

Stephanie Pitcher 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;
- ▶ modifies the requirements for responding to an allegation of a domestic violence offense;
- ▶ amends the appearance requirements for a domestic violence offense;
- ▶ 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

29 Offenses Amendments, both pass and become law.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides coordination clauses.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **76-1-202**, as last amended by Laws of Utah 2025, Chapter 291

37 **76-1-402**, as last amended by Laws of Utah 2025, Chapter 302

38 **76-2-409**, as enacted by Laws of Utah 2020, Chapter 411

39 **77-20-102**, as last amended by Laws of Utah 2025, Chapter 526

40 **77-20-201**, as last amended by Laws of Utah 2025, Chapter 227

41 **77-20-204**, as last amended by Laws of Utah 2025, Chapter 243

42 **77-36-1**, as last amended by Laws of Utah 2025, Chapters 173, 208 and 277

43 **77-36-2.2**, as last amended by Laws of Utah 2023, Chapter 447

44 **77-36-2.6**, as last amended by Laws of Utah 2021, Chapter 159

45 **78B-7-102**, as last amended by Laws of Utah 2025, Chapters 212, 332

46 **78B-7-801**, as last amended by Laws of Utah 2025, Chapters 173, 284

47 **78B-7-802**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 4

48 **78B-7-1101**, as enacted by Laws of Utah 2023, Chapter 170

49 **78B-7-1103**, as enacted by Laws of Utah 2023, Chapter 170

50 **78B-7-1105**, as enacted by Laws of Utah 2023, Chapter 170

51 **78B-7-1109**, as enacted by Laws of Utah 2023, Chapter 170

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

53 **77-36-1 (05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173, 208 and 277

54

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

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

57 **76-1-202 . Venue for a criminal action.**

58 (1) As used in this section, "body of water" includes any stream, river, lake, or reservoir,

59 whether natural or man-made.

60 [(+)] (2) [~~Criminal actions~~] A criminal action shall be tried in the county, judicial district, or

61 precinct [~~where~~] in which the offense is alleged to have been committed.

62 (3)(a) In determining the proper place of trial[~~, the following provisions shall apply:~~] for

- 63 a criminal action, this Subsection (3) shall apply.
- 64 ~~[(a)]~~ (b) If the commission of an offense commenced outside the state is consummated
65 within this state, the ~~[offender]~~ actor shall be tried in the county ~~[where]~~ in which the
66 offense is consummated.
- 67 ~~[(b)]~~ (c) When conduct constituting elements of an offense or results that constitute
68 elements, whether the conduct or result constituting elements is in itself unlawful,
69 shall occur in two or more counties, trial of the offense may be held in any of the
70 counties concerned.
- 71 ~~[(e)]~~ (d) If ~~[a person]~~ an actor committing an offense upon ~~[the person of another]~~ a
72 person is located in one county and ~~[his victim]~~ the person is located in another
73 county at the time of the commission of the offense, the trial may be held in either
74 county.
- 75 ~~[(d)]~~ (e) If a cause of death is inflicted in one county and death ensues in another county,
76 the ~~[offender]~~ actor may be tried in either county.
- 77 ~~[(e)]~~ (f) ~~[A person]~~ An actor who commits an inchoate offense may be tried in any county
78 in which any act that is an element of the offense, including the agreement in
79 conspiracy, is committed.
- 80 ~~[(f)]~~ (g) ~~[Where a person]~~ If an actor in one county solicits, aids, abets, agrees, or attempts
81 to aid another in the planning or commission of an offense in another county, ~~[he]~~ the
82 actor may be tried for the offense in either county.
- 83 ~~[(g)]~~ (h)(i) ~~[When]~~ If an offense is committed within this state and it cannot be readily
84 determined in which county or judicial district the offense occurred, ~~[the~~
85 ~~following provisions shall be applicable:]~~ this Subsection (3)(h) shall apply.
- 86 ~~[(i)]~~ (ii) ~~[When]~~ If an offense is committed upon any railroad car, vehicle, watercraft,
87 or aircraft passing within this state, the ~~[offender]~~ actor may be tried in any county
88 through which such railroad car, vehicle, watercraft, or aircraft has passed.
- 89 ~~[(ii)]~~ (iii) ~~[When]~~ If an offense is committed on any body of water bordering on or
90 within this state, the ~~[offender]~~ actor may be tried in any county adjacent to ~~[such]~~
91 the body of water. ~~[The words "body of water" shall include but not be limited to~~
92 ~~any stream, river, lake, or reservoir, whether natural or man-made.]~~
- 93 ~~[(iii)]~~ (iv) ~~[A person]~~ An actor who commits theft may be tried in any county in which [
94 he] the actor exerts control over the property affected.
- 95 ~~[(iv)]~~ (v) If an offense is committed on or near the boundary of two or more counties,
96 the trial of the offense may be held in any of such counties.

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

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

- 102 (i) where the victim's personal identifying information was obtained;
- 103 (ii) where the [~~defendant]~~ actor used or attempted to use the personally identifying
104 information;
- 105 (iii) where the victim of the identity fraud resides or is found; or
- 106 (iv) if multiple offenses of identity fraud occur in multiple jurisdictions, in any
107 county where the victim's identity was used or obtained, or where the victim
108 resides or is found.

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

- 112 (i) at the most recent registered primary residence of the offender, if the actual
113 location of the offender at the time of the violation is not known; or
- 114 (ii) at the location of the offender at the time the offender is apprehended.

115 (4)(a) A criminal action for multiple offenses may be tried in any county or precinct
116 within a judicial district if:

- 117 (i) the offenses were committed within the judicial district;
- 118 (ii) the offenses may be joined in the same information or indictment under Section
119 77-8a-1; and
- 120 (iii) the prosecuting agencies for the jurisdictions in which any of the offenses were
121 committed consent to the place of trial.

122 (b) A criminal action for multiple offenses shall be tried in any county or precinct within
123 a judicial district if:

- 124 (i) the offenses were committed within the judicial district; and
- 125 (ii) the prosecution meets the requirements of Section 76-1-402.

126 ~~[(2)]~~ (5) All objections of improper place of trial are waived by a defendant unless made
127 before trial.

128 Section 2. Section **76-1-402** is amended to read:

129 **76-1-402 . Separate offenses arising out of single criminal episode -- Included**
130 **offenses.**

- 131 (1)(a) A defendant may be prosecuted in a single criminal action for all separate offenses
 132 arising out of a single criminal episode~~;~~ however,] .
- 133 (b) Notwithstanding Subsection (1)(a), when the same act of a defendant under a single
 134 criminal episode shall establish offenses ~~[which]~~ that may be punished in different
 135 ways under different provisions of ~~[this code,]~~ the Utah Code, the act shall be
 136 punishable under only one such provision~~;~~ and an acquittal or conviction and
 137 sentence under any such provision bars a prosecution under any other such provision.
- 138 (2) ~~[Whenever conduct may establish separate offenses under a single criminal episode,~~
 139 ~~unless the court otherwise orders to promote justice, a defendant shall not be subject to~~
 140 ~~separate trials for multiple offenses when]~~ Unless the court otherwise orders separate
 141 trials to promote justice, a defendant may not be subject to separate trials for separate
 142 offenses arising out a single criminal episode if:
- 143 (a) the offenses are within the jurisdiction of a single court;
- 144 (b) venue for the offenses is proper in a single court under Section 76-1-202; and
- 145 ~~[(b)]~~ (c) the offenses are known to the prosecuting attorney at the time the defendant is
 146 arraigned on the first information or indictment.
- 147 (3)(a) A defendant may be convicted of an offense included in the offense charged but
 148 may not be convicted of both the offense charged and the included offense.
- 149 (b) An offense is ~~[so]~~ included in the offense charged when:
- 150 ~~[(a)]~~ (i) ~~[it]~~ the offense is established by proof of the same or less than all of the facts
 151 required to establish the commission of the offense charged;~~[-or]~~
- 152 ~~[(b)]~~ (ii) ~~[it]~~ the offense constitutes an attempt, solicitation, conspiracy, or form of
 153 preparation to commit the offense charged or an offense otherwise included
 154 therein; or
- 155 ~~[(c)]~~ (iii) ~~[it]~~ the offense is specifically designated by a statute as a lesser included
 156 offense.
- 157 (4) The court shall not be obligated to charge the jury with respect to an included offense
 158 unless there is a rational basis for a verdict acquitting the defendant of the offense
 159 charged and convicting the defendant of the included offense.
- 160 (5) If the district court on motion after verdict or judgment, or an appellate court on appeal
 161 or certiorari, ~~[shall determine]~~ determines that there is insufficient evidence to support a
 162 conviction for the offense charged but that there is sufficient evidence to support a
 163 conviction for an included offense and the trier of fact necessarily found every fact
 164 required for conviction of that included offense, the verdict or judgment of conviction

165 may be set aside or reversed and a judgment of conviction entered for the included
166 offense, without necessity of a new trial, if such relief is sought by the defendant.

