **77-20-201** , as last amended by Laws of Utah 2025, Chapter 227

39       **77-20-204** , as last amended by Laws of Utah 2025, Chapter 243

40       **77-36-1** , as last amended by Laws of Utah 2025, Chapters 173, 208 and 277

41       **77-36-2.2** , as last amended by Laws of Utah 2023, Chapter 447

42       **78B-7-102** , as last amended by Laws of Utah 2025, Chapters 212, 332

43       **78B-7-801** , as last amended by Laws of Utah 2025, Chapters 173, 284

44       **78B-7-802** , as last amended by Laws of Utah 2021, Second Special Session, Chapter 4

45       **78B-7-1101** , as enacted by Laws of Utah 2023, Chapter 170

46       **78B-7-1103** , as enacted by Laws of Utah 2023, Chapter 170

47       **78B-7-1105** , as enacted by Laws of Utah 2023, Chapter 170

48       **78B-7-1109** , as enacted by Laws of Utah 2023, Chapter 170

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49 **Utah Code Sections affected by Coordination Clause:**

50 **77-36-1 (05/06/26)** , as last amended by Laws of Utah 2025, Chapters 173, 208 and 277

51

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

53 Section 1. Section **76-1-202** is amended to read:

54 **76-1-202. Venue for a criminal action.**

55 (1) As used in this section, "body of water" includes any stream, river, lake, or reservoir, whether  
56 natural or man-made.

57 ~~[(1)]~~ (2) ~~[Criminal actions]~~ A criminal action shall be tried in the county, judicial district, or precinct  
58 ~~[where]~~ in which the offense is alleged to have been committed.

59 (3)

~~(a)~~ In determining the proper place of trial~~[, the following provisions shall apply:]~~ for a criminal action,  
60 this Subsection (3) shall apply.

61 ~~[(a)]~~ (b) If the commission of an offense commenced outside the state is consummated within this state,  
62 the ~~[offender]~~ actor shall be tried in the county ~~[where]~~ in which the offense is consummated.

63 ~~[(b)]~~ (c) When conduct constituting elements of an offense or results that constitute elements, whether  
64 the conduct or result constituting elements is in itself unlawful, shall occur in two or more counties,  
65 trial of the offense may be held in any of the counties concerned.

66 ~~[(c)]~~ (d) If ~~[a person]~~ an actor committing an offense upon ~~[the person of another]~~ a person is located in  
67 one county and ~~[his victim]~~ the person is located in another county at the time of the commission of  
68 the offense, the trial may be held in either county.

69 ~~[(d)]~~ (e) If a cause of death is inflicted in one county and death ensues in another county, the  
70 ~~[offender]~~ actor may be tried in either county.

71 ~~[(e)]~~ (f) ~~[A person]~~ An actor who commits an inchoate offense may be tried in any county in which any  
72 act that is an element of the offense, including the agreement in conspiracy, is committed.

73 ~~[(f)]~~ (g) ~~[Where a person]~~ If an actor in one county solicits, aids, abets, agrees, or attempts to aid  
74 another in the planning or commission of an offense in another county, ~~[he]~~ the actor may be tried  
75 for the offense in either county.

76 ~~[(g)]~~ (h)

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(i) ~~[When]~~ If an offense is committed within this state and it cannot be readily determined in which county or judicial district the offense occurred, ~~[the following provisions shall be applicable:]~~ this Subsection (3)(h) shall apply.

83 [(i)] (ii) ~~[When]~~ If an offense is committed upon any railroad car, vehicle, watercraft, or aircraft passing within this state, the ~~[offender]~~ actor may be tried in any county through which such railroad car, vehicle, watercraft, or aircraft has passed.

86 [(ii)] (iii) ~~[When]~~ If an offense is committed on any body of water bordering on or within this state, the ~~[offender]~~ actor may be tried in any county adjacent to ~~[such]~~ the body of water.~~[-The words "body of water" shall include but not be limited to any stream, river, lake, or reservoir, whether natural or man-made.]~~

90 [(iii)] (iv) ~~[A person]~~ An actor who commits theft may be tried in any county in which ~~[he]~~ the actor exerts control over the property affected.

92 [(iv)] (v) If an offense is committed on or near the boundary of two or more counties, the trial of the offense may be held in any of such counties.

94 [(v)] (vi) For any other offense, the trial may be held in the county in which the ~~[defendant]~~ actor resides, or, if ~~[he]~~ the actor has no fixed residence, in the county in which ~~[he]~~ the actor is apprehended or to which ~~[he]~~ the actor is extradited.

97 [(h)] (i) ~~[A person]~~ An actor who commits an offense based on Chapter 6, Part 11, Identity Fraud Act, may be tried in the county:

99 (i) where the victim's personal identifying information was obtained;

100 (ii) where the ~~[defendant]~~ actor used or attempted to use the personally identifying information;

102 (iii) where the victim of the identity fraud resides or is found; or

103 (iv) if multiple offenses of identity fraud occur in multiple jurisdictions, in any county where the victim's identity was used or obtained, or where the victim resides or is found.

106 [(i)] (j) For the purpose of establishing venue for a violation of Section 53-29-304 concerning sex offender, kidnap offender, or child abuse offender registration, the offense is considered to be committed:

109 (i) at the most recent registered primary residence of the offender, if the actual location of the offender at the time of the violation is not known; or

111 (ii) at the location of the offender at the time the offender is apprehended.

112 (4)

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- 112 (4){(a)} A criminal action for multiple offenses may be tried in any county or precinct within a judicial  
district if:
- 114 (a)(i) the offenses were committed within the judicial district;
- 115 { (b) }
- { (i) { ~~the prosecution meets the requirements of Section 76-1-402; or~~ }
- 116 (ii) the offenses may be joined in the same information or indictment under Section 77-8a-1; and
- 118 (c){(iii)} the prosecuting agencies for the jurisdictions in which any of the offenses were committed  
consent to the place of trial.
- 120 ~~{(2)}~~ (5) A criminal action for multiple offenses shall be tried in any county or precinct within a  
judicial district if:
- 121 (i) the offenses were committed within the judicial district; and
- 122 (ii) the prosecution meets the requirements of Section 76-1-402.
- 123 ~~{(2)}~~ (5) All objections of improper place of trial are waived by a defendant unless made before trial.
- 125 Section 2. Section **76-1-402** is amended to read:
- 126 **76-1-402. Separate offenses arising out of single criminal episode -- Included offenses.**
- 125 (1)
- (a) A defendant may be prosecuted in a single criminal action for all separate offenses arising out of a  
single criminal episode[; however,] .
- 127 (b) Notwithstanding Subsection (1)(a), when the same act of a defendant under a single criminal  
episode shall establish offenses [which] that may be punished in different ways under different  
provisions of [this code,] the Utah Code, the act shall be punishable under only one such  
provision[;] and an acquittal or conviction and sentence under any such provision bars a  
prosecution under any other such provision.
- 132 (2) ~~[Whenever conduct may establish separate offenses under a single criminal episode, unless the court~~  
~~otherwise orders to promote justice, a defendant shall not be subject to separate trials for multiple~~  
~~offenses when] Unless the court otherwise orders separate trials to promote justice, a defendant may~~  
~~not be subject to separate trials for separate offenses arising out a single criminal episode if:~~
- 137 (a) the offenses are within the jurisdiction of a single court;
- 138 (b) venue for the offenses is proper in a single court under Section 76-1-202; and
- 139 ~~{(b)}~~ (c) the offenses are known to the prosecuting attorney at the time the defendant is arraigned on the  
first information or indictment.

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- 141 (3)
- (a) A defendant may be convicted of an offense included in the offense charged but may not be convicted of both the offense charged and the included offense.
- 143 (b) An offense is ~~[so]~~included in the offense charged when:
- 144 ~~[(a)]~~ (i) ~~[it]~~ the offense is established by proof of the same or less than all of the facts required to establish the commission of the offense charged; ~~[or]~~
- 146 ~~[(b)]~~ (ii) ~~[it]~~ the offense constitutes an attempt, solicitation, conspiracy, or form of preparation to commit the offense charged or an offense otherwise included therein; or
- 149 ~~[(c)]~~ (iii) ~~[it]~~ the offense is specifically designated by a statute as a lesser included offense.
- 151 (4) The court shall not be obligated to charge the jury with respect to an included offense unless there is a rational basis for a verdict acquitting the defendant of the offense charged and convicting the defendant of the included offense.
- 154 (5) If the district court on motion after verdict or judgment, or an appellate court on appeal or certiorari, ~~[shall determine]~~ determines that there is insufficient evidence to support a conviction for the offense charged but that there is sufficient evidence to support a conviction for an included offense and the trier of fact necessarily found every fact required for conviction of that included offense, the verdict or judgment of conviction may be set aside or reversed and a judgment of conviction entered for the included offense, without necessity of a new trial, if such relief is sought by the defendant.
- 164 Section 3. Section **76-2-409** is amended to read:
- 165 **76-2-409. Battered person mitigation.**
- 163 (1) As used in this section:
- 164 (a) "Abuse" means the same as that term is defined in Section 78B-7-102.
- 165 ~~[(b) "Cohabitant" means:]~~
- 166 ~~[(i) the same as that term is defined in Section 78B-7-102; or]~~
- 167 ~~[(ii) the relationship of a minor and a natural parent, an adoptive parent, a stepparent, or an individual living with the minor's natural parent as if a stepparent to the minor.]~~
- 170 (b)
- (i) "Cohabitant" means the same as the term is defined in Section 78B-7-102.
- 171 (ii) "Cohabitant" includes, notwithstanding the definition in Section 78B-7-102, an individual who is:
- 173 (A) a minor when the minor's parent or stepparent, or an individual living with the minor's parent as if a stepparent to the minor, committed the criminal offense; or

