

Matt MacPherson proposes the following substitute bill:

Public Safety Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill amends provisions related to public safety.

Highlighted Provisions:

This bill:

- ▶ modifies the venue for a criminal action;
- ▶ clarifies the definition of cohabitant for the battered person mitigation statute;
- ▶ defines and modifies terms related to domestic violence, including expanding the definition of a domestic violence offense;
- ▶ addresses the right to bail for a domestic violence offense;
- ▶ clarifies a term regarding a predominant aggressor when a law enforcement officer is responding to multiple incidents of domestic violence;
- ▶ clarifies and amends definitions for protective order statutes, including the definition of cohabitant;
- ▶ amends the requirements for a workplace violence protective order;
- ▶ 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;
- ▶ 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;
- ▶ makes technical and conforming changes;
- ▶ includes a coordination clause to modify a definition if this bill and H.B. 221, Coercion Amendments, both pass and become law; and
- ▶ includes a coordination clause to modify a definition if this bill and H.B. 90, Sexual Offenses Amendments, both pass and become law.

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

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



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,
56 whether natural or man-made.

57 ~~[(4)]~~ (2) ~~[Criminal actions]~~ A criminal action shall be tried in the county, judicial district, or
58 precinct ~~[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
60 a criminal action, this Subsection (3) shall apply.

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

63 offense is consummated.

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

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

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

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

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

80 ~~[(g)]~~ (h)(i) ~~[When]~~ If an offense is committed within this state and it cannot be readily
81 determined in which county or judicial district the offense occurred, ~~[the~~
82 ~~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,
84 or aircraft passing within this state, the ~~[offender]~~ actor may be tried in any county
85 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
87 within this state, the ~~[offender]~~ actor may be tried in any county adjacent to ~~[such]~~
88 the body of water. ~~[The words "body of water" shall include but not be limited to~~
89 ~~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 [
91 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,
93 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 [
95 defendant] actor resides, or, if ~~[he]~~ the actor has no fixed residence, in the county in
96 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,
98 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
101 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
104 county where the victim's identity was used or obtained, or where the victim
105 resides or is found.

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

- 109 (i) at the most recent registered primary residence of the offender, if the actual
110 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)(a) A criminal action for multiple offenses may be tried in any county or precinct
113 within a judicial district if:

- 114 (i) the offenses were committed within the judicial district;
115 (ii) the offenses may be joined in the same information or indictment under Section
116 77-8a-1; and
117 (iii) the prosecuting agencies for the jurisdictions in which any of the offenses were
118 committed consent to the place of trial.

119 (b) A criminal action for multiple offenses shall be tried in any county or precinct within
120 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
124 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**
127 **offenses.**

128 (1)(a) A defendant may be prosecuted in a single criminal action for all separate offenses
129 arising out of a single criminal episode~~[-;however,]~~ .

130 (b) Notwithstanding Subsection (1)(a), when the same act of a defendant under a single

131 criminal episode shall establish offenses [~~which~~] that may be punished in different
 132 ways under different provisions of [~~this code,~~] the Utah Code, the act shall be
 133 punishable under only one such provision[;] and an acquittal or conviction and
 134 sentence under any such provision bars a prosecution under any other such provision.

135 (2) [~~Whenever conduct may establish separate offenses under a single criminal episode,~~
 136 ~~unless the court otherwise orders to promote justice, a defendant shall not be subject to~~
 137 ~~separate trials for multiple offenses when~~] Unless the court otherwise orders separate
 138 trials to promote justice, a defendant may not be subject to separate trials for separate
 139 offenses arising out a single criminal episode if:

140 (a) the offenses are within the jurisdiction of a single court;

141 (b) venue for the offenses is proper in a single court under Section 76-1-202; and

142 [~~(b)~~] (c) the offenses are known to the prosecuting attorney at the time the defendant is
 143 arraigned on the first information or indictment.

144 (3)(a) A defendant may be convicted of an offense included in the offense charged but
 145 may not be convicted of both the offense charged and the included offense.

146 (b) An offense is [~~so~~] included in the offense charged when:

147 [(a)] (i) [~~it~~] the offense is established by proof of the same or less than all of the facts
 148 required to establish the commission of the offense charged; [~~or~~]

149 [(b)] (ii) [~~it~~] the offense constitutes an attempt, solicitation, conspiracy, or form of
 150 preparation to commit the offense charged or an offense otherwise included
 151 therein; or

152 [(c)] (iii) [~~it~~] the offense is specifically designated by a statute as a lesser included
 153 offense.

154 (4) The court shall not be obligated to charge the jury with respect to an included offense
 155 unless there is a rational basis for a verdict acquitting the defendant of the offense
 156 charged and convicting the defendant of the included offense.

157 (5) If the district court on motion after verdict or judgment, or an appellate court on appeal
 158 or certiorari, [~~shall determine~~] determines that there is insufficient evidence to support a
 159 conviction for the offense charged but that there is sufficient evidence to support a
 160 conviction for an included offense and the trier of fact necessarily found every fact
 161 required for conviction of that included offense, the verdict or judgment of conviction
 162 may be set aside or reversed and a judgment of conviction entered for the included
 163 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.**

166 (1) As used in this section:

167 (a) "Abuse" means the same as that term is defined in Section 78B-7-102.

168 [~~(b) "Cohabitant" means:~~]169 [~~(i) the same as that term is defined in Section 78B-7-102; or]~~170 [~~(ii) the relationship of a minor and a natural parent, an adoptive parent, a stepparent,
171 or an individual living with the minor's natural parent as if a stepparent to the
172 minor.]~~]173 (b)(i) "Cohabitant" means the same as the term is defined in Section 78B-7-102.174 (ii) "Cohabitant" includes, notwithstanding the definition in Section 78B-7-102, an
175 individual who is:176 (A) a minor when the minor's parent or stepparent, or an individual living with the
177 minor's parent as if a stepparent to the minor, committed the criminal offense;
178 or179 (B) a parent or stepparent of a minor, or an individual living with a parent of a
180 minor as if a stepparent to the minor, when the minor committed the criminal
181 offense.182 (c) "Minor" means an individual who is younger than 18 years old.183 (d) "Parent" means an individual with an established parent-child relationship as
184 described in Section 81-5-201.

185 (2)(a) An individual is entitled to battered person mitigation if:

186 (i) the individual committed a criminal offense that was not legally justified;

187 (ii) the individual committed the criminal offense against a cohabitant who
188 demonstrated a pattern of abuse against the individual or another cohabitant of the
189 individual; and190 (iii) the individual reasonably believed that the criminal offense was necessary to end
191 the pattern of abuse.192 (b) A reasonable belief under Subsection (2)(a) is determined from the viewpoint of a
193 reasonable person in the individual's circumstances, as the individual's circumstances
194 are perceived by the individual.195 (3) An individual claiming mitigation under Subsection (2)(a) has the burden of proving, by
196 clear and convincing evidence, each element that would entitle the individual to
197 mitigation under Subsection (2)(a).