167 Section 3. Section **76-2-409** is amended to read:

168 **76-2-409 . Battered person mitigation.**

169 (1) As used in this section:

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

171 ~~[(b) "Cohabitant" means:]~~

172 ~~[(i) the same as that term is defined in Section 78B-7-102; or]~~

173 ~~[(ii) the relationship of a minor and a natural parent, an adoptive parent, a stepparent,~~
174 ~~or an individual living with the minor's natural parent as if a stepparent to the~~
175 ~~minor.]~~

176 (b)(i) "Cohabitant" means the same as the term is defined in Section 78B-7-102.

177 (ii) "Cohabitant" includes, notwithstanding the definition in Section 78B-7-102, an
178 individual who is:

179 (A) a minor when the minor's parent or stepparent, or an individual living with the
180 minor's parent as if a stepparent to the minor, committed the criminal offense;

181 or

182 (B) a parent or stepparent of a minor, or an individual living with a parent of a
183 minor as if a stepparent to the minor, when the minor committed the criminal
184 offense.

185 (c) "Minor" means an individual who is younger than 18 years old.

186 (d) "Parent" means an individual with an established parent-child relationship as
187 described in Section 81-5-201.

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

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

190 (ii) the individual committed the criminal offense against a cohabitant who
191 demonstrated a pattern of abuse against the individual or another cohabitant of the
192 individual; and

193 (iii) the individual reasonably believed that the criminal offense was necessary to end
194 the pattern of abuse.

195 (b) A reasonable belief under Subsection (2)(a) is determined from the viewpoint of a
196 reasonable person in the individual's circumstances, as the individual's circumstances
197 are perceived by the individual.

198 (3) An individual claiming mitigation under Subsection (2)(a) has the burden of proving, by

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

- 233 (i) a preliminary examination in which relevant evidence is presented that:
- 234 (A) is material to the factors or considerations provided in Section 77-20-201; and
- 235 (B) was not known to the court at the time the pretrial status order was issued;
- 236 (ii) an unreasonable delay in prosecution that is not attributable to the defendant;
- 237 (iii) a material change in the risk that an individual poses to a victim, a witness, or the
- 238 public if released due to the passage of time or any other relevant factor;
- 239 (iv) a material change in the conditions of release or the services that are reasonably
- 240 available to the defendant if released;
- 241 (v) a willful or repeated failure by the defendant to appear at required court
- 242 appearances; or
- 243 (vi) any other material change related to the defendant's risk of flight or danger to any
- 244 other individual or to the community if released.
- 245 (b) "Material change in circumstances" does not include any fact or consideration that is
- 246 known at the time that the pretrial status order is issued.
- 247 ~~[(11)]~~ (12) "Monetary bail" means a financial condition.
- 248 ~~[(12)]~~ (13) "No bail hold" means an order with the restrictions described in Subsection [
- 249 ~~(18)(e)]~~ (19)(c).
- 250 ~~[(13)]~~ (14) "Own recognizance" means the release of an individual without any condition of
- 251 release other than the individual's promise to:
- 252 (a) appear for all required court proceedings; and
- 253 (b) not commit any criminal offense.
- 254 ~~[(14)]~~ (15) "Pretrial detention hearing" means a hearing described in Section 77-20-206.
- 255 ~~[(15)]~~ (16) "Pretrial release" means the release of an individual from law enforcement
- 256 custody during the time the individual awaits trial or other resolution of criminal charges.
- 257 ~~[(16)]~~ (17) "Pretrial risk assessment" means an objective, research-based, validated
- 258 assessment tool that measures an individual's risk of flight and risk of anticipated
- 259 criminal conduct while on pretrial release.
- 260 ~~[(17)]~~ (18) "Pretrial services program" means a program that is established to:
- 261 (a) gather information on individuals booked into a jail facility;
- 262 (b) conduct pretrial risk assessments; and
- 263 (c) supervise individuals granted pretrial release.
- 264 ~~[(18)]~~ (19) "Pretrial status order" means an order issued by a magistrate or judge that:
- 265 (a) releases the individual on the individual's own recognizance while the individual
- 266 awaits trial or other resolution of criminal charges;

- 267 (b) sets the terms and conditions of the individual's pretrial release while the individual
 268 awaits trial or other resolution of criminal charges; or
 269 (c) denies pretrial release and orders that the individual be detained while the individual
 270 awaits trial or other resolution of criminal charges.

271 [~~(19)~~] (20) "Principal" means the same as that term is defined in Section 31A-35-102.

272 [~~(20)~~] (21) "Surety" means a surety insurer or a bail bond agency.

273 [~~(21)~~] (22) "Surety insurer" means the same as that term is defined in Section 31A-35-102.

274 [~~(22)~~] (23) "Temporary pretrial status order" means an order issued by a magistrate that:

- 275 (a) releases the individual on the individual's own recognizance until a pretrial status
 276 order is issued;
 277 (b) sets the terms and conditions of the individual's pretrial release until a pretrial status
 278 order is issued; or
 279 (c) denies pretrial release and orders that the individual be detained until a pretrial status
 280 order is issued.

281 [~~(23)~~] (24) "Unsecured bond" means an individual's promise to pay a financial condition if
 282 the individual fails to appear for any required court appearance.

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

284 **77-20-201 . Right to bail -- Capital felony.**

- 285 (1) An individual charged with, or arrested for, a criminal offense shall be admitted to bail
 286 as a matter of right, except if the individual is charged with:
 287 (a) a capital felony when there is substantial evidence to support the charge;
 288 (b) a felony committed while on parole or on probation for a felony conviction, or while
 289 free on bail awaiting trial on a previous felony charge, when there is substantial
 290 evidence to support the current felony charge;
 291 (c) a felony when there is substantial evidence to support the charge and the court finds,
 292 by clear and convincing evidence, that:
 293 (i) the individual would constitute a substantial danger to any other individual or to
 294 the community after considering available conditions of release that the court may
 295 impose if the individual is released on bail; or
 296 (ii) the individual is likely to flee the jurisdiction of the court if the individual is
 297 released on bail;
 298 (d) a felony when there is substantial evidence to support the charge and the court finds,
 299 by clear and convincing evidence, that the individual violated a material condition of
 300 release while previously on bail;

- 301 (e) a domestic violence 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 individual would
- 304 constitute a substantial danger to an alleged victim of the domestic violence
- 305 offense or to the community after considering available conditions of release that
- 306 the court may impose if the individual is released on bail;
- 307 (f) the offense of driving under the influence or driving with a measurable controlled
- 308 substance in the body if:
- 309 (i) the offense results in death or serious bodily injury to an individual;
- 310 (ii) there is substantial evidence to support the charge; and
- 311 (iii) the court finds, by clear and convincing evidence, that the individual would
- 312 constitute a substantial danger to the community after considering available
- 313 conditions of release that the court may impose if the individual is released on
- 314 bail;
- 315 (g) a felony violation of Section 76-9-101 if:
- 316 (i) there is substantial evidence to support the charge; and
- 317 (ii) the court finds, by clear and convincing evidence, that the individual is not likely
- 318 to appear for a subsequent court appearance; or
- 319 (h) except as provided in Subsection (4), the offense of driving under the influence or
- 320 driving with a measurable controlled substance in the body:
- 321 (i) if committed while on parole or on probation for a driving under the influence or
- 322 driving with a measurable controlled substance in the body conviction; or
- 323 (ii) while the individual is out of custody awaiting trial on a previous driving under
- 324 the influence or driving with a measurable controlled substance in the body
- 325 charge, when the court finds there is substantial evidence to support the current
- 326 charge.
- 327 (2) Notwithstanding any other provision of this section, there is a rebuttable presumption
- 328 that:
- 329 (a) an individual is a substantial danger to the community under Subsection (1)(f)(iii):
- 330 [(a)] (i) as long as the individual has a blood or breath alcohol concentration of .05
- 331 grams or greater if the individual is arrested for, or charged with, the offense of
- 332 driving under the influence and the offense resulted in death or serious bodily
- 333 injury to an individual; or
- 334 [(b)] (ii) if the individual has a measurable amount of controlled substance in the

335 individual's body, the individual is arrested for, or charged with, the offense of
 336 driving with a measurable controlled substance in the body and the offense
 337 resulted in death or serious bodily injury to an individual[-] ; or

338 (b) an individual is a substantial danger to an alleged victim of the domestic violence
 339 offense, or to the community, under Subsection (1)(e)(ii) if:

340 (i) the domestic violence offense is a felony or class A misdemeanor offense; and

341 (ii) the court finds, by clear and convincing evidence, that the offense is committed
 342 while:

343 (A) the individual is on parole or probation for a conviction of a domestic violence
 344 offense; or

345 (B) the individual is on pretrial release on a previous charge for a domestic
 346 violence offense.