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- 176 (B) a parent or stepparent of a minor, or an individual living with a parent of a minor as if a stepparent  
177 to the minor, when the minor committed the criminal offense.
- 179 (c) "Minor" means an individual who is younger than 18 years old.
- 180 (d) "Parent" means an individual with an established parent-child relationship as described in Section  
181 81-5-201.
- 182 (2)
- (a) An individual is entitled to battered person mitigation if:
- 183 (i) the individual committed a criminal offense that was not legally justified;
- 184 (ii) the individual committed the criminal offense against a cohabitant who demonstrated a pattern  
of abuse against the individual or another cohabitant of the individual; and
- 187 (iii) the individual reasonably believed that the criminal offense was necessary to end the pattern of  
abuse.
- 189 (b) A reasonable belief under Subsection (2)(a) is determined from the viewpoint of a reasonable person  
in the individual's circumstances, as the individual's circumstances are perceived by the individual.
- 192 (3) An individual claiming mitigation under Subsection (2)(a) has the burden of proving, by clear and  
convincing evidence, each element that would entitle the individual to mitigation under Subsection  
(2)(a).
- 195 (4) Mitigation under Subsection (2)(a) results in a one-step reduction of the level of offense of which  
the individual is convicted.
- 197 (5)
- (a) If the trier of fact is a jury, an individual is not entitled to mitigation under Subsection (2)(a) unless  
the jury:
- 199 (i) finds the individual proved, in accordance with Subsection (3), that the individual is entitled to  
mitigation by unanimous vote; and
- 201 (ii) returns a special verdict for the reduced charge at the same time the jury returns the general  
verdict.
- 203 (b) A nonunanimous vote by the jury on the question of mitigation under Subsection (2)(a) does not  
result in a hung jury.
- 205 (6) An individual intending to claim mitigation under Subsection (2)(a) at the individual's trial shall  
give notice of the individual's intent to claim mitigation under Subsection (2)(a) to the prosecuting  
agency at least 30 days before the individual's trial.

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211 Section 4. Section **77-20-102** is amended to read:

212 **77-20-102. Definitions.**

As used in this chapter:

211 (1) "Bail" means pretrial release.

212 (2) "Bail bond" means the same as that term is defined in Section 31A-35-102.

213 (3) "Bail bond agency" means the same as that term is defined in Section 31A-35-102.

214 (4) "Bail bond producer" means the same as that term is defined in Section 31A-35-102.

215 (5) "County jail official" means a county sheriff or the county sheriff's designee.

216 (6) "Domestic violence offense" means the same as that term is defined in Section 77-36-1.

217 [~~(6)~~] (7) "Exonerate" means to release and discharge a surety, or a surety's bail bond producer, from  
liability for a bail bond.

219 [~~(7)~~] (8) "Financial condition" means any monetary condition that is imposed to secure an individual's  
pretrial release.

221 [~~(8)~~] (9) "Forfeiture" means:

222 (a) to divest an individual or surety from a right to the repayment of monetary bail; or

223 (b) to enforce a pledge of assets or real or personal property from an individual or surety used to secure  
an individual's pretrial release.

225 [~~(9)~~] (10) "Magistrate" means the same as that term is defined in Section 77-1-3.

226 [~~(10)~~] (11)

(a) "Material change in circumstances" includes:

227 (i) a preliminary examination in which relevant evidence is presented that:

228 (A) is material to the factors or considerations provided in Section 77-20-201; and

229 (B) was not known to the court at the time the pretrial status order was issued;

230 (ii) an unreasonable delay in prosecution that is not attributable to the defendant;

231 (iii) a material change in the risk that an individual poses to a victim, a witness, or the public if  
released due to the passage of time or any other relevant factor;

233 (iv) a material change in the conditions of release or the services that are reasonably available to the  
defendant if released;

235 (v) a willful or repeated failure by the defendant to appear at required court appearances; or

237 (vi) any other material change related to the defendant's risk of flight or danger to any other  
individual or to the community if released.

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- 239 (b) "Material change in circumstances" does not include any fact or consideration that is known at the  
time that the pretrial status order is issued.
- 241 ~~[(11)]~~ (12) "Monetary bail" means a financial condition.
- 242 ~~[(12)]~~ (13) "No bail hold" means an order with the restrictions described in Subsection ~~[(18)(e)]~~ (19)(c).
- 244 ~~[(13)]~~ (14) "Own recognizance" means the release of an individual without any condition of release  
other than the individual's promise to:
- 246 (a) appear for all required court proceedings; and
- 247 (b) not commit any criminal offense.
- 248 ~~[(14)]~~ (15) "Pretrial detention hearing" means a hearing described in Section 77-20-206.
- 249 ~~[(15)]~~ (16) "Pretrial release" means the release of an individual from law enforcement custody during  
the time the individual awaits trial or other resolution of criminal charges.
- 251 ~~[(16)]~~ (17) "Pretrial risk assessment" means an objective, research-based, validated assessment tool  
that measures an individual's risk of flight and risk of anticipated criminal conduct while on pretrial  
release.
- 254 ~~[(17)]~~ (18) "Pretrial services program" means a program that is established to:
- 255 (a) gather information on individuals booked into a jail facility;
- 256 (b) conduct pretrial risk assessments; and
- 257 (c) supervise individuals granted pretrial release.
- 258 ~~[(18)]~~ (19) "Pretrial status order" means an order issued by a magistrate or judge that:
- 259 (a) releases the individual on the individual's own recognizance while the individual awaits trial or other  
resolution of criminal charges;
- 261 (b) sets the terms and conditions of the individual's pretrial release while the individual awaits trial or  
other resolution of criminal charges; or
- 263 (c) denies pretrial release and orders that the individual be detained while the individual awaits trial or  
other resolution of criminal charges.
- 265 ~~[(19)]~~ (20) "Principal" means the same as that term is defined in Section 31A-35-102.
- 266 ~~[(20)]~~ (21) "Surety" means a surety insurer or a bail bond agency.
- 267 ~~[(21)]~~ (22) "Surety insurer" means the same as that term is defined in Section 31A-35-102.
- 268 ~~[(22)]~~ (23) "Temporary pretrial status order" means an order issued by a magistrate that:
- 269 (a) releases the individual on the individual's own recognizance until a pretrial status order is issued;
- 271

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(b) sets the terms and conditions of the individual's pretrial release until a pretrial status order is issued;  
or

273 (c) denies pretrial release and orders that the individual be detained until a pretrial status order is issued.

275 [(23)] (24) "Unsecured bond" means an individual's promise to pay a financial condition if the  
individual fails to appear for any required court appearance.

280 Section 5. Section **77-20-201** is amended to read:

281 **77-20-201. Right to bail -- Capital felony.**

279 (1) An individual charged with, or arrested for, a criminal offense shall be admitted to bail as a matter  
of right, except if the individual is charged with:

281 (a) a capital felony when there is substantial evidence to support the charge;

282 (b) a felony committed while on parole or on probation for a felony conviction, or while free on bail  
awaiting trial on a previous felony charge, when there is substantial evidence to support the current  
felony charge;

285 (c) a felony when there is substantial evidence to support the charge and the court finds, by clear and  
convincing evidence, that:

287 (i) the individual would constitute a substantial danger to any other individual or to the community after  
considering available conditions of release that the court may impose if the individual is released on  
bail; or

290 (ii) the individual is likely to flee the jurisdiction of the court if the individual is released on bail;

292 (d) a felony when there is substantial evidence to support the charge and the court finds, by clear and  
convincing evidence, that the individual violated a material condition of release while previously on  
bail;

295 (e) a domestic violence offense if:

296 (i) there is substantial evidence to support the charge; and

297 (ii) the court finds, by clear and convincing evidence, that the individual would constitute a substantial  
danger to an alleged victim of the domestic violence offense after considering available conditions  
of release that the court may impose if the individual is released on bail;

301 (f) a domestic violence offense that is a class A misdemeanor or felony offense if:

302 (i) there is substantial evidence to support the charge; and

303 (ii) the court finds, by clear and convincing evidence, that the domestic violence offense is committed  
while:

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- 305 (A) the individual is on parole or probation for a conviction of a domestic violence offense; or  
307 (B) the individual is on pretrial release on a previous charge for a domestic violence offense;  
309 ~~[(f)]~~ (g) the offense of driving under the influence or driving with a measurable controlled substance in  
the body if:
- 311 (i) the offense results in death or serious bodily injury to an individual;  
312 (ii) there is substantial evidence to support the charge; and  
313 (iii) the court finds, by clear and convincing evidence, that the individual would constitute a substantial  
danger to the community after considering available conditions of release that the court may impose  
if the individual is released on bail;
- 317 ~~[(g)]~~ (h) a felony violation of Section 76-9-101 if:  
318 (i) there is substantial evidence to support the charge; and  
319 (ii) the court finds, by clear and convincing evidence, that the individual is not likely to appear for a  
subsequent court appearance; or
- 321 ~~[(h)]~~ (i) except as provided in Subsection (4), the offense of driving under the influence or driving with  
a measurable controlled substance in the body:
- 323 (i) if committed while on parole or on probation for a driving under the influence or driving with a  
measurable controlled substance in the body conviction; or  
325 (ii) while the individual is out of custody awaiting trial on a previous driving under the influence or  
driving with a measurable controlled substance in the body charge, when the court finds there is  
substantial evidence to support the current charge.
- 329 (2) Notwithstanding any other provision of this section, there is a rebuttable presumption that an  
individual is a substantial danger to the community under Subsection ~~[(1)(f)(iii)]~~ (1)(g)(iii):
- 332 (a) as long as the individual has a blood or breath alcohol concentration of .05 grams or greater if the  
individual is arrested for, or charged with, the offense of driving under the influence and the offense  
resulted in death or serious bodily injury to an individual; or  
336 (b) if the individual has a measurable amount of controlled substance in the individual's body, the  
individual is arrested for, or charged with, the offense of driving with a measurable controlled  
substance in the body and the offense resulted in death or serious bodily injury to an individual.
- 340 (3) For purposes of Subsection (1)(a), any arrest or charge for a violation of Section 76-5-202,  
aggravated murder, is a capital felony unless:
- 342 (a) the prosecuting attorney files a notice of intent to not seek the death penalty; or

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- 343 (b) the time for filing a notice to seek the death penalty has expired and the prosecuting attorney has not  
filed a notice to seek the death penalty.
- 345 (4) For purposes of Subsection [~~(1)(h)~~] (1)(i), there is a rebuttable presumption that an individual would  
not constitute a substantial danger to any other person or the community if:
- 348 (a) the court orders the [~~person~~] individual to participate in an inpatient drug and alcohol treatment  
program; or
- 350 (b) the court orders the [~~person~~] individual to participate in home confinement through the use of  
electronic monitoring as described in Section 41-6a-506.
- 352 (5) For purposes of a determination under Subsection (1)(c)(ii), there is a rebuttable presumption that an  
individual is at risk of fleeing the jurisdiction if the individual is not lawfully present in the United  
States.

358 Section 6. Section **77-20-204** is amended to read:

359 **77-20-204. County jail authority to release an individual from jail on monetary bail.**

358 (1) As used in this section, "eligible felony offense" means a third degree felony violation under:

- 360 (a) Section 23A-4-501 or 23A-4-502;
- 361 (b) Section 23A-5-311;
- 362 (c) Section 23A-5-313;
- 363 (d) Title 76, Chapter 6, Part 4, Theft;
- 364 (e) Title 76, Chapter 6, Part 5, Fraud;
- 365 (f) Title 76, Chapter 6, Part 6, Retail Theft;
- 366 (g) Title 76, Chapter 6, Part 7, Utah Computer Crimes Act;
- 367 (h) Title 76, Chapter 6, Part 8, Library Theft;
- 368 (i) Title 76, Chapter 6, Part 9, Cultural Sites Protection;
- 369 (j) Title 76, Chapter 6, Part 10, Mail Box Damage and Mail Theft;
- 370 (k) Title 76, Chapter 6, Part 11, Identity Fraud Act;
- 371 (l) Title 76, Chapter 6, Part 12, Utah Mortgage Fraud Act;
- 372 (m) Title 76, Chapter 6, Part 13, Utah Automated Sales Suppression Device Act;
- 373 (n) Title 76, Chapter 6, Part 14, Regulation of Metal Dealers;
- 374 (o) Title 76, Chapter 7, Offenses Against the Family;
- 375 (p) Title 76, Chapter 7a, Abortion Prohibition;
- 376 (q) Title 76, Chapter 12, Part 2, Electronic Communication Abuse;

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- 377 (r) Title 76, Chapter 12, Part 3, Privacy Offenses;
- 378 (s) Title 76, Chapter 13, Offenses Involving Cruelty to Animals; or
- 379 (t) Title 76, Chapter 17, Part 3, Offenses Concerning Pyramid Schemes.
- 380 (2) Except as provided in Subsection (7)(a), a county jail official may fix a financial condition for an individual if:
- 382 (a)
- (i) the individual is ineligible to be released on the individual's own recognizance under Section 77-20-203;
- 384 (ii) the individual is arrested for, or charged with:
- 385 (A) a misdemeanor offense under state law, excluding a misdemeanor offense:
- 386 (I) for [~~domestic violence~~] a domestic violence offense, as defined in Section 77-36-1; or
- 388 (II) for driving under the influence under Title 41, Chapter [6] 6a, Part 5, Driving Under the Influence and Reckless Driving, or Section 76-5-102.1; or
- 390 (B) a violation of a city or county ordinance that is classified as a class B or C misdemeanor offense;
- 392 (iii) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
- 394 (iv) law enforcement has not submitted a probable cause statement to a magistrate; or
- 395 (b)
- (i) the individual is arrested for, or charged with, an eligible felony offense;
- 396 (ii) the individual is not on pretrial release for a separate criminal offense;
- 397 (iii) the individual is not on probation or parole;
- 398 (iv) the primary risk posed by the individual is the risk of failure to appear;
- 399 (v) the individual agrees in writing to appear for any future criminal proceedings related to the arrest; and
- 401 (vi) law enforcement has not submitted a probable cause statement to a magistrate.
- 402 (3) A county jail official may not fix a financial condition at a monetary amount that exceeds:
- 404 (a) \$5,000 for an eligible felony offense;
- 405 (b) \$1,950 for a class A misdemeanor offense;
- 406 (c) \$680 for a class B misdemeanor offense;
- 407 (d) \$340 for a class C misdemeanor offense;
- 408 (e) \$150 for a violation of a city or county ordinance that is classified as a class B misdemeanor; or

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- 410 (f) \$80 for a violation of a city or county ordinance that is classified as a class C misdemeanor.
- 412 (4) If an individual is arrested for more than one offense, and the county jail official fixes a financial condition for release:
- 414 (a) the county jail official shall fix the financial condition at a single monetary amount; and
- 416 (b) the single monetary amount may not exceed the monetary amount under Subsection (3) for the highest level of offense for which the individual is arrested.
- 418 (5) Except as provided in Subsection (7)(b), an individual shall be released if the individual posts a financial condition fixed by a county jail official in accordance with this section.
- 420 (6) If a county jail official fixes a financial condition for an individual, law enforcement shall submit a probable cause statement in accordance with Rule 9 of the Utah Rules of Criminal Procedure after the county jail official fixes the financial condition.
- 423 (7) Once a magistrate begins a review of an individual's case under Rule 9 of the Utah Rules of Criminal Procedure:
- 425 (a) a county jail official may not fix or modify a financial condition for an individual; and
- 427 (b) if a county jail official fixed a financial condition for the individual before the magistrate's review, the individual may no longer be released on the financial condition.
- 430 (8) A jail facility may not release an individual subject to a 72-hour hold placed on the individual by the Department of Corrections as described in Section 64-14-205.
- 432 (9) This section does not prohibit a court and a county from entering into an agreement regarding release, except that any such agreement shall apply only to an individual who meets the criteria in an agreement as those criteria existed as of January 1, 2025.

