Chapter 36
Cohabitant Abuse Procedures Act

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

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

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

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

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

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

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

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

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

(i) sexual offenses, as described in 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;

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

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

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

(m) any offense against property described in 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;

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

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

(p) disorderly conduct, as defined in 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.;

(q) child abuse, as described in Section 76-5-114;

(r) threatening use of a dangerous weapon, as described in Section 76-10-506;

(s) threatening violence, as described in Section 76-5-107;

(t) tampering with a witness, as described in Section 76-8-508;

(u) retaliation against a witness or victim, as described in Section 76-8-508.3;
(v) unlawful distribution of an intimate image, as described in Section 76-5b-203, or unlawful distribution of a counterfeit intimate image, as described in Section 76-5b-205;
(w) sexual battery, as described in Section 76-9-702.1;
(x) voyeurism, as described in Section 76-9-702.7;
(y) damage to or interruption of a communication device, as described in Section 76-6-108; or
(z) an offense described in 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 30-1-4 or 30-1-6 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 30-1-4 or 30-1-6 and who are not living in the same residence.
(14) "Victim" means a cohabitant who has been subjected to domestic violence.

Amended by Chapter 185, 2022 General Session
Amended by Chapter 430, 2022 General Session

77-36-1.1 Enhancement of offense and penalty for subsequent domestic violence offenses.
(1) As used in this section:
(a)
(i) "Convicted" means a conviction by plea or verdict of a crime or offense.
(ii) "Convicted" includes:
(A) a plea of guilty or guilty with a mental condition;
(B) a plea of no contest; and
(C) the acceptance by the court of a plea in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge is subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
(iii) "Convicted" does not include an adjudication in juvenile court.
(b) "Offense against the person" means commission or attempt to commit an offense under Title 76, Chapter 5, Part 1, Assault and Related Offenses, Part 2, Criminal Homicide, Part 3, Kidnapping, Trafficking, and Smuggling, Part 4, Sexual Offenses, or Part 7, Genital Mutilation, by one cohabitant against another.
(c) "Property damage offense" means the commission or attempt to commit an offense under Section 76-6-106.1 by one cohabitant against another.

(d) "Qualifying domestic violence offense" means:
(i) a domestic violence offense in Utah; or
(ii) 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) An individual who is convicted of a domestic violence offense is guilty of a class B misdemeanor if:
(a) the domestic violence offense described in this Subsection (2) is designated by law as a class C misdemeanor; and
(b) the individual commits or is convicted of the domestic violence offense described in this Subsection (2):
(i) within 10 years after the day on which the individual is convicted of a qualifying domestic violence offense that is not a criminal mischief offense; or
(ii) within five years after the day on which the individual is convicted of a criminal mischief offense.
(3) An individual who is convicted of a domestic violence offense is guilty of a class A misdemeanor if:
(a) the domestic violence offense described in this Subsection (3) is designated by law as a class B misdemeanor; and
(b) the individual commits or is convicted of the domestic violence offense described in this Subsection (3):
(i) within 10 years after the day on which the individual is convicted of a qualifying domestic violence offense that is not a criminal mischief offense; or
(ii) within five years after the day on which the individual is convicted of a criminal mischief offense.
(4) An individual who is convicted of a domestic violence offense is guilty of a third degree felony if:
(a) the domestic violence offense described in this Subsection (4) is designated by law as a class B misdemeanor offense against the person and the individual:
(i)
(A) commits or is convicted of the domestic violence offense described in this Subsection (4) within 10 years after the day on which the individual is convicted of a qualifying domestic violence offense that is not a criminal mischief offense; and
(B) is convicted of another qualifying domestic violence offense that is not a criminal mischief offense after the day on which the individual is convicted of the qualifying domestic violence offense described in Subsection (4)(a)(i)(A) and before the day on which the individual is convicted of the domestic violence offense described in this Subsection (4);
(ii)
(A) commits or is convicted of the domestic violence offense described in this Subsection (4) within five years after the day on which the individual is convicted of a criminal mischief offense; and
(B) is convicted of another criminal mischief offense after the day on which the individual is convicted of the criminal mischief offense described in Subsection (4)(a)(ii)(A) and before the day on which the individual is convicted of the domestic violence offense described in this Subsection (4); or
(iii) commits or is convicted of the domestic violence offense described in this Subsection (4) within 10 years after the day on which the individual is convicted of a qualifying domestic violence offense that is not a criminal mischief offense and within five years after the day on which the individual is convicted of a criminal mischief offense; and
(b)