347 (3) For purposes of Subsection (1)(a), any arrest or charge for a violation of Section
 348 76-5-202, aggravated murder, is a capital felony unless:

349 (a) the prosecuting attorney files a notice of intent to not seek the death penalty; or

350 (b) the time for filing a notice to seek the death penalty has expired and the prosecuting
 351 attorney has not filed a notice to seek the death penalty.

352 (4) For purposes of Subsection (1)(h), there is a rebuttable presumption that an individual
 353 would not constitute a substantial danger to any other person or the community if:

354 (a) the court orders the [person] individual to participate in an inpatient drug and alcohol
 355 treatment program; or

356 (b) the court orders the [person] individual to participate in home confinement through
 357 the use of electronic monitoring as described in Section 41-6a-506.

358 (5) For purposes of a determination under Subsection (1)(c)(ii), there is a rebuttable
 359 presumption that an individual is at risk of fleeing the jurisdiction if the individual is not
 360 lawfully present in the United States.

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

362 **77-20-204 . County jail authority to release an individual from jail on monetary**
 363 **bail.**

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

366 (a) Section 23A-4-501 or 23A-4-502;

367 (b) Section 23A-5-311;

368 (c) Section 23A-5-313;

- 369 (d) Title 76, Chapter 6, Part 4, Theft;
- 370 (e) Title 76, Chapter 6, Part 5, Fraud;
- 371 (f) Title 76, Chapter 6, Part 6, Retail Theft;
- 372 (g) Title 76, Chapter 6, Part 7, Utah Computer Crimes Act;
- 373 (h) Title 76, Chapter 6, Part 8, Library Theft;
- 374 (i) Title 76, Chapter 6, Part 9, Cultural Sites Protection;
- 375 (j) Title 76, Chapter 6, Part 10, Mail Box Damage and Mail Theft;
- 376 (k) Title 76, Chapter 6, Part 11, Identity Fraud Act;
- 377 (l) Title 76, Chapter 6, Part 12, Utah Mortgage Fraud Act;
- 378 (m) Title 76, Chapter 6, Part 13, Utah Automated Sales Suppression Device Act;
- 379 (n) Title 76, Chapter 6, Part 14, Regulation of Metal Dealers;
- 380 (o) Title 76, Chapter 7, Offenses Against the Family;
- 381 (p) Title 76, Chapter 7a, Abortion Prohibition;
- 382 (q) Title 76, Chapter 12, Part 2, Electronic Communication Abuse;
- 383 (r) Title 76, Chapter 12, Part 3, Privacy Offenses;
- 384 (s) Title 76, Chapter 13, Offenses Involving Cruelty to Animals; or
- 385 (t) Title 76, Chapter 17, Part 3, Offenses Concerning Pyramid Schemes.
- 386 (2) Except as provided in Subsection (7)(a), a county jail official may fix a financial
- 387 condition for an individual if:
- 388 (a)(i) the individual is ineligible to be released on the individual's own recognizance
- 389 under Section 77-20-203;
- 390 (ii) the individual is arrested for, or charged with:
- 391 (A) a misdemeanor offense under state law, excluding a misdemeanor offense:
- 392 (I) for ~~[domestic violence]~~ a domestic violence offense, as defined in Section
- 393 77-36-1; or
- 394 (II) for driving under the influence under Title 41, Chapter ~~[6]~~ 6a, Part 5,
- 395 Driving Under the Influence and Reckless Driving, or Section 76-5-102.1; or
- 396 (B) a violation of a city or county ordinance that is classified as a class B or C
- 397 misdemeanor offense;
- 398 (iii) the individual agrees in writing to appear for any future criminal proceedings
- 399 related to the arrest; and
- 400 (iv) law enforcement has not submitted a probable cause statement to a magistrate; or
- 401 (b)(i) the individual is arrested for, or charged with, an eligible felony offense;
- 402 (ii) the individual is not on pretrial release for a separate criminal offense;

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

437 individual by the Department of Corrections as described in Section 64-14-205.

438 (9) This section does not prohibit a court and a county from entering into an agreement
439 regarding release, except that any such agreement shall apply only to an individual who
440 meets the criteria in an agreement as those criteria existed as of January 1, 2025.

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

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

443 **77-36-1 . Definitions for chapter.**

444 As used in this chapter:

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

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

447 [(2)] (3) "Department" means the Department of Public Safety.

448 [(3)] (4) "Divorced" means an individual who has obtained a divorce under Title 81, Chapter
449 4, Part 4, Divorce.

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

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

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

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

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

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

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

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

464 [(vii) kidnapping, child kidnapping, or aggravated kidnapping under Sections
465 76-5-301, 76-5-301.1, and 76-5-302;]

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

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

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

- 471 ~~[(xi) stalking under Section 76-5-106.5;]~~
- 472 ~~[(xii) unlawful detention and unlawful detention of a minor under Section 76-5-304;]~~
- 473 ~~[(xiii) violation of a protective order or ex parte protective order under Section~~
- 474 ~~76-5-108;]~~
- 475 ~~[(xiv) an offense against property under Title 76, Chapter 6, Part 1, Property~~
- 476 ~~Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title~~
- 477 ~~76, Chapter 6, Part 3, Robbery;]~~
- 478 ~~[(xv) disorderly conduct under Section 76-9-102, if a conviction or adjudication of~~
- 479 ~~disorderly conduct is the result of a plea agreement in which the perpetrator was~~
- 480 ~~originally charged with a domestic violence offense otherwise described in this~~
- 481 ~~Subsection (4), except that a conviction or adjudication of disorderly conduct as a~~
- 482 ~~domestic violence offense, in the manner described in this Subsection (4)(b)(xv),~~
- 483 ~~does not constitute a misdemeanor crime of domestic violence under 18 U.S.C.~~
- 484 ~~Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;~~
- 485 ~~[(xvi) child abuse under Section 76-5-114;]~~
- 486 ~~[(xvii) threatening violence under Section 76-5-107;]~~
- 487 ~~[(xviii) tampering with a witness under Section 76-8-508;]~~
- 488 ~~[(xix) retaliation against a witness, victim, or informant under Section 76-8-508.3;]~~
- 489 ~~[(xx) receiving or soliciting a bribe as a witness under Section 76-8-508.7;]~~
- 490 ~~[(xxi) unlawful distribution of an intimate image under Section 76-5b-203;]~~
- 491 ~~[(xxii) unlawful distribution of a counterfeit intimate image under Section 76-5b-205;]~~
- 492 ~~[(xxiii) threatening with or using a dangerous weapon in a fight or quarrel under~~
- 493 ~~Section 76-11-207;]~~
- 494 ~~[(xxiv) possession of a dangerous weapon with criminal intent under Section~~
- 495 ~~76-11-208;]~~
- 496 ~~[(xxv) improper discharging of a dangerous weapon under Section 76-11-209;]~~
- 497 ~~[(xxvi) voyeurism under Section 76-12-306;]~~
- 498 ~~[(xxvii) recorded or photographed voyeurism under Section 76-12-307;]~~
- 499 ~~[(xxviii) distribution of images obtained through voyeurism under Section 76-12-308;]~~
- 500 ~~[(xxix) damage to or interruption of a communication device under Section 76-6-108;~~
- 501 ~~or]~~
- 502 ~~[(xxx) an offense under Subsection 78B-7-806(1).]~~
- 503 ~~[(e) "Domestic violence" or "domestic violence offense" does not include:]~~
- 504 ~~[(i) enticing a minor under Section 76-5-417;]~~