439 Section 7. Section **77-36-1** is amended to read:

440 **77-36-1. Definitions for chapter.**

As used in this chapter:

- 439 (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.
- 440 (2) "Dangerous weapon" means the same as that term is defined in Section 76-1-101.5.
- 441 [(2)] (3) "Department" means the Department of Public Safety.
- 442 [(3)] (4) "Divorced" means an individual who has obtained a divorce under Title 81, Chapter 4, Part 4, Divorce.
- 444 [(4)

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- (a) "Domestic violence" or "domestic violence offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another.]
- 448 [(b) "Domestic violence" or "domestic violence offense" includes the commission of or attempt to  
commit, any of the following offenses by one cohabitant against another:]
- 450 [(i) aggravated assault under Section 76-5-103;]
- 451 [(ii) aggravated cruelty to an animal under Section 76-13-203, with the intent to harass or threaten the  
other cohabitant;]
- 453 [(iii) assault under Section 76-5-102;]
- 454 [(iv) criminal homicide under Section 76-5-201;]
- 455 [(v) harassment under Section 76-5-106;]
- 456 [(vi) electronic communication harassment under Sections 76-12-202, 76-12-203, and 76-12-204;]
- 458 [(vii) kidnapping, child kidnapping, or aggravated kidnapping under Sections 76-5-301, 76-5-301.1, and  
76-5-302;]
- 460 [(viii) mayhem under Section 76-5-105;]
- 461 [(ix) propelling a bodily substance or material, as described in Section 76-5-102.9;]
- 462 [(x) sexual offenses under Title 76, Chapter 5, Part 4, Sexual Offenses, and sexual exploitation of  
a minor and aggravated sexual exploitation of a minor, as described in Sections 76-5b-201 and  
76-5b-201.1;]
- 465 [(xi) stalking under Section 76-5-106.5;]
- 466 [(xii) unlawful detention and unlawful detention of a minor under Section 76-5-304;]
- 467 [(xiii) violation of a protective order or ex parte protective order under Section 76-5-108;]
- 469 [(xiv) an offense against property under Title 76, Chapter 6, Part 1, Property Destruction, Title 76,  
Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76, Chapter 6, Part 3, Robbery;]
- 472 [(xv) disorderly conduct under Section 76-9-102, if a conviction or adjudication of disorderly conduct  
is the result of a plea agreement in which the perpetrator was originally charged with a domestic  
violence offense otherwise described in this Subsection (4), except that a conviction or adjudication  
of disorderly conduct as a domestic violence offense, in the manner described in this Subsection (4)  
(b)(xv), does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Sec. 921,  
and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;]

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- 479 [~~(xvi) child abuse under Section 76-5-114;~~]  
480 [~~(xvii) threatening violence under Section 76-5-107;~~]  
481 [~~(xviii) tampering with a witness under Section 76-8-508;~~]  
482 [~~(xix) retaliation against a witness, victim, or informant under Section 76-8-508.3;~~]  
483 [~~(xx) receiving or soliciting a bribe as a witness under Section 76-8-508.7;~~]  
484 [~~(xxi) unlawful distribution of an intimate image under Section 76-5b-203;~~]  
485 [~~(xxii) unlawful distribution of a counterfeit intimate image under Section 76-5b-205;~~]  
486 [~~(xxiii) threatening with or using a dangerous weapon in a fight or quarrel under Section 76-11-207;~~]  
488 [~~(xxiv) possession of a dangerous weapon with criminal intent under Section 76-11-208;~~]  
490 [~~(xxv) improper discharging of a dangerous weapon under Section 76-11-209;~~]  
491 [~~(xxvi) voyeurism under Section 76-12-306;~~]  
492 [~~(xxvii) recorded or photographed voyeurism under Section 76-12-307;~~]  
493 [~~(xxviii) distribution of images obtained through voyeurism under Section 76-12-308;~~]  
494 [~~(xxix) damage to or interruption of a communication device under Section 76-6-108; or~~]  
496 [~~(xxx) an offense under Subsection 78B-7-806(1).]~~  
497 [~~(e) "Domestic violence" or "domestic violence offense" does not include:~~]  
498 [~~(i) enticing a minor under Section 76-5-417;~~]  
499 [~~(ii) lewdness under in Section 76-5-419; or~~]  
500 [~~(iii) lewdness involving a child under Section 76-5-420.]~~  
501 (5)  
(a) "Domestic violence offense" or "domestic violence" mean:  
502 (i) an offense involving violence or physical harm, or a threat of violence or physical harm  
504 committed by one cohabitant against another cohabitant; or  
(ii) an attempt, a conspiracy, or a solicitation to commit an offense involving violence or physical  
506 harm committed by one cohabitant against another cohabitant.  
(b) "Domestic violence offense" or "domestic violence" include the commission of, or an attempt to  
commit, an offense by one cohabitant against another cohabitant that is:  
508 (i) a felony or misdemeanor offense described in:  
509 (A) Section 76-5-102, assault;  
510 (B) Section 76-5-102.9, propelling a bodily substance or material;  
511 (C) Section 76-5-103, aggravated assault;

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- 512 (D) Section 76-5-105, mayhem;
- 513 (E) Section 76-5-106, harassment;
- 514 (F) Section 76-5-106.5, stalking;
- 515 (G) Section 76-5-107, threat of violence;
- 516 (H) Section 76-5-108, violation of a protective order;
- 517 (I) Section 76-5-111.2, aggravated abuse of a vulnerable adult;
- 518 (J) Section 76-5-114, commission of domestic violence in the presence of a child;
- 519 (K) Section 76-5-201, criminal homicide;
- 520 (L) Section 76-5-301, kidnapping;
- 521 (M) Section 76-5-302, aggravated kidnapping;
- 522 (N) Section 76-5-308, human trafficking for labor;
- 523 (O) Section 76-5-308.1, human trafficking for sexual exploitation;
- 524 (P) Section 76-5-310, aggravated human trafficking;
- 525 (Q) Section 76-5-311, human trafficking of a vulnerable adult;
- 526 (R) Title 76, Chapter 5, Part 4, Sexual Offenses;
- 527 (S) Section 76-5b-203, distribution of an intimate image;
- 528 (T) Section 76-5b-205, unlawful distribution of a counterfeit intimate image;
- 529 (U) Title 76, Chapter 6, Part 1, Property Destruction;
- 530 (V) Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass;
- 531 (W) Title 76, Chapter 6, Part 3, Robbery;
- 532 (X) Section 76-8-508, tampering with a witness;
- 533 (Y) Section 76-8-508.3, retaliation against a witness, victim, or informant;
- 534 (Z) Section 76-8-508.7, receiving or soliciting a bribe as a witness;
- 535 (AA) Section 76-9-102, disorderly conduct, if a conviction or adjudication of disorderly conduct is the result of a plea agreement in which the actor was originally charged with an offense otherwise described in this Subsection (5), except that a conviction or adjudication of disorderly conduct as a domestic violence offense, in the manner described in this Subsection (5)(b)(i)(AA), does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;
- 543 (BB) Section 76-11-207, threatening with or using a dangerous weapon in a fight or quarrel;
- 545 (CC) Section 76-11-208, possession of a deadly weapon with criminal intent;

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- 546 (DD) Section 76-12-202, electronic communication harassment;  
547 (EE) Title 76, Chapter 12, Part 3, Privacy Offenses;  
548 (FF) Section 76-13-203, aggravated cruelty to an animal, if the intent is to harass or threaten the  
cohabitant;  
550 (GG) Section 76-11-209, improper discharging of a dangerous weapon; or  
551 (HH) Subsection 78B-7-806(1), for a violation of a jail release court order or jail release agreement; or  
553 (ii) a felony or class A misdemeanor offense described in:  
554 (A) Section 76-5-111, abuse of a vulnerable adult;  
555 (B) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult; or  
556 (C) Section 76-5-111.4, financial exploitation of a vulnerable adult.  
557 (c) "Domestic violence offense" or "domestic violence" does not include the commission of, or an  
attempt to commit, an offense by one cohabitant against another cohabitant that is:  
560 (i) a felony or misdemeanor offense described in:  
561 (A) Section 76-5-417, enticing a minor;  
562 (B) Section 76-5-419, lewdness; or  
563 (C) Section 76-5-420, lewdness involving a child; or  
564 (ii) a class B or class C misdemeanor offense that is described in:  
565 (A) Section 76-5-111, abuse of a vulnerable adult;  
566 (B) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult; or  
567 (C) Section 76-5-111.4, financial exploitation of a vulnerable adult.  
568 ~~[(5)]~~ (6) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.  
570 ~~[(6)]~~ (7) "Jail release court order" means the same as that term is defined in Section 78B-7-801.  
572 ~~[(7)]~~ (8) "Marital status" means married and living together, divorced, separated, or not married.  
574 ~~[(8)]~~ (9) "Married and living together" means a couple whose marriage was solemnized under Section  
81-2-305 or 81-2-407 and who are living in the same residence.  
576 ~~[(9)]~~ (10) "Not married" means any living arrangement other than married and living together, divorced,  
or separated.  
578 ~~[(10)]~~ (11) "Protective order" includes an order issued under Subsection 78B-7-804(3).  
579 ~~[(11)]~~ (12) "Pretrial protective order" means a written order:  
580 (a) specifying and limiting the contact [a person] an individual who has been charged with a domestic  
violence offense may have with an alleged victim or other specified individuals; and

