

DOMESTIC VIOLENCE MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends the definition of domestic violence in Title 77, Chapter 36, Cohabitant Abuse Procedures Act.

Highlighted Provisions:

This bill:

- ▶ adds the crime of propelling a bodily substance or material to the list of crimes that qualify as a domestic violence offense in certain circumstances; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-36-1, as last amended by Laws of Utah 2022, Chapters 185, 430

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

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

77-36-1. Definitions.

As used in this chapter:

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

(2) "Department" means the Department of Public Safety.

(3) "Divorced" means an individual who has obtained a divorce under Title 30, Chapter 3, Divorce.

(4) (a) "Domestic violence" or "domestic violence offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm,

33 when committed by one cohabitant against another.

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

36 ~~(a)~~ (i) aggravated assault, as described in Section 76-5-103;

37 ~~(b)~~ (ii) aggravated cruelty to an animal, as described in Subsection 76-9-301(4), with
38 the intent to harass or threaten the other cohabitant;

39 ~~(c)~~ (iii) assault, as described in Section 76-5-102;

40 ~~(d)~~ (iv) criminal homicide, as described in Section 76-5-201;

41 ~~(e)~~ (v) harassment, as described in Section 76-5-106;

42 ~~(f)~~ (vi) electronic communication harassment, as described in Section 76-9-201;

43 ~~(g)~~ (vii) kidnapping, child kidnapping, or aggravated kidnapping, as described in
44 Sections 76-5-301, 76-5-301.1, and 76-5-302;

45 ~~(h)~~ (viii) mayhem, as described in Section 76-5-105;

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

47 ~~(i)~~ (x) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses,
48 and sexual exploitation of a minor and aggravated sexual exploitation of a minor, as described
49 in Sections 76-5b-201 and 76-5b-201.1;

50 ~~(j)~~ (xi) stalking, as described in Section 76-5-106.5;

51 ~~(k)~~ (xii) unlawful detention or unlawful detention of a minor, as described in Section
52 76-5-304;

53 ~~(l)~~ (xiii) violation of a protective order or ex parte protective order, as described in
54 Section 76-5-108;

55 ~~(m)~~ (xiv) any offense against property described in Title 76, Chapter 6, Part 1,
56 Property Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76,
57 Chapter 6, Part 3, Robbery;

58 ~~(n)~~ (xv) possession of a deadly weapon with criminal intent, as described in Section
59 76-10-507;

60 ~~(o)~~ (xvi) discharge of a firearm from a vehicle, near a highway, or in the direction of
61 any person, building, or vehicle, as described in Section 76-10-508;

62 ~~(p)~~ (xvii) disorderly conduct, as defined in Section 76-9-102, if a conviction or
63 adjudication of disorderly conduct is the result of a plea agreement in which the perpetrator

64 was originally charged with a domestic violence offense otherwise described in this Subsection
65 (4), except that a conviction or adjudication of disorderly conduct as a domestic violence
66 offense, in the manner described in this Subsection (4)(p), does not constitute a misdemeanor
67 crime of domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms
68 Act, 18 U.S.C. Sec. 921 et seq.;

- 69 ~~(q)~~ (xviii) child abuse, as described in Section 76-5-114;
- 70 ~~(r)~~ (xix) threatening use of a dangerous weapon, as described in Section 76-10-506;
- 71 ~~(s)~~ (xx) threatening violence, as described in Section 76-5-107;
- 72 ~~(t)~~ (xxi) tampering with a witness, as described in Section 76-8-508;
- 73 ~~(u)~~ (xxii) retaliation against a witness or victim, as described in Section 76-8-508.3;
- 74 ~~(v)~~ (xxiii) unlawful distribution of an intimate image, as described in Section
75 76-5b-203, or unlawful distribution of a counterfeit intimate image, as described in Section
76 76-5b-205;
- 77 ~~(w)~~ (xxiv) sexual battery, as described in Section 76-9-702.1;
- 78 ~~(x)~~ (xxv) voyeurism, as described in Section 76-9-702.7;
- 79 ~~(y)~~ (xxvi) damage to or interruption of a communication device, as described in
80 Section 76-6-108; or
- 81 ~~(z)~~ (xxvii) an offense described in Subsection 78B-7-806(1).

82 (5) "Jail release agreement" means the same as that term is defined in Section
83 78B-7-801.

84 (6) "Jail release court order" means the same as that term is defined in Section
85 78B-7-801.

86 (7) "Marital status" means married and living together, divorced, separated, or not
87 married.

88 (8) "Married and living together" means a couple whose marriage was solemnized
89 under Section 30-1-4 or 30-1-6 and who are living in the same residence.

90 (9) "Not married" means any living arrangement other than married and living together,
91 divorced, or separated.

92 (10) "Protective order" includes an order issued under Subsection 78B-7-804(3).

93 (11) "Pretrial protective order" means a written order:

94 (a) specifying and limiting the contact a person who has been charged with a domestic

95 violence offense may have with an alleged victim or other specified individuals; and
96 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803,
97 pending trial in the criminal case.

98 (12) "Sentencing protective order" means a written order of the court as part of
99 sentencing in a domestic violence case that limits the contact an individual who is convicted or
100 adjudicated of a domestic violence offense may have with a victim or other specified
101 individuals under Section 78B-7-804.

102 (13) "Separated" means a couple who have had their marriage solemnized under
103 Section 30-1-4 or 30-1-6 and who are not living in the same residence.

104 (14) "Victim" means a cohabitant who has been subjected to domestic violence.

105 Section 2. **Effective date.**

106 This bill takes effect on May 1, 2024.