- 505 ~~[(ii) lewdness under in Section 76-5-419; or]~~
506 ~~[(iii) lewdness involving a child under Section 76-5-420.]~~
- 507 (5)(a) "Domestic violence offense" or "domestic violence" mean:
508 (i) an offense involving violence or physical harm, or a threat of violence or physical
509 harm committed by one cohabitant against another cohabitant; or
510 (ii) an attempt, a conspiracy, or a solicitation to commit an offense involving violence
511 or physical harm committed by one cohabitant against another cohabitant.
- 512 (b) "Domestic violence offense" or "domestic violence" include the commission of, or
513 an attempt to commit, an offense by one cohabitant against another cohabitant that is:
514 (i) a felony or misdemeanor offense described in:
- 515 (A) Section 76-5-102, assault;
516 (B) Section 76-5-102.9, propelling a bodily substance or material;
517 (C) Section 76-5-103, aggravated assault;
518 (D) Section 76-5-105, mayhem;
519 (E) Section 76-5-106, harassment;
520 (F) Section 76-5-106.5, stalking;
521 (G) Section 76-5-107, threat of violence;
522 (H) Section 76-5-108, violation of a protective order;
523 (I) Section 76-5-111.2, aggravated abuse of a vulnerable adult;
524 (J) Section 76-5-114, commission of domestic violence in the presence of a child;
525 (K) Section 76-5-201, criminal homicide;
526 (L) Section 76-5-301, kidnapping;
527 (M) Section 76-5-302, aggravated kidnapping;
528 (N) Section 76-5-308, human trafficking for labor;
529 (O) Section 76-5-308.1, human trafficking for sexual exploitation;
530 (P) Section 76-5-310, aggravated human trafficking;
531 (Q) Section 76-5-311, human trafficking of a vulnerable adult;
532 (R) Title 76, Chapter 5, Part 4, Sexual Offenses;
533 (S) Section 76-5b-203, distribution of an intimate image;
534 (T) Section 76-5b-205, unlawful distribution of a counterfeit intimate image;
535 (U) Title 76, Chapter 6, Part 1, Property Destruction;
536 (V) Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass;
537 (W) Title 76, Chapter 6, Part 3, Robbery;
538 (X) Section 76-8-508, tampering with a witness;

- 539 (Y) Section 76-8-508.3, retaliation against a witness, victim, or informant;
540 (Z) Section 76-8-508.7, receiving or soliciting a bribe as a witness;
541 (AA) Section 76-9-102, disorderly conduct, if a conviction or adjudication of
542 disorderly conduct is the result of a plea agreement in which the actor was
543 originally charged with an offense otherwise described in this Subsection (5),
544 except that a conviction or adjudication of disorderly conduct as a domestic
545 violence offense, in the manner described in this Subsection (5)(b)(i)(AA),
546 does not constitute a misdemeanor crime of domestic violence under 18 U.S.C.
547 Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et
548 seq.;
549 (BB) Section 76-11-207, threatening with or using a dangerous weapon in a fight
550 or quarrel;
551 (CC) Section 76-11-208, possession of a deadly weapon with criminal intent;
552 (DD) Section 76-12-202, electronic communication harassment;
553 (EE) Title 76, Chapter 12, Part 3, Privacy Offenses;
554 (FF) Section 76-13-203, aggravated cruelty to an animal, if the intent is to harass
555 or threaten the cohabitant;
556 (GG) Section 76-11-209, improper discharging of a dangerous weapon; or
557 (HH) Subsection 78B-7-806(1), for a violation of a jail release court order or jail
558 release agreement; or
559 (ii) a felony or class A misdemeanor offense described in:
560 (A) Section 76-5-111, abuse of a vulnerable adult;
561 (B) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult; or
562 (C) Section 76-5-111.4, financial exploitation of a vulnerable adult.
563 (c) "Domestic violence offense" or "domestic violence" does not include the commission
564 of, or an attempt to commit, an offense by one cohabitant against another cohabitant
565 that is:
566 (i) a felony or misdemeanor offense described in:
567 (A) Section 76-5-417, enticing a minor;
568 (B) Section 76-5-419, lewdness; or
569 (C) Section 76-5-420, lewdness involving a child; or
570 (ii) a class B or class C misdemeanor offense that is described in:
571 (A) Section 76-5-111, abuse of a vulnerable adult;
572 (B) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult; or

573 (C) Section 76-5-111.4, financial exploitation of a vulnerable adult.
 574 [(5)] (6) "Jail release agreement" means the same as that term is defined in Section
 575 78B-7-801.
 576 [(6)] (7) "Jail release court order" means the same as that term is defined in Section
 577 78B-7-801.
 578 [(7)] (8) "Marital status" means married and living together, divorced, separated, or not
 579 married.
 580 [(8)] (9) "Married and living together" means a couple whose marriage was solemnized
 581 under Section 81-2-305 or 81-2-407 and who are living in the same residence.
 582 [(9)] (10) "Not married" means any living arrangement other than married and living
 583 together, divorced, or separated.
 584 [(10)] (11) "Protective order" includes an order issued under Subsection 78B-7-804(3).
 585 [(11)] (12) "Pretrial protective order" means a written order:
 586 (a) specifying and limiting the contact [~~a person~~] an individual who has been charged
 587 with a domestic violence offense may have with an alleged victim or other specified
 588 individuals; and
 589 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803,
 590 pending trial in the criminal case.
 591 (13) "Protective order" includes an order issued under Subsection 78B-7-804(3).
 592 [(12)] (14) "Sentencing protective order" means a written order of the court as part of
 593 sentencing in a domestic violence case that limits the contact an individual who is
 594 convicted or adjudicated of a domestic violence offense may have with a victim or other
 595 specified individuals under Section 78B-7-804.
 596 [(13)] (15) "Separated" means a couple who have had their marriage solemnized under
 597 Section 81-2-305 or 81-2-407 and who are not living in the same residence.
 598 (16) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.
 599 [(14)] (17) "Victim" means a cohabitant who has been subjected to domestic violence.
 600 Section 8. Section **77-36-2.2** is amended to read:
 601 **77-36-2.2 . Powers and duties of law enforcement officers to arrest -- Reports of**
 602 **domestic violence cases -- Reports of parties' marital status.**
 603 (1) The primary duty of law enforcement officers responding to a [~~domestic violence call~~]
 604 call regarding a domestic violence offense is to protect the victim and enforce the law.
 605 (2)(a) In addition to the arrest powers described in Section 77-7-2, when a peace officer
 606 responds to a [~~domestic violence call~~] call regarding a domestic violence offense and

607 has probable cause to believe that ~~[an act of domestic violence]~~ a domestic violence
 608 offense has been committed, the peace officer shall arrest without a warrant, or ~~[shall]~~
 609 issue a citation to, any ~~[person]~~ individual that the peace officer has probable cause to
 610 believe has committed ~~[an act of domestic violence]~~ a domestic violence offense.

611 (b)~~(f)~~ If the peace officer has probable cause to believe that there will be continued
 612 violence against the alleged victim, or if there is evidence that the perpetrator has
 613 either recently caused serious bodily injury or used a dangerous weapon in the
 614 domestic violence offense, the officer shall:

615 (i) arrest and take the alleged perpetrator into custody~~[-and-]~~ ; and

616 (ii) may not utilize the option of issuing a citation under this section.

617 ~~[(ii) For purposes of Subsection (2)(b)(i), "serious bodily injury" and "dangerous~~
 618 ~~weapon" mean the same as those terms are defined in Section 76-1-101.5.]~~

619 (c) If a peace officer does not immediately exercise arrest powers or initiate criminal
 620 proceedings by citation or otherwise, the officer shall notify the victim of the right to
 621 initiate a criminal proceeding and of the importance of preserving evidence, in
 622 accordance with the requirements of Section 77-36-2.1.

623 (3)~~(a)~~ If a law enforcement officer receives complaints of domestic violence offenses
 624 from two or more opposing persons, the officer shall evaluate each complaint
 625 separately to determine who the predominant aggressor was.

626 (b) If the officer determines that one person was the predominant ~~[physical]~~ aggressor,
 627 the officer need not arrest the other person alleged to have committed ~~[domestic~~
 628 ~~violence]~~ a domestic violence offense.

629 (c) In determining who the predominant aggressor was, the officer shall consider:

630 ~~[(a)]~~ (i) any prior complaints of ~~[domestic violence]~~ a domestic violence offense;

631 ~~[(b)]~~ (ii) the relative severity of injuries inflicted on each person;

632 ~~[(c)]~~ (iii) the likelihood of future injury to each of the parties; and

633 ~~[(d)]~~ (iv) whether one of the parties acted in self defense.

634 (4) A law enforcement officer may not threaten, suggest, or otherwise indicate the possible
 635 arrest of all parties in order to discourage any party's request for intervention by law
 636 enforcement.

637 (5)(a) A law enforcement officer who does not make an arrest after investigating a
 638 complaint of ~~[domestic violence]~~ a domestic violence offense, or who arrests two or
 639 more parties, shall submit a detailed, written report specifying the grounds for not
 640 arresting any party or for arresting both parties.

