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Domestic Violence Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor:

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LONG TITLE

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General Description:

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This bill addresses domestic violence.

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Highlighted Provisions:

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This bill:

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▸ modifies the requirements for responding to an allegation of a domestic violence offense;

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▸ amends the appearance requirements for a domestic violence offense; and

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▸ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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

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

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

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Section 1. Section **77-36-2.2** is amended to read:

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77-36-2.2 . Powers and duties of law enforcement officers to arrest -- Reports of domestic violence cases -- Reports of parties' marital status.

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(1) The primary duty of law enforcement officers responding to a [~~domestic violence call~~] call regarding a domestic violence offense is to protect the victim and enforce the law.

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(2)(a) In addition to the arrest powers described in Section 77-7-2, when a peace officer responds to a [~~domestic violence call~~] call regarding a domestic violence offense and has probable cause to believe that [~~an act of domestic violence~~] a domestic violence offense has been committed, the peace officer shall arrest without a warrant, or [~~shall~~] issue a citation to, any [~~person~~] individual that the peace officer has probable cause to

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- 31 believe has committed [~~an act of domestic violence~~] a domestic violence offense.
- 32 (b)(i) If the peace officer has probable cause to believe that there will be continued
 33 violence against the alleged victim, or if there is evidence that the perpetrator has
 34 either recently caused serious bodily injury or used a dangerous weapon in the
 35 domestic violence offense, the officer shall:
- 36 (A) arrest and take the alleged perpetrator into custody[~~, and~~] ; and
 37 (B) may not utilize the option of issuing a citation under this section.
- 38 (ii) For purposes of Subsection (2)(b)(i), "serious bodily injury" and "dangerous
 39 weapon" mean the same as those terms are defined in Section 76-1-101.5.
- 40 (c) If a peace officer does not immediately exercise arrest powers or initiate criminal
 41 proceedings by citation or otherwise, the officer shall notify the victim of the right to
 42 initiate a criminal proceeding and of the importance of preserving evidence, in
 43 accordance with the requirements of Section 77-36-2.1.
- 44 (3)(a) If a law enforcement officer receives complaints of domestic violence offenses
 45 from two or more opposing persons, the officer shall evaluate each complaint
 46 separately to determine who the predominant aggressor was in the situation.
- 47 (b) If the officer determines that one person was the predominant physical aggressor, the
 48 officer need not arrest the other person alleged to have committed [~~domestic violence~~]
 49 a domestic violence offense.
- 50 (c) In determining who the predominant aggressor was, the officer shall consider:
- 51 [(a)] (i) any prior complaints of [~~domestic violence~~] a domestic violence offense;
 52 [(b)] (ii) the relative severity of injuries inflicted on each person;
 53 [(c)] (iii) the likelihood of future injury to each of the parties; and
 54 [(d)] (iv) whether one of the parties acted in self defense.
- 55 (4) A law enforcement officer may not threaten, suggest, or otherwise indicate the possible
 56 arrest of all parties in order to discourage any party's request for intervention by law
 57 enforcement.
- 58 (5)(a) A law enforcement officer who does not make an arrest after investigating a
 59 complaint of [~~domestic violence~~] a domestic violence offense, or who arrests two or
 60 more parties, shall submit a detailed, written report specifying the grounds for not
 61 arresting any party or for arresting both parties.
- 62 (b) A law enforcement officer who does not make an arrest shall notify the victim of the
 63 right to initiate a criminal proceeding and of the importance of preserving evidence.
- 64 (6)(a) A law enforcement officer responding to a complaint of [~~domestic violence~~] a

65 domestic violence offense shall prepare an incident report that includes:

66 (i) the officer's disposition of the case; and

67 (ii) the results of any lethality assessment completed in accordance with Section
68 77-36-2.1.

69 ~~[(b) From January 1, 2009, until December 31, 2013, any law enforcement officer~~
70 ~~employed by a city of the first or second class responding to a complaint of domestic~~
71 ~~violence shall also report, either as a part of an incident report or on a separate form,~~
72 ~~the following information:]~~

73 ~~[(i) marital status of each of the parties involved;]~~

74 ~~[(ii) social, familial, or legal relationship of the suspect to the victim; and]~~

75 ~~[(iii) whether or not an arrest was made.]~~

76 ~~[(e) The information obtained in Subsection (6)(b):]~~

77 ~~[(i) shall be reported monthly to the department;]~~

78 ~~[(ii) shall be reported as numerical data that contains no personal identifiers; and]~~

79 ~~[(iii) is a public record as defined in Section 63G-2-103.]~~

80 ~~[(d)]~~ (b) The incident report shall be made available to the victim, upon request, at no
81 cost.

82 ~~[(e)]~~ (c) The law enforcement agency shall forward a copy of the incident report to the
83 appropriate prosecuting attorney within five days after the day on which the
84 complaint of domestic violence occurred.

85 (d) If a peace officer did not arrest, or issue a citation to, an individual alleged to have
86 committed a domestic violence offense as described in Subsection (2), the law
87 enforcement agency shall assign a peace officer to complete the investigation of the
88 alleged domestic violence offense within 48 hours after the time at which the call
89 regarding the domestic violence offense was made.

90 (e) If there is evidence that a domestic violence offense was committed, a law
91 enforcement agency shall submit the appropriate charge for the offense to the
92 prosecuting agency within five business days after the day on which the domestic
93 violence offense occurs, unless the law enforcement agency has reasonable cause for
94 the delay.

95 ~~[(7) The department shall compile the information described in Subsections (6)(b) and (e)~~
96 ~~into a report and present that report to the Law Enforcement and Criminal Justice~~
97 ~~Interim Committee during the 2013 interim, no later than May 31, 2013.]~~

98 ~~[(8)]~~ (7)(a) Each law enforcement agency shall, as soon as practicable, make a written

99 record and maintain records of all incidents of domestic violence reported to ~~[it, and]~~
100 the law enforcement agency.

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

103 Section 2. Section **77-36-2.6** is amended to read:

104 **77-36-2.6 . Appearance required -- Considerations by court.**

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

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

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

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

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

120 Section 3. **Effective Date.**

121 This bill takes effect on May 6, 2026.