(i) the domestic violence offense described in this Subsection (4) is designated by law as a class A misdemeanor; and
(ii) the individual commits or is convicted of the domestic violence offense described in this Subsection (4):
(A) within 10 years after the day on which the individual is convicted of a qualifying domestic violence offense that is not a criminal mischief offense; or
(B) within five years after the day on which the individual is convicted of a criminal mischief offense.

Amended by Chapter 111, 2023 General Session
Amended by Chapter 184, 2023 General Session

77-36-1.2 Acceptance of a plea of guilty or no contest to domestic violence -- Restrictions.
(1) Before agreeing to a plea of guilty or no contest, the prosecutor shall examine the criminal history of the perpetrator.
(2) An entry of a plea of guilty or no contest to a domestic violence offense is invalid unless 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.

Amended by Chapter 159, 2021 General Session
Amended by Chapter 213, 2021 General Session

77-36-2.1 Duties of law enforcement officers -- Notice to victims -- Lethality assessments.
(1) For purposes of this section:
(a)
(i) "Dating relationship" means a social relationship of a romantic or intimate nature, or a relationship which has romance or intimacy as a goal by one or both parties, regardless of whether the relationship involves sexual intimacy.
(ii) "Dating relationship" does not include casual fraternization in a business, educational, or social context.
(b) "Intimate partner" means an emancipated individual under Section 15-2-1 or an individual who is 16 years old or older who:
(i) is or was a spouse of the other party;
(ii) is or was living as if a spouse of the other party;
(iii) has or had one or more children in common with the other party;
(iv) is the biological parent of the other party's unborn child;
(v) is or was in a consensual sexual relationship with the other party; or
(vi) is or was in a dating relationship with the other party.
(c) "Nongovernment organization victim advocate" means the same as that term is defined in Section 77-38-403.
(d) "Primary purpose domestic violence organization" means a contract provider of domestic violence services as described in Section 80-2-301.
(2) A law enforcement officer who responds to an allegation of domestic violence shall:
(a) use all reasonable means to protect the victim and prevent further violence, including:

