

**Effective 5/3/2023**

**78B-7-801 Definitions.**

As used in this part:

- (1)
  - (a) "Jail release agreement" means a written agreement that is entered into by an individual who is arrested or issued a citation, regardless of whether the individual is booked into jail:
    - (i) under which the arrested or cited individual agrees to not engage in any of the following:
      - (A) telephoning, contacting, or otherwise communicating with the alleged victim, directly or indirectly;
      - (B) threatening or harassing the alleged victim; or
      - (C) knowingly entering onto the premises of the alleged victim's residence or on premises temporarily occupied by the alleged victim, unless, after a law enforcement officer or the law enforcement officer's employing agency notifies or attempts to notify the alleged victim, the individual enters the premises while accompanied by a law enforcement officer for the purpose of retrieving the individual's personal belongings; and
    - (ii) that specifies other conditions of release from jail or arrest.
  - (b) "Jail release agreement" includes a written agreement that includes the conditions described in Section (1)(a) entered into by a minor who is taken into custody or placed in detention or a shelter facility under Section 80-6-201.
- (2) "Jail release court order" means a written court order that:
  - (a) orders an arrested or cited individual not to engage in any of the following:
    - (i) telephoning, contacting, or otherwise communicating with the alleged victim, directly or indirectly;
    - (ii) threatening or harassing the alleged victim; or
    - (iii) knowingly entering onto the premises of the alleged victim's residence or on premises temporarily occupied by the alleged victim, unless, after a law enforcement officer or the law enforcement officer's employing agency notifies or attempts to notify the alleged victim, the individual enters the premises while accompanied by a law enforcement officer for the purpose of retrieving the individual's personal belongings; and
  - (b) specifies other conditions of release from jail.
- (3) "Minor" means the same as that term is defined in Section 80-1-102.
- (4) "Offense against a child or vulnerable adult" means the commission or attempted commission of an offense described in:
  - (a) Section 76-5-109, child abuse;
  - (b) Section 76-5-109.2, aggravated child abuse;
  - (c) Section 76-5-109.3, child abandonment;
  - (d) Section 76-5-110, abuse or neglect of a child with a disability;
  - (e) Section 76-5-111, abuse of a vulnerable adult;
  - (f) Section 76-5-111.2, aggravated abuse of a vulnerable adult;
  - (g) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult;
  - (h) Section 76-5-111.4, financial exploitation of a vulnerable adult;
  - (i) Section 76-5-114, commission of domestic violence in the presence of a child; or
  - (j) Section 76-9-702.1, sexual battery.
- (5) "Qualifying offense" means:
  - (a) domestic violence;
  - (b) an offense against a child or vulnerable adult; or
  - (c) the commission or attempted commission of an offense described in Section 76-9-702.1 or Title 76, Chapter 5, Part 4, Sexual Offenses.

Amended by Chapter 114, 2023 General Session