

**Effective 5/10/2016**

**77-36-5 Sentencing -- Restricting contact with victim -- Electronic monitoring -- Counseling -- Cost assessed against defendant -- Sentencing protective order.**

- (1)
  - (a) When a defendant is found guilty of a crime involving domestic violence and a condition of the sentence restricts the defendant's contact with the victim, a sentencing protective order may be issued under Subsection 77-36-5.1(2) for the length of the defendant's probation.
  - (b)
    - (i) The sentencing protective order shall be in writing, and the prosecutor shall provide a certified copy of that order to the victim.
    - (ii) The court shall transmit the sentencing protective order to the statewide domestic violence network.
  - (c) Violation of a sentencing protective order issued pursuant to this Subsection (1) is a class A misdemeanor.
- (2) In determining its sentence the court, in addition to penalties otherwise provided by law, may require the defendant to participate in an electronic or other type of monitoring program.
- (3) The court may also require the defendant to pay all or part of the costs of counseling incurred by the victim and any children affected by or exposed to the domestic violence offense, as well as the costs for the defendant's own counseling.
- (4) The court shall:
  - (a) assess against the defendant, as restitution, any costs for services or treatment provided to the victim and affected children of the victim or the defendant by the Division of Child and Family Services under Section 62A-4a-106; and
  - (b) order those costs to be paid directly to the division or its contracted provider.
- (5) The court may order the defendant to obtain and satisfactorily complete treatment or therapy in a domestic violence treatment program, as defined in Section 62A-2-101, that is licensed by the Department of Human Services.

Amended by Chapter 422, 2016 General Session