(i) taking the action that, in the officer's discretion, is reasonably necessary to provide for the safety of the victim and any family or household member;
(ii) confiscating the weapon or weapons involved in the alleged domestic violence;
(iii) making arrangements for the victim and any child to obtain emergency housing or shelter;
(iv) providing protection while the victim removes essential personal effects;
(v) arrange, facilitate, or provide for the victim and any child to obtain medical treatment; and
(vi) arrange, facilitate, or provide the victim with immediate and adequate notice of the rights of victims and of the remedies and services available to victims of domestic violence, in accordance with Subsection (3); and
(vii) providing the pamphlet created by the department under Section 53-5c-201 to the victim if the allegation of domestic violence:
(A) includes a threat of violence as described in Section 76-5-107;
(B) results, or would result, in the owner cohabitant becoming a restricted person under Section 76-10-503; or
(C) is accompanied by a completed lethality assessment that demonstrates the cohabitant is at high risk of being further victimized; and
(b) if the allegation of domestic violence is against an intimate partner, complete the lethality assessment protocols described in this section.
(3)
(a) A law enforcement officer shall give written notice to the victim in simple language, describing the rights and remedies available under this chapter, Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, and Title 78B, Chapter 7, Part 2, Child Protective Orders.
(b) The written notice shall include:
(i) a statement that the forms needed in order to obtain an order for protection are available from the court clerk's office in the judicial district where the victim resides or is temporarily domiciled;
(ii) a list of shelters, services, and resources available in the appropriate community, together with telephone numbers, to assist the victim in accessing any needed assistance; and
(iii) the information required to be provided to both parties in accordance with Subsections 78B-7-802(8) and (9) .
(4) If a weapon is confiscated under this section, the law enforcement agency shall return the weapon to the individual from whom the weapon is confiscated if a domestic violence protective order is not issued or once the domestic violence protective order is terminated.
(5) A law enforcement officer shall complete a lethality assessment form by asking the victim:
(a) if the aggressor has ever used a weapon against the victim or threatened the victim with a weapon;
(b) if the aggressor has ever threatened to kill the victim or the victim's children;
(c) if the victim believes the aggressor will try to kill the victim;
(d) if the aggressor has ever tried to choke the victim;
(e) if the aggressor has a gun or could easily get a gun;
(f) if the aggressor is violently or constantly jealous, or controls most of the daily activities of the victim;
(g) if the victim left or separated from the aggressor after they were living together or married;
(h) if the aggressor is unemployed;
(i) if the aggressor has ever attempted suicide, to the best of the victim's knowledge;
(j) if the victim has a child that the aggressor believes is not the aggressor's biological child;
(k) if the aggressor follows or spies on the victim, or leaves threatening messages for the victim; and

(l) if there is anything else that worries the victim about the victim's safety and, if so, what worries the victim.

(6) A law enforcement officer shall comply with Subsection (7) if:

(a) the victim answers affirmatively to any of the questions in Subsections (5)(a) through (d);

(b) the victim answers negatively to the questions in Subsections (5)(a) through (d), but affirmatively to at least four of the questions in Subsections (5)(e) through (k); or

(c) as a result of the victim's response to the question in Subsection (5)(l), the law enforcement officer believes the victim is in a potentially lethal situation.

(7) If the criteria in Subsections (6)(a), (b), or (c) are met, the law enforcement officer shall:

(a) advise the victim of the results of the assessment; and

(b) refer the victim to a nongovernment organization victim advocate at a primary purpose domestic violence organization.

(8) If a victim does not or is unable to provide information to a law enforcement officer sufficient to allow the law enforcement officer to complete a lethality assessment form, or does not speak or is unable to speak with a nongovernment organization victim advocate, the law enforcement officer shall document this information on the lethality assessment form and submit the information to the Department of Public Safety under Subsection (9).

(9)

(a) Except as provided in Subsection (9)(b), a law enforcement officer shall submit the results of a lethality assessment to the Department of Public Safety while on scene.

(b) If a law enforcement officer is not reasonably able to submit the results of a lethality assessment while on scene, the law enforcement officer shall submit the results of the lethality assessment to the Department of Public Safety as soon as practicable.

(c)

(i) Before the reporting mechanism described in Subsection (10)(a) is developed, a law enforcement officer shall submit the results of a lethality assessment to the Department of Public Safety using means prescribed by the Department of Public Safety.

(ii) After the reporting mechanism described in Subsection (10)(a) is developed, a law enforcement officer shall submit the results of a lethality assessment to the Department of Public Safety using that reporting mechanism.

(10) The Department of Public Safety shall:

(a) as soon as practicable, develop and maintain a reporting mechanism by which a law enforcement officer will submit the results of a lethality assessment as required by Subsection (9);

(b) provide prompt analytical support to a law enforcement officer who submits the results of a lethality assessment using the reporting mechanism described in Subsection (10)(a); and

(c) create and maintain a database of lethality assessment data provided under this section.

(11)

(a) Subject to Subsection (11)(b), a law enforcement officer shall include the results of a lethality assessment and any related, relevant analysis provided by the Department of Public Safety under Subsection (10), with:

(i) a probable cause statement submitted in accordance with Rule 9 of the Utah Rules of Criminal Procedure; and

(ii) an incident report prepared in accordance with Section 77-36-2.2.