198 (4) Mitigation under Subsection (2)(a) results in a one-step reduction of the level of offense

- 199 of which the individual is convicted.
- 200 (5)(a) If the trier of fact is a jury, an individual is not entitled to mitigation under
- 201 Subsection (2)(a) unless the jury:
- 202 (i) finds the individual proved, in accordance with Subsection (3), that the individual
- 203 is entitled to mitigation by unanimous vote; and
- 204 (ii) returns a special verdict for the reduced charge at the same time the jury returns
- 205 the general verdict.
- 206 (b) A nonunanimous vote by the jury on the question of mitigation under Subsection
- 207 (2)(a) does not result in a hung jury.
- 208 (6) An individual intending to claim mitigation under Subsection (2)(a) at the individual's
- 209 trial shall give notice of the individual's intent to claim mitigation under Subsection
- 210 (2)(a) to the prosecuting agency at least 30 days before the individual's trial.
- 211 Section 4. Section **77-20-102** is amended to read:
- 212 **77-20-102 . Definitions.**
- 213 As used in this chapter:
- 214 (1) "Bail" means pretrial release.
- 215 (2) "Bail bond" means the same as that term is defined in Section 31A-35-102.
- 216 (3) "Bail bond agency" means the same as that term is defined in Section 31A-35-102.
- 217 (4) "Bail bond producer" means the same as that term is defined in Section 31A-35-102.
- 218 (5) "County jail official" means a county sheriff or the county sheriff's designee.
- 219 (6) "Domestic violence offense" means the same as that term is defined in Section 77-36-1.
- 220 [(6)] (7) "Exonerate" means to release and discharge a surety, or a surety's bail bond
- 221 producer, from liability for a bail bond.
- 222 [(7)] (8) "Financial condition" means any monetary condition that is imposed to secure an
- 223 individual's pretrial release.
- 224 [(8)] (9) "Forfeiture" means:
- 225 (a) to divest an individual or surety from a right to the repayment of monetary bail; or
- 226 (b) to enforce a pledge of assets or real or personal property from an individual or surety
- 227 used to secure an individual's pretrial release.
- 228 [(9)] (10) "Magistrate" means the same as that term is defined in Section 77-1-3.
- 229 [(10)] (11)(a) "Material change in circumstances" includes:
- 230 (i) a preliminary examination in which relevant evidence is presented that:
- 231 (A) is material to the factors or considerations provided in Section 77-20-201; and
- 232 (B) was not known to the court at the time the pretrial status order was issued;

- 233 (ii) an unreasonable delay in prosecution that is not attributable to the defendant;
- 234 (iii) a material change in the risk that an individual poses to a victim, a witness, or the
- 235 public if released due to the passage of time or any other relevant factor;
- 236 (iv) a material change in the conditions of release or the services that are reasonably
- 237 available to the defendant if released;
- 238 (v) a willful or repeated failure by the defendant to appear at required court
- 239 appearances; or
- 240 (vi) any other material change related to the defendant's risk of flight or danger to any
- 241 other individual or to the community if released.
- 242 (b) "Material change in circumstances" does not include any fact or consideration that is
- 243 known at the time that the pretrial status order is issued.
- 244 ~~[(11)]~~ (12) "Monetary bail" means a financial condition.
- 245 ~~[(12)]~~ (13) "No bail hold" means an order with the restrictions described in Subsection [
- 246 ~~(18)(e)]~~ (19)(c).
- 247 ~~[(13)]~~ (14) "Own recognizance" means the release of an individual without any condition of
- 248 release other than the individual's promise to:
- 249 (a) appear for all required court proceedings; and
- 250 (b) not commit any criminal offense.
- 251 ~~[(14)]~~ (15) "Pretrial detention hearing" means a hearing described in Section 77-20-206.
- 252 ~~[(15)]~~ (16) "Pretrial release" means the release of an individual from law enforcement
- 253 custody during the time the individual awaits trial or other resolution of criminal charges.
- 254 ~~[(16)]~~ (17) "Pretrial risk assessment" means an objective, research-based, validated
- 255 assessment tool that measures an individual's risk of flight and risk of anticipated
- 256 criminal conduct while on pretrial release.
- 257 ~~[(17)]~~ (18) "Pretrial services program" means a program that is established to:
- 258 (a) gather information on individuals booked into a jail facility;
- 259 (b) conduct pretrial risk assessments; and
- 260 (c) supervise individuals granted pretrial release.
- 261 ~~[(18)]~~ (19) "Pretrial status order" means an order issued by a magistrate or judge that:
- 262 (a) releases the individual on the individual's own recognizance while the individual
- 263 awaits trial or other resolution of criminal charges;
- 264 (b) sets the terms and conditions of the individual's pretrial release while the individual
- 265 awaits trial or other resolution of criminal charges; or
- 266 (c) denies pretrial release and orders that the individual be detained while the individual

267 awaits trial or other resolution of criminal charges.

268 ~~[(19)]~~ (20) "Principal" means the same as that term is defined in Section 31A-35-102.

269 ~~[(20)]~~ (21) "Surety" means a surety insurer or a bail bond agency.

270 ~~[(21)]~~ (22) "Surety insurer" means the same as that term is defined in Section 31A-35-102.

271 ~~[(22)]~~ (23) "Temporary pretrial status order" means an order issued by a magistrate that:

272 (a) releases the individual on the individual's own recognizance until a pretrial status
273 order is issued;

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

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

278 ~~[(23)]~~ (24) "Unsecured bond" means an individual's promise to pay a financial condition if
279 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.**

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

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

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

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

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

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

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

298 (e) a domestic violence offense if:

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

300 (ii) the court finds, by clear and convincing evidence, that the individual would

301 constitute a substantial danger to an alleged victim of the domestic violence
302 offense or to the community after considering available conditions of release that
303 the court may impose if the individual is released on bail;

304 (f) the offense of driving under the influence or driving with a measurable controlled
305 substance in the body if:

306 (i) the offense results in death or serious bodily injury to an individual;

307 (ii) there is substantial evidence to support the charge; and

308 (iii) the court finds, by clear and convincing evidence, that the individual would
309 constitute a substantial danger to the community after considering available
310 conditions of release that the court may impose if the individual is released on
311 bail;

312 (g) a felony violation of Section 76-9-101 if:

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

314 (ii) the court finds, by clear and convincing evidence, that the individual is not likely
315 to appear for a subsequent court appearance; or

316 (h) except as provided in Subsection (4), the offense of driving under the influence or
317 driving with a measurable controlled substance in the body:

318 (i) if committed while on parole or on probation for a driving under the influence or
319 driving with a measurable controlled substance in the body conviction; or

320 (ii) while the individual is out of custody awaiting trial on a previous driving under
321 the influence or driving with a measurable controlled substance in the body
322 charge, when the court finds there is substantial evidence to support the current
323 charge.

324 (2) Notwithstanding any other provision of this section, there is a rebuttable presumption
325 that:

326 (a) an individual is a substantial danger to the community under Subsection (1)(f)(iii):

327 ~~[(a)]~~ (i) as long as the individual has a blood or breath alcohol concentration of .05
328 grams or greater if the individual is arrested for, or charged with, the offense of
329 driving under the influence and the offense resulted in death or serious bodily
330 injury to an individual; or

331 ~~[(b)]~~ (ii) if the individual has a measurable amount of controlled substance in the
332 individual's body, the individual is arrested for, or charged with, the offense of
333 driving with a measurable controlled substance in the body and the offense
334 resulted in death or serious bodily injury to an individual[-] ; or

- 335 **(b) an individual is a substantial danger to an alleged victim of the domestic violence**
 336 **offense, or to the community, under Subsection (1)(e)(ii) if:**
 337 **(i) the domestic violence offense is a felony or class A misdemeanor offense; and**
 338 **(ii) the court finds, by clear and convincing evidence, that the offense is committed**
 339 **while:**
 340 **(A) the individual is on parole or probation for a conviction of a domestic violence**
 341 **offense; or**
 342 **(B) the individual is on pretrial release on a previous charge for a domestic**
 343 **violence offense.**

