

Effective 5/12/2015

77-36-1.2 Acceptance of a plea of guilty or no contest to domestic violence -- Restrictions.

- (1) For purposes of this section, "qualifying domestic violence offense" means:
 - (a) a domestic violence offense in Utah; or
 - (b) an offense in any other state, or in any district, possession, or territory of the United States, that would be a domestic violence offense under Utah law.
- (2) For purposes of this section and Section 77-36-1.1, a plea of guilty or no contest to any domestic violence offense in Utah, which plea is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
- (3)
 - (a) Before agreeing to a plea of guilty or no contest or to filing an information, the prosecutor shall examine the criminal history of the defendant.
 - (b) The court may not accept a plea of guilty or no contest to a domestic violence offense, unless:
 - (i) the prosecutor agrees to the plea:
 - (A) in open court;
 - (B) in writing; or
 - (C) by another means of communication that the court finds adequate to record the prosecutor's agreement; or
 - (ii)
 - (A) the domestic violence offense is filed by information;
 - (B) the court receives a copy of the defendant's criminal history; and
 - (C) the criminal history contains no record of a conviction or a pending charge of a qualifying domestic violence offense within five years before the date on which the plea is entered.
 - (c) A plea of guilty or no contest is not made invalid by the failure of a court, a prosecutor, or a law enforcement agency to comply with this section.

Enacted by Chapter 426, 2015 General Session