(b) In a probable cause statement or incident report, a law enforcement officer may not include information about how or where a victim was referred under Subsection (7)(b).

Amended by Chapter 138, 2023 General Session

Amended by Chapter 447, 2023 General Session

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

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

(2)

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

(b)

(i) If the peace officer has probable cause to believe that there will be continued violence against the alleged victim, or if there is evidence that the perpetrator has either recently caused serious bodily injury or used a dangerous weapon in the domestic violence offense, the officer shall arrest and take the alleged perpetrator into custody, and may not utilize the option of issuing a citation under this section.

(ii) For purposes of Subsection (2)(b)(i), "serious bodily injury" and "dangerous weapon" mean the same as those terms are defined in Section 76-1-101.5.

(c) If a peace officer does not immediately exercise arrest powers or initiate criminal proceedings by citation or otherwise, the officer shall notify the victim of the right to initiate a criminal proceeding and of the importance of preserving evidence, in accordance with the requirements of Section 77-36-2.1.

(3) If a law enforcement officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who the predominant aggressor was. If the officer determines that one person was the predominant physical aggressor, the officer need not arrest the other person alleged to have committed domestic violence. In determining who the predominant aggressor was, the officer shall consider:

(a) any prior complaints of domestic violence;

(b) the relative severity of injuries inflicted on each person;

(c) the likelihood of future injury to each of the parties; and

(d) whether one of the parties acted in self defense.

(4) A law enforcement officer may not threaten, suggest, or otherwise indicate the possible arrest of all parties in order to discourage any party's request for intervention by law enforcement.

(5)

(a) A law enforcement officer who does not make an arrest after investigating a complaint of domestic violence, or who arrests two or more parties, shall submit a detailed, written report specifying the grounds for not arresting any party or for arresting both parties.

(b) A law enforcement officer who does not make an arrest shall notify the victim of the right to initiate a criminal proceeding and of the importance of preserving evidence.

(6)

(a) A law enforcement officer responding to a complaint of domestic violence shall prepare an incident report that includes:

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

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

(b) From January 1, 2009, until December 31, 2013, any law enforcement officer employed by a city of the first or second class responding to a complaint of domestic violence shall also report, either as a part of an incident report or on a separate form, the following information:
(i) marital status of each of the parties involved;
(ii) social, familial, or legal relationship of the suspect to the victim; and
(iii) whether or not an arrest was made.
(c) The information obtained in Subsection (6)(b):
(i) shall be reported monthly to the department;
(ii) shall be reported as numerical data that contains no personal identifiers; and
(iii) is a public record as defined in Section 63G-2-103.
(d) The incident report shall be made available to the victim, upon request, at no cost.
(e) The law enforcement agency shall forward a copy of the incident report to the appropriate prosecuting attorney within five days after the complaint of domestic violence occurred.
(7) The department shall compile the information described in Subsections (6)(b) and (c) into a report and present that report to the Law Enforcement and Criminal Justice Interim Committee during the 2013 interim, no later than May 31, 2013.
(8) Each law enforcement agency shall, as soon as practicable, make a written record and maintain records of all incidents of domestic violence reported to it, and shall be identified by a law enforcement agency code for domestic violence.

Amended by Chapter 447, 2023 General Session

77-36-2.3 Law enforcement officer's training.

All training of law enforcement officers relating to domestic violence shall stress protection of the victim, enforcement of criminal laws in domestic situations, and the availability of community shelters, services, and resources. Law enforcement agencies and community organizations with expertise in domestic violence shall cooperate in all aspects of that training.

Enacted by Chapter 300, 1995 General Session

77-36-2.4 Violation of a protective order -- Mandatory arrest -- Penalties.