- 344 **(3) For purposes of Subsection (1)(a), any arrest or charge for a violation of Section**
 345 **76-5-202, aggravated murder, is a capital felony unless:**
 346 **(a) the prosecuting attorney files a notice of intent to not seek the death penalty; or**
 347 **(b) the time for filing a notice to seek the death penalty has expired and the prosecuting**
 348 **attorney has not filed a notice to seek the death penalty.**
 349 **(4) For purposes of Subsection (1)(h), there is a rebuttable presumption that an individual**
 350 **would not constitute a substantial danger to any other person or the community if:**
 351 **(a) the court orders the [person] individual to participate in an inpatient drug and alcohol**
 352 **treatment program; or**
 353 **(b) the court orders the [person] individual to participate in home confinement through**
 354 **the use of electronic monitoring as described in Section 41-6a-506.**
 355 **(5) For purposes of a determination under Subsection (1)(c)(ii), there is a rebuttable**
 356 **presumption that an individual is at risk of fleeing the jurisdiction if the individual is not**
 357 **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**
 360 **bail.**

- 361 **(1) As used in this section, "eligible felony offense" means a third degree felony violation**
 362 **under:**
 363 **(a) Section 23A-4-501 or 23A-4-502;**
 364 **(b) Section 23A-5-311;**
 365 **(c) Section 23A-5-313;**
 366 **(d) Title 76, Chapter 6, Part 4, Theft;**
 367 **(e) Title 76, Chapter 6, Part 5, Fraud;**
 368 **(f) Title 76, Chapter 6, Part 6, Retail Theft;**

- 369 (g) Title 76, Chapter 6, Part 7, Utah Computer Crimes Act;
- 370 (h) Title 76, Chapter 6, Part 8, Library Theft;
- 371 (i) Title 76, Chapter 6, Part 9, Cultural Sites Protection;
- 372 (j) Title 76, Chapter 6, Part 10, Mail Box Damage and Mail Theft;
- 373 (k) Title 76, Chapter 6, Part 11, Identity Fraud Act;
- 374 (l) Title 76, Chapter 6, Part 12, Utah Mortgage Fraud Act;
- 375 (m) Title 76, Chapter 6, Part 13, Utah Automated Sales Suppression Device Act;
- 376 (n) Title 76, Chapter 6, Part 14, Regulation of Metal Dealers;
- 377 (o) Title 76, Chapter 7, Offenses Against the Family;
- 378 (p) Title 76, Chapter 7a, Abortion Prohibition;
- 379 (q) Title 76, Chapter 12, Part 2, Electronic Communication Abuse;
- 380 (r) Title 76, Chapter 12, Part 3, Privacy Offenses;
- 381 (s) Title 76, Chapter 13, Offenses Involving Cruelty to Animals; or
- 382 (t) Title 76, Chapter 17, Part 3, Offenses Concerning Pyramid Schemes.
- 383 (2) Except as provided in Subsection (7)(a), a county jail official may fix a financial
- 384 condition for an individual if:
- 385 (a)(i) the individual is ineligible to be released on the individual's own recognizance
- 386 under Section 77-20-203;
- 387 (ii) the individual is arrested for, or charged with:
- 388 (A) a misdemeanor offense under state law, excluding a misdemeanor offense:
- 389 (I) for ~~[domestic violence]~~ a domestic violence offense, as defined in Section
- 390 77-36-1; or
- 391 (II) for driving under the influence under Title 41, Chapter ~~[6]~~ 6a, Part 5,
- 392 Driving Under the Influence and Reckless Driving, or Section 76-5-102.1; or
- 393 (B) a violation of a city or county ordinance that is classified as a class B or C
- 394 misdemeanor offense;
- 395 (iii) the individual agrees in writing to appear for any future criminal proceedings
- 396 related to the arrest; and
- 397 (iv) law enforcement has not submitted a probable cause statement to a magistrate; or
- 398 (b)(i) the individual is arrested for, or charged with, an eligible felony offense;
- 399 (ii) the individual is not on pretrial release for a separate criminal offense;
- 400 (iii) the individual is not on probation or parole;
- 401 (iv) the primary risk posed by the individual is the risk of failure to appear;
- 402 (v) the individual agrees in writing to appear for any future criminal proceedings

- 403 related to the arrest; and
- 404 (vi) law enforcement has not submitted a probable cause statement to a magistrate.
- 405 (3) A county jail official may not fix a financial condition at a monetary amount that
- 406 exceeds:
- 407 (a) \$5,000 for an eligible felony offense;
- 408 (b) \$1,950 for a class A misdemeanor offense;
- 409 (c) \$680 for a class B misdemeanor offense;
- 410 (d) \$340 for a class C misdemeanor offense;
- 411 (e) \$150 for a violation of a city or county ordinance that is classified as a class B
- 412 misdemeanor; or
- 413 (f) \$80 for a violation of a city or county ordinance that is classified as a class C
- 414 misdemeanor.
- 415 (4) If an individual is arrested for more than one offense, and the county jail official fixes a
- 416 financial condition for release:
- 417 (a) the county jail official shall fix the financial condition at a single monetary amount;
- 418 and
- 419 (b) the single monetary amount may not exceed the monetary amount under Subsection
- 420 (3) for the highest level of offense for which the individual is arrested.
- 421 (5) Except as provided in Subsection (7)(b), an individual shall be released if the individual
- 422 posts a financial condition fixed by a county jail official in accordance with this section.
- 423 (6) If a county jail official fixes a financial condition for an individual, law enforcement
- 424 shall submit a probable cause statement in accordance with Rule 9 of the Utah Rules of
- 425 Criminal Procedure after the county jail official fixes the financial condition.
- 426 (7) Once a magistrate begins a review of an individual's case under Rule 9 of the Utah
- 427 Rules of Criminal Procedure:
- 428 (a) a county jail official may not fix or modify a financial condition for an individual;
- 429 and
- 430 (b) if a county jail official fixed a financial condition for the individual before the
- 431 magistrate's review, the individual may no longer be released on the financial
- 432 condition.
- 433 (8) A jail facility may not release an individual subject to a 72-hour hold placed on the
- 434 individual by the Department of Corrections as described in Section 64-14-205.
- 435 (9) This section does not prohibit a court and a county from entering into an agreement
- 436 regarding release, except that any such agreement shall apply only to an individual who

437 meets the criteria in an agreement as those criteria existed as of January 1, 2025.

438 *The following section is affected by a coordination clause at the end of this bill.*

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

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

441 As used in this chapter:

442 (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.

443 (2) "Dangerous weapon" means the same as that term is defined in Section 76-1-101.5.

444 [(2)] (3) "Department" means the Department of Public Safety.

445 [(3)] (4) "Divorced" means an individual who has obtained a divorce under Title 81, Chapter
446 4, Part 4, Divorce.

447 [(4)(a) "~~Domestic violence~~" or "~~domestic violence offense~~" means any criminal offense
448 involving violence or physical harm or threat of violence or physical harm, or any
449 attempt, conspiracy, or solicitation to commit a criminal offense involving violence
450 or physical harm, when committed by one cohabitant against another.]