- 641 (b) A law enforcement officer who does not make an arrest shall notify the victim of the
642 right to initiate a criminal proceeding and of the importance of preserving evidence.
- 643 (6)(a) A law enforcement officer responding to a complaint of [~~domestic violence~~] a
644 domestic violence offense shall prepare an incident report that includes:
- 645 (i) the officer's disposition of the case; and
 - 646 (ii) the results of any lethality assessment completed in accordance with Section
647 77-36-2.1.
- 648 [~~(b) From January 1, 2009, until December 31, 2013, any law enforcement officer~~
649 ~~employed by a city of the first or second class responding to a complaint of domestic~~
650 ~~violence shall also report, either as a part of an incident report or on a separate form,~~
651 ~~the following information:]~~
- 652 [(i) ~~marital status of each of the parties involved;~~]
 - 653 [(ii) ~~social, familial, or legal relationship of the suspect to the victim; and~~]
 - 654 [(iii) ~~whether or not an arrest was made.~~]
- 655 [(e) ~~The information obtained in Subsection (6)(b):~~]
- 656 [(i) ~~shall be reported monthly to the department;~~]
 - 657 [(ii) ~~shall be reported as numerical data that contains no personal identifiers; and~~]
 - 658 [(iii) ~~is a public record as defined in Section 63G-2-103.~~]
- 659 [(d)] (b) The incident report shall be made available to the victim, upon request, at no
660 cost.
- 661 [(e) ~~The law enforcement agency shall forward a copy of the incident report to the~~
662 ~~appropriate prosecuting attorney within five days after the complaint of domestic~~
663 ~~violence occurred.~~]
- 664 (c) If there is probable cause that a domestic violence offense was committed, a law
665 enforcement agency shall submit the appropriate charge for the offense to the
666 prosecuting agency within five business days after the day on which the domestic
667 violence offense occurs, unless the law enforcement agency has reasonable cause for
668 the delay.
- 669 [(7) ~~The department shall compile the information described in Subsections (6)(b) and (e)~~
670 ~~into a report and present that report to the Law Enforcement and Criminal Justice~~
671 ~~Interim Committee during the 2013 interim, no later than May 31, 2013.]~~
- 672 [(8)] (7)(a) Each law enforcement agency shall, as soon as practicable, make a written
673 record and maintain records of all incidents of domestic violence reported to [~~it, and~~]
674 the law enforcement agency.

675 (b) Each incident shall be identified by a law enforcement agency code for domestic
676 violence.

677 Section 9. Section **77-36-2.6** is amended to read:

678 **77-36-2.6 . Appearance required -- Considerations by court.**

679 (1) An alleged perpetrator who is arrested for [~~an offense involving domestic violence shall~~
680 ~~appear in person or by video before the court or a magistrate within one judicial day~~
681 ~~after the day on which the arrest is made]~~ a domestic violence offense shall be presented
682 without unnecessary delay before a magistrate for the determination of probable cause in
683 accordance with Utah Rules of Criminal Procedure, Rule 9.

684 (2) [~~An~~] If an alleged perpetrator [~~who~~] is charged by citation, indictment, or information
685 with an offense involving domestic violence [~~but~~] and has not been arrested, the alleged
686 perpetrator shall appear before the court in person for arraignment or initial appearance
687 as soon as practicable[;] but no later than 14 days after the next day on which court is in
688 session following the issuance of the citation or the filing of the indictment or
689 information.

690 (3) At the time of an appearance under Subsection (1) or (2), the court shall consider
691 imposing a pretrial protective order in accordance with Section 78B-7-803.

692 (4) An appearance required by this section is mandatory and may not be waived.

693 [~~(4) Appearances required by this section are mandatory and may not be waived.]~~

694 Section 10. Section **78B-7-102** is amended to read:

695 **78B-7-102 . Definitions for chapter.**

696 As used in this chapter:

697 (1) "Abuse" means, except as provided in Section 78B-7-201, intentionally or knowingly
698 causing or attempting to cause another individual physical harm or intentionally or
699 knowingly placing another individual in reasonable fear of imminent physical harm.

700 (2) "Affinity" means the same as that term is defined in Section 76-1-101.5.

701 (3) "Canadian domestic violence protection order" means the same as that term is defined in
702 Section 78B-7-1201.

703 (4) "Child" means an individual who is younger than 18 years old.

704 (5) "Civil protective order" means an order issued, subsequent to a hearing on the petition,
705 of which the petitioner and respondent have been given notice, under:

706 (a) Part 2, Child Protective Orders;

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

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

- 709 (d) Part 6, Cohabitant Abuse Protective Orders; or
 710 (e) Part 11, Workplace Violence Protective Orders.
- 711 (6) "Civil stalking injunction" means a stalking injunction issued under Part 7, Civil
 712 Stalking Injunctions.
- 713 (7)(a) "Cohabitant" means~~[an emancipated individual under Section 15-2-1 or an~~
 714 ~~individual who is 16 years old or older who] :~~
- 715 (i) an individual who is emancipated under Section 15-2-1, or an individual who is 16
 716 years old or older, when the individual:
- 717 [(i)] (A) is or was a spouse of the other party;
 718 [(ii)] (B) is or was living as if a spouse of the other party;
 719 [(iii)] (C) is related by blood or marriage to the other party as the individual's parent[
 720 ~~, grandparent, sibling, or any other individual related to the individual] or~~
 721 grandparent;
- 722 (D) is related by consanguinity or affinity to the second degree to the other party;
 723 [(iv)] (E) has or had one or more children in common with the other party;
 724 [(v)] (F) is the biological parent of the other party's unborn minor child;
 725 [(vi)] (G) resides or has resided in the same residence as the other party; or
 726 [(vii)] (H) is or was in a consensual sexual relationship with the other party~~[-]~~ ; or
- 727 (ii) an individual who is 18 years old or older and is the sibling, stepsibling, or foster
 728 sibling of the other party.
- 729 (b) "Cohabitant" does not include:
- 730 (i) an individual who is a parent, stepparent, or foster parent of the other party when
 731 the other party is a child; or
- 732 (ii) a child when the other party is:
- 733 (A) the child's parent, stepparent, or foster parent; or
 734 (B) younger than 18 years old and is the child's sibling, stepsibling, or foster
 735 sibling.
- 736 [(b) "Cohabitant" does not include:]
- 737 [(i) ~~the relationship of natural parent, adoptive parent, or step-parent to a minor child;~~
 738 ~~or]~~
- 739 [(ii) ~~the relationship between natural, adoptive, step, or foster siblings who are under~~
 740 ~~18 years old.]~~
- 741 (8) "Consanguinity" means the same as that term is defined in Section 76-1-101.5.
- 742 (9) "Criminal protective order" means an order issued under Part 8, Criminal Protective

743 Orders.

744 (10) "Criminal stalking injunction" means a stalking injunction issued under Part 9,
745 Criminal Stalking Injunctions.

746 (11) "Court clerk" means a district court clerk.

747 (12)(a) "Dating partner" means an individual who:

748 (i)(A) is an emancipated individual under Section 15-2-1 or Title 80, Chapter 7,

749 Emancipation; or

750 (B) is 18 years old or older; and

751 (ii) is, or has been, in a dating relationship with the other party.

752 (b) "Dating partner" does not include an intimate partner.

753 (13)(a) "Dating relationship" means a social relationship of a romantic or intimate
754 nature, or a relationship which has romance or intimacy as a goal by one or both
755 parties, regardless of whether the relationship involves sexual intimacy.

756 (b) "Dating relationship" does not include casual fraternization in a business,
757 educational, or social context.

758 (c) In determining, based on a totality of the circumstances, whether a dating
759 relationship exists:

760 (i) all relevant factors shall be considered, including:

761 (A) whether the parties developed interpersonal bonding above a mere casual
762 fraternization;

763 (B) the length of the parties' relationship;

764 (C) the nature and the frequency of the parties' interactions, including
765 communications indicating that the parties intended to begin a dating
766 relationship;

767 (D) the ongoing expectations of the parties, individual or jointly, with respect to
768 the relationship;

769 (E) whether, by statement or conduct, the parties demonstrated an affirmation of
770 their relationship to others; and

771 (F) whether other reasons exist that support or detract from a finding that a dating
772 relationship exists; and

773 (ii) it is not necessary that all, or a particular number, of the factors described in
774 Subsection (13)(c)(i) are found to support the existence of a dating relationship.