(1) A law enforcement officer shall arrest an alleged perpetrator for a violation of any of the provisions of an ex parte protective order or protective order in accordance with Section 78B-7-119.
(2) A violation of a protective order is punishable in accordance with Section 76-5-108.

Amended by Chapter 142, 2020 General Session

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

(1) An alleged perpetrator who is arrested for an offense involving domestic violence shall appear in person or by video before the court or a magistrate within one judicial day after the day on which the arrest is made.
(2) An alleged perpetrator who is charged by citation, indictment, or information with an offense involving domestic violence but has not been arrested, shall appear before the court in person for arraignment or initial appearance as soon as practicable, but no later than 14 days after the next day on which court is in session following the issuance of the citation or the filing of the indictment or information.

(3) At the time of an appearance under Subsection (1) or (2), the court shall consider imposing a pretrial protective order in accordance with Section 78B-7-803.
(4) Appearances required by this section are mandatory and may not be waived.

Amended by Chapter 159, 2021 General Session

77-36-2.7 Dismissal -- Diversion prohibited -- Plea in abeyance -- Pretrial protective order.
(1) Because of the serious nature of domestic violence, the court, in domestic violence actions:
(a) may not dismiss any charge or delay disposition because of concurrent divorce or other civil proceedings;
(b) may not require proof that either party is seeking a dissolution of marriage before instigation of criminal proceedings;
(c) shall waive any requirement that the victim's location be disclosed other than to the alleged perpetrator's attorney and order the alleged perpetrator's attorney not to disclose the victim's location to the client;
(d) shall identify, on the docket sheets, the criminal actions arising from acts of domestic violence; and
(e) may hold a plea in abeyance, in accordance with the provisions of Chapter 2a, Pleas in Abeyance, making treatment or any other requirement for the alleged perpetrator a condition of that status.
(2) When the court holds a plea in abeyance in accordance with Subsection (1)(e), the case against a perpetrator of domestic violence may be dismissed only if the perpetrator successfully completes all conditions imposed by the court. If the perpetrator fails to complete any condition imposed by the court under Subsection (1)(e), the court may accept the perpetrator's plea.
(3) When an alleged perpetrator is charged with a crime involving a qualifying offense, as defined in Section 78B-7-801, the court may, during any court hearing where the alleged perpetrator is present, issue a pretrial protective order in accordance with Section 78B-7-803.
(4)
(a) When a court dismisses criminal charges or a prosecutor moves to dismiss charges against an alleged perpetrator of a domestic violence offense, the specific reasons for dismissal shall be recorded in the court file and made a part of any related order or agreement on the statewide domestic violence network described in Section 78B-7-113.
(b) The court shall transmit the dismissal to the statewide domestic violence network.
(c) Any pretrial protective orders, including jail release court orders and jail release agreements, related to the dismissed domestic violence criminal charge shall also be dismissed.
(5) The court may not approve diversion for a perpetrator of domestic violence.

Amended by Chapter 159, 2021 General Session

77-36-5 Sentencing -- Restricting contact with victim -- Electronic monitoring -- Counseling -- Cost assessed against perpetrator -- Sentencing protective order -- Continuous protective order.
(1) When a perpetrator is found guilty of a crime involving domestic violence and a condition of the sentence restricts the perpetrator's contact with the victim, a sentencing protective order may be issued under Section 78B-7-804 for the length of the perpetrator's probation or a continuous protective order may be issued under Section 78B-7-804.

(2) In determining the court's sentence, the court, in addition to penalties otherwise provided by law, may require the perpetrator to participate in an electronic or other type of monitoring program.
(3) The court may also require the perpetrator 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 perpetrator's own counseling.
(4) The court shall:
  (a) assess against the perpetrator, as restitution, any costs for services or treatment provided to the victim and affected child of the victim or the perpetrator by the Division of Child and Family Services under Section 80-2-301; and
  (b) order those costs to be paid directly to the division or its contracted provider.
(5) The court may order the perpetrator to obtain and satisfactorily complete treatment or therapy in a domestic violence treatment program, as defined in Section 26B-2-101, that is licensed by the Department of Human Services.