451 [(b) "~~Domestic violence~~" or "~~domestic violence offense~~" includes the commission of or
452 attempt to commit, any of the following offenses by one cohabitant against another:]

453 [(i) aggravated assault under Section 76-5-103;]

454 [(ii) aggravated cruelty to an animal under Section 76-13-203, with the intent to
455 harass or threaten the other cohabitant;]

456 [(iii) assault under Section 76-5-102;]

457 [(iv) criminal homicide under Section 76-5-201;]

458 [(v) harassment under Section 76-5-106;]

459 [(vi) electronic communication harassment under Sections 76-12-202, 76-12-203,
460 and 76-12-204;]

461 [(vii) kidnapping, child kidnapping, or aggravated kidnapping under Sections
462 76-5-301, 76-5-301.1, and 76-5-302;]

463 [(viii) mayhem under Section 76-5-105;]

464 [(ix) propelling a bodily substance or material, as described in Section 76-5-102.9;]

465 [(x) sexual offenses under Title 76, Chapter 5, Part 4, Sexual Offenses, and sexual
466 exploitation of a minor and aggravated sexual exploitation of a minor, as
467 described in Sections 76-5b-201 and 76-5b-201.1;]

468 [(xi) stalking under Section 76-5-106.5;]

469 [(xii) unlawful detention and unlawful detention of a minor under Section 76-5-304;]

470 [(xiii) violation of a protective order or ex parte protective order under Section

- 471 76-5-108;]
- 472 [(xiv) an offense against property under Title 76, Chapter 6, Part 1, Property
- 473 Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title
- 474 76, Chapter 6, Part 3, Robbery;]
- 475 [(xv) disorderly conduct under Section 76-9-102, if a conviction or adjudication of
- 476 disorderly conduct is the result of a plea agreement in which the perpetrator was
- 477 originally charged with a domestic violence offense otherwise described in this
- 478 Subsection (4), except that a conviction or adjudication of disorderly conduct as a
- 479 domestic violence offense, in the manner described in this Subsection (4)(b)(xv),
- 480 does not constitute a misdemeanor crime of domestic violence under 18 U.S.C.
- 481 Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;
- 482 [(xvi) child abuse under Section 76-5-114;]
- 483 [(xvii) threatening violence under Section 76-5-107;]
- 484 [(xviii) tampering with a witness under Section 76-8-508;]
- 485 [(xix) retaliation against a witness, victim, or informant under Section 76-8-508.3;]
- 486 [(xx) receiving or soliciting a bribe as a witness under Section 76-8-508.7;]
- 487 [(xxi) unlawful distribution of an intimate image under Section 76-5b-203;]
- 488 [(xxii) unlawful distribution of a counterfeit intimate image under Section 76-5b-205;]
- 489 [(xxiii) threatening with or using a dangerous weapon in a fight or quarrel under
- 490 Section 76-11-207;]
- 491 [(xxiv) possession of a dangerous weapon with criminal intent under Section
- 492 76-11-208;]
- 493 [(xxv) improper discharging of a dangerous weapon under Section 76-11-209;]
- 494 [(xxvi) voyeurism under Section 76-12-306;]
- 495 [(xxvii) recorded or photographed voyeurism under Section 76-12-307;]
- 496 [(xxviii) distribution of images obtained through voyeurism under Section 76-12-308;]
- 497 [(xxix) damage to or interruption of a communication device under Section 76-6-108;
- 498 or]
- 499 [(xxx) an offense under Subsection 78B-7-806(1).]
- 500 [(e) "Domestic violence" or "domestic violence offense" does not include:]
- 501 [(i) enticing a minor under Section 76-5-417;]
- 502 [(ii) lewdness under in Section 76-5-419; or]
- 503 [(iii) lewdness involving a child under Section 76-5-420.]
- 504 (5)(a) "Domestic violence offense" or "domestic violence" mean:

- 505 (i) an offense involving violence or physical harm, or a threat of violence or physical
506 harm committed by one cohabitant against another cohabitant; or
507 (ii) an attempt, a conspiracy, or a solicitation to commit an offense involving violence
508 or physical harm committed by one cohabitant against another cohabitant.
509 (b) "Domestic violence offense" or "domestic violence" include the commission of, or
510 an attempt to commit, an offense by one cohabitant against another cohabitant that is:
511 (i) a felony or misdemeanor offense described in:
512 (A) Section 76-5-102, assault;
513 (B) Section 76-5-102.9, propelling a bodily substance or material;
514 (C) Section 76-5-103, aggravated assault;
515 (D) Section 76-5-105, mayhem;
516 (E) Section 76-5-106, harassment;
517 (F) Section 76-5-106.5, stalking;
518 (G) Section 76-5-107, threat of violence;
519 (H) Section 76-5-108, violation of a protective order;
520 (I) Section 76-5-111.2, aggravated abuse of a vulnerable adult;
521 (J) Section 76-5-114, commission of domestic violence in the presence of a child;
522 (K) Section 76-5-201, criminal homicide;
523 (L) Section 76-5-301, kidnapping;
524 (M) Section 76-5-302, aggravated kidnapping;
525 (N) Section 76-5-308, human trafficking for labor;
526 (O) Section 76-5-308.1, human trafficking for sexual exploitation;
527 (P) Section 76-5-310, aggravated human trafficking;
528 (Q) Section 76-5-311, human trafficking of a vulnerable adult;
529 (R) Title 76, Chapter 5, Part 4, Sexual Offenses;
530 (S) Section 76-5b-203, distribution of an intimate image;
531 (T) Section 76-5b-205, unlawful distribution of a counterfeit intimate image;
532 (U) Title 76, Chapter 6, Part 1, Property Destruction;
533 (V) Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass;
534 (W) Title 76, Chapter 6, Part 3, Robbery;
535 (X) Section 76-8-508, tampering with a witness;
536 (Y) Section 76-8-508.3, retaliation against a witness, victim, or informant;
537 (Z) Section 76-8-508.7, receiving or soliciting a bribe as a witness;
538 (AA) Section 76-9-102, disorderly conduct, if a conviction or adjudication of

539 disorderly conduct is the result of a plea agreement in which the actor was
540 originally charged with an offense otherwise described in this Subsection (5),
541 except that a conviction or adjudication of disorderly conduct as a domestic
542 violence offense, in the manner described in this Subsection (5)(b)(i)(AA),
543 does not constitute a misdemeanor crime of domestic violence under 18 U.S.C.
544 Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et
545 seq.:

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

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

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

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

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

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

554 (HH) Subsection 78B-7-806(1), for a violation of a jail release court order or jail
555 release agreement; or

556 (ii) a felony or class A misdemeanor offense described in:

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

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

559 (C) Section 76-5-111.4, financial exploitation of a vulnerable adult.

560 (c) "Domestic violence offense" or "domestic violence" does not include the commission
561 of, or an attempt to commit, an offense by one cohabitant against another cohabitant
562 that is:

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

564 (A) Section 76-5-417, enticing a minor;

565 (B) Section 76-5-419, lewdness; or

566 (C) Section 76-5-420, lewdness involving a child; or

567 (ii) a class B or class C misdemeanor offense that is described in:

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

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

570 (C) Section 76-5-111.4, financial exploitation of a vulnerable adult.

571 [(5)] (6) "Jail release agreement" means the same as that term is defined in Section
572 78B-7-801.

- 573 [~~(6)~~] (7) "Jail release court order" means the same as that term is defined in Section
574 78B-7-801.
- 575 [~~(7)~~] (8) "Marital status" means married and living together, divorced, separated, or not
576 married.
- 577 [~~(8)~~] (9) "Married and living together" means a couple whose marriage was solemnized
578 under Section 81-2-305 or 81-2-407 and who are living in the same residence.
- 579 [~~(9)~~] (10) "Not married" means any living arrangement other than married and living
580 together, divorced, or separated.
- 581 [~~(10)~~] (11) "Protective order" includes an order issued under Subsection 78B-7-804(3).
582 [~~(11)~~] (12) "Pretrial protective order" means a written order:
- 583 (a) specifying and limiting the contact [~~a person~~] an individual who has been charged
584 with a domestic violence offense may have with an alleged victim or other specified
585 individuals; and
- 586 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803,
587 pending trial in the criminal case.
- 588 (13) "Protective order" includes an order issued under Subsection 78B-7-804(3).
- 589 [~~(12)~~] (14) "Sentencing protective order" means a written order of the court as part of
590 sentencing in a domestic violence case that limits the contact an individual who is
591 convicted or adjudicated of a domestic violence offense may have with a victim or other
592 specified individuals under Section 78B-7-804.
- 593 [~~(13)~~] (15) "Separated" means a couple who have had their marriage solemnized under
594 Section 81-2-305 or 81-2-407 and who are not living in the same residence.
- 595 (16) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.
- 596 [~~(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**
599 **domestic violence cases -- Reports of parties' marital status.**
- 600 (1) The primary duty of law enforcement officers responding to a domestic violence call is
601 to protect the victim and enforce the law.
- 602 (2)(a) In addition to the arrest powers described in Section 77-7-2, when a peace officer
603 responds to a domestic violence call and has probable cause to believe that an act of
604 domestic violence has been committed, the peace officer shall arrest without a
605 warrant or shall issue a citation to any person that the peace officer has probable
606 cause to believe has committed an act of domestic violence.