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- 583 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803, pending trial in the  
criminal case.
- 585 (13) "Protective order" includes an order issued under Subsection 78B-7-804(3).
- 586 [(12)] (14) "Sentencing protective order" means a written order of the court as part of sentencing in  
a domestic violence case that limits the contact an individual who is convicted or adjudicated of  
a domestic violence offense may have with a victim or other specified individuals under Section  
78B-7-804.
- 590 [(13)] (15) "Separated" means a couple who have had their marriage solemnized under Section  
81-2-305 or 81-2-407 and who are not living in the same residence.
- 592 (16) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.
- 593 [(14)] (17) "Victim" means a cohabitant who has been subjected to domestic violence.
- 597 Section 8. Section **77-36-2.2** is amended to read:
- 598 **77-36-2.2. Powers and duties of law enforcement officers to arrest -- Reports of domestic  
violence cases -- Reports of parties' marital status.**
- 597 (1) The primary duty of law enforcement officers responding to a domestic violence call is to protect  
the victim and enforce the law.
- 599 (2)
- (a) In addition to the arrest powers described in Section 77-7-2, when a peace officer responds to a  
domestic violence call and has probable cause to believe that an act of domestic violence has been  
committed, the peace officer shall arrest without a warrant or shall issue a citation to any person that  
the peace officer has probable cause to believe has committed an act of domestic violence.
- 604 (b)
- [(i)] If the peace officer has probable cause to believe that there will be continued violence against the  
alleged victim, or if there is evidence that the perpetrator has either recently caused serious bodily  
injury or used a dangerous weapon in the domestic violence offense, the officer shall arrest and take  
the alleged perpetrator into custody, and may not utilize the option of issuing a citation under this  
section.
- 609 [(ii) For purposes of Subsection (2)(b)(i), "serious bodily injury" and "dangerous weapon" mean the  
same as those terms are defined in Section 76-1-101.5.]
- 611 (c) If a peace officer does not immediately exercise arrest powers or initiate criminal proceedings by  
citation or otherwise, the officer shall notify the victim of the right to initiate a criminal proceeding

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and of the importance of preserving evidence, in accordance with the requirements of Section 77-36-2.1.

- 615 (3)
- (a) If a law enforcement officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who the predominant aggressor was.
- 618 (b) If the officer determines that one person was the predominant [~~physical~~]aggressor, the officer need not arrest the other person alleged to have committed domestic violence.
- 621 (c) In determining who the predominant aggressor was, the officer shall consider:
- 622 [~~(a)~~] (i) any prior complaints of domestic violence;
- 623 [~~(b)~~] (ii) the relative severity of injuries inflicted on each person;
- 624 [~~(c)~~] (iii) the likelihood of future injury to each of the parties; and
- 625 [~~(d)~~] (iv) whether one of the parties acted in self defense.
- 626 (4) A law enforcement officer may not threaten, suggest, or otherwise indicate the possible arrest of all parties in order to discourage any party's request for intervention by law enforcement.
- 629 (5)
- (a) A law enforcement officer who does not make an arrest after investigating a complaint of domestic violence, or who arrests two or more parties, shall submit a detailed, written report specifying the grounds for not arresting any party or for arresting both parties.
- 633 (b) A law enforcement officer who does not make an arrest shall notify the victim of the right to initiate a criminal proceeding and of the importance of preserving evidence.
- 635 (6)
- (a) A law enforcement officer responding to a complaint of domestic violence shall prepare an incident report that includes:
- 637 (i) the officer's disposition of the case; and
- 638 (ii) the results of any lethality assessment completed in accordance with Section 77-36-2.1.
- 640 (b) From January 1, 2009, until December 31, 2013, any law enforcement officer employed by a city of the first or second class responding to a complaint of domestic violence shall also report, either as a part of an incident report or on a separate form, the following information:
- 644 (i) marital status of each of the parties involved;
- 645 (ii) social, familial, or legal relationship of the suspect to the victim; and

## HB0539S01 compared with HB0539S02

- 646 (iii) whether or not an arrest was made.
- 647 (c) The information obtained in Subsection (6)(b):
- 648 (i) shall be reported monthly to the department;
- 649 (ii) shall be reported as numerical data that contains no personal identifiers; and
- 650 (iii) is a public record as defined in Section 63G-2-103.
- 651 (d) The incident report shall be made available to the victim, upon request, at no cost.
- 652 (e) The law enforcement agency shall forward a copy of the incident report to the appropriate  
prosecuting attorney within five days after the complaint of domestic violence occurred.
- 655 (7) The department shall compile the information described in Subsections (6)(b) and (c) into a report  
and present that report to the Law Enforcement and Criminal Justice Interim Committee during the  
2013 interim, no later than May 31, 2013.
- 658 (8) Each law enforcement agency shall, as soon as practicable, make a written record and maintain  
records of all incidents of domestic violence reported to it, and shall be identified by a law  
enforcement agency code for domestic violence.
- 664 Section 9. Section **78B-7-102** is amended to read:
- 665 **78B-7-102. Definitions for chapter.**
- As used in this chapter:
- 664 (1) "Abuse" means, except as provided in Section 78B-7-201, intentionally or knowingly causing or  
attempting to cause another individual physical harm or intentionally or knowingly placing another  
individual in reasonable fear of imminent physical harm.
- 667 (2) "Affinity" means the same as that term is defined in Section 76-1-101.5.
- 668 (3) "Canadian domestic violence protection order" means the same as that term is defined in Section  
78B-7-1201.
- 670 (4) "Child" means an individual who is younger than 18 years old.
- 671 (5) "Civil protective order" means an order issued, subsequent to a hearing on the petition, of which the  
petitioner and respondent have been given notice, under:
- 673 (a) Part 2, Child Protective Orders;
- 674 (b) Part 4, Dating Violence Protective Orders;
- 675 (c) Part 5, Sexual Violence Protective Orders;
- 676 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 677 (e) Part 11, Workplace Violence Protective Orders.

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- 678 (6) "Civil stalking injunction" means a stalking injunction issued under Part 7, Civil Stalking  
Injunctions.
- 680 (7)
- (a) "Cohabitant" means~~[an emancipated individual under Section 15-2-1 or an individual who is 16  
years old or older who]~~ :
- 682 (i) an individual who is emancipated under Section 15-2-1, or an individual who is 16 years old or  
older, when the individual:
- 684 [(i)] (A) is or was a spouse of the other party;
- 685 [(ii)] (B) is or was living as if a spouse of the other party;
- 686 [(iii)] (C) is related by blood or marriage to the other party as the individual's parent~~[-, grandparent,  
sibling, or any other individual related to the individual]~~ or grandparent;
- 689 (D) is related by consanguinity or affinity to the second degree to the other party;
- 690 [(iv)] (E) has or had one or more children in common with the other party;
- 691 [(v)] (F) is the biological parent of the other party's unborn minor child;
- 692 [(vi)] (G) resides or has resided in the same residence as the other party; or
- 693 [(vii)] (H) is or was in a consensual sexual relationship with the other party~~[-]~~ ; or
- 694 (ii) an individual who is 18 years old or older and is the sibling, stepsibling, or foster sibling of the  
other party.
- 696 (b) "Cohabitant" does not include:
- 697 (i) an individual who is a parent, stepparent, or foster parent of the other party when the other party is a  
child; or
- 699 (ii) a child when the other party is:
- 700 (A) the child's parent, stepparent, or foster parent; or
- 701 (B) younger than 18 years old and is the child's sibling, stepsibling, or foster sibling.
- 703 [(b) "Cohabitant" does not include:]
- 704 [(i) ~~the relationship of natural parent, adoptive parent, or step-parent to a minor child; or]~~
- 706 [(ii) ~~the relationship between natural, adoptive, step, or foster siblings who are under 18 years old.]~~
- 708 (8) "Consanguinity" means the same as that term is defined in Section 76-1-101.5.
- 709 (9) "Criminal protective order" means an order issued under Part 8, Criminal Protective Orders.
- 711 (10) "Criminal stalking injunction" means a stalking injunction issued under Part 9, Criminal Stalking  
Injunctions.

## HB0539S01 compared with HB0539S02

- 713 (11) "Court clerk" means a district court clerk.  
714 (12)  
(a) "Dating partner" means an individual who:  
715 (i)  
(A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7, Emancipation; or  
717 (B) is 18 years old or older; and  
718 (ii) is, or has been, in a dating relationship with the other party.  
719 (b) "Dating partner" does not include an intimate partner.  
720 (13)  
(a) "Dating relationship" means a social relationship of a romantic or intimate nature, or a relationship  
which has romance or intimacy as a goal by one or both parties, regardless of whether the  
relationship involves sexual intimacy.  
723 (b) "Dating relationship" does not include casual fraternization in a business, educational, or social  
context.  
725 (c) In determining, based on a totality of the circumstances, whether a dating relationship exists:  
727 (i) all relevant factors shall be considered, including:  
728 (A) whether the parties developed interpersonal bonding above a mere casual fraternization;  
730 (B) the length of the parties' relationship;  
731 (C) the nature and the frequency of the parties' interactions, including communications indicating that  
the parties intended to begin a dating relationship;  
734 (D) the ongoing expectations of the parties, individual or jointly, with respect to the relationship;  
736 (E) whether, by statement or conduct, the parties demonstrated an affirmation of their relationship to  
others; and  
738 (F) whether other reasons exist that support or detract from a finding that a dating relationship exists;  
and  
740 (ii) it is not necessary that all, or a particular number, of the factors described in Subsection (13)(c)(i)  
are found to support the existence of a dating relationship.  
742 (14) "Dating violence" means:  
743 (a) a criminal offense involving violence or physical harm, or threat of violence or physical harm, when  
committed by an individual against a dating partner; or  
745

## HB0539S01 compared with HB0539S02

(b) an attempt, a conspiracy, or a solicitation by an individual to commit a criminal offense involving violence or physical harm against a dating partner of the individual.

