

**DOMESTIC VIOLENCE AMENDMENTS**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Gary F. Cox**

Jackie Biskupski

Perry L. Buckner

AN ACT RELATING TO THE COHABITANT ABUSE PROCEDURES ACT; CLARIFYING THAT THE CHARGE AND PUNISHMENT FOR A SUBSEQUENT DOMESTIC VIOLENCE OFFENSE IS ENHANCED.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**77-36-1.1**, as last amended by Chapter 244, Laws of Utah 1996

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **77-36-1.1** is amended to read:

**77-36-1.1. Enhancement of penalty for subsequent domestic violence offenses.**

(1) When an offender is convicted of any domestic violence offense in Utah, or is convicted in any other state, or in any district, possession, or territory of the United States, of an offense that would be a domestic violence offense under Utah law, and is within a five-year period after the conviction subsequently ~~[convicted of]~~ charged with a domestic violence offense that is a misdemeanor, the ~~[penalty]~~ offense charged and the punishment for that subsequent offense ~~[is]~~ may be enhanced by one degree above the ~~[penalty]~~ offense and punishment otherwise provided in the statutes described in Section 77-36-1.

(2) For purposes of this section, a plea in abeyance is considered a conviction.