- 607 (b)~~(i)~~ If the peace officer has probable cause to believe that there will be continued
608 violence against the alleged victim, or if there is evidence that the perpetrator has
609 either recently caused serious bodily injury or used a dangerous weapon in the
610 domestic violence offense, the officer shall arrest and take the alleged perpetrator
611 into custody, and may not utilize the option of issuing a citation under this section.
612 ~~[(ii) For purposes of Subsection (2)(b)(i), "serious bodily injury" and "dangerous~~
613 ~~weapon" mean the same as those terms are defined in Section 76-1-101.5.]~~
- 614 (c) If a peace officer does not immediately exercise arrest powers or initiate criminal
615 proceedings by citation or otherwise, the officer shall notify the victim of the right to
616 initiate a criminal proceeding and of the importance of preserving evidence, in
617 accordance with the requirements of Section 77-36-2.1.
- 618 (3)(a) If a law enforcement officer receives complaints of domestic violence from two or
619 more opposing persons, the officer shall evaluate each complaint separately to
620 determine who the predominant aggressor was.
- 621 (b) If the officer determines that one person was the predominant ~~[physical]~~ aggressor,
622 the officer need not arrest the other person alleged to have committed domestic
623 violence.
- 624 (c) In determining who the predominant aggressor was, the officer shall consider:
625 ~~[(a)]~~ (i) any prior complaints of domestic violence;
626 ~~[(b)]~~ (ii) the relative severity of injuries inflicted on each person;
627 ~~[(c)]~~ (iii) the likelihood of future injury to each of the parties; and
628 ~~[(d)]~~ (iv) whether one of the parties acted in self defense.
- 629 (4) A law enforcement officer may not threaten, suggest, or otherwise indicate the possible
630 arrest of all parties in order to discourage any party's request for intervention by law
631 enforcement.
- 632 (5)(a) A law enforcement officer who does not make an arrest after investigating a
633 complaint of domestic violence, or who arrests two or more parties, shall submit a
634 detailed, written report specifying the grounds for not arresting any party or for
635 arresting both parties.
- 636 (b) A law enforcement officer who does not make an arrest shall notify the victim of the
637 right to initiate a criminal proceeding and of the importance of preserving evidence.
- 638 (6)(a) A law enforcement officer responding to a complaint of domestic violence shall
639 prepare an incident report that includes:
640 (i) the officer's disposition of the case; and

- 641 (ii) the results of any lethality assessment completed in accordance with Section
642 77-36-2.1.
- 643 (b) From January 1, 2009, until December 31, 2013, any law enforcement officer
644 employed by a city of the first or second class responding to a complaint of domestic
645 violence shall also report, either as a part of an incident report or on a separate form,
646 the following information:
- 647 (i) marital status of each of the parties involved;
648 (ii) social, familial, or legal relationship of the suspect to the victim; and
649 (iii) whether or not an arrest was made.
- 650 (c) The information obtained in Subsection (6)(b):
651 (i) shall be reported monthly to the department;
652 (ii) shall be reported as numerical data that contains no personal identifiers; and
653 (iii) is a public record as defined in Section 63G-2-103.
- 654 (d) The incident report shall be made available to the victim, upon request, at no cost.
- 655 (e) The law enforcement agency shall forward a copy of the incident report to the
656 appropriate prosecuting attorney within five days after the complaint of domestic
657 violence occurred.
- 658 (7) The department shall compile the information described in Subsections (6)(b) and (c)
659 into a report and present that report to the Law Enforcement and Criminal Justice
660 Interim Committee during the 2013 interim, no later than May 31, 2013.
- 661 (8) Each law enforcement agency shall, as soon as practicable, make a written record and
662 maintain records of all incidents of domestic violence reported to it, and shall be
663 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.**

666 As used in this chapter:

- 667 (1) "Abuse" means, except as provided in Section 78B-7-201, intentionally or knowingly
668 causing or attempting to cause another individual physical harm or intentionally or
669 knowingly placing another individual in reasonable fear of imminent physical harm.
- 670 (2) "Affinity" means the same as that term is defined in Section 76-1-101.5.
- 671 (3) "Canadian domestic violence protection order" means the same as that term is defined in
672 Section 78B-7-1201.
- 673 (4) "Child" means an individual who is younger than 18 years old.
- 674 (5) "Civil protective order" means an order issued, subsequent to a hearing on the petition,

- 675 of which the petitioner and respondent have been given notice, under:
- 676 (a) Part 2, Child Protective Orders;
- 677 (b) Part 4, Dating Violence Protective Orders;
- 678 (c) Part 5, Sexual Violence Protective Orders;
- 679 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 680 (e) Part 11, Workplace Violence Protective Orders.
- 681 (6) "Civil stalking injunction" means a stalking injunction issued under Part 7, Civil
- 682 Stalking Injunctions.
- 683 (7)(a) "Cohabitant" means~~[an emancipated individual under Section 15-2-1 or an~~
- 684 ~~individual who is 16 years old or older who]~~ :
- 685 (i) an individual who is emancipated under Section 15-2-1, or an individual who is 16
- 686 years old or older, when the individual:
- 687 [(i)] (A) is or was a spouse of the other party;
- 688 [(ii)] (B) is or was living as if a spouse of the other party;
- 689 [(iii)] (C) is related by blood or marriage to the other party as the individual's parent[
- 690 , grandparent, sibling, or any other individual related to the individual] or
- 691 grandparent;
- 692 (D) is related by consanguinity or affinity to the second degree to the other party;
- 693 [(iv)] (E) has or had one or more children in common with the other party;
- 694 [(v)] (F) is the biological parent of the other party's unborn minor child;
- 695 [(vi)] (G) resides or has resided in the same residence as the other party; or
- 696 [(vii)] (H) is or was in a consensual sexual relationship with the other party[-] ; or
- 697 (ii) an individual who is 18 years old or older and is the sibling, stepsibling, or foster
- 698 sibling of the other party.
- 699 (b) "Cohabitant" does not include:
- 700 (i) an individual who is a parent, stepparent, or foster parent of the other party when
- 701 the other party is a child; or
- 702 (ii) a child when the other party is:
- 703 (A) the child's parent, stepparent, or foster parent; or
- 704 (B) younger than 18 years old and is the child's sibling, stepsibling, or foster
- 705 sibling.
- 706 ~~[(b) "Cohabitant" does not include:]~~
- 707 ~~[(i) the relationship of natural parent, adoptive parent, or step-parent to a minor child;~~
- 708 ~~or]~~