775 (14) "Dating violence" means:

776 (a) a criminal offense involving violence or physical harm, or threat of violence or

- 777 physical harm, when committed by an individual against a dating partner; or
- 778 (b) an attempt, a conspiracy, or a solicitation by an individual to commit a criminal
- 779 offense involving violence or physical harm against a dating partner of the individual.
- 780 (15) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 781 (16) "Ex parte civil protective order" means an order issued without notice to the
- 782 respondent under:
- 783 (a) Part 2, Child Protective Orders;
- 784 (b) Part 4, Dating Violence Protective Orders;
- 785 (c) Part 5, Sexual Violence Protective Orders;
- 786 (d) Part 6, Cohabitant Abuse Protective Orders; or
- 787 (e) Part 11, Workplace Violence Protective Orders.
- 788 (17) "Ex parte civil stalking injunction" means a stalking injunction issued without notice to
- 789 the respondent under Part 7, Civil Stalking Injunctions.
- 790 (18) "Foreign protection order" means:
- 791 (a) the same as that term is defined in Section 78B-7-302; or
- 792 (b) a Canadian domestic violence protection order.
- 793 (19) "Household animal" means an animal that is tamed and kept as a pet.
- 794 (20) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
- 795 (21) "Law enforcement unit" or "law enforcement agency" means any public agency having
- 796 general police power and charged with making arrests in connection with enforcement
- 797 of the criminal statutes and ordinances of this state or any political subdivision.
- 798 (22) "Minor child" means the same as that term is defined in Section 81-1-101.
- 799 (23) "Parent" means the same as that term is defined in Section 81-1-101.
- 800 [~~(23)~~ (24) "Peace officer" means [~~those individuals specified~~] an individual described in
- 801 Title 53, Chapter 13, Peace Officer Classifications.
- 802 [~~(24)~~ (25) "Qualifying domestic violence offense" means the same as that term is defined in
- 803 Section 77-36-1.1.
- 804 [~~(25)~~ (26) "Respondent" means the individual against whom enforcement of a protective
- 805 order is sought.
- 806 [~~(26)~~ (27) "Stalking" means the same as that term is defined in Section 76-5-106.5.
- 807 Section 11. Section **78B-7-801** is amended to read:
- 808 **78B-7-801 . Definitions.**
- 809 As used in this part:
- 810 (1)(a) "Jail release agreement" means a written agreement that is entered into by an

- 811 individual who is arrested or issued a citation, regardless of whether the individual is
812 booked into jail:
- 813 (i) under which the arrested or cited individual agrees to not engage in any of the
814 following:
- 815 (A) telephoning, contacting, or otherwise communicating with the alleged victim,
816 directly or indirectly;
- 817 (B) threatening or harassing the alleged victim; or
- 818 (C) knowingly entering onto the premises of the alleged victim's residence or on
819 premises temporarily occupied by the alleged victim, unless, after a law
820 enforcement officer or the law enforcement officer's employing agency notifies
821 or attempts to notify the alleged victim, the individual enters the premises
822 while accompanied by a law enforcement officer for the purpose of retrieving
823 the individual's personal belongings; and
- 824 (ii) that specifies other conditions of release from jail or arrest.
- 825 (b) "Jail release agreement" includes a written agreement that includes the conditions
826 described in Section (1)(a) entered into by a minor who is taken into custody or
827 placed in detention or a shelter facility under Section 80-6-201.
- 828 (2) "Jail release court order" means a written court order that:
- 829 (a) orders an arrested or cited individual not to engage in any of the following:
- 830 (i) telephoning, contacting, or otherwise communicating with the alleged victim,
831 directly or indirectly;
- 832 (ii) threatening or harassing the alleged victim; or
- 833 (iii) knowingly entering onto the premises of the alleged victim's residence or on
834 premises temporarily occupied by the alleged victim, unless, after a law
835 enforcement officer or the law enforcement officer's employing agency notifies or
836 attempts to notify the alleged victim, the individual enters the premises while
837 accompanied by a law enforcement officer for the purpose of retrieving the
838 individual's personal belongings; and
- 839 (b) specifies other conditions of release from jail.
- 840 (3) "Minor" means the same as that term is defined in Section 80-1-102.
- 841 (4) "Offense against a child or vulnerable adult" means the commission or attempted
842 commission of an offense described in:
- 843 (a) Section 76-5-109, child abuse;
- 844 (b) Section 76-5-109.2, aggravated child abuse;

- 845 (c) Section 76-5-109.3, child abandonment;
- 846 (d) Section 76-5-109.4, child torture;
- 847 (e) Section 76-5-110, abuse or neglect of a child with a disability;
- 848 (f) Section 76-5-111, abuse of a vulnerable adult;
- 849 (g) Section 76-5-111.2, aggravated abuse of a vulnerable adult;
- 850 (h) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult;
- 851 (i) Section 76-5-111.4, financial exploitation of a vulnerable adult;
- 852 (j) Section 76-5-114, commission of domestic violence in the presence of a child; or
- 853 (k) Section 76-5-418, sexual battery.
- 854 (5)(a) "Qualifying offense" means:
- 855 (i) domestic violence;
- 856 (ii) an offense against a child or vulnerable adult;~~[-or]~~
- 857 (iii) an offense that is the commission or attempted commission of an offense
- 858 described in Section 76-5-418, sexual battery, or Title 76, Chapter 5, Part 4,
- 859 Sexual Offenses[-] ; or
- 860 (iv) an offense that is stalking as described in Section 76-5-106.5.
- 861 (b) "Qualifying offense" does not include an offense described in:
- 862 (i) Section 76-5-417, enticing a minor;
- 863 (ii) Section 76-5-419, lewdness; or
- 864 (iii) Section 76-5-420, lewdness involving a child.
- 865 Section 12. Section **78B-7-802** is amended to read:
- 866 **78B-7-802 . Conditions for release after arrest for domestic violence and other**
- 867 **offenses -- Jail release agreements -- Jail release court orders.**
- 868 (1) Upon arrest or issuance of a citation for[-] a qualifying offense [-]and before the
- 869 individual is released under Section 77-20-204 or 77-20-205, the individual may not
- 870 telephone, contact, or otherwise communicate with the alleged victim, directly or
- 871 indirectly.
- 872 (2)(a) After [-]an individual is arrested or issued a citation for a qualifying offense, the
- 873 individual [-]may not be released before:
- 874 (i) the matter is submitted to a magistrate in accordance with Section 77-7-23; or
- 875 (ii) the individual signs a jail release agreement.
- 876 (b) If an arrested individual is booked into jail, the arresting officer shall ensure that the
- 877 information presented to the magistrate includes whether the alleged victim has made
- 878 a waiver described in Subsection (5)(a).

- 879 (c) If the magistrate determines there is probable cause to support the charge or charges
880 of one or more qualifying offenses[-], the magistrate shall issue a temporary pretrial
881 status order, as defined in Section 77-20-102, in accordance with Section 77-20-205.
- 882 (d) The magistrate may not release an individual arrested for a qualifying offense unless
883 the magistrate issues a jail release court order or the arrested individual signs a jail
884 release agreement.
- 885 (e) A jail release agreement or jail release court order may not prohibit an individual
886 who is arrested or cited for an offense for the commission of domestic violence in the
887 presence of a child, as described in Section 76-5-114, from telephoning, contacting,
888 or otherwise communicating with a child if:
- 889 (i) the individual is the parent or guardian of the child; and
890 (ii) the alleged victim of the offense is not the child or the parent or guardian of the
891 child.
- 892 (3)(a) If an individual charged with [-]a qualifying offense [-]fails to either schedule an
893 initial appearance or to appear at the time scheduled by the magistrate within 96
894 hours after the time of arrest, the individual shall comply with the release conditions
895 of a jail release agreement or jail release court order until the individual makes an
896 initial appearance.
- 897 (b) If the [~~prosecutor~~] prosecuting attorney has not filed charges against an individual
898 who was arrested for a qualifying offense and who appears in court at the time
899 scheduled by the magistrate under Subsection (2), or by the court under Subsection
900 (3)(b)(ii), the court:
- 901 (i) may, upon the motion of the [~~prosecutor~~] prosecuting attorney and after allowing
902 the individual an opportunity to be heard on the motion, extend the release
903 conditions described in the jail release court order or the jail release agreement by
904 no more than three court days; and
- 905 (ii) if the court grants the motion described in Subsection (3)(b)(i), shall order the
906 arrested individual to appear at a time scheduled before the end of the granted
907 extension.
- 908 (c)(i) If the [~~prosecutor~~] prosecuting attorney determines that there is insufficient
909 evidence to file charges before an initial appearance scheduled under Subsection
910 (3)(a), the [~~prosecutor~~] prosecuting attorney shall transmit a notice of declination
911 to either the magistrate who signed the jail release court order or, if the releasing
912 agency obtains a jail release agreement from the released arrestee, to the statewide