747 (15) "Domestic violence" means the same as that term is defined in Section 77-36-1.

748 (16) "Ex parte civil protective order" means an order issued without notice to the respondent under:

750 (a) Part 2, Child Protective Orders;

751 (b) Part 4, Dating Violence Protective Orders;

752 (c) Part 5, Sexual Violence Protective Orders;

753 (d) Part 6, Cohabitant Abuse Protective Orders; or

754 (e) Part 11, Workplace Violence Protective Orders.

755 (17) "Ex parte civil stalking injunction" means a stalking injunction issued without notice to the respondent under Part 7, Civil Stalking Injunctions.

757 (18) "Foreign protection order" means:

758 (a) the same as that term is defined in Section 78B-7-302; or

759 (b) a Canadian domestic violence protection order.

760 (19) "Household animal" means an animal that is tamed and kept as a pet.

761 (20) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.

762 (21) "Law enforcement unit" or "law enforcement agency" means any public agency having general police power and charged with making arrests in connection with enforcement of the criminal statutes and ordinances of this state or any political subdivision.

765 (22) "Minor child" means the same as that term is defined in Section 81-1-101.

766 (23) "Parent" means the same as that term is defined in Section 81-1-101.

767 [~~(23)~~] (24) "Peace officer" means [~~those individuals specified~~] an individual described in Title 53, Chapter 13, Peace Officer Classifications.

769 [~~(24)~~] (25) "Qualifying domestic violence offense" means the same as that term is defined in Section 77-36-1.1.

771 [~~(25)~~] (26) "Respondent" means the individual against whom enforcement of a protective order is sought.

773 [~~(26)~~] (27) "Stalking" means the same as that term is defined in Section 76-5-106.5.

777 Section 10. Section **78B-7-801** is amended to read:

778 **78B-7-801. Definitions.**

As used in this part:

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- 777 (1)
- (a) "Jail release agreement" means a written agreement that is entered into by an individual who is arrested or issued a citation, regardless of whether the individual is booked into jail:
- 780 (i) under which the arrested or cited individual agrees to not engage in any of the following:
- 782 (A) telephoning, contacting, or otherwise communicating with the alleged victim, directly or indirectly;
- 784 (B) threatening or harassing the alleged victim; or
- 785 (C) knowingly entering onto the premises of the alleged victim's residence or on premises temporarily occupied by the alleged victim, unless, after a law enforcement officer or the law enforcement officer's employing agency notifies or attempts to notify the alleged victim, the individual enters the premises while accompanied by a law enforcement officer for the purpose of retrieving the individual's personal belongings; and
- 791 (ii) that specifies other conditions of release from jail or arrest.
- 792 (b) "Jail release agreement" includes a written agreement that includes the conditions described in Section (1)(a) entered into by a minor who is taken into custody or placed in detention or a shelter facility under Section 80-6-201.
- 795 (2) "Jail release court order" means a written court order that:
- 796 (a) orders an arrested or cited individual not to engage in any of the following:
- 797 (i) telephoning, contacting, or otherwise communicating with the alleged victim, directly or indirectly;
- 799 (ii) threatening or harassing the alleged victim; or
- 800 (iii) knowingly entering onto the premises of the alleged victim's residence or on premises temporarily occupied by the alleged victim, unless, after a law enforcement officer or the law enforcement officer's employing agency notifies or attempts to notify the alleged victim, the individual enters the premises while accompanied by a law enforcement officer for the purpose of retrieving the individual's personal belongings; and
- 806 (b) specifies other conditions of release from jail.
- 807 (3) "Minor" means the same as that term is defined in Section 80-1-102.
- 808 (4) "Offense against a child or vulnerable adult" means the commission or attempted commission of an offense described in:
- 810 (a) Section 76-5-109, child abuse;
- 811 (b) Section 76-5-109.2, aggravated child abuse;
- 812 (c) Section 76-5-109.3, child abandonment;

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- 813 (d) Section 76-5-109.4, child torture;
- 814 (e) Section 76-5-110, abuse or neglect of a child with a disability;
- 815 (f) Section 76-5-111, abuse of a vulnerable adult;
- 816 (g) Section 76-5-111.2, aggravated abuse of a vulnerable adult;
- 817 (h) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult;
- 818 (i) Section 76-5-111.4, financial exploitation of a vulnerable adult;
- 819 (j) Section 76-5-114, commission of domestic violence in the presence of a child; or
- 820 (k) Section 76-5-418, sexual battery.
- 821 (5)
- (a) "Qualifying offense" means:
- 822 (i) domestic violence;
- 823 (ii) an offense against a child or vulnerable adult;~~[-or]~~
- 824 (iii) an offense that is the commission or attempted commission of an offense described in Section  
76-5-418, sexual battery, or Title 76, Chapter 5, Part 4, Sexual Offenses~~[-]~~ ; or
- 827 (iv) an offense that is stalking as described in Section 76-5-106.5.
- 828 (b) "Qualifying offense" does not include an offense described in:
- 829 (i) Section 76-5-417, enticing a minor;
- 830 (ii) Section 76-5-419, lewdness; or
- 831 (iii) Section 76-5-420, lewdness involving a child.
- 835 Section 11. Section **78B-7-802** is amended to read:
- 836 **78B-7-802. Conditions for release after arrest for domestic violence and other offenses -- Jail  
release agreements -- Jail release court orders.**
- 835 (1) Upon arrest or issuance of a citation for~~[-]~~ a qualifying offense ~~[-]~~and before the individual is  
released under Section 77-20-204 or 77-20-205, the individual may not telephone, contact, or  
otherwise communicate with the alleged victim, directly or indirectly.
- 839 (2)
- (a) After ~~[-]~~an individual is arrested or issued a citation for a qualifying offense, the individual ~~[-]~~may  
not be released before:
- 841 (i) the matter is submitted to a magistrate in accordance with Section 77-7-23; or
- 842 (ii) the individual signs a jail release agreement.
- 843

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- (b) If an arrested individual is booked into jail, the arresting officer shall ensure that the information presented to the magistrate includes whether the alleged victim has made a waiver described in Subsection (5)(a).
- 846 (c) If the magistrate determines there is probable cause to support the charge or charges of one or more qualifying offenses[-], the magistrate shall issue a temporary pretrial status order, as defined in Section 77-20-102, in accordance with Section 77-20-205.
- 849 (d) The magistrate may not release an individual arrested for a qualifying offense unless the magistrate issues a jail release court order or the arrested individual signs a jail release agreement.
- 852 (e) A jail release agreement or jail release court order may not prohibit an individual who is arrested or cited for an offense for the commission of domestic violence in the presence of a child, as described in Section 76-5-114, from telephoning, contacting, or otherwise communicating with a child if:
- 856 (i) the individual is the parent or guardian of the child; and
- 857 (ii) the alleged victim of the offense is not the child or the parent or guardian of the child.
- 859 (3)
- (a) If an individual charged with [-]a qualifying offense [-]fails to either schedule an initial appearance or to appear at the time scheduled by the magistrate within 96 hours after the time of arrest, the individual shall comply with the release conditions of a jail release agreement or jail release court order until the individual makes an initial appearance.
- 864 (b) If the [~~prosecutor~~] prosecuting attorney has not filed charges against an individual who was arrested for a qualifying offense and who appears in court at the time scheduled by the magistrate under Subsection (2), or by the court under Subsection (3)(b)(ii), the court:
- 868 (i) may, upon the motion of the [~~prosecutor~~] prosecuting attorney and after allowing the individual an opportunity to be heard on the motion, extend the release conditions described in the jail release court order or the jail release agreement by no more than three court days; and
- 872 (ii) if the court grants the motion described in Subsection (3)(b)(i), shall order the arrested individual to appear at a time scheduled before the end of the granted extension.
- 875 (c)
- (i) If the [~~prosecutor~~] prosecuting attorney determines that there is insufficient evidence to file charges before an initial appearance scheduled under Subsection (3)(a), the [~~prosecutor~~] prosecuting attorney shall transmit a notice of declination to either the magistrate who signed the jail release court

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order or, if the releasing agency obtains a jail release agreement from the released arrestee, to the statewide domestic violence network described in Section 78B-7-113.