Amended by Chapter 335, 2022 General Session

77-36-5.1 Conditions of probation for domestic violence offense.
(1) Before a perpetrator who is convicted or adjudicated of a domestic violence offense may be placed on probation, the court shall consider the safety and protection of the victim and any member of the victim's family or household.
(2) The court may condition probation or a plea in abeyance on the perpetrator's compliance with one or more orders of the court, which may include:
  (a) a sentencing protective order issued under Section 78B-7-804;
  (b) prohibiting the perpetrator from possessing or consuming alcohol or controlled substances;
  (c) prohibiting the perpetrator from purchasing, using, or possessing a firearm or other specified weapon;
  (d) directing the perpetrator to surrender any weapons the perpetrator owns or possesses;
  (e) directing the perpetrator to participate in and complete, to the satisfaction of the court, a program of intervention for perpetrators, treatment for alcohol or substance abuse, or psychiatric or psychological treatment;
  (f) directing the perpetrator to pay restitution to the victim, enforcement of which shall be in accordance with Chapter 38b, Crime Victims Restitution Act; and
  (g) imposing any other condition necessary to protect the victim and any other designated family or household member or to rehabilitate the perpetrator.
(3) The perpetrator is responsible for the costs of any condition of probation, according to the perpetrator's ability to pay.
(4)
  (a) Adult Probation and Parole, or other provider, shall immediately report to the court and notify the victim of any offense involving domestic violence committed by the perpetrator, the perpetrator's failure to comply with any condition imposed by the court, and any violation of a sentencing protective order issued by the court under Section 78B-7-804.
  (b) Notification of the victim under Subsection (4)(a) shall consist of a good faith reasonable effort to provide prompt notification, including mailing a copy of the notification to the last-known address of the victim.
(5) In addition to a protective order issued under this section, the court may issue a separate order relating to the transfer of a wireless telephone number in accordance with Section 78B-7-117.

Amended by Chapter 159, 2021 General Session

77-36-6 Enforcement of orders.

(1) Each law enforcement agency in this state shall enforce all orders of the court issued under the requirements and procedures described in this chapter, and shall enforce:
  (a) all protective orders and ex parte protective orders issued under Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders;
  (b) pretrial protective orders issued under Section 78B-7-803 and sentencing protective orders and continuous protective orders issued under Section 78B-7-804; and
  (c) all foreign protection orders enforceable under Title 78B, Chapter 7, Part 3, Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.
(2) The requirements of this section apply statewide, regardless of the jurisdiction in which the order was issued or the location of the victim or the perpetrator.

Amended by Chapter 142, 2020 General Session

77-36-7 Prosecutor to notify victim of decision as to prosecution.

(1) The prosecutor who is responsible for making the decision of whether to prosecute a case shall advise the victim, if the victim has requested notification, of the status of the victim's case and shall notify the victim of a decision within five days after the decision has been made.
(2) Notification to the victim that charges will not be filed against an alleged perpetrator shall include a description of the procedures available to the victim in that jurisdiction for initiation of criminal and other protective proceedings.

Amended by Chapter 244, 1996 General Session

77-36-8 Peace officers' immunity from liability.

A peace officer may not be held liable in any civil action brought by a party to an incident of domestic violence for making or failing to make an arrest or for issuing or failing to issue a citation in accordance with this chapter, for enforcing in good faith an order of the court, or for acting or omitting to act in any other way in good faith under this chapter, in situations arising from an alleged incident of domestic violence.

Amended by Chapter 300, 1995 General Session

77-36-9 Severability clause.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

Enacted by Chapter 114, 1983 General Session

77-36-10 Authority to prosecute class A misdemeanor violations.

Alleged class A misdemeanor violations of this chapter may be prosecuted by city attorneys.

Enacted by Chapter 244, 1996 General Session