- 913 domestic violence network described in Section 78B-7-113.
- 914 (ii) A ~~[prosecutor's]~~ prosecuting attorney's notice of declination transmitted under this
915 Subsection (3)(c) is considered a motion to dismiss a jail release court order and a
916 notice of expiration of a jail release agreement.
- 917 (4) Except as provided in Subsections (3) and (11) or otherwise ordered by a court, a jail
918 release agreement or jail release court order expires at midnight after the earlier of:
- 919 (a) the arrested or cited individual's initial scheduled court appearance described in
920 Subsection (3)(a);
- 921 (b) the day on which the ~~[prosecutor]~~ prosecuting attorney transmits the notice of the
922 declination under Subsection (3)(c); or
- 923 (c) 30 days after the day on which the individual is arrested or issued a citation.
- 924 (5)(a)(i) After an individual is arrested or issued a citation for a qualifying offense, an
925 alleged victim who is not a ~~[minor]~~ child may waive in writing any condition of a
926 jail release agreement by:
- 927 (A) appearing in person to the law enforcement agency that arrested the individual
928 or issued the citation to the individual for the qualifying offense;
- 929 (B) appearing in person to the jail or correctional facility that released the arrested
930 individual from custody; or
- 931 (C) appearing in person to the clerk at the court of the jurisdiction where the
932 charges are filed.
- 933 (ii) An alleged victim who is not a ~~[minor]~~ child may waive in writing the release
934 conditions prohibiting:
- 935 (A) telephoning, contacting, or otherwise communicating with the alleged victim,
936 directly or indirectly; or
- 937 (B) knowingly entering on the premises of the alleged victim's residence or on
938 premises temporarily occupied by the alleged victim.
- 939 ~~[(iii) Except as provided in Subsection (5)(a)(iv), a parent or guardian may waive any~~
940 ~~condition of a jail release agreement on behalf of an alleged victim who is a minor~~
941 ~~in the manner described in Subsections (5)(a)(i) and (ii).]~~
- 942 (iii) If the alleged victim is a child, and except as provided in Subsection (5)(a)(iv) or
943 (v), the child's parent or guardian may waive any condition of a jail release
944 agreement on behalf of the child in the manner described in Subsections (5)(a)(i)
945 and (ii).
- 946 (iv) A child's parent or guardian may not waive any condition of a jail release

947 agreement on behalf of the child if the parent or guardian is the individual who is
 948 arrested or issued a citation for a qualifying offense.

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

953 (A) allegedly suffers bodily injury as a result of the qualifying offense;
 954 (B) summons or attempts to summon emergency aid for the qualifying offense; or
 955 (C) after the time at which the qualifying offense is allegedly committed and
 956 before the time at which the arrested or cited individual signs the jail release
 957 agreement, discloses to a law enforcement officer that the arrested or cited
 958 individual threatened the ~~[alleged victim who is a minor]~~ child with bodily
 959 injury.

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

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

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

966 (i) notify the arresting law enforcement agency of the release, conditions of release,
 967 and any available information concerning the location of the alleged victim;
 968 (ii) make a reasonable effort to notify the alleged victim of the release; and
 969 (iii) before releasing the individual who is arrested or issued a citation, give the
 970 arrested or cited individual a copy of the jail release agreement or the jail release
 971 court order.

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

976 (ii) When an individual ~~[-]~~arrested or issued a citation for domestic violence~~[-]~~ is
 977 released under this section based upon a jail release court order or if a jail release
 978 agreement is modified under Subsection (5)(b), the court shall transmit that order
 979 to the statewide domestic violence network described in Section 78B-7-113.

980 (c) This Subsection (6) does not create or increase liability of a law enforcement officer

- 981 or agency, and the good faith immunity provided by Section 77-36-8 is applicable.
- 982 (7) An individual who is[-] arrested for a [-]qualifying offense that is a [-]felony and
983 released in accordance with this section may subsequently be held without bail if there
984 is substantial evidence to support a new felony charge against the individual.
- 985 (8) At the time an arrest is made or a citation is issued for[-] a qualifying offense[-], the
986 arresting officer shall provide the alleged victim with written notice containing:
- 987 (a) the release conditions described in this section, and notice that the alleged perpetrator
988 will not be released, before appearing before the court with jurisdiction over the
989 offense for which the alleged perpetrator was arrested, unless:
- 990 (i) the alleged perpetrator enters into a jail release agreement to comply with the
991 release conditions; or
- 992 (ii) the magistrate issues a jail release order that specifies the release conditions;
- 993 (b) notification of the penalties for violation of any jail release agreement or jail release
994 court order;
- 995 (c) the address of the appropriate court in the judicial district or county in which the
996 alleged victim resides;
- 997 (d) the availability and effect of any waiver of the release conditions; and
- 998 (e) information regarding the availability of and procedures for obtaining civil and
999 criminal protective orders with or without the assistance of an attorney.
- 1000 (9) At the time an arrest is made or a citation is issued for [-]a qualifying offense[-], the
1001 arresting officer shall provide the alleged perpetrator with written notice containing:
- 1002 (a) notification that the alleged perpetrator may not contact the alleged victim before
1003 being released, including telephoning, contacting, or otherwise communicating with
1004 the alleged victim, directly or indirectly;
- 1005 (b) the release conditions described in this section and notice that the alleged perpetrator
1006 will not be released, before appearing before the court with jurisdiction over the
1007 offense for which the alleged perpetrator was arrested, unless:
- 1008 (i) the alleged perpetrator enters into a jail release agreement to comply with the
1009 release conditions; or
- 1010 (ii) the magistrate issues a jail release court order;
- 1011 (c) notification of the penalties for violation of any jail release agreement or jail release
1012 court order; and
- 1013 (d) notification that the alleged perpetrator is to personally appear in court on the next
1014 day the court is open for business after the day of the arrest.

- 1015 (10)(a) A pretrial or sentencing protective order issued under this part supersedes a jail
 1016 release agreement or jail release court order.
- 1017 (b) If a court dismisses the charges for the qualifying offense that gave rise to a jail
 1018 release agreement or jail release court order, the court shall dismiss the jail release
 1019 agreement or jail release court order.
- 1020 (11)(a) This section does not apply if the individual arrested for the qualifying offense is
 1021 a minor who is under 18 years old, unless the qualifying offense is domestic violence.
- 1022 (b) A jail release agreement signed by, or a jail release court order issued against, a
 1023 minor expires on the earlier of:
- 1024 (i) the day of the minor's initial court appearance described in Subsection (3)(a);
 1025 (ii) the day on which the ~~[prosecutor]~~ prosecuting attorney transmits the notice of
 1026 declination under Subsection (3)(c);
 1027 (iii) 30 days after the day on which the minor is arrested or issued a citation; or
 1028 (iv) the day on which the juvenile court terminates jurisdiction.

1029 Section 13. Section **78B-7-1101** is amended to read:

1030 **78B-7-1101 . Definitions.**

1031 As used in this part:

- 1032 (1) "Employee" means:
- 1033 (a) ~~[an employee in the service of]~~ an individual who is employed by an employer for
 1034 compensation~~[-]~~ ; or
- 1035 (b) a volunteer.
- 1036 (2) "Employer" means:
- 1037 (a) a person ~~[who]~~ that employs an individual in this state~~[-]~~ ; or
 1038 (b) a nonprofit organization for which volunteers donate services.
- 1039 (3) "Ex parte workplace violence protective order" means an order issued without notice to
 1040 the respondent under this part.
- 1041 (4) "Protective order" means:
- 1042 (a) a workplace violence protective order; or
 1043 (b) an ex parte workplace violence protective order.
- 1044 (5) "Workplace violence" means knowingly causing or threatening to cause bodily injury
 1045 to, or significant damage to the property of, a person, if:
- 1046 (a) the person is:
- 1047 (i) an employer;~~[-or]~~
 1048 (ii) an employee performing the employee's duties as an employee; or

- 1049 (iii) an employee who is a volunteer; and
- 1050 (b)(i) the action would cause a reasonable person to feel terrorized, frightened,
- 1051 intimidated, or harassed; or
- 1052 (ii) the threat:
- 1053 (A) would cause a reasonable person to fear that the threat will be carried out; and
- 1054 (B) if carried out, would cause a reasonable person to feel terrorized, frightened,
- 1055 intimidated, or harassed.
- 1056 (6) "Volunteer" means an individual who donates services without pay or other
- 1057 compensation to a nonprofit organization except for expenses actually and reasonably
- 1058 incurred by the nonprofit organization.
- 1059 [(6)] (7) "Workplace violence protective order" means an order issued under this part after a
- 1060 hearing on the petition, of which the petitioner and respondent have been given notice.
- 1061 Section 14. Section **78B-7-1103** is amended to read:
- 1062 **78B-7-1103 . Workplace violence protective orders -- Ex parte workplace**
- 1063 **violence protective orders -- Modification of orders -- Evidence in another lawsuit.**
- 1064 (1) If it appears from a petition for a protective order or a petition to modify an existing
- 1065 protective order that workplace violence has occurred, the court may:
- 1066 (a) without notice, immediately issue an ex parte workplace violence protective order
- 1067 against the respondent or modify an existing workplace violence protective order ex
- 1068 parte, if necessary to protect the petitioner or any party named in the petition; or
- 1069 (b) upon notice to the respondent, issue a workplace violence protective order or modify
- 1070 a workplace violence protective order after a hearing, regardless of whether the
- 1071 respondent appears.
- 1072 (2)(a) The court may grant the following relief with or without notice or a hearing in a
- 1073 protective order or in a modification to a protective order:
- 1074 (i) enjoin the respondent from committing workplace violence;
- 1075 (ii) enjoin the respondent from threatening the petitioner or an employee of the
- 1076 petitioner while:
- 1077 (A) performing the employee's duties as an employee; or
- 1078 (B) donating services to the employer if the employer is a nonprofit organization
- 1079 and the employee is a volunteer; or
- 1080 (iii) subject to Subsection (2)(c), order that the respondent is excluded and shall stay
- 1081 away from the petitioner's workplace.
- 1082 (b) Except as provided in Subsection (2)(a), a protective order may not restrict the