- 881 (ii) A [~~prosecutor's~~] prosecuting attorney's notice of declination transmitted under this Subsection (3)(c)  
is considered a motion to dismiss a jail release court order and a notice of expiration of a jail release  
agreement.
- 884 (4) Except as provided in Subsections (3) and (11) or otherwise ordered by a court, a jail release  
agreement or jail release court order expires at midnight after the earlier of:
- 886 (a) the arrested or cited individual's initial scheduled court appearance described in Subsection (3)(a);  
888 (b) the day on which the [~~prosecutor~~] prosecuting attorney transmits the notice of the declination under  
Subsection (3)(c); or
- 890 (c) 30 days after the day on which the individual is arrested or issued a citation.
- 891 (5)
- (a)
- (i) After an individual is arrested or issued a citation for a qualifying offense, an alleged victim who  
is not a [~~minor~~] child may waive in writing any condition of a jail release agreement by:
- 894 (A) appearing in person to the law enforcement agency that arrested the individual or issued the  
citation to the individual for the qualifying offense;
- 896 (B) appearing in person to the jail or correctional facility that released the arrested individual  
from custody; or
- 898 (C) appearing in person to the clerk at the court of the jurisdiction where the charges are filed.
- 900 (ii) An alleged victim who is not a [~~minor~~] child may waive in writing the release conditions  
prohibiting:
- 902 (A) telephoning, contacting, or otherwise communicating with the alleged victim, directly or indirectly;  
or
- 904 (B) knowingly entering on the premises of the alleged victim's residence or on premises temporarily  
occupied by the alleged victim.
- 906 [~~(iii) Except as provided in Subsection (5)(a)(iv), a parent or guardian may waive any condition of a  
jail release agreement on behalf of an alleged victim who is a minor in the manner described in  
Subsections (5)(a)(i) and (ii).]~~
- 909

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- (iii) If the alleged victim is a child, and except as provided in Subsection (5)(a)(iv) or (v), the child's parent or guardian may waive any condition of a jail release agreement on behalf of the child in the manner described in Subsections (5)(a)(i) and (ii).
- 913 (iv) A child's parent or guardian may not waive any condition of a jail release agreement on behalf  
of the child if the parent or guardian is the individual who is arrested or issued a citation for a  
qualifying offense.
- 916 [(iv)] (v) A child's parent or guardian may not, without the approval of the court, waive the release  
conditions described in Subsection (5)(a)(ii) on behalf of [an alleged victim who is a minor, if  
the alleged victim who is a minor] the child if the child:
- 920 (A) allegedly suffers bodily injury as a result of the qualifying offense;
- 921 (B) summons or attempts to summon emergency aid for the qualifying offense; or
- 922 (C) after the time at which the qualifying offense is allegedly committed and before the time at which  
the arrested or cited individual signs the jail release agreement, discloses to a law enforcement  
officer that the arrested or cited individual threatened the [~~alleged victim who is a minor~~] child with  
bodily injury.
- 927 [(v)] (vi) Upon waiver, the release conditions described in Subsection (5)(a)(ii) do not apply to the  
arrested or cited individual.
- 929 (b) A court or magistrate may modify a jail release agreement or a jail release court order in writing or  
on the record, and only for good cause shown.
- 931 (6)
- (a) When an individual is arrested or issued a citation and subsequently released in accordance with  
Subsection (2), the releasing agency shall:
- 933 (i) notify the arresting law enforcement agency of the release, conditions of release, and any  
available information concerning the location of the alleged victim;
- 935 (ii) make a reasonable effort to notify the alleged victim of the release; and
- 936 (iii) before releasing the individual who is arrested or issued a citation, give the arrested or cited  
individual a copy of the jail release agreement or the jail release court order.
- 939 (b)
- (i) When an individual [ ]arrested or issued a citation for domestic violence[ ] is released under this  
section based on a jail release agreement, the releasing agency shall transmit that information to the  
statewide domestic violence network described in Section 78B-7-113.

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- 943 (ii) When an individual [-]arrested or issued a citation for domestic violence~~[-]~~ is released under  
this section based upon a jail release court order or if a jail release agreement is modified under  
Subsection (5)(b), the court shall transmit that order to the statewide domestic violence network  
described in Section 78B-7-113.
- 947 (c) This Subsection (6) does not create or increase liability of a law enforcement officer or agency, and  
the good faith immunity provided by Section 77-36-8 is applicable.
- 949 (7) An individual who is [-] arrested for a [-]qualifying offense that is a ~~[-]~~felony and released in  
accordance with this section may subsequently be held without bail if there is substantial evidence  
to support a new felony charge against the individual.
- 952 (8) At the time an arrest is made or a citation is issued for~~[-]~~ a qualifying offense~~[-]~~, the arresting officer  
shall provide the alleged victim with written notice containing:
- 954 (a) the release conditions described in this section, and notice that the alleged perpetrator will not be  
released, before appearing before the court with jurisdiction over the offense for which the alleged  
perpetrator was arrested, unless:
- 957 (i) the alleged perpetrator enters into a jail release agreement to comply with the release conditions; or
- 959 (ii) the magistrate issues a jail release order that specifies the release conditions;
- 960 (b) notification of the penalties for violation of any jail release agreement or jail release court order;
- 962 (c) the address of the appropriate court in the judicial district or county in which the alleged victim  
resides;
- 964 (d) the availability and effect of any waiver of the release conditions; and
- 965 (e) information regarding the availability of and procedures for obtaining civil and criminal protective  
orders with or without the assistance of an attorney.
- 967 (9) At the time an arrest is made or a citation is issued for ~~[-]~~a qualifying offense~~[-]~~, the arresting officer  
shall provide the alleged perpetrator with written notice containing:
- 969 (a) notification that the alleged perpetrator may not contact the alleged victim before being released,  
including telephoning, contacting, or otherwise communicating with the alleged victim, directly or  
indirectly;
- 972 (b) the release conditions described in this section and notice that the alleged perpetrator will not be  
released, before appearing before the court with jurisdiction over the offense for which the alleged  
perpetrator was arrested, unless:
- 975 (i) the alleged perpetrator enters into a jail release agreement to comply with the release conditions; or

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- 977 (ii) the magistrate issues a jail release court order;
- 978 (c) notification of the penalties for violation of any jail release agreement or jail release court order; and
- 980 (d) notification that the alleged perpetrator is to personally appear in court on the next day the court is  
open for business after the day of the arrest.
- 982 (10)
- (a) A pretrial or sentencing protective order issued under this part supersedes a jail release agreement or  
jail release court order.
- 984 (b) If a court dismisses the charges for the qualifying offense that gave rise to a jail release agreement or  
jail release court order, the court shall dismiss the jail release agreement or jail release court order.
- 987 (11)
- (a) This section does not apply if the individual arrested for the qualifying offense is a minor who is  
under 18 years old, unless the qualifying offense is domestic violence.
- 989 (b) A jail release agreement signed by, or a jail release court order issued against, a minor expires on the  
earlier of:
- 991 (i) the day of the minor's initial court appearance described in Subsection (3)(a);
- 992 (ii) the day on which the ~~prosecutor~~ prosecuting attorney transmits the notice of declination under  
Subsection (3)(c);
- 994 (iii) 30 days after the day on which the minor is arrested or issued a citation; or
- 995 (iv) the day on which the juvenile court terminates jurisdiction.
- 999 Section 12. Section **78B-7-1101** is amended to read:
- 1000 **78B-7-1101. Definitions.**
- As used in this part:
- 999 (1) "Employee" means:
- 1000 (a) ~~[an employee in the service of]~~ an individual who is employed by an employer for compensation[-]; ;  
or
- 1002 (b) a volunteer.
- 1003 (2) "Employer" means:
- 1004 (a) a person [who] that employs an individual in this state[-]; or
- 1005 (b) a nonprofit organization for which volunteers donate services.
- 1006 (3) "Ex parte workplace violence protective order" means an order issued without notice to the  
respondent under this part.