- 709 ~~[(ii) the relationship between natural, adoptive, step, or foster siblings who are under~~
710 ~~18 years old.]~~
- 711 (8) "Consanguinity" means the same as that term is defined in Section 76-1-101.5.
- 712 (9) "Criminal protective order" means an order issued under Part 8, Criminal Protective
713 Orders.
- 714 (10) "Criminal stalking injunction" means a stalking injunction issued under Part 9,
715 Criminal Stalking Injunctions.
- 716 (11) "Court clerk" means a district court clerk.
- 717 (12)(a) "Dating partner" means an individual who:
- 718 (i)(A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7,
719 Emancipation; or
- 720 (B) is 18 years old or older; and
- 721 (ii) is, or has been, in a dating relationship with the other party.
- 722 (b) "Dating partner" does not include an intimate partner.
- 723 (13)(a) "Dating relationship" means a social relationship of a romantic or intimate
724 nature, or a relationship which has romance or intimacy as a goal by one or both
725 parties, regardless of whether the relationship involves sexual intimacy.
- 726 (b) "Dating relationship" does not include casual fraternization in a business,
727 educational, or social context.
- 728 (c) In determining, based on a totality of the circumstances, whether a dating
729 relationship exists:
- 730 (i) all relevant factors shall be considered, including:
- 731 (A) whether the parties developed interpersonal bonding above a mere casual
732 fraternization;
- 733 (B) the length of the parties' relationship;
- 734 (C) the nature and the frequency of the parties' interactions, including
735 communications indicating that the parties intended to begin a dating
736 relationship;
- 737 (D) the ongoing expectations of the parties, individual or jointly, with respect to
738 the relationship;
- 739 (E) whether, by statement or conduct, the parties demonstrated an affirmation of
740 their relationship to others; and
- 741 (F) whether other reasons exist that support or detract from a finding that a dating
742 relationship exists; and

- 743 (ii) it is not necessary that all, or a particular number, of the factors described in
744 Subsection (13)(c)(i) are found to support the existence of a dating relationship.
- 745 (14) "Dating violence" means:
- 746 (a) a criminal offense involving violence or physical harm, or threat of violence or
747 physical harm, when committed by an individual against a dating partner; or
- 748 (b) an attempt, a conspiracy, or a solicitation by an individual to commit a criminal
749 offense involving violence or physical harm against a dating partner of the individual.
- 750 (15) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 751 (16) "Ex parte civil protective order" means an order issued without notice to the
752 respondent under:
- 753 (a) Part 2, Child Protective Orders;
- 754 (b) Part 4, Dating Violence Protective Orders;
- 755 (c) Part 5, Sexual Violence Protective Orders;
- 756 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 757 (e) Part 11, Workplace Violence Protective Orders.
- 758 (17) "Ex parte civil stalking injunction" means a stalking injunction issued without notice to
759 the respondent under Part 7, Civil Stalking Injunctions.
- 760 (18) "Foreign protection order" means:
- 761 (a) the same as that term is defined in Section 78B-7-302; or
- 762 (b) a Canadian domestic violence protection order.
- 763 (19) "Household animal" means an animal that is tamed and kept as a pet.
- 764 (20) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
- 765 (21) "Law enforcement unit" or "law enforcement agency" means any public agency having
766 general police power and charged with making arrests in connection with enforcement
767 of the criminal statutes and ordinances of this state or any political subdivision.
- 768 (22) "Minor child" means the same as that term is defined in Section 81-1-101.
- 769 (23) "Parent" means the same as that term is defined in Section 81-1-101.
- 770 ~~[(23)]~~ (24) "Peace officer" means ~~[those individuals specified]~~ an individual described in
771 Title 53, Chapter 13, Peace Officer Classifications.
- 772 ~~[(24)]~~ (25) "Qualifying domestic violence offense" means the same as that term is defined in
773 Section 77-36-1.1.
- 774 ~~[(25)]~~ (26) "Respondent" means the individual against whom enforcement of a protective
775 order is sought.
- 776 ~~[(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.**

779 As used in this part:

780 (1)(a) "Jail release agreement" means a written agreement that is entered into by an
781 individual who is arrested or issued a citation, regardless of whether the individual is
782 booked into jail:

783 (i) under which the arrested or cited individual agrees to not engage in any of the
784 following:

785 (A) telephoning, contacting, or otherwise communicating with the alleged victim,
786 directly or indirectly;

787 (B) threatening or harassing the alleged victim; or

788 (C) knowingly entering onto the premises of the alleged victim's residence or on
789 premises temporarily occupied by the alleged victim, unless, after a law
790 enforcement officer or the law enforcement officer's employing agency notifies
791 or attempts to notify the alleged victim, the individual enters the premises
792 while accompanied by a law enforcement officer for the purpose of retrieving
793 the individual's personal belongings; and

794 (ii) that specifies other conditions of release from jail or arrest.

795 (b) "Jail release agreement" includes a written agreement that includes the conditions
796 described in Section (1)(a) entered into by a minor who is taken into custody or
797 placed in detention or a shelter facility under Section 80-6-201.

798 (2) "Jail release court order" means a written court order that:

799 (a) orders an arrested or cited individual not to engage in any of the following:

800 (i) telephoning, contacting, or otherwise communicating with the alleged victim,
801 directly or indirectly;

802 (ii) threatening or harassing the alleged victim; or

803 (iii) knowingly entering onto the premises of the alleged victim's residence or on
804 premises temporarily occupied by the alleged victim, unless, after a law
805 enforcement officer or the law enforcement officer's employing agency notifies or
806 attempts to notify the alleged victim, the individual enters the premises while
807 accompanied by a law enforcement officer for the purpose of retrieving the
808 individual's personal belongings; and

809 (b) specifies other conditions of release from jail.

810 (3) "Minor" means the same as that term is defined in Section 80-1-102.

- 811 (4) "Offense against a child or vulnerable adult" means the commission or attempted
 812 commission of an offense described in:
 813 (a) Section 76-5-109, child abuse;
 814 (b) Section 76-5-109.2, aggravated child abuse;
 815 (c) Section 76-5-109.3, child abandonment;
 816 (d) Section 76-5-109.4, child torture;
 817 (e) Section 76-5-110, abuse or neglect of a child with a disability;
 818 (f) Section 76-5-111, abuse of a vulnerable adult;
 819 (g) Section 76-5-111.2, aggravated abuse of a vulnerable adult;
 820 (h) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult;
 821 (i) Section 76-5-111.4, financial exploitation of a vulnerable adult;
 822 (j) Section 76-5-114, commission of domestic violence in the presence of a child; or
 823 (k) Section 76-5-418, sexual battery.

- 824 (5)(a) "Qualifying offense" means:
 825 (i) domestic violence;
 826 (ii) an offense against a child or vulnerable adult;[-øf]
 827 (iii) an offense that is the commission or attempted commission of an offense
 828 described in Section 76-5-418, sexual battery, or Title 76, Chapter 5, Part 4,
 829 Sexual Offenses[-] ; or
 830 (iv) an offense that is stalking as described in Section 76-5-106.5.
 831 (b) "Qualifying offense" does not include an offense described in:
 832 (i) Section 76-5-417, enticing a minor;
 833 (ii) Section 76-5-419, lewdness; or
 834 (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**
 837 **offenses -- Jail release agreements -- Jail release court orders.**

- 838 (1) Upon arrest or issuance of a citation for[-] a qualifying offense [-]and before the
 839 individual is released under Section 77-20-204 or 77-20-205, the individual may not
 840 telephone, contact, or otherwise communicate with the alleged victim, directly or
 841 indirectly.
 842 (2)(a) After [-]an individual is arrested or issued a citation for a qualifying offense, the
 843 individual [-]may not be released before:
 844 (i) the matter is submitted to a magistrate in accordance with Section 77-7-23; or

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

879 evidence to file charges before an initial appearance scheduled under Subsection
880 (3)(a), the ~~[prosecutor]~~ prosecuting attorney shall transmit a notice of declination
881 to either the magistrate who signed the jail release court order or, if the releasing
882 agency obtains a jail release agreement from the released arrestee, to the statewide
883 domestic violence network described in Section 78B-7-113.

