

Michael L. Kohler proposes the following substitute bill:

Use of Force Reporting Requirements

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael L. Kohler

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses the justified use of force.

Highlighted Provisions:

This bill:

- establishes that an individual is required to report, or cause another individual to report, the use of deadly force to 911 or law enforcement in order to receive a pretrial justification hearing;

- automatically provides a defendant with a prima facie claim of justification at a pretrial justification hearing if the defendant reported, or caused another individual to report, the defendant's use of force within 24 hours after using the force; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-2-309, as enacted by Laws of Utah 2021, Chapter 147

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

Section 1. Section **76-2-309** is amended to read:

76-2-309 . Justified use of force.

(1) An individual who uses or threatens to use force as permitted in Section 76-2-402, 76-2-404, 76-2-405, 76-2-406, 76-2-407, or 76-2-408 is justified in that conduct.

(2) The pretrial justification hearing process described in Subsections (3)(a) and (b) does not apply if:

- (a)(i) the individual against whom force was used or threatened is a law enforcement officer, as defined in Section 53-13-103;
- (ii) the officer was acting lawfully in the performance of the officer's official duties; and
- (iii)(A) the officer was identified as an officer by the officer in accordance with applicable law; or
- (B) the individual using or threatening to use force knew or reasonably should have known that the officer was a law enforcement officer;~~[-or]~~
- (b) the charge filed against the defendant for which the defendant seeks a pretrial justification hearing is an infraction, a class B or C misdemeanor, or a domestic violence offense as defined in Section 77-36-1[-] ; or
- (c)(i) the defendant used force intended or likely to cause death or serious bodily injury against an individual;
- (ii) the individual described in Subsection (2)(c)(i) died as a result of the defendant's use of force used against the individual; and
- (iii) the defendant did not report, or cause another individual to report, the defendant's use of force described in Subsection (2)(c)(i) to a 911 emergency response service or law enforcement within 24 hours after using the force.
- (3)(a) Upon motion of the defendant filed in accordance with Rule 12 of the Utah Rules of Criminal Procedure, the court shall hear evidence on the issue of justification under this section and shall determine as a matter of fact and law whether the defendant was justified in the use or threatened use of force.
- (b) At the pretrial justification hearing~~[-after the defendant makes a prima facie claim of justification,]~~ the state has the burden to prove by clear and convincing evidence that the defendant's use or threatened use of force was not justified if:
- (i) the defendant makes a prima facie claim of justification; or
- (ii) the defendant reported, or caused another individual to report, the defendant's use of force to a 911 emergency response service or law enforcement within 24 hours after using the force.
- (c)(i) If the court determines that the state has not met the state's burden described in Subsection (3)(b), the court shall dismiss the charge with prejudice.
- (ii) The state may appeal a court's order dismissing a charge under Subsection (3)(c)(i) in accordance with Section 77-18a-1.
- (iii) If a court determines after the pretrial justification hearing that the state has met

64 the state's burden described in Subsection (3)(b), the issue of justification may be
65 raised by the defendant to the jury at trial and, if raised by the defendant, the state
66 shall have the burden to prove beyond a reasonable doubt that the defendant's use
67 or threatened use of force was not justified.

68 (iv) At trial, a court's determination that the state met the state's burden under
69 Subsection (3)(c)(iii) is not admissible and may not be referenced by the
70 prosecution.

71 Section 2. **Effective Date.**

72 This bill takes effect on May 6, 2026.