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- 1008 (4) "Protective order" means:
- 1009 (a) a workplace violence protective order; or
- 1010 (b) an ex parte workplace violence protective order.
- 1011 (5) "Workplace violence" means knowingly causing or threatening to cause bodily injury to, or significant damage to the property of, a person, if:
- 1013 (a) the person is:
- 1014 (i) an employer; [or]
- 1015 (ii) an employee performing the employee's duties as an employee; or
- 1016 (iii) an employee who is a volunteer; and
- 1017 (b)
- (i) the action would cause a reasonable person to feel terrorized, frightened, intimidated, or harassed; or
- 1019 (ii) the threat:
- 1020 (A) would cause a reasonable person to fear that the threat will be carried out; and
- 1021 (B) if carried out, would cause a reasonable person to feel terrorized, frightened, intimidated, or harassed.
- 1023 (6) "Volunteer" means an individual who donates services without pay or other compensation to a nonprofit organization except for expenses actually and reasonably incurred by the nonprofit organization.
- 1026 [~~(6)~~] (7) "Workplace violence protective order" means an order issued under this part after a hearing on the petition, of which the petitioner and respondent have been given notice.
- 1031 Section 13. Section **78B-7-1103** is amended to read:
- 1032 **78B-7-1103. Workplace violence protective orders -- Ex parte workplace violence protective orders -- Modification of orders -- Evidence in another lawsuit.**
- 1031 (1) If it appears from a petition for a protective order or a petition to modify an existing protective order that workplace violence has occurred, the court may:
- 1033 (a) without notice, immediately issue an ex parte workplace violence protective order against the respondent or modify an existing workplace violence protective order ex parte, if necessary to protect the petitioner or any party named in the petition; or
- 1036 (b) upon notice to the respondent, issue a workplace violence protective order or modify a workplace violence protective order after a hearing, regardless of whether the respondent appears.
- 1039 (2)

## HB0539S01 compared with HB0539S02

(a) The court may grant the following relief with or without notice or a hearing in a protective order or in a modification to a protective order:

1041 (i) enjoin the respondent from committing workplace violence;

1042 (ii) enjoin the respondent from threatening the petitioner or an employee of the petitioner while:

1044 (A) performing the employee's duties as an employee; or

1045 (B) donating services to the employer if the employer is a nonprofit organization and the employee is a volunteer; or

1047 (iii) subject to Subsection (2)(c), order that the respondent is excluded and shall stay away from the petitioner's workplace.

1049 (b) Except as provided in Subsection (2)(a), a protective order may not restrict the respondent's communications.

1051 (c) The court shall narrowly tailor an order described in Subsection (2)(a)(iii) to the location where the respondent caused or threatened to cause bodily injury to, or significant damage to property of, the petitioner or an employee of the petitioner.

1054 (3) After the court issues a protective order, the court shall:

1055 (a) as soon as possible, deliver the order to the county sheriff for service of process;

1056 (b) transmit electronically, by the end of the business day after the day on which the court issues the protective order, a copy of the protective order to the local law enforcement agency that the petitioner designates; and

1059 (c) transmit a copy of the protective order in the same manner as described in Section 78B-7-113.

1061 (4) The court may modify or vacate a protective order after notice and hearing, if the petitioner:

1063 (a)

(i) is personally served with notice of the hearing, as provided in the Utah Rules of Civil Procedure; and

1065 (ii) appears before the court to give specific consent to the modification or vacation of the provisions of the protective order; or

1067 (b) submits an affidavit agreeing to the modification or vacation of the provisions of the protective order.

1069 (5) The existence of a protective order may not be used as evidence of liability or damages in a lawsuit between the petitioner and the respondent regardless of whether the petitioner or respondent seeks to admit the facts underlying the protective order as evidence.

1076 Section 14. Section **78B-7-1105** is amended to read:

## HB0539S01 compared with HB0539S02

1077 **78B-7-1105. Extension.**

- 1075 (1) A workplace violence protective order expires automatically, unless the petitioner:
- 1076 (a) files a motion before the day on which the workplace violence protective order expires; and
- 1078 (b) demonstrates that:
- 1079 (i) there is a substantial likelihood that workplace violence will occur against the petitioner or an  
employee of the petitioner while:
- 1081 (A) performing the employee's duties as an employee; or
- 1082 (B) donating services to the employer if the employer is a nonprofit organization and the employee is a  
volunteer; or
- 1084 (ii) the respondent committed or was convicted of a violation of the workplace violence protective order  
that the petitioner requests be extended.
- 1086 (2)
- (a) Subject to Subsection (2)(b), if a court grants a motion described in Subsection (1)(a), the court shall  
set a new date on which the workplace violence protective order expires.
- 1089 (b) A court may not extend a workplace violence protective order for more than 18 months after the day  
on which the court issues the order for extension.
- 1091 (3) After the day on which the court issues an extension of a workplace violence protective order, the  
court shall take the action described in Subsection 78B-7-1103(3).
- 1093 (4) This part does not prohibit a petitioner from seeking another protective order after the day on which  
the petitioner's protective order expires.

1098 Section 15. Section **78B-7-1109** is amended to read:

1099 **78B-7-1109. Limitations of part.**

This part does not:

- 1098 (1) modify the duty of an employer to provide a safe workplace for the employees of the employer;
- 1100 (2) prohibit a person from engaging in constitutionally protected exercise of free speech, including non-  
threatening speech and speech involving labor disputes concerning organized labor; [or]
- 1103 (3) prohibit a person from engaging in an activity that is part of a labor dispute[-] ; or
- 1104 (4) create an agency relationship between a nonprofit organization and a volunteer donating services to  
the nonprofit organization.

1109 Section 16. **Effective date.**

Effective Date.

## HB0539S01 compared with HB0539S02

This bill takes effect on May 6, 2026.

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Section 17. **Coordinating H.B. 539 with H.B. 221.**

If H.B. 539, Public Safety ~~{and Prosecution}~~ Amendments, and H.B. 221, Coercion

### Amendments, both

~~{Amendments, both}~~ pass and become law, the Legislature intends that, on May 6, 2026,

### Subsection

~~{Subsection}~~ 77-36-1(5)(b)(i) enacted in H.B. 539 be amended to read:

"(i) a felony or misdemeanor offense described in:

(A) Section 76-5-102, assault;

(B) Section 76-5-102.9, propelling a bodily substance or material;

(C) Section 76-5-103, aggravated assault;

(D) Section 76-5-105, mayhem;

(E) Section 76-5-106, harassment;

(F) Section 76-5-106.5, stalking;

(G) Section 76-5-107, threat of violence;

(H) Section 76-5-108, violation of a protective order;

(I) Section 76-5-111.2, aggravated abuse of a vulnerable adult;

(J) Section 76-5-114, commission of domestic violence in the presence of a child;

(K) Section 76-5-201, criminal homicide;

(L) Section 76-5-301, kidnapping;

(M) Section 76-5-302, aggravated kidnapping;

(N) Section 76-5-308, human trafficking for labor;

(O) Section 76-5-308.1, human trafficking for sexual exploitation;

(P) Section 76-5-310, aggravated human trafficking;

(Q) Section 76-5-311, human trafficking of a vulnerable adult;

(R) Title 76, Chapter 5, Part 4, Sexual Offenses;

(S) Section 76-5b-203, distribution of an intimate image;

(T) Section 76-5b-204, sexual extortion;

(U) Section 76-5b-204.1, aggravated sexual extortion;

(V) Section 76-5b-205, unlawful distribution of a counterfeit intimate image;

(W) Title 76, Chapter 6, Part 1, Property Destruction;

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(X) Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass;

(Y) Title 76, Chapter 6, Part 3, Robbery;

(Z) Section 76-8-508, tampering with a witness;

(AA) Section 76-8-508.3, retaliation against a witness, victim, or informant;

(BB) Section 76-8-508.7, receiving or soliciting a bribe as a witness;

(CC) Section 76-9-102, disorderly conduct, if a conviction or adjudication of disorderly conduct is the result of a plea agreement in which the actor was originally charged with an offense otherwise described in this Subsection (5), except that a conviction or adjudication of disorderly conduct as a domestic violence offense, in the manner described in this Subsection (5)(b)(i)(CC), does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;

(DD) Section 76-11-207, threatening with or using a dangerous weapon in a fight or quarrel;

(EE) Section 76-11-208, possession of a deadly weapon with criminal intent;

(FF) Section 76-12-202, electronic communication harassment;

(GG) Title 76, Chapter 12, Part 3, Privacy Offenses;

(HH) Section 76-13-203, aggravated cruelty to an animal, if the intent is to harass or threaten the cohabitant;

(II) Section 76-11-209, improper discharging of a dangerous weapon; or

(JJ) Subsection 78B-7-806(1), for a violation of a jail release court order or jail release agreement; or".

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Section 18. **Coordinating H.B. 539 with H.B. 90.**

If H.B. 539, Public Safety ~~{and Prosecution}~~ Amendments, and H.B. 90, Sexual Offenses

### Amendments,

~~{Amendments,}~~ both pass and become law, the Legislature intends that, on May 6, 2026,

### Subsection

~~{Subsection}~~ 77-36-1(5)(c) enacted in H.B. 539 be amended to read:

"(c) "Domestic violence offense" or "domestic violence" does not include the commission of, or an attempt to commit, an offense by one cohabitant against another cohabitant that is a class B or class C misdemeanor offense that is described in:

(i) Section 76-5-111, abuse of a vulnerable adult;

## **HB0539S01 compared with HB0539S02**

(ii) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult; or

(iii) Section 76-5-111.4, financial exploitation of a vulnerable adult."

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