884 (ii) A ~~[prosecutor's]~~ prosecuting attorney's notice of declination transmitted under this
885 Subsection (3)(c) is considered a motion to dismiss a jail release court order and a
886 notice of expiration of a jail release agreement.

887 (4) Except as provided in Subsections (3) and (11) or otherwise ordered by a court, a jail
888 release agreement or jail release court order expires at midnight after the earlier of:

889 (a) the arrested or cited individual's initial scheduled court appearance described in
890 Subsection (3)(a);

891 (b) the day on which the ~~[prosecutor]~~ prosecuting attorney transmits the notice of the
892 declination under Subsection (3)(c); or

893 (c) 30 days after the day on which the individual is arrested or issued a citation.

894 (5)(a)(i) After an individual is arrested or issued a citation for a qualifying offense, an
895 alleged victim who is not a ~~[minor]~~ child may waive in writing any condition of a
896 jail release agreement by:

897 (A) appearing in person to the law enforcement agency that arrested the individual
898 or issued the citation to the individual for the qualifying offense;

899 (B) appearing in person to the jail or correctional facility that released the arrested
900 individual from custody; or

901 (C) appearing in person to the clerk at the court of the jurisdiction where the
902 charges are filed.

903 (ii) An alleged victim who is not a ~~[minor]~~ child may waive in writing the release
904 conditions prohibiting:

905 (A) telephoning, contacting, or otherwise communicating with the alleged victim,
906 directly or indirectly; or

907 (B) knowingly entering on the premises of the alleged victim's residence or on
908 premises temporarily occupied by the alleged victim.

909 ~~[(iii) Except as provided in Subsection (5)(a)(iv), a parent or guardian may waive any
910 condition of a jail release agreement on behalf of an alleged victim who is a minor
911 in the manner described in Subsections (5)(a)(i) and (ii).]~~

912 (iii) If the alleged victim is a child, and except as provided in Subsection (5)(a)(iv) or

913 (v), the child's parent or guardian may waive any condition of a jail release
914 agreement on behalf of the child in the manner described in Subsections (5)(a)(i)
915 and (ii).

916 (iv) A child's parent or guardian may not waive any condition of a jail release
917 agreement on behalf of the child if the parent or guardian is the individual who is
918 arrested or issued a citation for a qualifying offense.

919 ~~[(iv)]~~ (v) A child's parent or guardian may not, without the approval of the court,
920 waive the release conditions described in Subsection (5)(a)(ii) on behalf of ~~[an~~
921 ~~alleged victim who is a minor, if the alleged victim who is a minor]~~ the child if the
922 child:

923 (A) allegedly suffers bodily injury as a result of the qualifying offense;

924 (B) summons or attempts to summon emergency aid for the qualifying offense; or

925 (C) after the time at which the qualifying offense is allegedly committed and
926 before the time at which the arrested or cited individual signs the jail release
927 agreement, discloses to a law enforcement officer that the arrested or cited
928 individual threatened the ~~[alleged victim who is a minor]~~ child with bodily
929 injury.

930 ~~[(v)]~~ (vi) Upon waiver, the release conditions described in Subsection (5)(a)(ii) do not
931 apply to the arrested or cited individual.

932 (b) A court or magistrate may modify a jail release agreement or a jail release court
933 order in writing or on the record, and only for good cause shown.

934 (6)(a) When an individual is arrested or issued a citation and subsequently released in
935 accordance with Subsection (2), the releasing agency shall:

936 (i) notify the arresting law enforcement agency of the release, conditions of release,
937 and any available information concerning the location of the alleged victim;

938 (ii) make a reasonable effort to notify the alleged victim of the release; and

939 (iii) before releasing the individual who is arrested or issued a citation, give the
940 arrested or cited individual a copy of the jail release agreement or the jail release
941 court order.

942 (b)(i) When an individual [-]arrested or issued a citation for domestic violence[-] is
943 released under this section based on a jail release agreement, the releasing agency
944 shall transmit that information to the statewide domestic violence network
945 described in Section 78B-7-113.

946 (ii) When an individual [-]arrested or issued a citation for domestic violence[-] is

947 released under this section based upon a jail release court order or if a jail release
948 agreement is modified under Subsection (5)(b), the court shall transmit that order
949 to the statewide domestic violence network described in Section 78B-7-113.

950 (c) This Subsection (6) does not create or increase liability of a law enforcement officer
951 or agency, and the good faith immunity provided by Section 77-36-8 is applicable.

952 (7) An individual who is[-] arrested for a [-]qualifying offense that is a [-]felony and
953 released in accordance with this section may subsequently be held without bail if there
954 is substantial evidence to support a new felony charge against the individual.

955 (8) At the time an arrest is made or a citation is issued for[-] a qualifying offense[-], the
956 arresting officer shall provide the alleged victim with written notice containing:

957 (a) the release conditions described in this section, and notice that the alleged perpetrator
958 will not be released, before appearing before the court with jurisdiction over the
959 offense for which the alleged perpetrator was arrested, unless:

960 (i) the alleged perpetrator enters into a jail release agreement to comply with the
961 release conditions; or

962 (ii) the magistrate issues a jail release order that specifies the release conditions;

963 (b) notification of the penalties for violation of any jail release agreement or jail release
964 court order;

965 (c) the address of the appropriate court in the judicial district or county in which the
966 alleged victim resides;

967 (d) the availability and effect of any waiver of the release conditions; and

968 (e) information regarding the availability of and procedures for obtaining civil and
969 criminal protective orders with or without the assistance of an attorney.

970 (9) At the time an arrest is made or a citation is issued for [-]a qualifying offense[-], the
971 arresting officer shall provide the alleged perpetrator with written notice containing:

972 (a) notification that the alleged perpetrator may not contact the alleged victim before
973 being released, including telephoning, contacting, or otherwise communicating with
974 the alleged victim, directly or indirectly;

975 (b) the release conditions described in this section and notice that the alleged perpetrator
976 will not be released, before appearing before the court with jurisdiction over the
977 offense for which the alleged perpetrator was arrested, unless:

978 (i) the alleged perpetrator enters into a jail release agreement to comply with the
979 release conditions; or

980 (ii) the magistrate issues a jail release court order;

981 (c) notification of the penalties for violation of any jail release agreement or jail release
982 court order; and

983 (d) notification that the alleged perpetrator is to personally appear in court on the next
984 day the court is open for business after the day of the arrest.

985 (10)(a) A pretrial or sentencing protective order issued under this part supersedes a jail
986 release agreement or jail release court order.

987 (b) If a court dismisses the charges for the qualifying offense that gave rise to a jail
988 release agreement or jail release court order, the court shall dismiss the jail release
989 agreement or jail release court order.

990 (11)(a) This section does not apply if the individual arrested for the qualifying offense is
991 a minor who is under 18 years old, unless the qualifying offense is domestic violence.

992 (b) A jail release agreement signed by, or a jail release court order issued against, a
993 minor expires on the earlier of:

994 (i) the day of the minor's initial court appearance described in Subsection (3)(a);

995 (ii) the day on which the ~~[prosecutor]~~ prosecuting attorney transmits the notice of
996 declination under Subsection (3)(c);

997 (iii) 30 days after the day on which the minor is arrested or issued a citation; or

998 (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.**

1001 As used in this part:

1002 (1) "Employee" means:

1003 (a) ~~[an employee in the service of]~~ an individual who is employed by an employer for
1004 compensation[-] ; or

1005 (b) a volunteer.

1006 (2) "Employer" means:

1007 (a) a person ~~[who]~~ that employs an individual in this state[-] ; or

1008 (b) a nonprofit organization for which volunteers donate services.