- 1083 respondent's communications.
- 1084 (c) The court shall narrowly tailor an order described in Subsection (2)(a)(iii) to the
- 1085 location where the respondent caused or threatened to cause bodily injury to, or
- 1086 significant damage to property of, the petitioner or an employee of the petitioner.
- 1087 (3) After the court issues a protective order, the court shall:
- 1088 (a) as soon as possible, deliver the order to the county sheriff for service of process;
- 1089 (b) transmit electronically, by the end of the business day after the day on which the
- 1090 court issues the protective order, a copy of the protective order to the local law
- 1091 enforcement agency that the petitioner designates; and
- 1092 (c) transmit a copy of the protective order in the same manner as described in Section
- 1093 78B-7-113.
- 1094 (4) The court may modify or vacate a protective order after notice and hearing, if the
- 1095 petitioner:
- 1096 (a)(i) is personally served with notice of the hearing, as provided in the Utah Rules of
- 1097 Civil Procedure; and
- 1098 (ii) appears before the court to give specific consent to the modification or vacation
- 1099 of the provisions of the protective order; or
- 1100 (b) submits an affidavit agreeing to the modification or vacation of the provisions of the
- 1101 protective order.
- 1102 (5) The existence of a protective order may not be used as evidence of liability or damages
- 1103 in a lawsuit between the petitioner and the respondent regardless of whether the
- 1104 petitioner or respondent seeks to admit the facts underlying the protective order as
- 1105 evidence.
- 1106 Section 15. Section **78B-7-1105** is amended to read:
- 1107 **78B-7-1105 . Extension.**
- 1108 (1) A workplace violence protective order expires automatically, unless the petitioner:
- 1109 (a) files a motion before the day on which the workplace violence protective order
- 1110 expires; and
- 1111 (b) demonstrates that:
- 1112 (i) there is a substantial likelihood that workplace violence will occur against the
- 1113 petitioner or an employee of the petitioner while;
- 1114 (A) performing the employee's duties as an employee; or
- 1115 (B) donating services to the employer if the employer is a nonprofit organization
- 1116 and the employee is a volunteer; or

1117 (ii) the respondent committed or was convicted of a violation of the workplace
1118 violence protective order that the petitioner requests be extended.

1119 (2)(a) Subject to Subsection (2)(b), if a court grants a motion described in Subsection
1120 (1)(a), the court shall set a new date on which the workplace violence protective
1121 order expires.

1122 (b) A court may not extend a workplace violence protective order for more than 18
1123 months after the day on which the court issues the order for extension.

1124 (3) After the day on which the court issues an extension of a workplace violence protective
1125 order, the court shall take the action described in Subsection 78B-7-1103(3).

1126 (4) This part does not prohibit a petitioner from seeking another protective order after the
1127 day on which the petitioner's protective order expires.

1128 Section 16. Section **78B-7-1109** is amended to read:

1129 **78B-7-1109 . Limitations of part.**

1130 This part does not:

1131 (1) modify the duty of an employer to provide a safe workplace for the employees of the
1132 employer;

1133 (2) prohibit a person from engaging in constitutionally protected exercise of free speech,
1134 including non-threatening speech and speech involving labor disputes concerning
1135 organized labor;[-or]

1136 (3) prohibit a person from engaging in an activity that is part of a labor dispute[-] ; or

1137 (4) create an agency relationship between a nonprofit organization and a volunteer donating
1138 services to the nonprofit organization.

1139 Section 17. **Effective Date.**

1140 This bill takes effect on May 6, 2026.

1141 Section 18. **Coordinating H.B. 539 with H.B. 221.**

1142 If H.B. 539, Public Safety Amendments, and H.B. 221, Coercion Amendments, both

1143 pass and become law, the Legislature intends that, on May 6, 2026, Subsection

1144 77-36-1(5)(b)(i) enacted in H.B. 539 be amended to read:

1145 "(i) a felony or misdemeanor offense described in:

1146 (A) Section 76-5-102, assault;

1147 (B) Section 76-5-102.9, propelling a bodily substance or material;

1148 (C) Section 76-5-103, aggravated assault;

1149 (D) Section 76-5-105, mayhem;

1150 (E) Section 76-5-106, harassment;

- _ 1151 (F) Section 76-5-106.5, stalking;
- _ 1152 (G) Section 76-5-107, threat of violence;
- _ 1153 (H) Section 76-5-108, violation of a protective order;
- _ 1154 (I) Section 76-5-111.2, aggravated abuse of a vulnerable adult;
- _ 1155 (J) Section 76-5-114, commission of domestic violence in the presence of a child;
- _ 1156 (K) Section 76-5-201, criminal homicide;
- _ 1157 (L) Section 76-5-301, kidnapping;
- _ 1158 (M) Section 76-5-302, aggravated kidnapping;
- _ 1159 (N) Section 76-5-308, human trafficking for labor;
- _ 1160 (O) Section 76-5-308.1, human trafficking for sexual exploitation;
- _ 1161 (P) Section 76-5-310, aggravated human trafficking;
- _ 1162 (Q) Section 76-5-311, human trafficking of a vulnerable adult;
- _ 1163 (R) Title 76, Chapter 5, Part 4, Sexual Offenses;
- _ 1164 (S) Section 76-5b-203, distribution of an intimate image;
- _ 1165 (T) Section 76-5b-204, sexual extortion;
- _ 1166 (U) Section 76-5b-204.1, aggravated sexual extortion;
- _ 1167 (V) Section 76-5b-205, unlawful distribution of a counterfeit intimate image;
- _ 1168 (W) Title 76, Chapter 6, Part 1, Property Destruction;
- _ 1169 (X) Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass;
- _ 1170 (Y) Title 76, Chapter 6, Part 3, Robbery;
- _ 1171 (Z) Section 76-8-508, tampering with a witness;
- _ 1172 (AA) Section 76-8-508.3, retaliation against a witness, victim, or informant;
- _ 1173 (BB) Section 76-8-508.7, receiving or soliciting a bribe as a witness;
- _ 1174 (CC) Section 76-9-102, disorderly conduct, if a conviction or adjudication of disorderly
_ 1175 conduct is the result of a plea agreement in which the actor was originally charged with an
_ 1176 offense otherwise described in this Subsection (5), except that a conviction or adjudication of
_ 1177 disorderly conduct as a domestic violence offense, in the manner described in this Subsection
_ 1178 (5)(b)(i)(CC), does not constitute a misdemeanor crime of domestic violence under 18 U.S.C.
_ 1179 Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;
- _ 1180 (DD) Section 76-11-207, threatening with or using a dangerous weapon in a fight or
_ 1181 quarrel;
- _ 1182 (EE) Section 76-11-208, possession of a deadly weapon with criminal intent;
- _ 1183 (FF) Section 76-12-202, electronic communication harassment;
- _ 1184 (GG) Title 76, Chapter 12, Part 3, Privacy Offenses;

1185 (HH) Section 76-13-203, aggravated cruelty to an animal, if the intent is to harass or
1186 threaten the cohabitant;

1187 (II) Section 76-11-209, improper discharging of a dangerous weapon; or

1188 (JJ) Subsection 78B-7-806(1), for a violation of a jail release court order or jail release
1189 agreement; or".

1190 **Section 19. Coordinating H.B. 539 with H.B. 90.**

1191 If H.B. 539, Public Safety Amendments, and H.B. 90, Sexual Offenses Amendments,
1192 both pass and become law, the Legislature intends that, on May 6, 2026, Subsection
1193 77-36-1(5)(c) enacted in H.B. 539 be amended to read:

1194 "(c) "Domestic violence offense" or "domestic violence" does not include the commission
1195 of, or an attempt to commit, an offense by one cohabitant against another cohabitant that is a
1196 class B or class C misdemeanor offense that is described in:

1197 (i) Section 76-5-111, abuse of a vulnerable adult;

1198 (ii) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult; or

1199 (iii) Section 76-5-111.4, financial exploitation of a vulnerable adult.".