

Effective 9/1/2024

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 81, Chapter 4, Part 4, 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, when committed by one cohabitant against another.
 - (b) "Domestic violence" or "domestic violence offense" includes the commission of or attempt to commit, any of the following offenses by one cohabitant against another:
 - (i) aggravated assault under Section 76-5-103;
 - (ii) aggravated cruelty to an animal under Subsection 76-9-301(4), with the intent to harass or threaten the other cohabitant;
 - (iii) assault under Section 76-5-102;
 - (iv) criminal homicide under Section 76-5-201;
 - (v) harassment under Section 76-5-106;
 - (vi) electronic communication harassment under Section 76-9-201;
 - (vii) kidnapping, child kidnapping, or aggravated kidnapping under Sections 76-5-301, 76-5-301.1, and 76-5-302;
 - (viii) mayhem under Section 76-5-105;
 - (ix) propelling a bodily substance or material, as described in Section 76-5-102.9
 - (x) sexual offenses under Title 76, Chapter 5, Part 4, Sexual Offenses, and sexual exploitation of a minor and aggravated sexual exploitation of a minor, as described in Sections 76-5b-201 and 76-5b-201.1;
 - (xi) stalking under Section 76-5-106.5;
 - (xii) unlawful detention and unlawful detention of a minor under Section 76-5-304;
 - (xiii) violation of a protective order or ex parte protective order under Section 76-5-108;
 - (xiv) an offense against property under Title 76, Chapter 6, Part 1, Property Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76, Chapter 6, Part 3, Robbery;
 - (xv) possession of a deadly weapon with criminal intent under Section 76-10-507;
 - (xvi) discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle under Section 76-10-508;
 - (xvii) disorderly conduct under Section 76-9-102, if a conviction or adjudication of disorderly conduct is the result of a plea agreement in which the perpetrator was originally charged with a domestic violence offense otherwise described in this Subsection (4), except that a conviction or adjudication of disorderly conduct as a domestic violence offense, in the manner described in this Subsection (4)(p), does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;
 - (xviii) child abuse under Section 76-5-114;
 - (xix) threatening use of a dangerous weapon under Section 76-10-506;
 - (xx) threatening violence under Section 76-5-107;
 - (xxi) tampering with a witness under Section 76-8-508;

- (xxii) retaliation against a witness, victim, or informant under Section 76-8-508.3;
 - (xxiii) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
 - (xxiv) unlawful distribution of an intimate image under Section 76-5b-203;
 - (xxv) unlawful distribution of a counterfeit intimate image under Section 76-5b-205;
 - (xxvi) sexual battery under Section 76-9-702.1;
 - (xxvii) voyeurism under Section 76-9-702.7;
 - (xxviii) damage to or interruption of a communication device under Section 76-6-108; or
 - (xxix) an offense under Subsection 78B-7-806(1).
- (5) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
 - (6) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
 - (7) "Marital status" means married and living together, divorced, separated, or not married.
 - (8) "Married and living together" means a couple whose marriage was solemnized under Section 81-2-305 or 81-2-407 and who are living in the same residence.
 - (9) "Not married" means any living arrangement other than married and living together, divorced, or separated.
 - (10) "Protective order" includes an order issued under Subsection 78B-7-804(3).
 - (11) "Pretrial protective order" means a written order:
 - (a) specifying and limiting the contact a person who has been charged with a domestic violence offense may have with an alleged victim or other specified individuals; and
 - (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803, pending trial in the criminal case.
 - (12) "Sentencing protective order" means a written order of the court as part of sentencing in a domestic violence case that limits the contact an individual who is convicted or adjudicated of a domestic violence offense may have with a victim or other specified individuals under Section 78B-7-804.
 - (13) "Separated" means a couple who have had their marriage solemnized under Section 81-2-305 or 81-2-407 and who are not living in the same residence.
 - (14) "Victim" means a cohabitant who has been subjected to domestic violence.

Amended by Chapter 366, 2024 General Session