1009 (3) "Ex parte workplace violence protective order" means an order issued without notice to
1010 the respondent under this part.

1011 (4) "Protective order" means:

1012 (a) a workplace violence protective order; or

1013 (b) an ex parte workplace violence protective order.

1014 (5) "Workplace violence" means knowingly causing or threatening to cause bodily injury

- 1015 to, or significant damage to the property of, a person, if:
- 1016 (a) the person is:
- 1017 (i) an employer;[~~or~~]
- 1018 (ii) an employee performing the employee's duties as an employee; or
- 1019 (iii) an employee who is a volunteer; and
- 1020 (b)(i) the action would cause a reasonable person to feel terrorized, frightened,
- 1021 intimidated, or harassed; or
- 1022 (ii) the threat:
- 1023 (A) would cause a reasonable person to fear that the threat will be carried out; and
- 1024 (B) if carried out, would cause a reasonable person to feel terrorized, frightened,
- 1025 intimidated, or harassed.
- 1026 (6) "Volunteer" means an individual who donates services without pay or other
- 1027 compensation to a nonprofit organization except for expenses actually and reasonably
- 1028 incurred by the nonprofit organization.
- 1029 [~~(6)~~] (7) "Workplace violence protective order" means an order issued under this part after a
- 1030 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**
- 1033 **violence protective orders -- Modification of orders -- Evidence in another lawsuit.**
- 1034 (1) If it appears from a petition for a protective order or a petition to modify an existing
- 1035 protective order that workplace violence has occurred, the court may:
- 1036 (a) without notice, immediately issue an ex parte workplace violence protective order
- 1037 against the respondent or modify an existing workplace violence protective order ex
- 1038 parte, if necessary to protect the petitioner or any party named in the petition; or
- 1039 (b) upon notice to the respondent, issue a workplace violence protective order or modify
- 1040 a workplace violence protective order after a hearing, regardless of whether the
- 1041 respondent appears.
- 1042 (2)(a) The court may grant the following relief with or without notice or a hearing in a
- 1043 protective order or in a modification to a protective order:
- 1044 (i) enjoin the respondent from committing workplace violence;
- 1045 (ii) enjoin the respondent from threatening the petitioner or an employee of the
- 1046 petitioner while:
- 1047 (A) performing the employee's duties as an employee; or
- 1048 (B) donating services to the employer if the employer is a nonprofit organization

- 1049 and the employee is a volunteer; or
1050 (iii) subject to Subsection (2)(c), order that the respondent is excluded and shall stay
1051 away from the petitioner's workplace.
- 1052 (b) Except as provided in Subsection (2)(a), a protective order may not restrict the
1053 respondent's communications.
- 1054 (c) The court shall narrowly tailor an order described in Subsection (2)(a)(iii) to the
1055 location where the respondent caused or threatened to cause bodily injury to, or
1056 significant damage to property of, the petitioner or an employee of the petitioner.
- 1057 (3) After the court issues a protective order, the court shall:
- 1058 (a) as soon as possible, deliver the order to the county sheriff for service of process;
1059 (b) transmit electronically, by the end of the business day after the day on which the
1060 court issues the protective order, a copy of the protective order to the local law
1061 enforcement agency that the petitioner designates; and
1062 (c) transmit a copy of the protective order in the same manner as described in Section
1063 78B-7-113.
- 1064 (4) The court may modify or vacate a protective order after notice and hearing, if the
1065 petitioner:
- 1066 (a)(i) is personally served with notice of the hearing, as provided in the Utah Rules of
1067 Civil Procedure; and
1068 (ii) appears before the court to give specific consent to the modification or vacation
1069 of the provisions of the protective order; or
1070 (b) submits an affidavit agreeing to the modification or vacation of the provisions of the
1071 protective order.
- 1072 (5) The existence of a protective order may not be used as evidence of liability or damages
1073 in a lawsuit between the petitioner and the respondent regardless of whether the
1074 petitioner or respondent seeks to admit the facts underlying the protective order as
1075 evidence.
- 1076 Section 14. Section **78B-7-1105** is amended to read:
1077 **78B-7-1105 . Extension.**
- 1078 (1) A workplace violence protective order expires automatically, unless the petitioner:
1079 (a) files a motion before the day on which the workplace violence protective order
1080 expires; and
1081 (b) demonstrates that:
1082 (i) there is a substantial likelihood that workplace violence will occur against the

1083 petitioner or an employee of the petitioner while;
 1084 (A) performing the employee's duties as an employee; or
 1085 (B) donating services to the employer if the employer is a nonprofit organization
 1086 and the employee is a volunteer; or

1087 (ii) the respondent committed or was convicted of a violation of the workplace
 1088 violence protective order that the petitioner requests be extended.

1089 (2)(a) Subject to Subsection (2)(b), if a court grants a motion described in Subsection
 1090 (1)(a), the court shall set a new date on which the workplace violence protective
 1091 order expires.

1092 (b) A court may not extend a workplace violence protective order for more than 18
 1093 months after the day on which the court issues the order for extension.

1094 (3) After the day on which the court issues an extension of a workplace violence protective
 1095 order, the court shall take the action described in Subsection 78B-7-1103(3).

1096 (4) This part does not prohibit a petitioner from seeking another protective order after the
 1097 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.**

1100 This part does not:

1101 (1) modify the duty of an employer to provide a safe workplace for the employees of the
 1102 employer;

1103 (2) prohibit a person from engaging in constitutionally protected exercise of free speech,
 1104 including non-threatening speech and speech involving labor disputes concerning
 1105 organized labor;[-or]

1106 (3) prohibit a person from engaging in an activity that is part of a labor dispute[-] ; or

1107 (4) create an agency relationship between a nonprofit organization and a volunteer donating
 1108 services to the nonprofit organization.

1109 Section 16. **Effective Date.**

1110 This bill takes effect on May 6, 2026.

1111 Section 17. **Coordinating H.B. 539 with H.B. 221.**

1112 If H.B. 539, Public Safety Amendments, and H.B. 221, Coercion Amendments, both

1113 pass and become law, the Legislature intends that, on May 6, 2026, Subsection

1114 77-36-1(5)(b)(i) enacted in H.B. 539 be amended to read:

1115 "(i) a felony or misdemeanor offense described in:

1116 (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;
- (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

_ 1151 quarrel;

_ 1152 (EE) Section 76-11-208, possession of a deadly weapon with criminal intent;

_ 1153 (FF) Section 76-12-202, electronic communication harassment;

_ 1154 (GG) Title 76, Chapter 12, Part 3, Privacy Offenses;

_ 1155 (HH) Section 76-13-203, aggravated cruelty to an animal, if the intent is to harass or
_ 1156 threaten the cohabitant;

_ 1157 (II) Section 76-11-209, improper discharging of a dangerous weapon; or

_ 1158 (JJ) Subsection 78B-7-806(1), for a violation of a jail release court order or jail release
_ 1159 agreement; or".

1160 Section 18. **Coordinating H.B. 539 with H.B. 90.**

1161 If H.B. 539, Public Safety Amendments, and H.B. 90, Sexual Offenses Amendments,

_ 1162 both pass and become law, the Legislature intends that, on May 6, 2026, Subsection

_ 1163 77-36-1(5)(c) enacted in H.B. 539 be amended to read:

_ 1164 "(c) "Domestic violence offense" or "domestic violence" does not include the commission
_ 1165 of, or an attempt to commit, an offense by one cohabitant against another cohabitant that is a
_ 1166 class B or class C misdemeanor offense that is described in:

_ 1167 (i) Section 76-5-111, abuse of a vulnerable adult;

_ 1168 (ii) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult; or

_ 1169 (iii) Section 76-5-111.4, financial exploitation of a vulnerable adult.".